

PERSUASIVE
LANGUAGE
IN CICERO'S
PRO MILONE
A CLOSE READING
AND COMMENTARY

LYNN S. FOTHERINGHAM

INSTITUTE OF CLASSICAL STUDIES

SCHOOL OF ADVANCED STUDY UNIVERSITY OF LONDON

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For Matt,
sine quo nihil.

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INTRODUCTION – HOW TO USE THIS BOOK

This book presents a close reading of Cicero's *Pro Milone* in order, first, to support the view that that text can be read as a unified whole, and second, to demonstrate an approach to the question – which could also be applied to other texts – of what impact style can have on the substance or meaning of a text. Cicero is an author for whom this question is particularly important and difficult, due to his key position both as supplier of evidence for events in the last years of the Republic, and in the development of Latin prose literature: the highly worked nature of his language can make it difficult to evaluate the evidence that he provides (as well as, sometimes, making it just difficult to read), while the intensely political nature of his work makes it difficult to judge its literary quality. The problem is particularly acute in the explicitly persuasive context of the speeches: the picture of the world he presents in these texts may not conform precisely to anything that could be described as historical truth, but it is a picture of whose truth he was attempting to persuade his audience. An extraordinary ability to use language to this end, often successfully even if the success was not lasting, is the hallmark of his entire career; understanding that career, and the world in which it could take shape, is therefore impossible without a thorough explanation of his use of language: how the way he said things (style) affected what his audience understood him to have said, and what they believed (substance). The assumption throughout is that style is not mere decoration added to substance, but affects how that substance is understood: expression creates an impression.

While the most likely readership for this work consists of Latin scholars already familiar with the *Pro Milone*, along with those working on Latin linguistics more generally, it is hoped that other constituencies will also find here something to interest them: historians of the late republic; those with an interest in rhetoric, stylistics, or discourse analysis/text linguistics; and Latin students. Different readers will find different parts of the book useful. It is therefore worth stating immediately what the book does and does not contain. Readers will find here:

- an essay on the approach taken, 'Reading Style for Substance';¹
- a re-punctuated and re-paragraphed version of Clark's 1900 OCT text of the speech;
- a sentence-by-sentence Commentary;
- Lexical and Syntactic Indices (as well as the usual Thematic Index).

On the other hand, much of what would normally be expected in a commentary on a Ciceronian speech will be conspicuous by its absence, specifically exegesis of historical context relevant to specific points made in the speech and parallels for particular Latin

¹ This includes several Tables showing the distribution of certain syntactic features and lexical items over the course of the speech.

expressions, either from other Ciceronian works or from other authors. In addition, there is little reference to the scholarly bibliography on Cicero after §2.2 of ‘Style for Substance’. The absence of these features is not due to any belief that they are unimportant; but the question of how (some of) the different linguistic aspects of the text work together to produce a unified but multifaceted piece of persuasive discourse is both important and complex, leaving no room for other questions if the current work is to be restricted to a single volume. Even dealing only with this issue, its size could have been expanded almost indefinitely, and anyone exploring the work in any detail will notice many absences and inconsistencies. Perhaps this experience will not be entirely novel to users of commentaries, but it may be more aggravating in a work whose format and approach are unfamiliar. In one respect, however, the work does attempt to be consistent, and that is in its syntactic analysis of the speech: every sentence is individually described in terms of how content and syntactic expression relate (see ‘Style for Substance’ §3.2), and the Syntactic Indices attempt to be comprehensive in their cataloguing of particular syntactic phenomena.

Those looking for help with understanding the Latin or appreciating the impact of individual sentences will therefore find in the relevant part of the Commentary both syntactic analysis and consideration of the contribution made to the developing argument. To place that sentence in context it may be helpful to turn to the introductory passage for the current sub-division of the speech, where the position of a longer passage in the speech as a whole is considered; all of this can ultimately related back to the structural analysis of the speech presented in ‘Style for Substance’ §2.1. Of those seeking a more holistic view of the work’s contribution to scholarship, ancient historians may wish to focus on the introductory sections of ‘Style for Substance’ (§§1.1-1.2, 2.1), then look at the sub-division introductions before deciding whether to pursue the argument through the Commentary. Limitations of space and time have meant that few concessions are made to readers who do not read Latin, so non-Classicists interested in the methodology from a rhetorical or linguistic point of view should probably confine themselves to the sections of ‘Style for Substance’ most interesting to them (see detailed Table of Contents), as well as perhaps the Indices and Tables. Those whose Latin is merely rusty, as well as students getting to grips with Cicero’s language, should find exegetical value in the sentence-by-sentence analysis, as well as in the reprinting of each sentence in the course of the Commentary, laid out in such a way as to make its syntactic structure visible on the page.² (The work has not been written specifically for students, but it is hoped that it will not be un-useful to them; more comments on pedagogical issues will be found below.)

Those whose interest in the approach is whetted by ‘Style for Substance’ should start at the beginning of the Commentary. After the *exordium*, and again after the Preliminary Arguments, there is a drop in the number of lemmata introducing comments on individual words and phrases; many sentences later in the speech have no such individual lemmata attached to them, with those present either commenting on a particular categorisation of a phenomenon in the Syntactic Indices, or tracing the repeated appearances throughout the speech of a feature which has been identified as interesting. Apart from the necessity of

² This practice was inspired by Vretska & Vretska 1979.

keeping the book down to a manageable size, this unevenness in the provision of more detailed comment can be justified on the grounds that twenty sections should be more than enough space to demonstrate the approach, while the provision of the more limited analysis of the rest of the text enables readers who become interested in doing so to explore the application of the approach for themselves. Such readers will probably find themselves jumping from the sentence-by-sentence analysis to relevant portions of ‘Style for Substance’ or to one of the Indices, and then back to the Commentary again to examine other examples of a particular word/phenomenon, to test for themselves whether there are other features, besides those that I have focused on, which make a contribution to the perceived structure of the text or whose mutual echoes seem significant.

The sentence-by-sentence analysis performs a particular function in the context of the debate about the unity of the speech. The fundamental insight that the structure of a speech – the way that its contents are organised and presented to the listeners – provides a key to its persuasive strategy, comes from Stroh 1975; inspired by modern Linguistics’ attempts at systematic study of the way texts are put together, I consider the structure of this speech in more detail than the monograph format (and multiple speeches) chosen by Stroh could have allowed. The *Pro Milone* is a particularly interesting text to consider from the point of view of structure because scholars broadly agree on the overall structural outline of the text, but still debate its unity. In opposition to those scholars arguing that a distinct atmosphere and purpose can be detected in two major divisions of the text, the current reading presents the speech as a unified whole, in which differences between passages are the result of a developing argument rather than evidence of the careless editing together of two separate communications from different contexts. If this reading can stand, the text can greatly increase our understanding of the way that persuasive political discourse in the late Republic was made to work, or at least the way that Cicero tried to make it work. But can the reading stand? As a contribution to the scholarship on the *Pro Milone*, the purpose of the sentence-by-sentence and passage-by-passage analysis of the *Pro Milone* is to justify that reading, and the structural analysis given at ‘Style for Substance’ §2.1. Such detailed analysis is necessary because however obvious a particular understanding of a sentence or passage seems to one reader, it may not seem obvious to another. It is hoped that, by means of this explicitness, the reading of the speech as a unified whole will be strengthened, while on the other hand those who are not convinced by that reading will find it easier to pin-point the locus of disagreement somewhere in the detailed descriptions of the analysis.

Linguistic elements enter the picture when the detailed exploration of structure leads to the repeated asking of the question: ‘what linguistic features of this passage contribute to the audience’s impression that it is an identifiable sub-division of the text as a whole, with specific relationships to other sub-divisions?’ The word ‘impression’ in this question is important for our understanding of what the study of structure entails: it is not only a question of what the text is like, but what the text does to its audience’s perception of what it is like. The hypothesis that stylistic choices make a contribution to this perception is explored here through quantitative analysis, i.e. the counting of occurrences of particular stylistic (in this case syntactic) features in order to discover their relative frequency and distribution *within this specific text*. This analysis then permits exploration of such issues as: whether a particular type of expression ‘stands’ out from its

surroundings (and if so, why); whether concentrations of particular stylistic features make a contribution to the structure of the text perceived by the audience; whether separate occurrences of the same stylistic feature in different parts of the text might be seen as related to one another. For a thorough discussion of the methodology, see ‘Style for Substance’ §3.

Taken as a whole, this approach and this reading potentially have value both from the historical and from the linguistic/literary point of view. Rather than dissecting the *Pro Milone* into different points that Cicero may have made on distinct, more or less datable occasions, a unified reading of the text allows us to explore the techniques he used to put together a variety of points – some of them even logically incompatible – in a work that undoubtedly had a problematic relationship with the truth and with contemporary political reality, but which nevertheless was praised for its skill by ancient readers well qualified to judge. The price to be paid for this exploration may be a more fuzzy understanding than has sometimes been claimed of the relationship of the extant text to its historical context; all that can be said is that it came into being at some point after Milo’s trial, while purporting to be a record of what was said at that trial. But I would argue much of our certainty about the historical context of the *Pro Milone* may be illusory (see ‘Style for Substance’ §1.2); a fuzzier understanding of so-called ‘facts’ may have to be accepted in exchange for the insight gained into contemporary techniques for the expression of ideological positions.

From the linguistic/literary perspective, the value of the approach is in the opportunity afforded, by this use of quantitative analysis, of getting to grips with stylistic effects in a way that is become more and more difficult for every generation of Latinists – and this may be even more true for Hellenists. We do not begin to learn Latin at as young an age as our predecessors did, and our schools and universities are unable to devote as many hours a week to teaching the language as was once the case, with the result that the language does not sink as deeply into our minds, and we do acquire as in-depth a familiarity with as many texts in the course of our education. Our readerly intuition, our instinct for what is unusual and what is standard, for what requires explanation or deserves interpretation and what does not, is therefore less highly developed than it was in our teachers and in their teachers. Quantitative analysis can make up for this handicap *to some extent*, especially if used in thoughtful ways. Furthermore, quantitative analysis must be considered in thoughtful ways, because modern technology makes it so much easier to do. MacKendrick 1995 is testimony to the fact that counting words (and other things) has become easier, and therefore is something that people do and whose results are published. Meanwhile, public access databases such as Perseus use more sophisticated techniques first to parse a word in any of their available texts, then to provide statistics about its use in all available texts. When this kind of information is available, people will attempt to use it to make claims about texts. It is therefore necessary to consider what can and cannot be done by such methods, in order to prevent inaccurate or unhelpful data and either wild or uninformative claims. We need to explore the extent to which vocabulary-distribution – and its contribution to textual structure – can be measured and what conclusions, if any, can be drawn from the measurements. The current work makes a contribution to this methodological process.

In addition to various syntactic phenomena (viewed as an aspect of style), quantitative analysis is here applied to vocabulary-distribution over the course of the speech ('Style for Substance' §4), and to linguistic features – both syntactic and lexical – which contribute to the impression created by the text, at different points, that a certain person is speaking to a certain addressee ('Style for Structure' §5). The quantitative method employed could be used to explore the impact of other stylistic features in other texts, whether in terms of persuasion or literary effect. It would be interesting, for example, to explore the effects of word-order patterns in verse texts. All of the features examined here have the advantage that their effect on substance may be more transparent than in the case of other aspects of style, *e.g.*, figures of speech such as anaphora or alliteration: syntactic choice affects meaning inasmuch as a result-clause can be used to express the same real-world fact as a causal clause, but with a different emphasis; vocabulary has an obvious relationship with subject-matter; the importance to the atmosphere of a passage of who is speaking and who is being addressed is clear. But the distribution of more apparently 'decorative' rhetorical figures might also be profitably considered using this technique, and anaphora is used as an illustrative example in 'Style for Substance' §3.1.

As already mentioned, the Indices make it possible to trace a variety of features of Cicero's Latin over the course of the speech. In addition to allowing scholars to test my readings and to attempt their own applications of the approach, this could have a pedagogical value for teachers leading a class through the *Pro Milone*, for example, making it easier to provide parallels within the text for syntactic structures that cause reading difficulties. The individual sentences of the speech have been provided with numbers which allow more precise referencing and cross-referencing, similar to that made possible by line-numbers in verse texts. The Lexical Indices include a frequential list of all word-groups used in the speech, which could be used to structure vocabulary-learning. For those readers, students and established scholars alike, who encounter terminology unfamiliar to them, the Thematic Index will direct them to the point in 'Style for Substance' where the term is explained. Finally, it is impossible, in a work of this nature, that mistakes have not been made; in both syntactic analysis and the categorisation of lexical items, many decisions have been taken that may provoke disagreement. Another reason for the provision of Indices and Tables as extensive as those given here is to make the decision-making process as open as possible, and to lay bare to some extent the data on which the decisions, and any subsequent arguments, were based. I look forward to receiving corrections, disagreements and queries, and to the opportunity of developing and improving the work through engaged debate.

Some more details about the way the book works are given at the end of 'Style for Substance' §1.3.

ESSAY ON APPROACH: READING STYLE FOR SUBSTANCE

1. Introduction

1.1. Trial, text, commentary

On the 7th or 8th of April in the year we know as 52 BCE, Marcus Tullius Cicero stood up in the forum to speak for the defence at the trial of his political ally, Titus Annius Milo. This is the best attested of Ciceronian trials, and one of most interesting politically. Circumstances were largely against the defence. Milo was accused on a charge of *uis* (political violence); the event which had immediately provoked the prosecution was a skirmish between his entourage and that of Publius Clodius Pulcher which had resulted in Clodius' death. Milo and Clodius were known enemies; clashes between their gangs had been making the streets of Rome dangerous for some years. It would have been easy to view Milo as guilty of something which could be described as *uis* before any evidence or arguments were presented. Moreover, when chaos in the city had reached a peak after Clodius' death, a form of martial law had been instituted under the great general Gnaeus Pompeius Magnus, who was then invited to take the constitutionally novel position of sole consul. It is generally held by modern scholars that one of Pompeius' goals was to get rid of Milo by means of a properly constituted trial process – even if he may also have been secretly relieved that Milo had got rid of Clodius, despite his formal reconciliation with the latter some time before. And it is at least plausible that many members of the Roman public, including the *iudices*, believed the great man would prefer condemnation to acquittal. New laws on legal procedure proposed by Pompeius had (among other things) reversed the order of evidence and argument: witness-testimony now preceded the speeches of the *patroni*, rather than following them. The *iudices* and general public attending the trial had therefore heard three days' worth of damning statements from prosecution witnesses by the time Cicero could make his attempt to persuade them of the defence version of events.¹

Under such circumstances, the odds against acquittal must have been substantial. What kind of case could the defence hope to present? A text which has come down to us under the title of *Pro Milone* provides an answer of sorts to this question. The precise relationship between this text and the persuasive case Cicero made at the trial cannot be established with

¹ Modern accounts of the events leading up to and immediately following Milo's trial are based largely on Asconius (30-56C), supplemented by elements of Plut. *Cic.* 35, App. *B Civ.* 2.20-24, and Dio Cass. 40.48-54. Several of Cicero's letters are also useful, e.g., *Q.fr.* 3.4, 3.6; *fam.* 2.6, 3.10; *Att.* 9.7b; and Quintilian refers to aspects of the trial as well as to the published text itself: 2.20.8, 3.6.93, 4.1.20, 31, 4.3.17, 6.3.49, 10.1.23 – perhaps also 9.2.54. The most thorough modern treatment of the early months of 52 is Ruebel 1979. Among those who assume Pompeius' desire to get rid of Milo are Stockton 1971, 224; Gruen 1974, 337-38; Seager 1979, 145.

certainty: before the invention of reliable sound-recording mechanisms, all written records of oral proceedings are suspect; in the case of the *Pro Milone* we have a clear statement from Asconius, writing commentaries on Cicero's speeches in the 1st century CE, that this text is not the speech Cicero delivered, and that a version of what was said on the day circulated separately (42C). The extant text, however, at least purports to be a speech delivered at Milo's trial, with the goal of persuading the *iudices* to vote for the defendant's acquittal. What is more, Quintilian, who may have had access to the other, supposedly delivered version (4.3.17), nevertheless refers to and praises what appears to be the extant text while discussing the sort of argumentation which should be used by orators in trial-contexts (e.g., at 4.5.14-15); in other words he treats our text as a piece of trial-oratory. Nowhere does he show any sign of detecting the kind of severe disparity in argument and attitude which has led some scholars to try and identify the 'join' between a portion of the extant text which could have been delivered at the trial, and a second portion which could not have, and therefore must have been added at the point of publication (see n.2; for a counter-argument, §1.2 below). It is possible that some ancient readers, some of the time, read our text – or parts of it – as responding to Milo's condemnation and to what happened at the trial, but it is equally possible that it was read as a plausible, or theoretical, or at any rate interesting and impressive attempt to achieve his acquittal. The publication of such 'speeches' as if they had been delivered was reasonably common; even *Philippic 2* maintains the fiction that it is not a pamphlet but a speech with a specific context of delivery – one in which we know it was *not* in fact delivered. It is a fiction so consistently upheld that it is worth taking seriously; in other words, it is worth considering these texts, and the techniques employed in them, as representative of the kind of persuasive discourse that would have been delivered in the original context.²

What kind of attempt to achieve Milo's acquittal, then, fictional or otherwise, is provided by the extant *Pro Milone*? One which depicts the vast majority of the Roman citizen-body as politically united, under the leadership of men like Cicero, in their desire for a tranquil and prosperous life – threatened only by a handful of power-crazed citizens who mobilize outsiders (slaves, criminals) in an attempt to undermine this peaceful state of affairs and seize all its blessings for themselves. The ring-leader of these scoundrels is (or rather, was) Clodius. This black-and-white view of the Roman political scene, according to which Milo represents all that is good in Rome, Clodius all that is wicked, is established early in the speech (3.2) and maintained until its end (105.3). Its constant use is itself probably designed to be persuasive: if the audience is to keep following Cicero's line of argument at all, they

² The general problem of the relationship between delivered and published versions of Cicero's speeches has been widely discussed: highlights include Humbert 1925, Stroh 1975, 31-54, Crawford 1984; valuable recent discussions, with further bibliography, include Ledentu 2000, Craig 2002, 515-15, Morstein-Marx 2004, 25-30, Powell and Paterson 2004, 52-57, and Manuwald 2007, 55-65. The *Pro Milone* remains a special case (along with the *Verrines* and the second *Philippic*), due to Asconius' comment and the apparent corroboration of it by Quintilian 4.3.17, and Schol. Bobb. 112 Stangl. Settle 1963 argues that there may have been little difference between delivered and published versions; Stone 1980, Berry 1993, and Melchior 2008 focus on the publication date, arguing (in the case of the first two at least) that certain portions of our text could not have been delivered at the trial; Marshall 1987 and Dyck 2002 strike a balanced line. See also Fotheringham 2006.

must play along with this view, even to the point of accepting the implication that it is not only his view, but their one. The implausibility of both the view itself and this implication did not prevent the same technique's apparently successful deployment at other trials, *e.g.*, in defence of Sestius four years before (on which see *e.g.*, Kaster 2006, esp. 31-35). The forcefulness of its presentation on this occasion may seem remarkable in view of the widespread hostility to Milo implied in my opening description of the trial-context, and easily inferred from Asconius' account (37-38C). It is always possible to abandon the attempt to examine the extant text as a piece of persuasive discourse, to imagine it instead as a piece written only for those who already agreed with the position presented. But if such a counsel of despair is not followed, we can read the *Pro Milone* as evidence for Cicero's decision that a strong stand of this nature was the best response to the situation. He presents himself as taking a strong stand in the contest between defence and prosecution over how Clodius' death, and the lives and political careers of both Clodius and Milo, should be interpreted; he gives little ground to any alternative interpretation, presenting the opposition – Clodius, certain tribunes – as raving mad.³ And it does seem unlikely that the defence would have gained much by acknowledging the possibility that anyone other than these supposedly insane elements felt any hostility to Milo.

The black-and-white picture supports both of the major argumentative thrusts present in the extant text. The first, the Self-Defence Argument, claims that the skirmish which led to Clodius' death was started by Clodius himself in a bid to increase his power by getting rid of Milo, *i.e.*, that Milo's entourage was acting defensively and Milo himself is innocent of criminal intent towards the person of Clodius. The second, the Public-Good Argument, claims that *if* Milo had intended to kill Clodius (which he did not) and succeeded in doing so, he should be being rewarded as protector of the public good rather than punished as a criminal. The explicitly counterfactual framing of the Public-Good Argument is what allows the two arguments to co-exist in a single text (Fotheringham 2007a). The Public-Good Argument is essentially an elaboration of the political stance we should expect Cicero to take. The Self-Defence Argument provides a legal basis for acquittal by arguing that Milo, although in some ways responsible for the death of Clodius – a man is responsible for the actions of his slaves (Robinson 1981), and the defence admits that Milo's slaves killed Clodius – is not criminally responsible because he did not plan or intend it. In attempt to demonstrate that the encounter between Milo and Clodius on the *uia Appia* was not the result of an ambush planned by Milo, a number of the points made are recognizable from ancient rhetorical advice on constructing conjectural arguments. These include: that Milo had no motive; that he had not exploited other opportunities to kill Clodius; that he could not have known what Clodius' movements would be; that he would be unlikely to plan an ambush so close to his enemy's estate. If these arguments were to be accepted, along with the defence-claim that the slaves had killed Clodius without Milo's knowledge, in response to their master's supposed death (the prosecution had a different version of how his death had come about), Milo's innocent intent would appear to be proven. But Cicero goes further:

³ The vocabulary of madness occurs throughout the speech: *furor* 3.3, 27.1, 32.4, 34.9, 35.4, 77.1; *furiosus* 14.4, 78.4, 88.3; *furia* 91.2; *furere* 26.3; *insanus* 45.4, 53.3, 85.3; *insania* 22.3; *amentia* 12.6, 85.3, 86.2, 87.3.

he claims (and argues) that, while Milo did not set an ambush for Clodius, Clodius did set an ambush for Milo.

The truth of this aspect in particular of the defence argument is doubtful; if we are to believe Asconius' version of the skirmish (31-32, 41C; §1.2 below), the entire discussion about 'who set the ambush?' (to which the prosecution apparently contributed in equal measure) was a red herring: the encounter was accidental. The advantage of the (possible) falsehood may have been that it provided a distraction from what actually happened during the skirmish on the *uia Appia* (dealt with in the speech only in 29.3 and 56.3), focusing attention instead on how the skirmish came about in the first place. But whatever the truth-status of the defence's claims – that Clodius had laid an ambush for Milo and that therefore Milo (and his slaves) were acting in self-defence – these claims dominate the speech; even in the most emotive and least legally relevant parts of the Public-Good Argument, they are not entirely lost to view (*e.g.*, 81.1, 84.3). In building an argument from probability in support of this claim, the defence's strongest points seem to have been a) the location of the skirmish near a villa belonging to Clodius, and b) the testimony of Favonius that Clodius had predicted the date of Milo's death with something like accuracy. (We need not assume that Cicero is telling the strict truth in either case.) Both points are emphasized in the narrative of events (26.3, 27.1, 29.1), and attention is drawn to them when they recur in the argumentation (44.1-4, 53.1-4). Cicero also appears to have found a flaw in the prosecution's argument that Milo was the one who laid an ambush, namely the prosecution-witnesses' claim that Clodius had not planned to be on the road at the time of the skirmish. Cicero responds by pointing out that, if this were true, Milo could not have anticipated his presence at, and so laid an ambush for, that place and time (46.6-47.2).

More problematic, probably, would have been the arguments from motive (32-35) and character (36-43), and here Cicero relies heavily on the black-and-white view of politics he has established so early in the speech, placing Milo on the side of right and Clodius on the side of wrong – and the Roman people on the side of Milo. In particular, he argues that Clodius would have done anything to prevent Milo being elected as consul when he was praetor, and that it was precisely the people's fear of what Clodius might do as praetor that made Milo's election to the consulship a sure thing, since it was widely accepted that only Milo could restrain Clodius; hence Clodius has a motive for killing Milo, while Milo, whose popularity and future electoral success rested on his opposition to Clodius, had no motive for removing that opposition, *i.e.*, for killing Clodius. The argument is daring, but it has a certain twisted logic, if the underlying premise – the black-and-white view – is accepted. Thus the legal, Self-Defence Argument is underpinned by this view, and especially by the blackening of the character of Clodius, just as much as the political, Public-Good Argument; politics and legality are inextricably intertwined, and another motive for throwing the blame for the skirmish on Clodius emerges: it unifies the two arguments which Cicero has chosen to employ together in this speech.

This initial analysis of the *Pro Milone* has been presented as if it were objective, unquestionable, and straightforward, as initial analyses in introductions usually are. But it is not objective, unquestionable, or straightforward, any more than the text which it analyses. (Cicero's speeches are never straightforward, and perhaps least of all when they appear to be so.) A clue to the complexity of both speech and analysis may be seen in the fact that this discussion did not begin with the beginning of the speech and proceed through its arguments

in a linear manner, because the elements of the speech which seem (to this writer) to be the most characteristic, the most persuasive, or the most problematic are themselves not presented in a linear manner over the course of the speech. This non-linear analysis has been presented before a section-by-section ‘table of contents’-style analysis in order to emphasize the fact that an interpretative process is going on (for such an analysis, and discussion of the problems inherent in presenting one, see §2.1 below). The current work presents an interpretation of the (whole) text as a *speech*, that is to say, a piece of organized language which aims at persuading its audience of something – in this case, at persuading the *iudices* to acquit Milo, whether at the actual or an imagined trial. Neither the fact that Milo was condemned nor the question-mark over the relationship between delivered and published versions changes the fact that this act of persuasion is the goal of the extant text – even if that goal is a pretence in the service of other goals more suited to the post-trial period of publication, such as working for Milo’s recall or achieving the condemnation of the *Clodiani* at subsequent trials. Nor does Milo’s actual condemnation affect the judgement, expressed by ancient writers, that this was a particularly impressive piece of (attempted) persuasion (Asconius 42C, Quintilian *passim*). Like the fiction that this was the speech delivered, their praise deserves to be taken seriously. It is not impossible their praise is partly due to the fact that the case Cicero had to make something of was so bad – that the presentation of any form of coherent argument under the circumstances was impressive. But this still suggests that the persuasive process attempted in the text is worth analysing.

It has recently been argued (Riggsby 1997) that Cicero’s frequent victories in judicial and political debate – despite the problematic nature, even falsity, of many of his arguments – are not evidence that these debates were effectively contests of eloquence rather than investigations into truth or attempts to decide the best course of action: he did not win because his audience recognized that he had the greater mastery of (*e.g.*) anaphora, periodic sentence structure, or familiar patterns of argumentation. If there was a historical link between his skill and his success, his skill must have been used in a way which somehow helped his audience to believe in the verdict or political resolution which he wished them to reach. The fact that on some occasions he was unsuccessful is neither here nor there; the connection between the quality of the speech and its success is not absolute: quality may not be able to make up for the kind of deficiencies in a case noted at the beginning of this introduction. But that skill was a factor is generally accepted. This brings us back to the question of *how* this skill with language could have helped to bring about the desired effect, to an examination of the impact of style on substance.

The persuasive process of the text itself is the subject of the current work, and a detailed discussion of the methodology followed begins below, §1.3. As has already been pointed out in the Introduction, the reader will find little in the way of historical exegesis in the Commentary itself. Given the undoubted importance of the historical context in understanding any work of Cicero’s, it therefore seems necessary to preface that discussion with a more detailed account of the current writer’s views on that context and our evidence for it.

1.2. Historical issues

The *Pro Milone* is unique in the Ciceronian corpus for the amount of information which has survived concerning the background to its delivery and publication (see n.1 above). The survival of Asconius’ Commentary on the speech, written for his sons in the first

century CE, is particularly significant not only for the information he provides about the context, but also for what this tells us about the interest provoked in the intervening period by the speech and by the trial of which it was a part. This interest is evidenced by the amount of information on the subject which Asconius was able to put together for this commentary: the introduction to the *Pro Milone* is the most extensive and detailed in his extant works. Nor is a high level of interest surprising. The sequence of events was crucial both in the lives of the protagonists and in the crisis of the Roman republic (Pompeius' sole consulship can easily be read as foreshadowing the principate). Subsequent generations also included them in their histories of the period/biographies of Cicero. Plutarch and Dio, for example, paint a particularly vivid picture of the trial itself (probably descending from versions which were hostile to Cicero), in which Cicero, terrified by the military presence in the forum, failed to deliver much of a speech at all. It is not certain that these writers knew Asconius; there will have been other accounts too for them to draw upon. Of pre-Asconian authors, we know definitely that Livy had written about the period (*Per.* 107 – this may lie behind the reference to *annalibus* at Asc. 30C, though there will have been other candidates), and Fenestella had discussed, or at least mentioned, the date of the trial (Asc. 31C).

It is hardly surprising that the extant accounts of the context have powerfully affected the ways in which the speech itself is read. Asconius provides us with alternative accounts of how the skirmish started and how Clodius met his end, as well as with numerous details which Cicero does not mention concerning the event itself and the period between it and the trial; he also states, as already mentioned, that the extant text is not the one delivered. For many, the mere existence of an alternative account is enough to confirm what we probably always suspect, that Cicero's version is false; in addition, a high value is placed on the evidence of Asconius, whose approach is often described as closer to that of a modern historian than most ancient writers. Great trust is placed in his account particularly because of his use of what might be thought of as documentary sources, which is to say that he sometimes mentions the fact that he had consulted the *Acta Senatus* or *Acta Diurna* directly (31, 44, 47, 49C; among many others, see Ruebel 1979). The story-telling power of Plutarch and Dio also has its effect on the tradition: even though it appears to be contradicted by Asconius' claim that a version of what Cicero said on the day circulated for some time alongside our text, the story of the stuttering, stammering Cicero retiring in confusion seems to have been too good to resist, and makes its way into a number of accounts by modern writers who might have been expected to show more scepticism.⁴

⁴ At the end of the nineteenth century, Clark (1895, xxvii) had already noted the incompatibility of belief in the delivered version being circulated and belief in the extreme version of Cicero's 'failure' recounted in Plutarch and Dio. A number of twentieth-century biographers, perhaps for this reason, omit any reference to the delivered version being circulated, and give more or less credence to the Plutarch-Dio version. These include Stockton 1971, 225 and Shackleton Bailey 1977, 98. More recently, a number of scholars (e.g., Crawford 1984, 211; Dyck 2002, 182) have emphasized the impossibility of believing Plutarch and Dio's extreme account. Nobody, as far as I know, has attempted to combine the story that an alternative version circulated with the story that Cicero failed to utter more than a few words by invoking the argument of Settle 1963, that the 'delivered' version known to Asconius, Quintilian, and the Bobbio Scholiast was a forgery, an invention of Cicero's enemies; perhaps even the circulation of such a forgery is assumed to have been impossible unless Cicero managed to say *something*.

The extant speech drew attention for its quality as well as for the drama surrounding it: Asconius praises it (42C), and it is positively cited very frequently by Quintilian (e.g., 4.2.25-26, 57-59, 6.1.24-27, 7.1.33-37, 7.4.7-9, 11.3.47-50). As a result of all this background material being available, the *Pro Milone* is usually approached with the following assumptions: Cicero is lying (and the *iudices* knew in precisely what respects); the delivered speech was a failure; the published speech is not what was delivered. All these assumptions work together to support the negative view of Cicero which has been predominant since Mommsen: devious and unprincipled, politically inept (because he was in effect on the losing side), a coward (the accounts of Plutarch and Dio have often been pressed into service to demonstrate Cicero's cowardice), the very type of 'empty rhetoric' – here symbolized by the publication of a work of 'humbug, however eloquent and ingenious' (Nisbet 1965, 72), or of 'lifeless, utterly unreal perfection' (Johnson 1971, 37), a publication which must be due purely to vanity, since it comes after the work could possibly do any good.

These assumptions have a tempting surface coherence. The failure of the delivered speech to achieve Milo's acquittal can be linked with the ancient praise of the published text, as if these two facts, taken together, confirm the idea of substantial differences between the two versions. To the explicit praise of Asconius and Quintilian is added a supposed comment of Milo's, reported by Dio (40.54.3-4), apparently implying that the published version would not have failed. The production of an 'improved' version has been seen either as a sign of Cicero's embarrassment about what happened at the trial, or as a blow struck in the on-going battle for the judicial condemnation of Clodius' supporters and/or for Milo's recall from exile. But for the quality of the published speech to *demonstrate* that it was not what was delivered, another assumption is required: that a superb speech would have succeeded, *i.e.*, would have achieved Milo's acquittal. This is at the very least open to question. Ancient readers did not all make the same equation between quality and success. Dio does, and interprets Milo's comment on the published version in this light – but Dio is notoriously negative in his approach to Cicero, more interested in using this anecdote to emphasize the 'failure' of the speech at the trial than he is in endorsing the quality of the published text through the claim that it could have been successful.

Quintilian, in contrast, knew the outcome of Milo's trial, and this did not deter him from praising the speech – indeed, as it appears, both versions of the speech (4.3.17, perhaps 9.2.54). There is evidence, too, that both Asconius (38C) and Quintilian (2.20.8) read Cicero's refusal to abandon Milo as an act of courage and of principle, a reading apparently strengthened rather than weakened by viewing the case as evidently hopeless. This is a very different take on the situation that others have read as evidence of Cicero's vanity or ineffectual nature. It is also relevant to the question of whether the text can be taken seriously as a piece of persuasive discourse aiming at achieving Milo's acquittal. If the point of a piece of discourse is to make a stand in a hopeless situation, what must be attempted is the best argument possible. This applies both at the trial, when acquittal is still theoretically possible, and afterwards, when it is not; whatever the differences between the delivered and published versions, the point intended may have been not so much what the latter could have achieved, if only it had been delivered, but what any version should have achieved, if only the contemporary situation had not been so adverse. It is consequently of limited usefulness (as well as nigh on impossible) to establish how much, if any, of the extant text might have

been delivered at the trial. The kind of analysis attempted here, an investigation of (possible) persuasive language, could be performed even by someone who believed Plutarch and Dio's account of the trial, *i.e.*, that Cicero said practically *nothing* on the day.

The picture which emerges from many modern discussions of this trial and speech, is one that is heavily influenced by anti-Ciceronian bias, and also, when it assumes that Milo's condemnation means that the high-quality speech could not have been delivered, unrealistic in its understanding of the way oratory can work. It is so rare to have *any* detailed contextual information about a Ciceronian trial that we are disinclined to question the information that we have, especially when it tells such a dramatic story. The dazzling illusion of certainty provided by Asconius in particular – along with the story-telling power of Plutarch and Dio – has blinded us to both problems and potential insights. Three elements of Asconius' account have gained a greater reputation for being beyond a shadow of doubt than they deserve: the claim that the encounter between Milo and Clodius was an accident, the account of how Clodius' death itself came about, and the apparent assertion that the delivered and published versions were different. It is important to make it clear at the outset that I am not arguing that these elements are certainly false; I have not unearthed contradictory evidence which clinches the issue in the other direction. Rather, I am arguing that we should not take it for granted that they are certainly true, that we do not necessarily know what we tend to think we know about this case, and that we need to be aware of how the assumptions might be clouding our judgement.

The claim that the skirmish took place entirely accidentally and the account of how Clodius actually died are important because an acceptance of Asconius' account as the 'truth' is often accompanied by an inference that this 'truth' was evident to and accepted by Cicero's contemporaries, most particularly the *iudices*. This inference encourages us to believe not only that Cicero was lying, whatever our moral judgement of that possibility may be, but also that the lie was to some extent a stupid one, and bound to fail. Although the outline of the trial-context which opened this introduction put considerable emphasis on the very difficult position in which Cicero found himself, as defence-speaker, at this trial, it was nevertheless carefully worded in order to avoid any positive assertion of Milo's guilt, or the degree of that guilt, according to the particular charge, as well as any suggestion that the Roman populace had a uniform opinion on/knowledge of that guilt. Asconius' account suggests that they had been bombarded by multiple versions of the event in the preceding weeks, from shortly after it happened up to the first days of the trial when the witnesses made their statements. Certainly it is unlikely to have been universal, and where it existed it will probably have been due more to existing bias (few politically aware upper-class Romans can have failed to have an opinion on Clodius and Milo) than to a clear-headed examination of objective facts.

Asconius' statement that the encounter between the two men was an accident (implied 31-32C, stated explicitly at 41C) is entirely plausible, but we cannot be sure that either Asconius or his sources *knew* it. Rome had no experienced and neutral police force to investigate events; even if it had, they would not necessarily have been able to discover the truth beyond question. Asconius' claim is a natural response to a situation in which two opposing sides repeatedly and emphatically insist on their mutually exclusive positions, each offering suggestions that tend to question the other view while not actually succeeding in putting their own beyond a shadow of a doubt. Asconius does not give his source for this

information, and it cannot be assumed that that source was either official or reliable. We do not know that it was the *Acta*, and even if we did, questions would remain. Our best evidence as to the nature and content of the *Acta* at this date is constituted by the references to them made by Asconius himself.⁵ In relation to the *Pro Milone*, he refers to them for the date of the skirmish (31C), a decree passed by the senate on the last day of the intercalary month and a speech given at a *contio* on the following day (44-45C), events of 58 BCE (47C) and the identity of the tribunes holding *contiones* on the day Clodius died (49C). The context in which the *Acta* gave the date of Clodius' death is unknown, but we should not envision anything like a modern newspaper report giving known facts, appearing *e.g.*, on the day after – the street-violence at Rome in the immediate aftermath of Clodius' death would probably have prevented this even if it were possible at other times. It is more likely that the date was recorded in the course of one of the subsequent debates on how the event should be handled, a context at which few who spoke will have been without bias: while the date of the event may have been generally agreed upon, no other aspect of it, including whether it was an accident or an ambush, will have been.

When it comes to assessing information of more substance that may have come from the *Acta*, it must always be borne in mind that much what was recorded there seems to have been the opinions of individuals, expressed in debate. For example, Asconius' references to the *Acta* include a fragment of a speech from a *contio* on March 1st (44-45C). This is intriguing, but it raises many more questions than it answers. Who controlled what speeches were reported in the *Acta*, and what methods were used to acquire them? Even if shorthand were sufficiently well developed for this to be possible at all, we should not imagine anything as consistent and reliable as the Hansard transcripts of Parliamentary debates. Were the orators whose speeches were thought worth reporting approached for their own versions? Or did some orators approach whoever produced the *Acta* with their material, seeing in this publication a way to disseminate their views and arguments? We do not know – but the answers to these questions matter a great deal if we are to assess the accuracy and the neutrality even of the information which Asconius explicitly tells us that he found in the *Acta*, even leaving aside any information which we only guess came from that source.

The second element of Asconius' account which is worth questioning is his narrative of Clodius' death, in which a wounded Clodius, having taken refuge in an inn, is dragged out of his sanctuary on Milo's orders and butchered on the public highway. In the case of this piece of information there is an obvious candidate for an alternative source to the *Acta*, and that is the prosecution, whether in the form of prosecution-speeches or witness-testimony – and we cannot assume that the witnesses told the strict truth. Particularly suspect is the attempt to explain the reasoning behind Milo's decision to drag Clodius out of the inn in which he had taken refuge and finishing him off: 'He took the view that his [=Clo.'s] survival would be something of a danger to himself [= Milo], whereas his [=Clo.'s] death would greatly relieve his own [= Milo's] feelings, even if he had to pay the penalty for it' (Asc. 32C, tr. Lewis). It seems unlikely that Milo or any of his supporters would have

⁵ Pace Baldwin 1979, 192, we cannot be certain that all uses of *acta* in Cicero's letters refer to this publication (*cf.* the hesitation of Shackleton Bailey *ad Cic. Att. 3.8.3 acta*), and those that do tell us little about the publication process, including the format; Behrisch 1995-96 argues that they were not a newspaper.

publicly admitted to such a chain of reasoning, even after the trial was over and acquittal was no longer a possibility; this comment presumably goes back to a prosecution interpretation of Milo's actions, an attempt to read his mind similar to the attempts made by Cicero to read Clodius' at, e.g., 24.1 in the extant text. The influence of this comment on our understanding of Clodius' death and Milo's character has been substantial, but the mere fact that it comes from Asconius does not make it reliable. Asconius was nearer in time to the events than were Plutarch and Dio, and shows considerably less bias or tendency to moralize; he also had access to earlier sources. But we should bear in mind that these sources will have included speeches, memoirs, and other literary works as well as the *Acta* (whatever the *Acta* were like), as well as the fact that 'less biased/more reliable than Dio' is not the same as 'objective'. On the caution required in evaluating Asconius' use of sources, see further Marshall 1985, 39-75, esp. 55-57, 59-60, 75.

We should not, therefore, view Cicero's appearance at Milo's trial as an act of stupidity in the face of widespread public knowledge that everything he said was a lie. It is important to remember that thirteen of the fifty-one *iudices*, according to Asconius (53C), voted for acquittal. These thirteen did not necessarily vote the way they did because they were convinced by Cicero's speech (whatever that was like); we know that Milo had other supporters besides Cicero before the trial (Asc. 34C), and those who voted for acquittal may have been those who would have done so regardless of what was said in the speeches – or indeed of what had happened on the *uia Appia*. What these thirteen votes for acquittal indicate is that there were arguments to be made for Milo which would be convincing to some; however heavily the cards appeared to be stacked against him, Milo's conviction could not have been foretold with 100% certainty before the votes were counted. Just because oratory cannot perform miracles does not mean that it is stupid to try and influence the outcome. Here our judgement of Cicero's actions is in danger of being excessively coloured by hindsight. One of the things Asconius attests to is that Milo's guilt was hotly contested at Rome before the trial itself; those who did not already have their minds made up by pre-existing bias may well have been confused rather than enlightened by the various contradictory claims being made. Nor was the meaning of Clodius' death firmly fixed by Milo's condemnation (Steel 2005, 123); to some extent at least, the debate continued to be fought out in the *iudicia* after Milo had left Rome, when the acquittal of Saufeius and the conviction of Cloelius and other *Clodiani* (Asc. 55-56C) showed that the pendulum of judicial opinion could sometimes swing against Cicero's opponents.

The relationship between the delivered and published versions of the speech is the third piece of evidence to be reconsidered. This has been the subject of rather more scholarly disagreement (see n.2 above). Asconius asserts positively that in his day two versions of what Cicero had said were extant, and that the one on which he is commenting (which seems from the lemmata to be that which has survived until today) is not *excepta eius oratio*, but something which was written, presumably later, and which has a deservedly high reputation (42C). There is a dispute over the meaning of *excepta* ('taken down by shorthand' or just 'interrupted') and therefore over how the alternative version might have been produced.⁶ Asconius also identifies, somewhat earlier (41C), a dispute among members of

⁶ See Settle 1963; Marshall 1985; Riggsby 1997, 212 n.80; Dyck 2002; Steel 2005, 118-20. The point seems to me uncertain. Dyck's point that *excepta* would have been the natural expression for

the defence team as to what line should be taken at the trial: some apparently wanted to base the defence on the Public-Good argument alone, whereas Cicero preferred the Self-Defence argument, perhaps on the grounds that it was, legally, a better defence; he then comments: *eoque tota oratio eius spectauit*, ‘and his whole speech focused on that issue’ (tr. Lewis). But there is room for doubt over the precise meaning of *tota ... spectauit* (see Powell & Paterson 2004, 55 n.208; Fotheringham 2006a, 64 n.1); it is also impossible to be certain that the *oratio* referred to here is the one delivered rather than the one published. At this point Asconius has not yet mentioned the existence of an alternative version to the one he is introducing here, and the most natural way to understand the phrase may be as referring to that version, *i.e.*, to our text.

Nevertheless, the *tota oratio* comment has been used as the basis for arguing that the Public-Good Argument (at least §§72-91) was not delivered at the trial (*e.g.*, Lintott 1974, 74; Clark & Ruebel 1985, 68-69). Attempts to bolster this interpretation of Asconius’ words depend on arguments that individual passages in the speech are incompatible with one another (and hence were composed at different times), ‘could not’ have been delivered in the circumstances of April 52, or have a purpose more appropriate to a version published after Milo had already been condemned (Stone 1980; Berry 1993; Melchior 2008). Such arguments depend on *a priori* notions of what could have been said, whether under particular political circumstances or in the same text as another comment, and/or on the view that only one reading of the text – in this case, a post-publication reading – is valid. I have argued elsewhere (Fotheringham 2006a) that multiple readings must be allowed; the plausibility of a post-condemnation reading (*e.g.*, the claim that an argument was intended to console Milo in exile, or to work for his recall/the condemnation of the *Clodiani*) does not necessarily exclude the possibility of an alternative reading of the text as an attempt to achieve Milo’s acquittal. Hostile ancient readers may have sniggered at the thought that Cicero was not able to deliver all of this high-sounding material during the trial itself. (The inaccuracy of the hostile version of what happened at the trial will not have prevented such readings.) But Quintilian, in praising Cicero’s tactics in defence of Milo and recommending them to aspiring orators, singles out the combination of the Self-Defence and Public-Good Arguments (4.5.14-15). In other words, he treats the combination of these two arguments, which are in strict logic incompatible, as a technique to be praised rather than as grounds for suspicion.

The hunt for inconsistencies, and for statements which could not belong to the trial-context, may be motivated by the desire to establish facts (what did Cicero actually say? when was the speech published?), but it also buys into the problematic link between quality and success, attempting either to explain how such a highly praised speech could have ‘failed’, to demonstrate the wrong-headedness of that praise in the first place, or to rescue Cicero from the accusation of ‘failure’ by demonstrating that the published text had a different, and perhaps still achievable goal. (Milo was not recalled, and the question of whether he was consoled cannot be answered; but there was some gratification for Cicero in the subsequent judicial condemnations of the *Clodiani*.) But certainty as to the degree

‘taken down by shorthand’ in Asconius’ *day* may settle the question of what Asconius meant, but it does not settle the question of whether he was correct in his understanding of the origins of the other text.

and nature of Milo's guilt (were his actions and motives as vicious as Asconius' account makes out?), the quality of Cicero's performance on the day, or the relationship between the delivered and published versions of the speech is not to be had; our evidence may sometimes be suggestive, but it is not conclusive. All the more reason, then, not to let it influence our reading of the text itself in unexamined ways.

The focus on inconsistency within the speech itself also neglects the fact that a speech is a process in time, in the course of which attitudes and arguments can develop. In other words, absolute consistency between attitudes and statements at different points in the speech is not necessary – perhaps not even desirable. Given that this is a persuasive text, which by definition attempts to take at least some members of its audience from one viewpoint to another (the initial viewpoint may be uncertainty or neutrality), we should *expect* some development in stance adopted and the presentation of content over the course of the speech. Even when Cicero states what he is going to do in the speech, he may be misrepresenting his intentions as much as he may be misrepresenting what happened on the *uia Appia*. Differences between what he says he will do and what he then actually goes on to do are therefore not a sign of revision, or of incoherence, but rather an inevitable part of the process. One aspect of taking the quality of the speech seriously will be to consider practical purposes for shifts in attitude and tone across a lengthy text that is intended to be having an effect on its audience as it proceeds – an effect which may well lead to the ability to say things later in the speech that could not have been said earlier, or in a way that they could not have been said earlier.

The current approach focuses on rather different facts: Cicero's skill as an orator, which by 52 had been honed by almost thirty years of practice, much of it successful; the praise awarded by the ancients to the published speech; and the very fact that Cicero, at some point after early April 52, felt able to publish a text which presented a defence of Milo, despite the fact that Milo had already been condemned, and perhaps despite the fact that he had said something different at the trial itself. We know this because we have the published text (there is no reason to question its authenticity), and from this text we can proceed to the analysis of what it was possible for Cicero to say in the climate of the times, and how it was possible for him to say it. This is a question of ideology and its expression rather than a question of precisely what happened and when, but it is no less historical a question for that, and, I would argue, a more important one for our understanding of the late Republican political situation. In exploring the question of how the text attempts to persuade its audience, it is better to approach the text *without* prejudgements about what could or could not have been said in April 52, even if such prejudgements provide our only clue to the date of publication. Rather, we should explore the techniques Cicero uses to make it possible for him to say startling things, and to (attempt to) persuade his audience to points of view that they might not have thought possible when he started to speak.

If the bulk of his work focuses on how Cicero says things rather than the truth-value of what he says, it is not due to a belief that the persuasive process of this text, so thoroughly connected to its historical context and so political in its purpose, can be fully understood without considering both that context in general and the potential impact of references to Roman politics within the text. For example, it might be argued that the function and effect of Cicero's references to Scipio Aemilianus (8.2 and 16.4ff.) can only

be fully understood by taking into account what is known about both the events mentioned (in order to evaluate Cicero's truthfulness) and contemporary responses to them (in order to evaluate how his audience might have reacted). But while there is interest in contextualizing Cicero's reference by giving an outline of Aemilianus' career and posthumous reputation, it is possible to discuss these sentences without reference to external evidence, because they themselves make clear what his function is at that particular point in the speech: at 8.2, for example, he is the type of the unimpeachable statesman, whose views are presented as if they have weight. Whether those views did have as much weight, with as large a proportion of the *iudices* and the rest of the audience, as Cicero would have *liked* them to have – that is a very difficult question to answer. The state of our evidence is not adequate to provide certainty, although it is more than adequate to cast suspicion: the circumstances of Aemilianus' death are doubtful (16.4-17.2), and it is possible that at the time, shortly after he expressed the view quoted by Cicero as exemplary (8.2), he was losing popularity partly because of that view, and that therefore the grief at his death that Cicero describes is exaggerated.⁷ In these circumstances, the historical fact that Cicero was nevertheless in a position to mention Aemilianus as an exemplary statesman, to cite his views as valuable and his death as a cause of grief, is perhaps even more interesting. Any attempt to explore how such a thing was possible must take into account the way the statement is made and the context, which brings us back to linguistic and textual analysis.

Unfortunately most attempts to relate Cicero's comments to our evidence go no further than casting suspicion, leaving the impression that Cicero is misrepresenting 'the facts' without exploring why he would, or indeed how he could have done so in the first place, if the facts were so plain. But 'the facts' will have been disputed and opinions will have been divided, as they were on Clodius and Milo. It should also be remembered that the context was the free Republic, where opinions could still be expressed regardless of who agreed with them. Our evidence makes it clear that the Roman political classes still felt, in the late 50s, that it was 'all to play for': they appear to have been concerned about giving Pompeius a dictatorship in early 52, and three years later they may have wondered how they would rein him in once they had used him to stop Caesar, but they apparently thought that Caesar (and autocracy?) could be stopped. Without going so far as to accept the argument made by Gruen in 1974, that everything was 'business as usual' almost to the very end, it is important to remember that these people (including the vain and cowardly Cicero) were prepared to fight for what they wanted, whether that was to maintain the republic or see an *amicus* acquitted in the courts; they did not accept as a foregone conclusion the outcomes that we, with hindsight, know were coming. If the odds seemed stacked against them, they may have fought harder rather than giving up; in other words, Cicero might be expected to try and produce his best in the defence of Milo, even after the fact. The techniques that he used in a difficult situation may therefore be particularly illuminating.

⁷ See variously Astin 1960, 135-37 (on *iure caesum uideri*); Worthington 1989 (on Aemilianus' death); Beness 2005.

1.3. Style and close reading

Most existing studies of Cicero's style take as the object of investigation either the historical development of Cicero's style (e.g., Johnson 1971), or its relationship with the style of other writers (e.g., Habinek 1985, inspired by the work of Fraenkel). The work of Laurand (4th edition, 1936) does both, as well as emphasising the importance of stylistic variation between genres (speeches vs. philosophical works; speeches to the senate and to *iudices* vs. speeches to the people); some thought has also been given to the style appropriate to the individual *partes orationis* (on the *narratio* of the *Pro Milone*, see von Albrecht 2003, 182-97). Gotoff 1979 provides a very detailed analysis of one aspect of style within a single speech, but has been criticized for not taking into account the reasons for particular stylistic choices. *i.e.*, for not relating style and meaning/content/purpose (Murgia 1981). Discussions of style here will primarily be focused on variations within the speech itself and their possible significance, rather than on attempts to describe the stylistic characteristics of this text in relation to Cicero's work as a whole, a particular category of his work (e.g., speeches, or works written in the 50s), or Latin literature. This approach is modest in its restriction of scope to a single text, but ambitious in its attempt to link style and persuasive effect.

Inspiration for the approach – although by no means a precise model for specific methods employed – has been found in the vast modern literature dealing with discourse analysis, text linguistics, pragmatics, speech act theory, and stylistics; there will also be occasion to refer to modern rhetoric or 'composition theory'. To summarize this work, or even to give a vague outline of the phenomena discussed and the perspectives from which they are considered, would take a book in itself; it is an interdisciplinary field, with contributors from Linguistics, Information Science, Philosophy, Education, and Literature. Some of it is known to scholars of Latin and Greek, but as far as I can tell largely to philologists in the narrow or UK sense (*i.e.*, linguists, publishing on topics such as 'discourse particles', Kroon 1995 – the introduction to which has been particularly helpful), rather than to those whose focus is the overall interpretation of individual texts ('literary scholars'). Within Linguistics, the basic impulse behind this work is an attempt to go beyond the sentence in describing and analysing the way language works, and a key figure in this field is M. A. K. Halliday, founder of 'systemic functional linguistics'. A key tenet of systemic functional linguistics is that any utterance involves choice between different ways of saying the same thing. I take this as implying that the choice of construction is potentially purposeful (whether or not the speaker is conscious of the purpose), and as validating my search for a link between form and function, style and substance.

One particularly useful aspect of Halliday's work is the distinction of three 'levels of discourse': representational, presentational, and interactional. The second of these is helpful in considering the way aspects of a text's structure are highlighted within the text itself, and the third is interesting in relation to the idea of persuasion, which is a linguistic interaction between human beings such as a *patronus* and a group of *iudices*. These levels of discourse are related, but by no means identical, to aspects of the Jakobsonian analysis of language and literature, which may be more familiar to Classical literature scholars: the presentational level to the orientation towards the message (Jakobson's term for this orientation, the 'aesthetic function', gives away an importance difference), the interactional level to the orientation towards the receiver (the 'conative function').

Another important feature of discourse analysis (going back to Halliday & Hasan 1976) is the study of cohesion and coherence, the linguistic features which hold a text together and contribute to its readers' sense that it is a text; the word 'texture' is also used for what makes a text a text rather than a random collection of words or sentences. One aspect of this work is that it draws attention to things which as readers we often take for granted: how does an audience come to feel that they know what a text is about/what it is doing? This question is a very close match for my asking what has led other scholars to their analyses of the structure of Ciceronian speeches.

Reading studies in text linguistics has led me to the belief that it is not necessary, in discussing aspects of the language of a text, to demonstrate that a speaker consciously intended every effect which can be observed. Much of our use of language is unconscious, which is not to say either that it is unpurposeful or that it cannot be analysed. I make no guess at how much Cicero himself would recognize of what I observe in his text, but the possibility that he would not have recognized a connection or an effect does not mean that it is not there. As already pointed out, Cicero was an outstanding orator, and this will have been due to natural talent as well as schooling and practice: he must have been good at using language in ways that nobody would be able to describe or even recognize until the rise of text linguistics/discourse analysis in the second half of the twentieth century. It is even less necessary to argue that the *audience* would have been aware of the linguistic phenomena observed and described here. The target being aimed at is an understanding of the possible effects of these linguistic features on the structure and argument of the speech as a whole; an important operating assumption is that there will be some aspects of the structure and argument which were intended to be noticed and understood by the audience, and others which were not. Without pretending to identify Cicero's intentions, I will therefore feel free both to describe effects which the audience (as well as the speaker) need not have been aware of, and to draw distinctions, although not a precise line, between what it might have been helpful (to the speaker) for them to notice and what it might not have been.

Among recent works of Latin style, Wills 1996 on *Repetition in Latin Poetry* takes the recurrence of particular types of repetitive figures of speech as worthy not only of cataloguing but also of interpretation. The major difference between our approaches is that Wills focuses on allusion and intertextuality rather than on a single text. Within the broader study of Greco-Latin literature, my work probably has the closest connections with that part of narratology focused on elements of grammar, *e.g.*, the use of the first- and second-person indicating the presence of the narrator/narratee in the text, the shift in tenses indicating shifts between narrative and description, the use of counterfactual conditionals to present alternative, rejected versions of the narrative. The *locus classicus* here is de Jong 1989. I am not arguing for an expansion of the category of 'narrative'; although in a very broad sense the text as a whole can be seen as 'telling a story' (about Milo's innocence, about Cicero's rhetorical skill, about the contemporary political scene ...), pursuing this line of argument is not my current interest. Rather, I am interested in the possibility that some of the techniques which have been employed by narratology, in the analysis of narrative, can also be usefully employed on different kinds of discourse. Narratology focuses on these grammatical elements not for their own sake, or in order to establish their form and function at a particular date in the historical development of the

language/an individual's literary style, but because such shifts in the grammar of a text can or might reflect or represent shifts in what that text is doing, or attempting to do, to its content and to its audience. In other words it focuses on the particulars of language (style) in order to access meaning (substance).

The particulars of language focused on here are:

- some aspects of presentational language, specifically sentences commenting on the progress of the argument, or otherwise indicating something about the structure of the text;
- various aspects of syntactic sentence-structure, viewed to some extent as stylistic choices;
- the distribution of vocabulary-items across the different sub-divisions of the text;
- some aspects of interactional language, specifically the use of first/second person and related grammatical phenomena, as well as other indicators that the speaker of the words of the text has notionally changed.

Each of these areas is the subject of a separate section of this essay, which can thus serve as a reference-work to explain the background to the points made in the Commentary.

I will begin by discussing the structure of the text, *i.e.*, the way the substance communicated by the text is arranged (§2.1). The discussion will draw attention to the complexities involved in working out and describing what a text is about and how it is put together; discussions of structural analysis in relation to Cicero's speeches have not generally taken these complexities into account. Where structure is discussed at all, it is often in terms of ancient rhetorical theory, and I will outline my views on the limitations of perceptible echoes of rhetorical theory in marking that structure (§2.2), before going on to consider the text's use of 'topic-sentences' to create an impression of structure (§2.3). The topic-sentence, a concept used by text linguists and especially by teachers of modern rhetoric/'composition theory', cannot be defined in terms of linguistic form alone, but various linguistic features *may* be associated with it. The use or avoidance of topic-sentences will be considered to be a stylistic choice, which in this speech appears to be associated with particular portions of the speech. This raises the possibility that other variations of style can also be used to enhance the different 'feel' of passages dealing with different topics or different arguments, while the use of shared patterns may create links between elements which are not adjacent to one another in the text.

I will then move on to consider the difficulties inherent in any attempt to link style and meaning (§3.1). Style is potentially a vast topic, and any attempt to treat one aspect of it systematically will necessarily entail neglecting others. The syntactic structure of sentences, which is the primary focus of the current work, is not necessarily more important than other aspects of style, but it may strike readers as more evidently relatable to meaning/substance for a variety of reasons, and therefore is a good starting-point for exploration of the current approach (as well as a good place to start in exploring Cicero's language and style). The focus on stylistic variation within a single text, rather than on Cicero's work as a whole, is more likely to generate data which can be related to meaning. The fact that sentence X contains more of a certain stylistic feature than sentence Y *in the same speech* has more potential meaning than a comparison with sentence Z in a different speech, because the relative strikingness of two passages in a single speech – the relative emphasis placed upon them, the relative attention drawn to them – may be relevant to interpretation. The current work uses quantitative analysis to consider the relative

syntactic complexity of individual sentences and passages in the *Pro Milone* (§3.2). This is a variation on the study of periodicity in Cicero's speeches (§3.2.1). Once the approach has been explained, an overview will be presented of how the results relate to the study of the speech's structure (§3.3).

Quantitative analysis is also useful, and particularly tempting, in the study of vocabulary distribution over the course of the speech. I therefore devote some time to questions of principle, arguing that the results of such analysis should not be presented without some discussion of how they were arrived at and presentation of the basic data (§4.1, with more technical information reserved for the Introduction to the Lexical Index). I then go on to discuss how those results can be related to the structure of the speech (§4.2), with some specific comment on how existing disagreements about that structure might be resolved using this data (§4.2.1). Finally, I turn to the question of interactional language and how we identify shifts in speaker/addressee over the course of a text (§5.1); initial general discussion of the phenomena in question will again be followed by some consideration of how the results of the study can be related to the structure of the speech (§5.2). Each of the sections of this essay is to some extent independent and can be read on its own by anyone interested in primarily structure/style or syntax/lexis/interactional language and less interested in the others.

A brief general discussion of the quantitative analysis employed in this work seems in order at this point, partly to allay any suspicions that what is presented here is a computer's analysis of the text. It is beyond question that contemporary computing power made the checking, correction, and analysis of the data, including the recalculation of figures and the generation of tables and charts, far easier and especially faster than it would have been in the days of index cards. The lexical analysis in particular was made easier and faster – in its early stages – by the availability of concordancing software. Nevertheless the human input remains substantial even here, since the available software (at least in 1996) could not cope with a highly inflected language such as Latin, far less etymological connections between words. The analysis of syntax in the text had to be performed by a human being, there being no readily available software in existence which can perform such an analysis; the results were noted in a spreadsheet rather than on paper, but there is nothing in what is presented here that could not have been produced, albeit rather more slowly, using analogue rather than digital methods. Other features studied here, such as the topic-sentence, are not susceptible to being located by the computer without detailed marking-up of a text in advance of the search (see also on self-referential features of language, p.36 below). For researchers in text linguistics the methods used here are in fact likely to seem unsophisticated; linguistic analysis of modern English texts can draw on enormous corpora, stored electronically, and can therefore start to make claims about what is 'typical' or 'normal' in terms of small-scale linguistic effects (*e.g.*, collocations of particular words) and large-scale structural ones (*e.g.*, the use of lexis to create a sense of distinction between segments of text).⁸ My task has been to explore the (possible) operations of a single text, not to make claims about Ciceronian Latin in general, far less the Latin of other writers. It is therefore not necessarily problematic that

⁸ For a useful introductions to the possibilities, see Adolphs 2006, 51-63.

there may not be enough Cicero extant, or perhaps even enough Latin, to generate similar claims to those now being made about the way English works.

As already argued in the Introduction, the temptation to perform quantitative analysis, created by the existence of modern computing power, makes it necessary to consider the uses and limitations of such an analysis; the best way of doing this is by performing the analysis, discovering where it can lead, and discussing the problems which arise along the way. In the context of establishing the limits of what can be done by anyone with a computer, it is a positive rather than a negative factor that the analysis presented here could be carried out on the basis of data generated using nothing more sophisticated than the ‘find’ tool in a word processor. The open acknowledgement of the human input required in categorising the phenomena being studied here prevents the quantitative analysis from being presented as ‘objective’, and I have been careful to avoid any use of the word ‘statistical’. What is presented here is *my* count of features which *I myself* have defined. Some readers may wish to test my data, to recalculate it on the basis of slightly different definitions, or to explore the patterning of other vocabulary items and syntactic features besides those I have focused on. The provision of detailed discussion of my working process, as well as of comprehensive Lexical and Syntactic Indices, will allow such readers to make a start on doing so without having to resort to their own electronic copy of the text and the ‘find’ tool.

The uncertain nature of our texts means that some of the numbers would have to be recalculated if a different reading of a particular passage were to be adopted. I have conducted a few experiments along these lines (see p.255 n.1, pp.263-64), and come to the conclusion that my overall arguments would not be substantially affected by the very few changes to lexis and syntax that it might be desirable to make to Clark’s text. Rather than delay publication even further by a serious consideration of more minor textual issues, I have with one exception adopted Clark’s text, about which I have in any case no substantial queries, in terms of readings and orthography.⁹ In accordance with my view that the segmentation of the text should be carefully considered at every level, not only at the level of clearly distinguishable arguments and *partes orationis*, I have however re-punctuated and re-paragraphed that text (see §2.1.1 below for a short note on paragraphing). This version of the text will be found at the end of this essay. Individual sentences are also re-printed in the course of the Commentary, laid out on the page in a way that is intended to reflect visually certain aspects of their syntactic structure.¹⁰ Each sentence is also followed by an explicit statement of various aspects of syntactic analysis of the sentence which have been used to generate the information in the Indices and in Tables 3-7 which accompany §3 below:

- number of principal clauses
- where there is more than one principal clause, whether the two are seen as a single unit or separate units (compound sentence)
- number of subordinate clauses (per unit)

⁹ The exceptions are one change of name (33.2n.) and the use of consonantal *u* throughout.

¹⁰ The inspiration for this comes from Vretska & Vretksa 1979, although my indentations following different principles, reflecting primarily syntactic subordination and making no specific attempt to reflect parallelism, *tricola*, *etc.* These, however, may end up being reflected in the layout in the case of such features as a tricolon made up of three clauses at the same level of subordination.

- list of subordinating clause markers (*e.g.*, relative pronouns, subordinating conjunctions) or, in the case of clause-equivalents without such markers (accusative-infinitive constructions, ablative absolutes), an indication of where the phrase begins/ends
 - identification of opening clause (per unit)
 - note of presence of sentence-particle or other word which might complicate the decision about which clause is the opening clause
 - where there is more than one subordinate clause: count of levels of subordination, with identification of the clauses judged to be at the highest level
 - number of parentheses/interruptions (separate units, but not counted in the first reckoning of principal clauses/units), with further information
- (Some of the terminology used here is discussed in §3 below, especially §3.2.1.)

A few more words on the way the book works may be worth saying here before starting the methodological discussion proper. Some of the terminology used will be new not only to students but to some advanced scholars of Latin. There are at least three reasons for this. 1) I am introducing a handful of concepts from discourse analysis/text linguistics which have previously only been used occasionally by Classicists. 2) There is within Classics a sometimes bewildering variety of labels for particular syntactic phenomena (as well as disagreement over how to classify some of these), from which I have had to make a selection. 3) The attempt to undertake a quantitative analysis of sentence-structure has required me to come up with ways of describing phenomena which I had previously taken for granted and never known a label for. I hope that most of the really novel terminology is explained somewhere in this essay, and entries in bold in the Thematic Index will direct readers to such explanations. As explained in the Introductions to the relevant Indices, the Lexical Indices use the *Oxford Latin Dictionary* as a guide; the Syntactic Indices and Commentary refer to Kennedy's *Revised Latin Primer* (K.) and Woodcock's *New Latin Syntax* (W.). The Lexical and Syntactic Indices refer to the sentences of the text by the numbers which have been printed beside them in the text and in the Commentary: thus, the sentences in section 6 (according to the standard numeration, on which see n.12 below) have become 6.1, 6.2, and 6.3. Where a sentence begins in one section and ends in another, it has been labelled (*e.g.*) 1.2-2.0, with the first new sentence in the following section labelled 2.1.

2. The structure of the text

2.1. General principles

One primary goal of this book is to explore how the structure (or structures) of a text is (are) formed from its linguistic substance. In the case of Ciceronian speeches, Stroh (1975) argues that strategy can only be understood by examining structure – in other words, that there is a recoverable purpose behind the orator's selection of which topics are to be addressed and arguments to be presented in the speech, and which omitted, his decisions to deal with those included in a particular order, and his creation of a sense of connection or separation between the individual arguments. As I have suggested elsewhere (2004, 2006b), the very process of analysing structure needs to be interrogated in more detail than by Stroh, in order to answer three questions:

- how is the text to be segmented, *i.e.*, which portions of it are to be viewed as somehow different or separate from the others?
- what is the content/function of each segment?
- how does the content/function of each segment relate to that of other segments and that of the text as a whole?

The fact that we use language every day of our lives, most of the time without consciously analysing what it is we are doing (and know how to do), can blind us to its complexity. An example of this can be seen in the fact that Ciceronian scholars do not defend or even discuss their slightly different summaries or structural analyses of a text, apparently because it does not occur to them that what they are doing in summarizing is at all complicated or that disagreement is possible. Our ability to summarize what we have just heard or read is a greater and more complex achievement than we tend to give ourselves credit for, as modern linguists working towards the creation of computer-programmes that can summarize a text will readily acknowledge.¹¹

Descriptions of the structure of Cicero's speeches often take the form of summaries of the texts' contents, sometimes presented in tabular form, indicating that passage 1 is about this or does one thing, while passage 2 is about that or does another. Recent examples taken from different anglophone commentary-series include: Berry 1996, 48; Kaster 2006, 25; Dyck 2008, 61-62, 125, 165-66, 209-10. The table may be accompanied by brief discussion, especially of its relationship with ancient rhetorical theory; seldom is much justification provided for the decisions which have been taken in the process of arriving at the structure presented. The biggest problem with the summary or 'table of contents'-style analysis is precisely that it is often presented as a transparent window through which the text can be seen as it is, rather than as an interpretation. But such a summary or table is an interpretation, one which can shape the reader's understanding of the text by selecting which elements to include and by combining and labelling them in particular ways.

A further drawback to the 'table-of-contents' approach is that it creates an impression of the text as a tidy sequence of hermetically sealed, clearly labelled passages with disparate contents. Texts are not like this; they are far more complex, or even 'messier', in their construction. Not only are there links which connect the contents of the divisions and sub-divisions identified in such a table (otherwise, how could the separate passages be claimed to form a single 'text?'), but the very identification of these divisions can often be disputed, both in terms of where the passages begin and end and in terms of how they should be labelled. It is difficult, however, to forego the 'table of contents'-style structure entirely: it provides a useful starting-point and organizing tool for discussion. Without such a tool, this discussion – if it is to capture the complexity of the text – runs the risk of coming across as merely disorganized rather than complex itself. My own 'Table of Contents' for the *Pro Milone* is given in Table 1 (pp. 22-23). It is more detailed than most such tables, partly because it attempts to convey as much information as possible, within the limitations of the format, about the reasons for the decisions taken. Nevertheless it omits many details; it has to, unless it is to expand to the point that it simply replicates the text. The current discussion is intended to draw more attention than is usually drawn to the fact that even this is an

¹¹ An example of a work on lexical analysis which has, in part, this ultimate goal in mind is Hoey 1991.

interpretation, and the decisions taken on both segmentation and labelling will be explained and justified in the course of the Commentary, primarily in the introductions to individual sub-divisions of the text, through discussion of particular linguistic features. This process itself involves a close focus on the language of the text, because it is linguistic elements that influence the decisions being taken.

The sub-division introductions will also attempt to acknowledge the variety of ways in which structure could be described. Where scholars do disagree on the structure of a text, it is not always necessary to decide which is 'right' and which is 'wrong'. Such differences are not necessarily trivial variations ascribable to individual preferences, but may rather arise from the fact that different readers notice different things in the same text. I have made this argument previously in relation to the *Pro Caecina*, where there is more scholarly disagreement about the structure; in contrast, there is general agreement among scholars as to the structure of the *Pro Milone*, at least in its broad outlines. Published analyses vary in their treatment of transitional passages and in their choice of labels for the various divisions and sub-divisions; there are more significant disagreements over whether to count 7-22/23 as part of the *exordium*, how to sub-divide 44-60, and how to describe the status of 67/72-91. These disagreements are here taken as themselves clues to the strategy of the text. But points of agreement deserve our attention no less, because agreement too is the result of textual features which may provide a clue to the orator's strategy. The agreement that exists is due in part to the fact that, within the text itself, the transitions from one argument/topic to another are often clearly signalled. These signals usually take the form of explicit comments on the progress of the defence case or on how it is interacting with the opposing argument (direct references to the actual prosecutors are only sporadic in this speech); sometimes an explanation for the orator's presenting the material in a particular sequence is also offered.

The presence in the text of these comments/explanations does not make the analysis of structure unnecessary, for three reasons. First, the relationship of the explicit signals with the actual content of the passage, or the text as a whole, must be considered. The signals constitute a kind of 'speaker's structural analysis', which is even less likely than that of a modern scholar to be a transparent window on to the workings of the speech: it is, rather, an attempt to control the way the speech is perceived by its audience. It is bound to be partial and may be disingenuous; the speaker may announce a discussion of X, then move swiftly on to discuss Y without any explicit announcement of the (second) transition. For discussions of potentially misleading descriptions and signals of what is happening in the speech, see *e.g.*, 6.3n., 53-56n. Secondly, where the use of such signals does turn out to be consistent and 'accurate', the passages in question can then be as treated a test-case for exploring how other linguistic features are deployed to back up the structural impression created by the signals. The deployment of similar features could then be explored in other passages/texts, where the signalling is less clear. Thirdly, the use of these signals is not consistent throughout the speech. The fact that they are not always used indicates that their use is not the result of either habit or some rhetorical rule, but of choice. The question is therefore: why has a clear signal been used in one particular place, not used in another?

Table 1: Structural analysis of the *Pro Milone*, ‘table of contents’-style

- 1-23 Introductory material
 - 1-6 *Exordium*
 - 1-3 the unusual circumstances of this trial may lead to fear
 - 4-5 the power of the *iudices* and their usual relationship with men such as Milo
 - 6 Cicero will not use a political defence until he has proven Milo’s innocence on other grounds
 - 7-22 Preliminary Arguments
 - 7-11 preliminary argument 1: a man may lawfully kill another man in self-defence
 - 12-14 preliminary argument 2: the senate has not prejudged Milo and did not want a new *quaestio*
 - 15-21.2 preliminary argument 3: Pompeius has not prejudged Milo; his reasons for setting up a new *quaestio*
 - 21.3-22 the selection of the *iudices* and the court president
 - 23 Transition to *narratio*; summary of main point of dispute
- 24-29 *Narratio* and transition to Argument
 - 24-26 Clodius’ actions in the period before the skirmish
 - 27-29 Clodius’ and Milo’s actions on the day before the skirmish and the day of the skirmish itself
 - 30-31 Transition to argument; repetition of main point of dispute
- 32-91 Principal Argumentation
 - 32-71 Self-Defence Argument
 - 32-43 Arguments about actions before the skirmish (corresponding to *narratio* 24-26)
 - 32-35 Arguments about motive
 - 32-33 Clodius’ motive for killing Milo
 - 33 the cremation of Clodius’ body
 - 34-35 Milo’s lack of motive for killing Clodius
 - 34 electoral rivalry
 - 35 personal *inimicitia*
 - 36-43 Arguments about character/use of violence
 - 36-37 Clodius’ habit of violence with particular reference to Cicero’s exile
 - 38-43 Milo used violence only to counter Clodius’ violence
 - 38-41 occasions on which Milo could justifiably kill Clodius and did not
 - 41-43 the elections were a particular reason for Milo to be careful at this point, whereas Clodius was mad enough for anything
 - 44-56 Arguments about the skirmish (corresponding to *narratio* 27-29)
 - 44-51 Arguments about preparations for the skirmish
 - 44.2-45.1 Clodius’ prediction of Milo’s death
 - 45.1-3, 46.2-3 Clodius’ knowledge of Milo’s movements
 - 45.4-5 inconvenience of Clodius’ journey; necessity of Milo’s journey

- 46.1, 46.4-47.2 Milo's lack of knowledge of Clodius' movements and plans
- 47.3-5 Cicero's inability to plan an ambush on Clodius
- 48.1-49.4 implausibility of the prosecution account of Clodius' actions (inc. timing)
- 49.4-51.3 implausibility of the prosecution theory of Milo's actions (inc. timing and location; mentions the possibility that Milo knew about some of Clodius' movements)
- 52 Summary of the arguments so far
- 53-56 Arguments about the actual skirmish
 - 53.1-3 location of the skirmish suggests that Clodius was the ambusher
 - 53.4-54.3, 55.1-3 relative situations of the two men suggest that Clodius was the ambusher
 - 54.3-5 implausibility of the prosecution account of Clodius' actions (inc. timing)
 - 55.4-56.3 reasons why Clodius' death does not mean that Milo was the aggressor
- 57-66 Arguments about the period after the skirmish
 - 57-60 Arguments about the interrogation of slaves
 - 57-58 Milo's reasons for manumitting his slaves
 - 59-60 the interrogation of Clodian slaves
 - 61-66 Arguments about Milo's behaviour after the skirmish
 - 61-63 Milo's return to Rome shows that he had a clear conscience
 - 63-66 rumours about Milo's revolutionary actions have all turned out to be false
- 67-71 Transition to Public-Good Argument
 - 67-69 direct address to Pompeius
 - 70-71 summary for the *iudices*
- 72-91 'Public Good' Argument
 - 72-75 introduction: *prosopopoiia* of Milo/list of Clodius' crimes
 - 76-83.1 Clodius' death is a public good
 - 83.2-86 Clodius' downfall was masterminded by the gods
 - 87-91 recapitulation: nobody but Milo could have restrained Clodius
- 92-105 *Peroratio*
 - 92-98: Milo's fortitude
 - 99-105: Cicero's despair

When the pattern of signalling and non-signalling in the speech as a whole is considered (see §2.3 below), it transpires that the sub-divisions of the Self-Defence Argument are more clearly separated and labelled than those of the Public-Good Argument. The repeated explicit sub-division of the Self-Defence Argument, the legal basis of the defence, may create an impression that a substantial number of supporting arguments are being accumulated. The sparser signals in the Public-Good Argument, conversely, contribute to an impression, more suited to this extra-legal discussion, that the speaker is beginning to be carried away by his ideas and his emotions as the speech builds to the emotional climax of the *peroratio*. Viewed as a difference in style between the two arguments, the variation also reinforces the impression that they are separate and separable. In order to pull off his rhetorical *tour de force* of combining incompatible arguments, Cicero must work both to unify them (see §1.1 above) and to separate them, to ensure that the speech works together as a complete entity without disturbing the important impression that the Public-Good Argument was not a key part of the defence, but an ‘extra’ presented on top of an independent and legally acceptable argument. Distinguishing the two arguments stylistically may work to disguise connections between them – and in this way the structure and strategy of the speech itself may have contributed to the misreading of it as actually cobbled together from two unconnected and even unconnectable arguments.

While the role of the orator’s own signals as a transparent window onto the speech’s strategy can be questioned, what remains important is the pattern, the impression in the audience’s mind, created by those signals. Another possible purpose for repeated, clear signals is to create the impression that the speaker is methodical and reasonable, his material organized and coherent. They can also give an impression of openness: the orator appears to be revealing and explaining his thought-processes to the audience. But the reasons presented for organizing the material in a particular way may be as disingenuous as the labels given to the arguments themselves (*e.g.*, 7.1). Other possible functions of clear signals include directing attention away from problems in the argument (*e.g.*, 34.1-3) and drawing attention to strong points (*e.g.*, 44.1, 52.1). Detailed work on the structure of a text must simultaneously consider the impression the signals may have been designed to create, and the elements of the speech’s strategy they may be designed to disguise. At the same time, disguise will not always be necessary to explain a mixture of correspondence and contradiction between the signals and the close analysis of the text. In a single text, even a carefully (and ‘accurately’) signalled sequence of passages, which therefore seem clearly distinct from one another, will deal not with entirely disparate issues, but instead with a number of interconnected ideas, sometimes recurring in clearly recognizable form, sometimes changing and developing into something new, or partly new.

Existing scholarly discussion of these signals, and of the speech’s structure as a whole, has tended to focus on the fact that some of the signals are accompanied by echoes of rhetorical theory (as evidenced in contemporary discussions, some of them by Cicero himself). No satisfactory explanation of the presence of these echoes was given before Wisse 2007, which proposes that the sense of familiarity evoked by reminders of rhetorical education was intended to increase confidence in the speaker’s case, which on this occasion could not rely on the support either of evidence or of the political context. It must be pointed out, however, that the percentage of the audience with a rhetorical education cannot be precisely gauged; for some of those present, the echoes may have

evoked other speeches at trials previously attended rather than the classroom. It may therefore be significant that the most technical-sounding vocabulary of rhetorical theory (e.g., abstract nouns such as *narratio*) is avoided. Further thoughts on the speech's 'conformity' with the rhetorical handbooks are presented in §2.2 below, but on the whole I have found modern descriptive linguistics more useful than ancient prescriptive rhetoric in the analysis of both structure and style: ancient rhetorical theory is of limited usefulness on the question of the structure of speeches; in terms of style, neither the three-style theory nor the catalogues of figures of speech and thought in the ancient rhetoricians engage with the question of variation of style across a single speech.

Wisse acknowledges (2007: 64-65) that there may be a difference between the 'surface' structure of a text, as marked by the signals, and its 'deep' structure, acknowledging the difference between patterns that the audience would have noticed and ones they would not. But the different patterns observable in a text will not always have such a clear hierarchical relationship. Some of the patterns I observe overlap and interact with one another, and there will be other patterns which are not identified here, which might be uncovered by focusing on other linguistic features. No one of these patterns provides a better key to the structure of the text than any of the others; it is not necessarily a case of deciding which is the most important, and no such claim is made for those observed here; the reading presented here attempts to be a close one, but it does not pretend to be complete. An attempt will, however, be made to acknowledge multiple possibilities where they have been observed.

2.1.1. *A note on paragraphs and sections*

Different views on the proper segmentation of the text, on a small scale, are represented by different decisions on paragraphing the text; such decisions are discussed even more seldom than those involved in larger-scale structural analyses. I have argued elsewhere (2007b) that studying the section- and chapter-numbers in the margins of our texts might provide insights into which aspects of the text drew the attention of the scholars who put the numbers there; the paragraphing decisions of later editors could perform a similar function. (These decisions are sometimes the only evidence available for how an editor viewed the structure of the text.) I shall not be examining previous editors' decisions in this work, primarily for reasons of space, but my own paragraphing decisions will be discussed in the Commentary, in the sub-division introductions. The primary function of these discussions is to point out the different patterns traceable in the passage in question, which could have led to a different paragraphing.¹²

¹² The smaller 'section'-numbers are usually attributed to a sixteenth-century scholar, Alexander Scot. In the 1610 edition of Scot's text held by the Bodleian, the numeration in the margins of the *pro Milone* in that edition does not correspond with that common to all editions later than Orelli's. Variation in the precise positioning of the numbers is not unparalleled – slippage of one or two lines is reasonably common – but in the *pro Milone* Scot identifies 106 sections in total, where for the past two centuries scholars have been reckoning only 105. Scot inserts the number 34 at *et aspexit me ...* in our section 33; he does not have the opening sentences of our section 34, which come from the Turin palimpsest, discovered in 1820; he places 35 before *P. Clodi praeturam* after the lacuna in the mss.; from this point onwards his section number is always larger than ours by one. After so many editions

2.2. Rhetorical theory

As mentioned above, such attempts as exist to justify scholarly analyses of the structure of Cicero's speeches, including the *Pro Milone* (perhaps, due to the echoes of rhetorical theory scattered throughout the speech, especially the *Pro Milone*), generally involve the reference to ancient rhetorical theory. Before going on to a more modern, text linguistics-inspired, analysis of features of the text which reflect its structure, I will explain briefly here what I believe are the limitations, both of the elements of rhetorical theory itself and of relying on this speech's apparent explicit references to that theory, in analysing oratorical structure.

The three areas of rhetorical theory which are most obviously echoed at various points of the speech are the *partes orationis*, conjectural argumentation, and *stasis*-theory. While all echoes of rhetorical theory may be taken as signalling the structure of the speech for a rhetorically trained audience, the *partes orationis* are the most obviously relevant to structural analysis (although the echoes of conjectural argumentation theory, because they identify individual arguments or argument-types, contribute to the strong impression that the Self-Defence argument is a structured sequence). Under the heading of *partes orationis*, the extant handbooks describe ways of building an introduction (*exordium/prooemium/principium*) and conclusion (*peroratio/conclusio/epilogus*) to a speech; they also suggest dividing what comes in between into an account of events (*narratio*), arguments for one's own case (*confirmatio/probatio*), and arguments against the opposition case (*confutatio/refutatio/reprehensio*). Some also recommend clearly stating the main issue or argument (*propositio*) and announcing the subdivisions of the speech (*partitio/diuisio*), between the *narratio* and the arguments. A speech which presents these elements in the stated order is said to be following the *ordo naturalis*; the handbooks also allow for arranging the material of a speech in other ways, dictated by the demands of the case and the orator's own common sense. This is described as the *ordo artificialis/artificiosus*.¹³

The limitations of the *partes orationis* for structural analysis, even in speeches which follow the *ordo naturalis*, are most obvious when it comes to the sub-division of the arguments, which in the *Pro Milone* as in most speeches constitute the largest part of the text. The arguments chosen, the order in which they are presented, and the relationships between them will be vital to establish in studying the strategy of the speech. In most speeches we would probably still want to sub-divide *confirmatio* and *confutatio* if Cicero were to separate them clearly from one another; in practice, he almost never does this, justifying the adoption of a 'cover-all' term such as *tractatio* for the arguments as a whole.¹⁴

have been published using a different sequence, to reinstate Scot's numeration is out of the question; its importance is not sufficient to warrant such a disturbance of what has become standard.

¹³ This is the way the terms are used by Wisse (2007: 39); the distinction is found in these terms in the late rhetoricians (Fortun. 3.1, Sulp. Vict. 14). It is also known to the author of the *Ad Herennium* (3.17), who confusingly, although perhaps more logically, uses the term *ordo artificiosus* of the handbook-prescribed order, the one prescribed by the rhetorical *ars*, in contrast to what he calls *dispositio quae oratoris iudicio ad tempus accommodatur*.

¹⁴ Aristotle in the *Rhetoric* talks only of $\pi\acute{\alpha}\sigma\tau\iota\varsigma$ (3.13), and late Latin rhetoricians use the single term *argumentatio* (Fortun., Sulp. Vict., Mart. Cap., Isid.)/*quaestiones* (Vict.), but the classical handbooks in Latin (Cicero's *De inuentione* (1.14), the *Ad Herennium* (1.4), and Quintilian's *Institutio* (3.9.1)) all divide the argument into two parts in discussing the *partes orationis*. (I do not here

By the late 50s Cicero seldom followed the *ordo naturalis* except in the trivial sense that his speeches usually have an identifiable introduction and conclusion; the *narratio* and the *tractatio* are sometimes interwoven, or the *narratio* omitted altogether. The *Pro Milone* is an exception to this tendency. It has a very clearly marked *narratio* (24-29, or 23-31 including the transitional material); the beginning of the *peroratio* is also very clearly identified (91). The closest parallels to this careful marking of the *partes orationis* come from much earlier in his career (*Pro Quinctio*, *Pro Roscio Amerino*, *Pro Caecina*); its use at this period makes a powerful contribution to the impression of conformity with handbook structures which Wisse argues is designed to create a surface impression of familiarity and credibility.

But there are limits to the speech's conformity with the handbooks; if this is intended to be the 'surface' impression, it is not the whole story. Despite the careful marking of the *narratio* and *peroratio*, the speech does not just follow the so-called *ordo naturalis*, but contains one substantial divergence from it which has been discussed since ancient times (Quintilian 4.2.25): the sequence is apparently broken by the inclusion of what are explicitly identified as arguments between the *exordium* and the *narratio*. Aspects of Cicero's presentation of his argument will be discussed in detail in 1-23n. and 7-23n., but a preliminary outline of the issue is given here. A clear announcement is made at 7.1 that the real business of the trial (as identified by the defence) must be postponed until some preliminary arguments have been dealt with. Most – though not all – analyses of the speech separate 1-6 from what follows as the *exordium/prooemium*; the possibility of a different analysis is not much discussed by either separators or combiners; nor is the conflict between this blatant departure from the standard sequence and the frequent claim that the speech simply 'follows the rules'.¹⁵ Quintilian provides evidence that some ancient readers preferred to criticize Cicero for breaking the rules here, when he defends him against the charge of having made an error (4.2.26).

Various arguments could be brought to support the suggestion that all of 1-23 constitute the *exordium*. In defence of the supposed error, Quintilian describes 7-23 as having *uim prooemii, cum omnes iudicem praeparant*. The speech itself indicates the 'preliminary' nature of this material (*ante*, 7.1). The question should be asked: would the audience have noticed a radical departure from standard *exordium* material, had Cicero not chosen to present it in a way that draws attention to that supposed departure? Other Ciceronian *exordia* also include argument, although presented with less fanfare, some of it

consider Cicero's *De oratore* and *Orator*, which are not 'handbooks'.) The term *tractatio*, meaning 'treatment', is used in various ways in the rhetoricians, and is sometimes close to *inuentio*; I have been unable to determine when it begins to be commonly used in opposition to the *narratio* to indicate the treatment of the arguments (*confirmatio* plus *confutatio*, i.e., πῖστis), a usage relatively common in 19th-20th century commentaries on Cicero's speeches. (A more recent example can be found at Ramsey 2003, 160.) I use it primarily because of its distinctiveness: using *argumentatio* might create confusion as to what I mean by the English derivative, but there is no English 'tractation'.

¹⁵ Separators: Clark 1895, Donnelly 1934, Kennedy 1972, MacKendrick 1995. Combiners: Reid 1894, Joy 1907. Some other analyses are not absolutely clear; these paraphrase sub-divisions (e.g., 1-6, 8-11, 12-14, 15-23, 24-29) without grouping any of them together into larger divisions. These include Poynton 1892 and Boulanger 1949. Neumeister 1964, 89 may perhaps be read as a separating reading, but does not explicitly use the word *exordium*.

closely comparable to 7-23 (see 1-23n.). These passages can be seen as continuing the scene-setting work of the *exordium* proper, in terms of establishing both the judicial and the political context. Elements of 22-23 are reminiscent of the ends of other *exordia*. But none of this demonstrates that it is ‘wrong’ to separate 1-6 from what follows. The disagreement reflects a deliberately double presentation of 7-23 in the text itself: these passages are *both* part of the introductory material *and* separate – at least formally – from the *exordium* ‘proper’, as it is marked by the orator himself. To the extent that the entirety of 1-23 can be seen as introductory, the question to ask is not ‘why did the speaker feel compelled to move these three arguments before the *narratio*?’ but ‘why does the speaker choose to present this introductory material as subdivided into an “*exordium*” and three preliminary arguments?’ Two possible advantages of the arrangement are the early impression of organization and clarity created by the explicit signalling of the subdivisions, and the suggestion that the prosecution/opposition are clutching at straws created by the way the first preliminary argument in particular is presented.

The labels applied by scholars to the interrupting sections, 7-23, are variable: *praeiudicia*, *praemunitio*, *refutatio*. Following Quintilian (4.2.25, 6.5.10), the announcement at 7.1 is often described as a postponement of the *narratio*, but the description in the speech of what is postponed (*propria uestrae quaestionis, rem ... quae in iudicium uenit*) does not evoke rhetorical discussions of the *narratio*, and it can also be questioned whether an audience familiar with Cicero’s mature speeches would at this point, at least on first time of hearing/reading, have been expecting a clearly distinct *narratio*; extant speeches from the immediately preceding period contain no such thing. As for a second reading, it may not be important to decide whether an ancient reader (with a rhetorical education) would take 7.1 as a) apologizing for not following the *partes orationis* (the *ordo naturalis*), or b) invoking the doctrine which allowed orators to depart from it (the *ordo artificialis*); either way, rhetorical doctrine is invoked – for those that know it (Wisse 2007, 38-39). At the same time, the orator’s statement, including the implication that the proper procedure is being derailed by the unreasonable behaviour of the opposition, is entirely comprehensible to those members of the audience with little or no rhetorical training. So is the fact that 6.1-7.1 discuss the arguments the speech will make and the order in which they will be made, and that what is immediately to follow 7.1 is defined as an argument against prosecution-claims (*refutanda*).

As mentioned above, Cicero’s echoes of rhetorical theory in the speech are generally couched in ways that are also transparently comprehensible to anyone uninitiated in the technical vocabulary of rhetorical theory. Wisse 2007 describes a number of the terms used in key sentences in the speech as ‘catchwords’ and ‘(semi-)technical’ vocabulary in relation to rhetorical theory. Much of this ‘technical’ vocabulary, however, consists of very ordinary terms which become ‘technical’ only in a particular context. While evoking the classroom for those members of his audience who might be lulled by a speech that ‘follows the rules’, Cicero may simultaneously be avoiding terms that might more obviously smack of theory and perhaps alienate the less well-educated. For example, the speech does discuss whether the defence to be used is a) the *status coniecturae* or *constitutio coniecturalis/infitalis*, *i.e.*, denying the charge (‘Milo was not responsible for the death of Clodius’), or b) the *status qualitatis* or *constitutio generalis*, *i.e.*, admitting that the charge is true but arguing that the deed was justifiable (‘Milo was responsible for the death of Clodius, but ...’). The key sentence in the speech is:

An est quisquam qui hoc ignoret: cum de homine occiso quaeratur, aut negari solere omnino esse factum, aut recte et iure factum esse defendi? (8.1)

Discussions of the relationship between the speech and the theory emphasize the fact that *iure facere/iure fieri* occur in rhetorical discussions in relation to the *status qualitatis* (e.g., Wisse 2007, 47 n.48). This must have been one of the most transparent, least ‘technical’, of the available ‘catchwords’ for this *status*. Not only is the not-immediately-transparent *status* or *constitutio* avoided (both are attempts to translate the Greek *στάσις* into Latin), but there is also no use of any word related to *qualitas* or *generalis*, which would have constituted a more direct echo of the *status*-theory: Cicero does not say anything like *genus defensionis meae erit ... or quale argumento utar?*

It is also important to note that many of the words which can be seen as echoing rhetorical theory also have other meanings. The correspondence between the opening two arguments of the ‘Self-Defence’ Argument and the first two sub-divisions in the analysis of conjectural argumentation offered by the *Auctor ad Herennium* has not gone unnoticed. These are *causa* and *uita*, which together form *probabile* (*Ad Her.* 2.3-5); they are evoked by the following sentences:

Quonam igitur pacto probari potest insidias Miloni fecisse Clodium? Satis est in illa quidem tam audaci, tam nefaria belua docere, magnam ei causam, magnam spem in Milonis morte propositam, magnas utilitates fuisse. (32.1-2)

Reliquum est ut iam illum natura ipsius consuetudoque defendat, hunc autem haec eadem coarguant: ‘nihil per uim umquam Clodius, omnia per uim Milo.’ (36.1)

The word *causa* is used in 32.2, in an explicit discussion about how (*quonam pacto, satis*) to prove (*probare, docere*) the defence’s claim. There is no other, more technical-sounding term for the concept which is being avoided in the speech. The difficulty with identifying the word as an echo of a particular theoretical notion is that *causa* has many different meanings; a possible translation for it in the *Ad Herennium* is ‘motive’, but in the light of the way Cicero identifies the *status qualitatis* at 8.1, it might be debated whether this translation sounds too technical; ‘reason’ will also do. The most frequent meaning of *causa*, however, not only in the speech but also in the rhetorical handbooks themselves, is not ‘motive’, but ‘(legal) case’, or ‘cause’ in the sense of ‘side’, ‘position’. This multiple usage is due to the fact that *causa* is the natural word for – among other things – ‘reason’, ‘motive’, ‘cause’ and ‘legal case’. The occurrence of the word does not itself evoke conjectural argumentation theory, since even in the handbooks the word is not always or even mostly used for the ‘motive’ subdivision of conjectural argument. The meaning of the word (and its echo of rhetorical theory, for those who know it) is understood only because of the context in which it is used. This is a very different procedure from, for example, the modern use of the technical term ‘perlocutionary force’ to evoke Speech Act Theory; and it has the advantage that it will also be understood by those whose rhetorical knowledge is not particularly deep.¹⁶

¹⁶ The word *uita* does not appear in 36.1, but it is also not a consistent element in rhetorical analyses of argument. Cicero’s equivalent in his youthful *De inuentione* is *uictus* (*De inu.* 1.34-37), and not only is the word different but its place in the scheme is different: Cicero is dealing with the materials of argumentation under the heading of *confirmatio*, a *pars orationis*, not with *probabile* as a feature

The evocation of the rhetorical theory is only a part of what is going on in these sentences that identify what the orator is doing. It is because of this that I choose to de-emphasize that evocation by avoiding labels such as ‘Refutation’ (echoing *refutatio*, used by Donnelly 1935 for 7-22), or *probabile ex causa* (used by Clark 1895 for 32-35). The speech contains a clearly marked *exordium*, *narratio*, and *peroratio*, and there is little to be gained by translating these Latin terms as ‘Introduction’, ‘Statement of Facts’, and ‘Conclusion’; but for the argumentative portions of the speech rhetorical theory does not provide adequate labels, and the hunt for correspondences between theory and practice obscures important elements which do not correspond. And while the handbook-labels for the *exordium* and *peroratio* vary, the ideas expressed about them as *partes orationis* of a speech show considerable consistency (as do those about the *narratio*), whereas *probabile ex causa* is not a concept consistently employed by the rhetoricians; where it is used it is not a label for a segment of the speech, but for an aspect of argument. Little is gained by applying it to a sub-division of this speech; I called this passage the ‘motive argument’. As for *uita*, §§36-43 are more narrowly focused than on the ‘lives’ of Clodius and Milo; taking a cue from the repetition in what I will be calling the ‘topic-sentence’ (see §2.3 below), *nihil per uim umquam Clodius, omnia per uim Milo*, I have labelled this passage the ‘violence argument’.

To return to the structure of the speech, another aspect of it which the orator chooses to emphasize is the bipartite nature of the *tractatio*, that part of the speech which falls between the clearly marked end of the *narratio* and the clearly marked beginning of the *peroratio*. There are hints of a double approach at the end of the *exordium* (6.2-3, although these could be taken as anticipating the *peroratio*; see Fotheringham 2007a, 70-73), and signals of a major shift are provided by the repeated dismissal of the *Clodianum crimen* (charge concerning Clodius/charge brought by Clodius’ followers) at 67.1 and 72.1. This dismissal of the *crimen* also conveys the impression that what follows is different from the main legal issue of the trial, and the two parts of the *tractatio* are summarized in terms of their relationship to the trial at the beginning of the *peroratio* as *satis multa de causa, extra causam nimis fortasse multa* (92.1). In other words the double approach is indicated first prospectively, if somewhat inaccurately – a first-time audience may not have anticipated the sub-division of the *tractatio* into two major parts rather than the use of a pleading tone in the *peroratio*; then more explicitly both as it is being used and retrospectively; it is something which the speaker wants his audience to notice. Whether this was the case at Milo’s trial we cannot know for certain; the text, however, presents it as a possible way of handling the material of this case. The result is a bravura performance in terms of having-your-cake-and-eating-it, which suggests simultaneously a) that the speaker is man of skill and vision, able to see multiple facets of the situation, and b) that the defence-case can be argued from a

of the conjectural *status*. The fact that different rhetoricians use different terminology will be familiar to scholars of ancient rhetorical theory, but while in some cases the variation is due to the fact that the Romans were struggling to translate a very technical concept from Greek into Latin (as in *status/constitutio*), the variation between *uita* and *uictus* is due to the fact that the two words, which are etymologically linked, have – or can have – a very similar meaning. In the speech, *natura ipsius consuetudoque*, presented explicitly as a means of arguing a case (*defendat, coarguant*), can readily stand for *uitaluictus*, further underlining the fact that it is not the terminology so much as the concept that evokes the theory.

variety of different points of view. The emphasis thus placed on covering different aspects of the case, like the emphasis on the accumulation of individual arguments in the Self-Defence Argument, may distract the audience from the fact that other aspects have *not* been covered – such as various claims about Milo’s activities which we know about from Asconius, but which may have been common gossip at the time of the trial.

There are other places where the (first-time) audience’s experience of the speech *as it progresses* is not so closely aligned with most scholars’ structural analyses. Although the precise point of division between the arguments labelled as *de causa* and *extra causam* can be debated, if an overview of the speech is taken the most obvious candidates are 67.1 and 72.1. Considerably before this point, at 52.1, there is a proclamation that everything is pointing in the same direction, followed by a summary of the principal arguments so far. This is the sort of thing that might be taken by a first-time audience as a signal that the *tractatio* (or at least the Self-Defence Argument) is coming to an end; *cf.* the summary which marks the end of the Preliminary Arguments at 23.1. But this is far from being the case; arguments about Milo’s innocence continue in what follows. Reading the speech multiple times in order to study it – or even reading it for the first time after reading introductory material like this – it is difficult to forget our (retrospective) knowledge that 52.1 is *not* the end of the *tractatio*, difficult to keep in mind what its impact on a first-time listener or reader in the ancient world might have been. Not that the actual response of the original historical audience can be reconstructed; given the difficulties of establishing the relationship between the delivered and published speeches, the audience cannot even be identified with certainty. But imagining what the response *might have been* is vital in the attempt to understand the speaker’s strategy for controlling elements of the response, which is an important part of the persuasive process of the speech.

The first-time audience would not have known anything in the ‘table of contents’; they would not have known whether the *ordo naturalis* would be followed or broken (*e.g.*, whether there would be a clearly separate *narratio*), or how the orator would approach his case (*e.g.*, whether he would attempt a legal defence or a political one, or both). If the audience is imagined in the forum listening to an orator, they would also have been unable to flip forwards or backwards through the pages (or roll to a different part of the scroll) in order to be able to check whether the suggestion of what is to come at 6.2-3, or the summary of what has been argued at 23.1, 52.1, or 92.1, is accurate or misleading. The power of such statements to shape the audience-response – perhaps in a misleading manner – would therefore have been substantial. Even if the extant text was composed *post factum*, Cicero’s usual method of composing speeches will have taken into account the way a first-time audience responds to what is presented to them; and his habits of doing so are likely to have been reflected even in an invented ‘speech’ such as *Philippic 2*. In ancient rhetorical theory, Quintilian’s discussion of *propositio* and *partitio* (4.4-5) is probably the closest thing to an analysis of comments that signal the progress of the argument in the way; building on a belief that these are not *partes orationis* themselves (3.9.2), he notices that any explicit statement of the argument being presented can be a *propositio*. In Fotheringham 2004 I discussed the overlap between the *propositio* of ancient rhetorical theory and the Discourse Analysis topic-sentence, arguing that the topic-sentence is more a useful concept in the analysis of structure because it encompasses a broader range of phenomena. I therefore turn now from rhetorical theory to consider this modern concept.

2.3. 'Topic' and the topic-sentence

The 'topics' or 'commonplaces' of ancient rhetorical theory (τόποι in Greek, *loci communes* in Latin), analysed in the *Topics* of Aristotle and the late work of the same name by Cicero himself, will not be a prominent feature of this work; I therefore use the English term 'topic' in another way. In modern text linguistics the term 'topic' is used both in analysing individual sentences (where 'topic' and 'comment' are sometimes, but not always, the equivalent of the 'subject' and 'predicate' of traditional grammatical analysis), and in analysing whole texts. A classic introduction to Discourse Analysis, still being referred to at least twenty years later (Brown and Yule 1983), uses the label 'sentential topic' and 'discourse topic' to distinguish between these two, and discusses the relationship of the latter with such concepts as 'coherence' and 'relevance'. As I will not be attempting to get to grips with sentential topic, the word will be used throughout the current work to refer to discourse topic.

In this usage, 'topic' is roughly synonymous with 'content' or 'subject-matter', also referred to by linguists as 'about-ness'; this is a meaning which the word which can also have in everyday conversation. It is more useful than any of these synonyms; 'content' is too broad; 'subject' has the disadvantage, in this work, of possible confusion with grammatical subject (which will be mentioned frequently); always adding '-matter' to 'subject' is clumsy; 'about-ness' is ugly. And none of these words is as versatile in terms of being able to be used to stand for the passage in which the particular content/subject-matter is being discussed: a text can be spoken of as a sequence of topics; here the word is effectively being used as shorthand for a longer phrase, such as 'passage dealing with a topic'. Another advantage of 'topic' is that it is easily compounded with other words, producing readily comprehensible terms such as 'topic-shift' and 'topic-sentence', which are useful in discussing the reasons for deciding on the boundaries of a particular passage when analysing structure. Topic-shift is simply change of topic, which can be managed in different ways, and can be made more or less noticeable. A topic-sentence is a sentence which makes it clear what the topic of a passage is; it need not be confined to the explicit announcement of what is about to be discussed (what Quintilian might have called a *propositio*), but can encompass sentences like 83.2, analysed below, where the fact of topic-shift is not made explicit and so may not be immediately apparent to an audience.

The topic-sentence is particularly discussed in the field of 'Composition' or 'College Rhetoric' (e.g., D'Angelo 1986), which explores *teaching* students to write discursive prose for university assignments: in this type of writing, it is important to make it clear what you are talking about and what point(s) you are trying to make about it, and explicit, accurate topic-sentences are one way to achieve this clarity. In a persuasive speech, however, which is likely to seek covert as well as open effects on its audience, we may expect that topic-sentences will not always be explicit, accurate, or even present. Where they are present, however (and they are plentiful in this speech), they are likely to have an impact on the audience's perception of the speech's structure, especially where either a) the new topic is clearly different from what comes before it, or b) the topic-sentence is particularly explicit about its function.

A good example of an explicit topic-sentence comes at the beginning of the second preliminary argument:

Sequitur illud quod a Milonis inimicis saepissime dicitur, caedem in qua P. Clodius occisus esset senatum iudicasse contra rem publicam esse factam. (12.1)

Note the explicit reference to progress through the speech (*sequitur*) and the use of *illud* to introduce an explanatory accusative-infinitive construction stating what the sentence identifies as the new topic: together, *sequitur illud* ... implies that the previous topic has now come to an end, and announces what ‘follows’ it. In contrast, there is no explicit reference to the topic-shift in the following sentence from the ‘Public-Good’ Argument:

Sed huius benefici gratiam, iudices, fortuna populi Romani et uestra felicitas et di immortales sibi deberi putant. (83.2)

The claim that this is a topic-sentence is based on the fact that it introduces a new idea relative to what precedes it; the word *gratiam* creates a thematic link with what has gone before, but the focus on divinity is entirely new. In this particular case the novelty is considerable, even startling: this is the first explicit claim in the speech that the gods are responsible for the death of Clodius. (There was an anticipation of the argument in 6.2, but that is so long ago now that it does not reduce the novelty of the statement.) It could be argued that the claim is sufficiently startling to demand explanation, and that therefore any listener, on hearing this sentence, would take it for granted that the new idea will be not quickly passed over but expanded, in other words that this sentence is introducing a new topic, rather than making an isolated reference to the gods. The subsequent discussion of divine intervention then confirms that this is the case; the sentence can therefore be labelled a topic-sentence, although one operating in a different way from 12.1. With sentences introducing less novel ideas, where the initial impact on the audience is likely to have been less, there can be more difficulty deciding whether or not the label should be applied.

Many of the sentences discussed by Wisse 2007 because they contain such echoes of rhetorical theory – e.g., 7.1, 23.2, 32.1, 32.2, 72.1, 92.1 – can be considered (explicit) topic-sentences. But such an echo is not a necessary component of a topic-sentence even in this speech; lacking such echoes, neither 12.1 nor 83.2 is discussed by Wisse, although they too play a role in conveying an impression that the speech is structured in a particular way. It is important to consider what other features may be present in topic-sentences, and a simplified version of the table-of-contents structure of the speech provides us with a set of sentences to consider (Table 2).¹⁷ In what follows, a few aspects of these sentences will

¹⁷ There are four passages in the speech which can be labelled ‘transitional’; it is hard to decide whether these should be counted with the passage which precedes, the passage that follows, or with neither. One of these (the address to Pompeius between the Self-Defence Argument and the Public-Good Argument) is long enough to be treated as a separate passage for the purposes of lexical analysis *etc.* (see §§ 4 and 5 below). The others (23, 30-31, 52) have been left out of such analyses so as not to prejudice the results by making a decision one way or another. In terms of the organization of the commentary and of tables like the above, they have been treated, where necessary, as belonging to the preceding group of passages. This treatment is not intended to convey any impression that, for example, 23.1-2 actually ‘belongs’ more with the third Preliminary Argument, or the Preliminary Arguments in general, than it does with the *narratio*.

Table 2: Topic-sentences in most important sub-divisions of the *Pro Milone*

Passage		Topic-sentence
Introductory material	1-23	no separate topic-sentence
<i>Exordium</i>	1-6	1.1?
Preliminary Arguments	7-23	7.1
First preliminary argument	7-11	7.2
Second preliminary argument	12-14	12.1
Third preliminary argument	15-22	15.1
Transition	23	
<i>Narratio</i>	24-31	23.2*
<i>Narratio</i> proper	24-29	24.1?
Transition	30-31	
Self-Defence Argument	32-71	32.1
Motive argument	32-35	32.2
Violence argument	36-43	36.1
Preparations argument	44-51	44.1?
Summary	52	
Skirmish argument	53-56	53.1
Interrogations argument	57-60	57.1
Aftermath argument	61-66	61.1
Address to Pompeius	67-71	67.1
Public-Good Argument	72-91	72.1
Great <i>Prosopopoiia</i>	72-75	(72.2)
Core of Public-Good Argument	76-83.1	(75.1)
Divine intervention argument	83.2-86	83.2
Recapitulation	87-91	no clear topic-sentence
<i>Peroratio</i>	92-105	92.1
<i>Peroratio</i> 1 (Milo's fortitude)	92-98	no separate topic-sentence
<i>Peroratio</i> 2 (Cicero's despair)	99-105	no clear topic-sentence

be discussed; interested readers can then examine the other examples (and what the Commentary says about them). Note that these are not the only topic-sentences in the speech, since some of the passages here identified can be further sub-divided, and some of the sub-topics have clear topic-sentences (see for example 34.1-3 and 36.1 in the motive argument).

One factor contributing to the exceptional clarity with which the structure of the *Pro Milone* is marked is the use of pairs of topic-sentences at 7.1-2 and 32.1-2, where the explicit introduction of a substantial element of the structure (the Preliminary Arguments as a whole; the Self-Defence Argument) is followed by the explicit introduction of the first sub-division of that element; 7.1-2 is more explicit than 32.1.-3. This technique is not used throughout the speech; for example it does not happen at the very beginning, *i.e.*, there is no clear indication at the very beginning that the *exordium* proper will be followed by further introductory material, in the shape of the 'Preliminary Arguments'; nor is there anything at the beginning of the *narratio* to indicate that there will be an elaborate transition at the end of it, nor at the beginning of the *peroratio* to indicate that this part of the speech will be as long as it is (and therefore worth sub-dividing?). There is also no such clarity at the beginning of the Public-

Good Argument, which – as already noted – has a less clearly marked structure than the Self-Defence Argument in general. 72.1 moves definitively away from the Self-Defence Argument and can be read as dropping a hint as to what is to come, in the form of a reference to how the audience feels about Clodius' death, but the hint is vague at best. 72.2 clearly introduces direct speech, but the length of the *prosopopoiia* of Milo which follows is unanticipated, and so it cannot be said that it is identified as the first of a number of subdivisions of the ill-defined new topic. 75.1 is only the first new sentence after 72.3, rather than an explicit identification of something new, or even a sudden introduction of something as new and startling as the divine-intervention theme at 83.2. This lack of explicitness is the reason why these two sentences have been placed in brackets in Table 2; each can be labelled a topic-sentence by default, as it were, but neither is likely to have had the impact on the audience that would have been had by the other sentences identified. 87.1 and 99.1 seem to me to have even less explicitness about them, but they could also have been included in the table in brackets.

Some of these topic-sentences contain a direct reference to the point that has been reached in the speech (*ante quam ad eam orationem uenio ...*, 7.1; *sequitur*, 12.1; *reliquum est*, 36.1; *nunc*, 53.1; *quid restat*, 92.1). This reference can be extremely bare (12.1), or it can be accompanied by comments on the purpose of the speech or of this part of it (*rem plane quae ueniat in iudicium uidere possitis* and so on, 7.1; *ita diluere crimen ut dilui*, 72.2; *orem obtesterque uos, iudices, ut eam misericordiam tribuatis*, 92.1). The use of 'technical' terms from rhetorical teaching fall into this category of comment, but do not exhaust it. These comments also appear without direct reference to progress through the speech of the *sequitur/nunc* kind (*dum breuiter expono, quaeso, diligenter attendite*, 23.2; *quonam pacto probari potest*, 32.1; *tot tam claris argumentis signisque*, 61.1); in others the speech itself fades from view, but there remains a focus on the trial-situation (*Clodianum crimen*, 67.1 and 72.1). References to either the speech or the trial-situation frequently incorporate first- or second-person pronouns, verbs, *etc.*, bringing the existence of the speaker or his audience into the foreground (portions of 7.1, 23.2, 72.2, 92.1 already quoted). Another type of reference to the trial-situation is reference to the opposition point of view, whether explicitly attributed to someone and expressed in indirect speech (7.1-2, 12.1) or simply presented in what I will call 'pseudo-quotations' (bare pseudo-quotations: 15.1, 57.1; combined with *reliquum est*: 36.1). (On pseudo-quotations see §5.1 below.)

All of the features listed so far could be subsumed under the heading of 'self-reference', a term that can cover a variety of phenomena since the 'self' in question can indicate the speaker (who can refer to himself), the speech (which can refer to itself), or even the context (seen as an aspect of the speech). The variety of these features (judicial and rhetorical terms, words like *sequitur* and *nunc*, first- and second-person references, use of direct and indirect speech) already shows up the eclectic nature of this category, which makes it difficult either to define or to measure. A further difficulty, especially in terms of vocabulary items, is the fact that some words can be used either self-referentially or otherwise: *nunc* can be used of the point in time which has been reached in the course of the speech's delivery, or it can be used more generally to refer the present time (*e.g.*, 59.1); *sequitur* can be used to describe the physical action of an individual or a sequence of events in the real world, rather than a sequence of arguments in the speech (*e.g.*, 96.2-97.0); the verb *iudicare* can be used of judgement performed outside a judicial context (*e.g.*, 15.1, 15.5; although it can be argued

that the use of the word here associates judicial and extra-judicial decisions). Attempts to measure the distribution of self-referential elements in text require the texts in question to be marked up for self-referential features before the quantitative analysis can be performed; see for example Ädel 2006¹⁸. The quantitative analysis of vocabulary in the current work was performed without such a prior mark-up (see further §3.1 below), and no systematic attempt has therefore been made to track the varying use of self-referential features. An attempt to measure first- and second-person reference in the text, as a specific and easily retrievable category, *has* been made. But the degree to which a reference to the speaker/addressee is also a reference to the structure of the speech can vary, and consequently this process is discussed separately (§5 below).

Just as self-referential features need not be present in every topic-sentence (*e.g.*, 83.2), so their presence is not sufficient evidence that the sentence in question *is* a topic-sentence. 83.2 lacks all of the features mentioned so far, and there are sentences which do have them but which are not topic-sentences. For example, the trial-situation is discussed at length in the *exordium* (and in a sense through most of the Preliminary Arguments as well), but it would not be appropriate to label every sentence in the *exordium* a topic-sentence – although an interesting parallel might be drawn between the introductory function of an explicit topic-sentence and that of the *exordium* itself. First- and second-person forms are far too frequent to be taken as *always* indicating a new topic or sub-topic. There are pseudo-quotations at 54.4 and 64.3 which are not topic-sentences.

Minor linguistic phenomena may also sometimes be associated with topic-sentences, although like self-referential features, they constitute neither a necessary nor a sufficient identifier. One is the use of sentence-opening adversatives, such as the *sed* in 83.2; this is the only thing that could be described as a formal indicator of topic-shift in that sentence – as opposed to the audience’s awareness of novelty, which emerges from content, not form. Other examples include 7.1, 44.1, 83.2, 92.1 (*sed*), and 15.1 (*at enim*). In the right circumstances, a sentence-opening adversative *can* create the feeling that what the thing it is setting in opposition to something else is a new topic, something different from what has gone before. It is worth noting, however, that there is a sense in which adversatives also constitute a link with what has gone before: a new thing cannot be set in opposition to an old unless there exists an old in the first place, and few texts open with the word ‘but’. There are other, more obvious methods of linking the topic-sentence to what precedes; in different ways, the words *quod* in 23.2, *igitur* in 32.1, *adhuc* in 52.1, *nondum* in 67.1, *de qua* in 72.2 all point backwards, as does the summary of the entire argument in 52.1. A topic-sentence need not be disconnected from the sentences preceding it: connections (including lexical ones) are one of the techniques used in text to make a sequence of topics seem interrelated.

Topic-sentences can be linked to what precedes through the repetition of elements from previous topic-sentences, rather than elements from the immediately preceding sentences. Two different kinds of repetition occur. In 12.1 *a Milonis inimicis* looks back to *ab inimicis* in 7.1; the verbal echo reinforces the fact that 12.1 is (explicitly) introducing a sub-section of what was (explicitly) introduced as a whole in 7.1 – with other sub-sections introduced by 7.2 and 15.1. What is being repeated is the topic-introducing feature itself. There is also

¹⁸ Ch.5, ‘The textual distribution of metadiscourse’, shows that self-reference of various kinds is used to mark beginnings and endings, of texts and of topics; the genre studied is student essays.

verbal repetition between 12.1 and 15.1, but it is a repetition of content rather than of explicit self-reference: *caedem in qua P. Clodius occisus esse; de caede ... in qua P. Clodius occisus esset*. This repetition suggests a thematic connection between the two arguments, but it also reinforces the impression that the senate's opinion of the *caedes* has been dealt with, and that therefore the (partly) new topic of the Pompeius' opinion is beginning. This is a form of ring composition, but one in which the completed ring is followed by a new one in an on-going chain; in this way repetition of elements from a previous topic-sentence can serve as indicators, in the next topic-sentence, that the first topic is finished. In the case of 12.1 and 15.1, the repeated words may also be a quotation from the senate's *decretum* and/or Pompeius' legislative proposals; this would make them operate also as reference to an aspect of the trial-situation, albeit only implicitly. There is similar repetition, also of a reference to the trial situation, in 67.1 and 72.1 (*Clodianum crimen*); the use of *utri* at 53.1, which echoes the repeated use of the clause *uter utri insidias fecerit* at important transitional points in the speech (23.1, 31.6), can perhaps also be seen as a use of repetition to evoke earlier topic-sentences and thus as contributing to an impression that this too is a topic-sentence.

The mention of ring composition raises the question of closure: it will be clearer that something new is starting, and therefore that the sentence introducing the new thing is a topic-sentence, if there has been a climactic finish to the old topic immediately beforehand. But what counts as climactic or closural enough to have this effect? No straightforward answer is to be expected; individual cases must be discussed on their own merits, and there is always the possibility of disagreement. There is also the possibility of misleading presentation by the author of the text, who may create a climax, and thus an expectation in the audience that a topic-shift is imminent, only to 'discover' that there is yet more to say about the old topic. It could be argued that textual elements are only ever certainly identifiably closural with hindsight, *i.e.*, if they are in fact followed by a cessation of the discourse, or (in the case of closure within the text) by topic-shift. The same point can be applied to the topic-sentences themselves: the status of even something as clear as 12.1 as a topic-sentence needs to be confirmed by the fact that the topic identified in it is actually discussed, and at some length (precisely what length cannot be defined) in what follows. There is a case of an apparent closure and identification of a new topic which is in fact followed by recapitulation of the old topic and postponement of the new at 45.6-46.4.

It is worth looking more closely at something which may not be a topic-sentence, although it has at least one of the features listed above. The following sentence from the second preliminary argument attributes an opinion to the tribune of the plebs, Munatius Plancus:

Declarant huius ambusti tribuni plebis illae intermortuae contiones quibus cotidie meam potentiam inuidiose criminabatur, cum diceret senatum non quod sentiret sed quod ego uellem decernere. (12.5)

Plancus' opinion concerns the attitude of the senate, which was identified as the topic at 12.1; the new aspect here introduced is the claim that the senate's *decreta* are excessively influenced by Cicero. This could be considered a sub-topic. There was a focus on the opposition viewpoint in 12.1 itself, but 12.2-4 have been presenting Cicero's response to that viewpoint. Cicero's response to 12.5 is expressed in 12.6, after which another new aspect of the senate's opinion is introduced in 13.1. I would expect all readers to see 12.1 as a topic-

sentence, with some perhaps doubting whether the label should be applied to 83.2, and considerably more dispute about this sentence: it is at best a minor topic-sentence compared to 12.1 and 15.1, and some might wish to deny it the label altogether. The shift in topic here is not felt to be as substantial; there is even a strong syntactic connection with the preceding sentence, in that the object of *declarant* must be supplied from 12.4. The sentence comes only shortly after 12.1, and the sub-topic it introduces is only discussed briefly.

Similar points can be made about the following sentence, which introduces into the Self-Defence Argument the claim (anticipated in the *narratio*, 27.1) that the timing of Clodius' journey was suspicious:

At quo die? quo, ut ante dixi, fuit insanissima contio ab ipsius mercenario tribuno plebis concitata, quem diem ille, quam contionem, quos clamores, nisi ad cogitatum facinus approperearet, numquam reliquisset. (45.4)

Unlike 83.2, which whets the appetite for more, and 12.5, which expects a response, this sentence itself explains all that is needed to understand the point being made. It is closely connected to what comes before, since *quo die* picks up *illo ipso quo est profectus die* in 45.3; this, however, can be compared to the use of *gratiam* in 83.2, which picks up on repeated occurrences of *(in)gratus* in 81.2-83.1. The repetition of *dies* is indicative of the fact that the new topic or sub-topic is a new aspect of 'time', which has been foregrounded in the discussion since 44.3, only a few sentences before – although it is never explicitly presented as a label for the new topic, as motive is in 32.2 and violence in 36.1. The point being made here is summarized in the following sentence (*ne causa quidem itineris, etiam causa manendi*), along with another point made in 45.2-3, and then not mentioned again.

Four of the sentences listed in Table 2 have been marked with an asterisk or a question-mark. The opening of the speech presents a difficulty. Is 1.1 a topic-sentence? Part of the function of the topic-sentence is to identify a new topic, and one way of defining a new topic is to say that it must be different to what precedes it in the text; this does not apply at the beginning of a text. 1.1 does fulfil another function of the topic-sentence in that it gives some indication of what will follow. 1.1 does share features with what are certainly topic-sentences later in the speech, but so do other sentences which are not candidates for the status of topic-sentence. The possible oddity of 23.2 is that it comes outside the passage of which it is said to be the topic-sentence. This is possible because 23.1-2 is a transitional passage, which belong simultaneously to neither what precedes nor what follows, and to both. Consequently the status of 24.1 is also odd; it might perhaps be compared to 1.1 (see further the notes on the sentences in the Commentary). The reason that 44.1 is marked with a question-mark is because it makes a clear break with what precedes but does not identify the new topic at all; I would go further and claim that the topic of 44-51 is *never* explicitly identified. In a way, therefore, 44.1 does not fulfil the function of a topic-sentence. But what else can it be called?

A number of factors are coming into play in the decision as to whether a sentence counts as a topic-sentence: the nature and degree of the change in topic (is it really a new topic, or just a new aspect of the existing one?), the creation of a need or expectation for more on the same topic to follow (or lack thereof), the linguistic connection with what precedes (or lack thereof), the amount of text between the new topic or sub-topic and the introduction of the previous one, or the amount of time spent on the new topic or sub-topic itself (*cf.* the earlier

discussion of 83.2ff.). The most significant factor is probably the feeling that what is being talked about/argued now is different to what precedes. This is difficult to measure, although vocabulary-analysis makes some contribution. And measurement is not particularly helpful in the case of the other factors either: it is possible to measure the amount of text between (sub-)topic-sentences, but it would be impossible to define a precise amount of text before which a new topic could not be introduced.

Some attempt is made here to measure what can be measured, and to talk about the variations in relative terms, *e.g.*, by comparing the rapidity with which topic changes, and the degree to which the change is marked, in different portions of the speech. One possible measure of the correspondence between what is announced as the topic in the topic-sentence and the actual topic discussed in what follows is the number of words characteristic of the passage which appear in the topic-sentence, and this aspect will be discussed in the introduction to each passage (for these frequent words, see §4.2 below). But this quantitative analysis is only part of what is being undertaken here, and perhaps less important than the attempt to make explicit the segmentation decisions that have been made, to examine them and to discuss them; these discussions will involve appeal to the various factors listed above, and will therefore illustrate their interaction. The comments which paraphrase or describe the perlocutionary force of all the sentences in the speech (§3.2 below), not only those which might be described as topic-sentences, will also make a contribution to this discussion, by making it clearer how I am reading the relationship of each one to both what precedes and what follows it. Through these comments, the reader may be able to observe some differences between topic-sentences and sentences which are not topic-sentences.

One final point: the comments above on sequences of sentences dealing with the trial-situation or progress through the speech might suggest that when there is an explicit introduction to the topic, it must consist of a single sentence. This is not the case; there are a number of points in the *Pro Milone* where a topic is introduced in a more leisurely manner: 34.1-3, for example, and those places where a group of topics and the first topic in the group (or, if you like, a topic and one of its sub-topics) are introduced, such as 7.1-2 and 32.1-2. If 'topic-sentence' seems an inappropriate label for a sequence of sentences, 'topic-introduction' will do instead. Whether or not a sequence contains enough sentences for it to stop counting as a topic-introduction and to start counting as a topic will be a matter of opinion, influenced by factors including explicitness and relationships with other surrounding sentences; it is not a matter of counting sentences.

2.3.1. *Topic-sentences and existing structural analyses*

What does consideration of topic-sentences contribute to our understanding of a point in the speech where scholars have disagreed over how to divide up the text, *e.g.*, at 44-60? Donnelly 1934 (followed by MacKendrick 1972) calls this entire passage 'Circumstances before, against Clodius', with the following sub-divisions: 'Time' (44-46), 'Refutation' (47-49), 'Place' (50-53, with a 'Recapitulation' noted at 52), 'Equipment' (54-55), and 'Refutation' (56-60); all these passages are also broken down further into smaller constituent

components.¹⁹ Other analyses take 52 as a point of topic-shift or transitional passage, whether taken with what follows (Reid 1894), taken with what precedes (Boulanger 1949), or separated from both (Poynton 1902 and Clark 1895; the latter labels 52 a *frequentatio*, with what precedes labelled *tempus* ('§§45, 51') and what follows labelled *locus* ('§§53, 54').

Table 2 indicates two aspects of 44-60 which are worth consideration: the question-mark attached to 44.1, and the blank space corresponding to 52, which is here treated as separate from both what precedes it and what follows. I stated above that 44.1 makes the *fact* of topic-shift clear without *identifying* the new topic. In the sentences that follow, various aspects of timing are treated, and it is therefore unsurprising that scholars agree in using the label 'Time' or *tempus* for passages following this shift (44-46, 44-49, 54 and 51). The point of disagreement comes later, but can be seen as the result of an on-going lack of clear statements that such-and-such is the overarching topic of the current discussion; the topic must be deduced from the common factor in a variety of different but closely interrelated issues. A clear statement comes at 53.1, following a lengthy summary of all the arguments so far (going back to 32.2) in a single sentence at 52.1. The latter is not a topic-sentence because it does not identify what follows, but the opening principal clause at least has several elements associated with the topic-sentence, notably self-referentiality in terms of both the use of the first and second person and explicit discussion of the stage in the argument that has been reached.

The alternate sub-divisions of 44-60 vary in their attitude to the interrupting force of the claim and summary at 52.1, which, as suggested above (§2.2), might be taken by a first-time audience as a signal that the *tractatio* is coming to an end. Because each scholar's analysis is presented without reference to any others, the fact of disagreement does not emerge, but the fact of disagreement is significant here: the topic and its presentation are to some extent at odds, and this is an important clue to Cicero's strategy. The Donnelly-MacKendrick analysis downplays the interrupting force of 52.1, noting instead the continuity of topic before and after this long sentence ('place' can be seen as a focus of the discussion at 49.4ff., and perhaps also earlier, at 46.6, 47.2, 48.1, ...). This is an analysis of topic itself rather than of the way the topic is presented, of content rather than of signals. The other analyses place more emphasis on presentation in taking a greater account of 52.1, whose impact may be redefined – once it becomes clear that the *tractatio* has not come to an end – as creating a pause in the speech in order to highlight the particular argument about place which follows in 53.1-3. This argument, about the proximity of the skirmish to Clodius' villa, may have been one of the strongest in the defence armoury (as suggested above, §1.1). I have argued elsewhere (Fotheringham 2007a, 85) that the attention focused on this topic also tends to draw attention *away* from another, subsequent topic-shift at 57.1, which introduces what was probably one of the weaknesses in the defence-argument: Milo's refusal to allow his slaves to be interrogated.

¹⁹ MacKendrick simplifies slightly by merging the first 'Refutation' with 'Time', and changes some of labels.

Table 1.1: Structural analysis of 44-60

- 44-56 Arguments about the skirmish (corresponding to *narratio* 27-29)
 - 44-51 Arguments about preparations for the skirmish
 - 44.2-45.1 Clodius' prediction of Milo's death
 - 45.1-3, 46.2-3 Clodius' knowledge of Milo's movements
 - 45.4-5 inconvenience of Clodius' journey; necessity of Milo's journey
 - 46.1, 46.4-47.2 Milo's lack of knowledge of Clodius' movements and plans
 - 47.3-5 Cicero's inability to plan an ambush on Clodius
 - 48.1-49.4 implausibility of the prosecution account of Clodius' actions (inc. timing)
 - 49.4-51.3 implausibility of the prosecution theory of Milo's actions (inc. timing and location; mentions the possibility that Milo knew about some of Clodius' movements)
 - 52 Summary of the arguments so far
 - 53-56 Arguments about the actual skirmish
 - 53.1-3 location of the skirmish suggests that Clodius was the ambusher
 - 53.4-54.3, 55.1-3 relative situations of the two men suggest that Clodius was the ambusher
 - 54.3-5 implausibility of the prosecution account of Clodius' actions (inc. timing)
 - 55.4-56.3 reasons why Clodius' death does not mean that Milo was the aggressor
- 57-66 Arguments about the period after the skirmish
 - 57-60 Arguments about the interrogation of slaves

A thorough analysis of the text's structure needs to note both the actual topics and the way they are presented, and to consider, when necessary, the possible reasons for their being at odds. My own structural analysis of 44-60 (reprinted here) attempts to acknowledge the interrupting force of the claim and summary at 52 and the continuity in terms of topic between the preceding and following passages, first by grouping 44-56 together as 'Arguments about the skirmish', then by further analysing 44-51 and 53-56 and presenting detailed summaries of the sub-divisions which highlight aspects of continuity. The strong links which create unity across 32-66 as a whole are indicated by the close relationship between 'Arguments about actions before the skirmish', 'Arguments about the skirmish itself', and 'Arguments about the period after the skirmish'. For further justification of my analysis of 44-56, see 44-51n. and 53-56n.

3. *Style*

3.1. *General principles*

An argument about the relationship between style and meaning requires thorough and systematic analysis of the distribution of stylistic features within this individual speech, the results of which can be presented as facts (within the limits of the security of the text); on these results are built interpretations with which the reader may either agree or disagree. The

principle that quantitative analysis of stylistic features in a single text can provide data which are relevant to interpretation was outlined in §1.3 above; more detailed discussion is best served by an illustrative example. The example given is not syntactic: it involves a figure of speech (anaphoric repetition²⁰) which expands the length of a sentence and therefore can be considered a form of amplification. The reader may ultimately decide that this example is not particularly meaningful or purposeful; it has been chosen to illustrate the difficulties of this kind of stylistic analysis as much as the possibilities. It will be followed by a discussion of syntactic features, which *will* be frequently discussed in the Commentary.

There are only two points in the speech where there is a series of six prepositional phrases with anaphora of a single preposition, the first in a summary of the people affected by Clodius' crimes, the second in a list of traditional funeral features of which Clodius was deprived:

... etsi aequabiliter in rem publicam, *in* priuatos, *in* longinquos, *in* propinquos, *in* alienos, *in* suos inruebat (76.1).

... ut *sine* imaginibus, *sine* cantu atque ludis, *sine* exsequiis, *sine* lamentis, *sine* laudationibus, *sine* funere ... ambureretur abiectus (86.2).

The next longest anaphoric sequence of the same preposition in the speech involves four occurrences of *de* at 3.2; there is only one of these. The two sequences of six could therefore be described as standing out in terms of what is 'typical' in the speech. What effect, if any, might this have on the audience's understanding of these passages? Is it significant that they are relatively close together? that they both occur in the Public-Good Argument? that they both deal with aspects of Clodius' destructive nature, in life and death? It is also worth asking whether drawing attention to their similarities obscures important differences between them. What is hidden in the ellipse in the middle of the quotation from 86.2?

Using the terms of Pierce's semiotic system, an indexical interpretation of an anaphoric sequence like this, as drawing attention or 'pointing' to its content, is likely to be less controversial than an iconic interpretation claiming that the language being used has the same relationship with its content as an image or 'icon' has with the object it represents. To say that an expression is striking, that its function is to draw attention or create emphasis, here by multiplying the number of expressions used in discussing a particular topic, is an indexical interpretation, and one likely to be widely accepted. It would be more controversial – although not beyond the bounds of possibility – to argue, for example, that at 86.2 Clodius' funeral is iconically represented by the repetitiveness of the anaphora or by the theme of 'absence' emerging from six sequential uses of the word meaning 'without'. Iconic interpretations must be handled with care, avoiding both over-generalizations and the assumption that a personal reaction to a particular linguistic phenomenon will automatically be accepted by other readers (*s*-sounds are not *always* 'sinister', dactyls are not *always* 'rushed').

But the less controversial, indexical form of interpretation is not without its problems. Once the attention-drawing function of an expression is accepted, it still remains to decide

²⁰ 'Anaphora' is used throughout in the rhetorical sense, to mean repetition of an element at the beginning of a sequence of phrases, and not in the discourse sense, to mean any backward-referring element of language (opposed to 'cataphora', which is used of forward-referring elements).

what attention is being drawn to (is it merely the content of the expression, or is it something else? for example, does the second of the two comparable expressions point back to the first?), why attention is being drawn (to emphasize, to distract from something else, perhaps just to enliven?), and – crucially for the commentator deciding what to comment on – whether the fact is worth noticing. If the effect is merely to be described as ‘emphasis’, this is a very broad category of effect, achievable by a wide variety of stylistic means. It may be safe to claim that the sextuple anaphora is more striking than the quadruple, but the difference is one of degree rather than kind. Double prepositional phrases such as *in foro et in iudicio* (1.2) and *nec in facinore nec in libidine* (73.6) have the same function, if to a lesser degree;²¹ where is the ‘comment-worthy’ line to be drawn? The relative degree of emphasis is even more difficult to establish when comparing this anaphora with another figure of speech. Even if it could be safely ‘measured’ (and linguistic phenomena are generally too complex to be measured easily – see next section), is much added to the commentary-user’s experience by seeing the phrase ‘slightly/fairly/very/extremely emphatic’ appearing over and over again?

Should comment instead be restricted to cases where an interpretation other than ‘emphasis’ is being put forward? Can it be claimed that the theme of Clodius’ destructive nature attracts the most striking figures of speech? or that the frequency of such figures is greater in the Public-Good Argument than in the Self-Defence Argument? or that there is a link of some kind between §76 and §86? None of these suggestions is likely to be accepted without more evidence being provided; two examples do not make a case, and any interpretation of them must be supported with reference to the workings of the text as a whole. The question of whether there is a link between the two examples – and indeed what is meant by ‘link’ – is particularly problematic. The idea that the audience were counting prepositions, consciously noticing the second sextuple anaphora and ‘thinking back’ to the first, will not convince many, whatever might be said about individual audience-members being highly trained in the construction and reception of rhetorical discourse. Quantitative analysis of anaphora elsewhere in the speech provides an alternative way of looking at the matter: not only are these the only two such lists of six prepositions, but there are no lists of five and only one list of four. The relative rarity of this form of expression, in the context of *this* speech, together with the proximity of the two expressions and the similarity of their subject-matter, may be enough to convince some readers that the possibility of a link can be taken seriously without having to imagine the audience counting prepositions, or even being conscious of the effect. The case would be supported by (*e.g.*) providing some obvious gain for the persuasive purpose of the speech, or demonstrating that the passages have other points in common.

Another example worth considering is the combinations of two uses of *in* with three uses of *ab* at 7.1, which introduces the first argument of the speech after the end of the *exordium*, and of three uses of *cum* with two uses of *ad* at 91.3, towards the very end of the *tractatio*.

... uidentur ea mihi esse refutanda quae et *in* senatu *ab* inimicis saepe iactata sunt et *in* contione *ab* improbis et paulo ante *ab* accusatoribus, ... (7.1).

²¹ The speaker is emphasizing the peaceful setting in which armed soldiers are, unusually, to be found (1.2), and the breadth of Clodius’ criminal tastes (73.6).

Nisi uero sustinuistis eos qui *cum* facibus *ad* curiam concurrerunt, *cum* fascibus *ad* Castoris, *cum* gladiis toto foro uolitaerunt (91.3)?

These are the only two points in the speech where an anaphoric sequences involves two prepositions in this way, and the patterning corresponds precisely;²² in both places the bad behaviour of the opposition is the subject-matter. Admittedly there has been a shift in focus from the opposition's cunning talk at 7.1 to their fatal actions at 91.3; this might be seen as part of a general trend towards escalation over the course of the speech. Can the similarity in expression and subject-matter between these two passages, along with their positioning relative to the argumentation as a whole, be seen as an element of 'ring composition', which takes its place alongside many other markers to create an impression that the argumentation of the speech as a whole is at last coming to an end? The suggested interpretation invokes the content of the two passages in order to establish the possibility of the link, rather than being an iconic interpretation which argues that form *reflects* content; it is an indexical interpretation, and what the interpretation suggests the combination of shared form with similar content *points to* is an aspect of structure. Note also that the presence of other markers reduces the importance of deciding whether any single shared feature is sufficiently remarkable for the audience to notice the link. Rather than making the identification of a link dependent on demonstrating that it would make the audience consciously think back to an earlier point (a demonstration all but impossible), it may be better to define a link as any contribution, whether noticed or not, to the overall cohesion/coherence of the speech (see, briefly, §1.3 above). This leads back to the problem of deciding when to comment, for there are likely to be many possible links connecting different passages in the speech, and how are the most significant or interesting to be identified?

The difficulty of answering these questions satisfactorily may have contributed to the lack of systematic treatment of stylistic features in commentaries (and elsewhere). Other possible explanations include the belief that such features are simply decorative, or that 'emphasis' is something readers should be noticing and interpreting on their own. The content of commentaries is driven by the interests of the commentator, and the existing late nineteenth-century commentaries on the *Pro Milone* show little interest in style *qua* style, in comparison with establishing the text and contributing to debates on the correct interpretation of particular unusual expressions. It is from these perspectives that many of the late nineteenth-century commentators on the *Pro Milone* note the rarity of an expression, not within the individual text but rather within Latin or late Republican or Ciceronian literature as a whole. For example, Reid (1894) does not comment on either case of sextuple prepositional anaphora, only on the meaning of one of the words in the list at 76.1, and on historical aspects of the funeral at 86.2. He does, however, comment on the doublet *in uim et in tela* at 10.3:

generally the preposition is not repeated after a copulative conjunction, unless the two words connected by the conjunction are very distinct in meaning. But no hard and fast rule can be laid down, especially as the writers of the MSS have confused the matter by capriciously inserting and omitting the smaller prepositions. *Cf.* ...

²² Something slightly different is happening at 76.2, where two prepositional phrases with *in* are compared first with one another, then with another anaphoric doublet with *ab*.

It is clear from this comment that his interests lie not in the possibility that Cicero has made a stylistic choice here, consciously or otherwise, but in other things: the establishment of prescriptive rules for Latin prose; and the transmission of the text.

A commentator interested in style might want to point out that the doublet at 10.3 is not just a doublet, but only part of the more elaborate sequence *si ... in aliquas insidias, si in uim et in tela aut latronum aut inimicorum*. There is a sequence of three anaphoric prepositional phrases here, but it is not a ‘three’ but a ‘one-plus-two’, and it is combined with two further double anaphoras of conjunctions, one subordinating (*si*) and one coordinating (*aut*); yet more detail could be added to the description. This may make it seem inappropriate to link 10.3 to the more simple ‘three’ *a corpore, a capite, a uita sua propulsarent* at 30.4; nevertheless, like the ‘sixes’ and the ‘three-plus-twos’ discussed above, these ‘threes’ share a subject-matter, in this case self-defence. The problem of differences lurking behind apparent similarities recalls the ellipse in the quotation of 86.2 above, which contains two participial phrases further highlighting the bizarre nature of Clodius’ ‘funeral’ – one of which (*spoliatus ... celebritate*) might have been expressed by a seventh *sine*. This observation could be seen as either destroying the similarity with 76.1, because the passage at 86.2 is more complex, or as reinforcing it, because by changing construction and not using a seventh *sine*, the speaker has kept the number of prepositions at six, as at 76.1. Rather than claiming that Cicero was consciously counting prepositions, it can be argued that he may have done this kind of thing by instinct.

It may be more important to note again the difficulty of measuring linguistic phenomena, if a pair turns out not to be just a pair (but not a straightforward ‘three’ either), and a ‘six’ not just a ‘six’, and if pairs can be combined with ‘threes’ in more elaborate structures as at 7.1 and 91.3. There are other forms of anaphora in the speech, and other pairs and lists which do not involve anaphora, and any number of other figures of speech which can be seen as drawing attention to the passages where they occur and the topics they refer to, and they can all be combined in a way which makes *description* complicated before the problem of *interpretation* is even considered. Having established a few important principles and issues surrounding the question of interpreting stylistic features, let us move on to an aspect of style which may seem more obviously connected with meaning than anaphora, and consider what might be said about it.

3.2. *Syntax and complexity*

Cicero is renowned for his sentence-building, and particularly for long, complex sentences. Can we apply either an indexical or an iconic interpretation to his use of complexity? The opening sentence of the speech is fifty-six words long, taking up six-and-a-half lines in the *Oxford Classical text*, and containing eight subordinate clauses (counting accusative-infinitive constructions as subordinate clauses). The principal clause is postponed until over halfway through the sentence, beginning with the word *tamen* (the 38th word), after no fewer than six subordinate clauses. Some of the subordinate clauses are not directly dependent on the principal clause, but on other subordinate clauses; at one point, four levels

of subordination are reached.²³ Most of the clauses follow one after another, each ending before the next one begins, but at one point a subordinate clause is embedded completely within the clause on which it depends (*quocumque inciderunt*). Each of the two accusative-infinitive constructions also contains an additional infinitive (prolative, *dicere* completing the sense of *incipientem* and *adferre* the sense of *posse*), which may make it difficult to work out how the words fit together – at least for a modern reader at first glance (see 1.1n.).

Etsi uereor, iudices, ne turpe sit pro fortissimo uiro dicere incipientem timere, minimeque deceat, cum T. Annii ipse magis de rei publicae salute quam de sua perturbetur, me ad eius causam parem animi magnitudinem adferre non posse, tamen haec noui iudici noua forma terret oculos, qui, quocumque inciderunt, ueterem consuetudinem fori et pristinum morem iudiciorum requirunt (1.1).

In short, the sentence is far from simple, and for this reason might be considered typically Ciceronian. But he is remembered for his extremes of style, not for the syntax he uses most commonly; many of the characteristics of this sentence, as described above, place it in a very small minority of the sentences in this speech. The reasons for making this claim will be discussed shortly; if it is true, what does it mean that the syntax of this sentence is in various ways un-typical within the *Pro Milone*? (Whether it is equally un-typical in terms of Cicero's work as a whole has not been tested; there is, however, no *prima facie* reason to assume that the *Pro Milone* is remarkable in this regard.) Does the sentence require more concentration from the audience, in order to be understood? Is attention drawn to it by its syntactic complexity (an indexical interpretation)? Can that complexity be said to be related in any way to its content (an iconic interpretation)?

The first question is difficult if not impossible to answer, at least with reference to Cicero's contemporary hearers, native speakers of Latin. But a relationship can be posited between the difficulties faced by modern readers and the ancient response; even a native speaker of a language is likely to react differently to simple and to complex expression. And the factors which create such difficulties are forms of expression which may stand out from those 'easier' expressions which surround them. The difficulty or complexity of an individual sentence, however, like the level of emphasis present in an individual expression, is not easily measured, because there are so many possible factors contributing to it. No attempt will be made here to identify the most complex sentence in the speech, although it is possible to identify the longest, the one with the most subordinate clauses, the one with the smallest average number of words per clause, and other such characteristics. But a long sentence with no subordination is not complex (at least not syntactically), and a sentence containing a long sequence of subordinate clauses is not difficult to understand if the clauses follow one after another in a straightforward fashion.

Starting with the indexical interpretation of such features of syntax, there are at least two possible mechanisms by which attention might be seen as being drawn: complexity may be attention-drawing *per se*, or its importance may be in its relative rarity, in the claim that this sentence is, at least within the context of this speech, unusual. A sequence of more than a

²³ Levels of subordination (on top of P = principal clause): 4 *cum ... perturbetur*, concessive clause, qualifying: 3 *me ... non posse*, acc.-infin., subject of: 2 *minimeque deceat*, noun-clause, object of: 1: *etsi uereor*, concessive clause, qualifying: P: *tamen ... oculus*.

few principal clauses utterly unadorned by subordination, as at 20.5 or 87.2, is equally unusual, although far from complex. Whatever the mechanism by which attention is drawn, the question of what it is being drawn to remains – here, for example, the content of 1.1, or simply the fact that the speech has begun? (See 1.1n. for the existence of similarly complex opening sentences in other speeches.)

An iconic interpretation may seem more plausible in the case of syntactic features than anaphora, because of how much syntax contributes to meaning. The first clause of 1.1 (*etsi uereor*) introduces the idea of fear in a concessive clause which modifies the audience's understanding of that fear: *etsi* indicates that something else exists despite the fear, and the audience awaits an explanation of this 'something' as well as an explanation of what the speaker fears. (The object of fear is expressed in the further subordinate clauses which intervene between the opening clause and the principal clause expressing what else exists – which turns out also to be fear.) Both the concession (syntax) and the fear (content) are part of the meaning of the opening clause and indeed of the sentence as a whole. Given that the orator could have expressed the same content in coordinate principal clauses ('I fear to appear cowardly in the circumstances, but I cannot help it: I am afraid'), the decision to express it through a concessive clause, and to foreground that concessive clause by placing it at the front not only of the sentence but of the entire speech, may be supposed to be purposeful.

Can complexity itself be given an iconic interpretation? There are places in the *Pro Milone* where it makes sense to argue that the complexity of the syntax reinforces the fact or the impression that the subject-matter is complex. A possible such interpretation of 1.1 would be to link its relative complexity to the tricky game the orator is playing in the opening sentences of the speech, simultaneously admitting and denying fear. Three points about this interpretation need to be made. First, it does not necessarily eliminate other, indexical interpretations, such as 'the complexity of the sentence attracts the audience's attention at the start of the speech'; they can co-exist. Second, constructing an iconic interpretation for sentence 1.1 is not to be understood as implying a belief that complex syntax will *always* indicate either embarrassing subject-matter (such as the speaker's fear) or a particular way of handling of such subject-matter (the use of paradox). To argue that stylistic features can sometimes be interpreted iconically is not the same as to attempt to link particular stylistic features with particular kinds of content; that would be a dangerous over-generalization. Third, it is not necessarily being claimed that the audience's attention is explicitly drawn to what the orator is doing as an artistic achievement, or even that the orator would have described what he was doing in these terms. It is equally possible that the complex syntax and the paradoxical attitude, further developed in what follows, combine to create an impression of an orator with a difficult task to deal with; probably individual audience-members will have had different reactions.

Let us now consider the claim made earlier that sentence 1.1 is relatively un-typical in terms of its syntax, within the context of the *Pro Milone*. Sentences are difficult to count with certainty, because not everyone will agree where a sentence begins and ends; this is due to the possibility of grouping together more than one principal clause (with their subordinate dependents, if any) in what is known as a 'compound' sentence. The second sentence in the speech, as punctuated here (1.2-2.0), provides an example. Here an editor's individual stylistic preferences come into play as well as grammatical rules, and it

becomes possible to disagree.²⁴ Because of this, every principal clause which could (with its subordinate dependents) stand apart from its surroundings has been treated as a separate unit for the purposes of quantitative analysis, even if it has been punctuated in the text as belonging with another unit in a compound sentence. I will sometimes comment on my reasons for choosing such a punctuation, but I have not attempted a quantitative analysis of compound sentences in the speech, since by definition their existence is debatable.²⁵ The term ‘unit’ will be used in describing syntax; sentence 1.1 consists of a single unit, while sentence 1.3 contains three. The following figures contribute to the claim made above about 1.1:

- 56 words: just over half the units in the speech are only ten words or less in length, and just over 90% of them are thirty words or less; fewer than 3% are more than fifty words in length. (This contains 56.)
- 8 clauses: over 40% of the units in the speech contain only one clause, and just over 80% contain no more than three; fewer than 3% contain eight or more.
- Principal clause is sixth clause: in just over 80% of the units in the speech, the sentence opens with the principal clause (or part of it); in fewer than 3% of the units is the principal clause preceded by three or more subordinate clauses.
- 3 levels of subordination: almost 75% of the units in the speech have either no subordinate clauses or only one level of subordination; around 90% have no more than two levels of subordination, and 98% have no more than three.

In terms of number of words, number of clauses, degree of postponement of principal clause and levels of subordination, this unit is therefore in a very small minority of 3% or less, in the context of this speech. But this figure does not take into account the last two factors mentioned in the initial description of the unit above: the possibility of clauses being embedded inside one another; and the possibility of clauses containing potential red herrings (such as additional infinitives). Inasmuch as it contains only one clause entirely embedded inside another, and no pairs of clauses which are interlaced with one another, this unit is less unusual (around 25% of the units in the text contain this much or more embedding/interlacing) – and it could be argued that this factor is more significant than any of the others in establishing the level of complexity or difficulty reached by sentence 1.1.

This example illustrates the difficulties involved in measuring degrees of complexity in individual units/sentences through quantitative syntactic phenomena. Care must be taken to define precisely what is being counted (numbers of words, numbers of clauses, levels of subordination), and not to make excessive claims about what is demonstrated by the numbers. It has also been noted that simplicity may be as remarkable as complexity, in a particular context; furthermore, the importance of the context in determining the relevance of either simplicity or complexity means that the unremarkable needs to be

²⁴ Johnson 1971, 12 is cavalier on this issue.

²⁵ Even some decisions about what constitutes a ‘unit’ are potentially debatable. For units opening with *nisi*, *etsi* or *si* which could be treated as subordinate elements of the preceding unit, see e.g., 8.2n., 11.2n., 48.2n. For sequences opening with a connecting relative which have been treated as subordinate rather than as separate units, see e.g., 3.3n., 32.4n., 56.2n., 56.3n., 84.3n. For two or more principal clauses treated as belonging to the *same* unit, see 6.2n. on anticipatory *nec*.

examined as well as the remarkable. Rather than relying solely on tables to present the results of the quantitative analysis, I have chosen to present an analysis of the syntax of every sentence in the speech, both described in the abstract and considered as a vehicle for content, which will be conveyed by summary or by a description of what Austin, the founder of Speech Act Theory, might call the ‘perlocutionary force’ of each sentence, sometimes of individual clauses.²⁶ There are two significant advantages to this procedure. First, it compels a close attention to the way the orator expresses his material, which may reveal a range of parallels, variations, and connections that would otherwise go unnoticed. Second, it makes explicit how the commentator is reading each sentence in the text, and understanding its contribution to the argument of the speech as a whole.

In the interests of space, the syntax of the Introductory Material of the speech (1-23) will be described in the most detail. Readers wishing to get a better idea of how syntactic analysis is being used as an interpretive tool should therefore start by browsing the syntactic descriptions of these sections, after which they should be in a position to apply the methodology to later sentences. The descriptions are likely to be daunting at first, but if they are read in sequence, the methodology should gradually become more familiar and helpful, and should result in a deeper understanding and appreciation of Cicero’s use of syntax. Consider how many different ways in which the orator can express a cause-effect relationship: by expressing the cause in a causal clause, perhaps in a causal relative clause, or in a participial phrase (including but not limited to the ablative absolute), by expressing the effect in a consecutive clause, perhaps a consecutive relative clause, or simply by stating the cause and then the effect and allowing the audience to work out the relationship for themselves. This plethora of available options makes the decision to use a causal clause (or any of the other possibilities) a potentially purposeful one, even if the speaker is not consciously aware of the details of either decision or purpose. Indices of a range of phenomena are provided in order to allow readers to check the claims being made about the relative rarity of an expression or about its use in particular contexts in this speech, should they so desire.

3.2.1. *A note on ‘Periodicity’ and other terminology*

Scholars of Ciceronian sentence-structure will have noticed the absence from my discussion so far of a key term, ‘periodicity’. Some of the elements described here as contributing to the complexity of a sentence (*e.g.*, postponement of principal clause, embedding/interlacing of clauses) result in that sentence being ‘periodic’, characterized by suspension of syntax, *i.e.*, the postponement of an element needed to make sense of another element already introduced. For example, a subject (usually) requires a following verb, an adjective may require a noun, and a subordinating conjunction requires the remainder of its clause; the required element may be postponed by the interruption of another word, phrase, or clause. Such interruption will always increase the periodicity of a sentence, as will opening a sentence with a subordinate clause (as in 1.1), but periodicity can also be achieved within a clause, or within a simple sentence – the notorious positioning of the verb at the end of the

²⁶ The use of Speech Act Theory is widespread in discourse analysis and pragmatics: Brown and Yule 1983, 231-34; Levinson 1983, 226-83.

Latin clause, common although far from universal, is one method of achieving periodicity; it postpones until the last possible moment the answer to the question: what is it that the already-mentioned subject is doing/that is being done to the already-mentioned object? As Gotoff 1979 has shown, the routes to achieving periodicity are many and varied; consequently the phenomenon, like complexity, is impossible to measure in any straightforward way. In the syntactic analyses of individual sentences in this Commentary, more comments will be found on periodicity that results from the interaction of clauses than from such phenomena as the postponement of the verb.

By using the word ‘complexity’ more often than ‘periodicity’, I hope to focus attention on the possible effects of syntactic suspension on an audience. Complex sentence-structure is not, or not merely, a way for a speaker to show off his mastery of language, a stylistic *tour de force*, but rather an aspect of his communication and persuasion. It may draw attention or it may be used for some other purpose: to confuse, to cover up logical flaws, or to reflect aspects of the subject-matter. My descriptions of sentences will include observations on how the structure makes the audience wait for something (periodicity) – sometimes for something specific and expected, sometimes for something unknown – on how it raises expectations, whether it then fulfills or thwarts them, on how it sometimes leaves them uncertain what is going on, or what to expect at all. The suspense/uncertainty may only last for the space of a couple of words; it is small-scale effects which are being investigated here. The underlying assumption is that, since the same meaning could almost always have been expressed without even this brief suspense/uncertainty, the fact that it is present is a result of a choice by the speaker (whether conscious or otherwise), and therefore potentially has a purpose.

Clauses can precede or follow one another as intact entities, or one can interrupt/be ‘embedded’ inside another – when both the interrupting and the surrounding clause are principal clauses, the former is said to be ‘in parenthesis’ – or the interrupting clause can itself be interrupted by a resumption of the interrupted clause, in which case the two clauses can be described as ‘interlaced’. Where a sentence or unit contains more than two clauses, these options are multiplied. A subordinate clause may have a further subordinate clause dependent on it, in other words it can also be a ‘superordinate’ clause, and the unit which contains it has at least two levels of subordination. This second level of subordination can precede, follow, interrupt, or be interlaced with its superordinate, which itself can precede, follow, interrupt, or be interlaced with *its* superordinate, the principal clause. The term ‘clause-complex’ will be used to designate a group of such interconnected clauses (one superordinate accompanied by one or more subordinates) when it is helpful to distinguish parts of the sentence in this way.

One complication affecting the categorization of the way clauses interact, most often at the beginning of sentences, should be mentioned here. An early example is 4.2:

Nam si umquam de bonis et fortibus uiris, si umquam de bene meritis ciuibus potestas uobis iudicandi fuit, ..., hoc profecto tempore eam potestatem omnem uos habetis ut ... (4.2)

The sentence opens with the particle *nam*, which might be analysed as belonging to the principal clause, thus indicating that the conditional clause-complex beginning with *si umquam* (and continuing in the ellipse) is embedded within the principal clause. Where

the particle is one that cannot come in clause-initial position, the result of a parallel analysis would be interlacing rather than embedding, as in the accusative-infinitive at the beginning of the second unit of 5.2:

...; in iudicio uero et in eo consilio, in quo ..., numquam existimaui spem ullam esse habituros Milonis inimicos ... (5.2)

In such cases I have treated the particle as belonging not with the principal clause but with the sentence as a whole, and therefore not as foreign to the unit-initial subordinate clause; the result is a higher number of units in which a subordinate precedes its superordinate, and a lower number of units containing embedding or interlacing. There is a substantially smaller number of units with interlacing than with embedding or subordinate preceding superordinate, even if the totals were to be recalculated on the different interpretation (a procedure which the information in the Sentence-Types Index makes possible for any who wish to try it); this fact might be taken as supporting the decision which led to a reduction in the number of units with interlacing counted, but the decision was taken on the basis of a feeling that *uero* and its ilk do not really 'interrupt' the subordinate clause in sentences like 5.2. In addition to these 'sentence-particles', 'sentence-conjunctions' (*sed, at, etc.*) and even 'sentence-adverbs' have been identified; the 'connecting relative' may be seen as belonging in this category; there is also the question of initial elements which are shared by both subordinate and principal clauses (*e.g., ego cum...*, 94.2 and 94.3, where a comma could but does not need to be placed after *ego*). All of these units are identified in Sentence-Types Index 4.3.2-5.

Where each clause is completed before the next one begins, *i.e.*, where there is no interruption of one clause by another leading to either embedding or interlacing, the style may be described as 'straightforward' rather than periodic; Aristotle spoke of the *lexis eiromenē* (*Rhetoric* 1409a29), comparing the effect to that of beads strung on a string. The two styles can be combined: in the opening sentence of the speech the fact that the opening clause is a subordinate one creates periodicity, for the audience must wait for the main clause which remains true despite Cicero's fear (*etsi uereor*); as I have already pointed out, however, the further subordinate clauses dependent on *etsi uereor* follow one another in a fairly straightforward sequence. There is perhaps another case of subordinate preceding superordinate, if *cum T. Annius ... perturbetur* is taken as dependent on *me ... non posse* rather than both being immediately dependent on *minimeque deceat*. There are many units where the relationship of the subordinate clauses could be analysed in more than one way, and this sometimes leads to uncertainty over the number of levels of subordination reached; see *e.g.*, 70.1, 74.7-75.0.

Another distinction is worth pointing out. In the case of the first three clauses (*etsi uereor; ne turpe sit; pro fortissimo uiro ... timere*), the second and third are necessary to complete the sense of the preceding (see note on sentence); after *timere*, the sense is complete and the principal clause could follow. Instead a parallel clause to *etsi uereor* is added (*minimeque deceat*), with its own dependent clauses, extending the suspense/periodicity. It too requires something – a subject – which follows in an accusative-infinitive construction; the *cum*-clause which comes in between, on the other hand, adds useful additional context but is not required to complete the syntax. It increases the periodicity not because it is dependent on the clause it precedes, but because it intervenes between

minimeque deceat and what is required to complete the sense of those words. (I will not use the word ‘embedded’ in this situation, reserving that term for clauses which are completely enclosed by a *single* different clause.) Once the principal clause is reached (*tamen*), periodicity on a more minor scale is maintained by the lengthening of the subject and the postponement of the object; the period started with *etsi* finally comes to a close with the word *oculos*. But this is not yet the end of the sentence, although it could have been; once again another clause is added where it is not syntactically required. Periodicity/suspension is reintroduced when that clause is immediately interrupted by another one: *qui, quocumque inciderunt, ...* But taken together as a whole, these two clauses are added to what precedes in a manner which has more in common with the addition of a coordinate principal clause than with the way *ne turpe sit* follows *etsi uereor*. I will call this way of extending the sentence ‘additive’, borrowing a term which is opposed to ‘necessary’ when discussing enjambment in the study of the interaction between metre and word-order in verse.

The metaphor of ‘beads on a string’ is not necessarily helpful here; there are too many different ways in which the relationship between the clauses can vary. The effects of the different choices will vary depending on the context, but it seems reasonable to suggest that the additive style can create an impression that the speaker is in an ‘expansive’ mode, adding points as they occur to him, not because they are necessary. This is especially true where, as in 1.1, the additive material does not provide much new information, but essentially paraphrases what has already been said. This approach may be either combined with or separated from the periodic, it can be used in short or long sentences. We would expect that these factors and their combination should be varied throughout a text, because continuous repetition of the same structure would be monotonous. Where a stretch of text is not marked by variation but by consistency, the style may be being used to mark the passage as stylistically different from another; recurring patterns which are more widely separated may contribute to echoes between two different parts of the speech.

3.3. Complexity and structure

Tables 3-7 show averages for various complexity factors across the different sub-divisions of the speech: length in words, number of clauses, levels of subordination, embeddings *etc.*, level of subordination of initial clause/position of principal clause. The averages appear in columns with a heavy border, with a variety of more detailed information in other columns. Individual sentences containing noteworthy complexity will be found in lists in the Sentence-Types Index, and the syntactic analysis following each sentence in the Commentary will provide further explanation of the decisions taken; for general principles, see the Introduction to the Syntactic Indices. What follows is a quick summary of variations in complexity across the speech as a whole, with some caveats about the process of interpreting the numbers; further details of variation within individual passages will be given in the sub-division introductions in the Commentary.

Table 3: Unit-length in words over the course of the speech

	A	B	C	D	E
a. <i>Exordium</i> (1-6)	22	577	26.2	83	5
b. Preliminary Argument 1 (7-11)	21	487	23.2	56	5
c. Preliminary Argument 2 (12-14)	23	354	15.4	44	2
d. Preliminary Argument 3 (15-22)	69	797	11.6	28	1
a'. o <i>Exordium</i> + Prelim. Args. (1-22)	135	2,215	16.4	83	1
a''. o <i>Exordium</i> + Prelim. Args. (1-23)	138	2,301	16.7	83	1
b'. o Preliminary Arguments (7-22)	113	1,638	14.5	56	1
b''. o Preliminary Arguments (7-23)	116	1,724	14.9	56	1
e. <i>Narratio</i> (24-29)	31	549	17.7	94	2
e'. o <i>Narratio</i> (23-29)	34	635	18.7	94	2
e''. o <i>Narratio</i> (23-31)	54	881	16.3	94	2
f. Motive (32-35)	50	591	11.8	73	1
g. Violence (36-43)	44	762	17.3	90	1
h. Preparations (44-51)	63	651	10.3	32	1
h'. o Preparations + 52 (44-52)	64	764	11.9	32	1
i. Skirmish (53-56)	34	402	11.8	41	1
i'. o Skirmish + 52 (52-56)	35	515	14.7	41	1
j. Interrogations (57-60)	43	347	8.1	25	1
k. Aftermath (61-66)	47	609	13.0	65	1
l. Address to Pompeius (67-71)	17	474	27.9	90	1
f'. o Self-Defence (32-66, exc. 52)	281	3,362	12.0	90	1
f''. o Self-Defence (32-66, inc. 52)	282	3,475	12.3	113	1
l'. o Self-Defence (32-71, exc. 52)	298	3,836	12.9	90	1
l''. o Self-Defence (32-71, inc. 52)	299	3,949	13.2	113	1
m. <i>Great prosopopoiia</i> (72-75)	7	399	57.0	322	4
n. Public-Good (76-83.1)	62	842	13.6	39	1
o. Divine intervention (83.2-86)	19	421	22.2	55	1
p. Recapitulation (87-91)	46	472	10.3	45	1
m'. o Public-Good (72-91, inc. <i>prosop.</i>)	134	2,134	15.9	322	1
n'. o Public-Good (72-91, exc. <i>prosop.</i>)	130	1,778	13.7	55	1
m''. o Public-Good (67-91, inc. <i>prosop.</i>)	151	2,608	17.3	322	1
n''. o Public-Good (67-91, exc. <i>prosop.</i>)	147	2,252	15.3	90	1
q. Milo's fortitude (92-98)	47	663	14.1	99	1
r. Cicero's despair (99-105)	70	673	9.6	36	1
q'. o <i>Peroratio</i> (92-105)	117	1,336	11.4	99	1
s. <i>Speech</i>	739	10515	14.2	322	1
t. Transition 1 (23)	3	86	28.7	71	1
u. Transition 2 (30-31)	20	246	12.3	53	2
v. Summary (52)	1	113			
w. <i>Prosopopoiia</i> (72.3-75)	4	356	89.0	322	4

More detailed information about unit-length in words will be found at Sentence-Types Index 4.2.1.

Key: A: Total number of units
 B: Total number of words
 C: Average number of words per unit
 D: Highest number of words in a unit
 E: Lowest number of words in a unit

Table 4: Number of clauses per unit over the course of the speech

		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	
a.	† <i>Exordium</i> (1-6)	22	5	6	3		4		1		3				80	3.64	9
b.	Preliminary Argument 1 (7-11)	21	6	1	1	4	2	5	1		1				83	3.95	9
c.	Preliminary Argument 2 (12-14)	23	8	6	4	2	2	1							56	2.43	6
d.	†Preliminary Argument 3 (15-22)	69	33	15	15	4	1				1				137	1.99	8
a'.	○ <i>Exordium</i> + Prelim. Args. (1-22)	135	52	28	23	10	9	6	2	1	4				356	2.64	10
a''.	○ <i>Exordium</i> + Prelim. Args. (1-23)	138	53	28	24	10	9	6	2	1	4		1	373	2.70	10	
b'.	○ Preliminary Arguments (7-22)	113	47	22	20	10	5	6	1	1	1			276	2.44	10	
b''.	○ Preliminary Arguments (7-23)	116	48	22	21	10	5	6	1	1	1		1	293	2.53	10	
e.	<i>Narratio</i> (24-29)	31	13	3	5	2	3	3			1		1	106	3.42	22	
e'.	○ <i>Narratio</i> (23-29)	34	14	3	6	2	3	3			1		2	123	3.62	22	
e''.	○ <i>Narratio</i> (23-31)	54	17	14	9	3	3	4	1	1	1		2	174	3.22	22	
f.	*Motive (32-35)	50	23	11	10	4			1				1	113	2.26	15	
g.	Violence (36-43)	44	16	11	6	5		5	1					113	2.57	7	
h.	†Preparations (44-51)	63	30	13	8	6	5	1						135	2.14	6	
h'.	○ Preparations + 52 (44-52)	64	30	13	8	6	5	1					1	161	2.52	26	
i.	Skirmish (53-56)	34	16	8	4	3	1	1	1					74	2.17	7	
i'.	○ Skirmish + 52 (52-56)	35	16	8	4	3	1	1	1				1	100	2.86	26	
j.	Interrogations (57-60)	43	25	9	4	4	1							76	1.77	5	
k.	Aftermath (61-66)	47	26	8	4	3	3	1				1	1	110	2.34	13	
l.	Address to Pompeius (67-71)	17	4	3	2	1			3	1	1	1	1	79	4.65	11	
f'.	○ Self-Defence (32-66, exc. 52)	281	136	60	36	25	10	8	3			1	2	621	2.21	15	
f''.	○ Self-Defence (32-66, inc. 52)	282	136	60	36	25	10	8	3			1	3	647	2.29	26	
l'.	○ Self-Defence (32-71, exc. 52)	298	140	63	38	26	10	8	6	1	1	2	3	700	2.35	15	
l''.	○ Self-Defence (32-71, inc. 52)	299	140	63	38	26	10	8	6	1	1	2	4	726	2.43	26	
m.	<i>Great prosopopoiia</i> (72-75)	7	2	1	3								1	55	7.86	42	
n.	*Public-Good (76-83.1)	62	21	16	11	7	3	2	2					155	2.50	7	
o.	Divine Intervention (83.2-86)	19	7	4	3		1		3	1				58	3.05	8	
p.	Recapitulation (87-91)	46	26	8	7	4		1						85	1.85	6	
m'.	○ Public-Good (72-91, inc. <i>prosop.</i>)	134	56	29	24	11	4	3	5	1			1	353	2.63	42	
n'.	○ Public-Good (72-91, exc. <i>prosop.</i>)	130	55	28	23	11	4	3	5	1				305	2.35	8	
m''.	○ Public-Good (67-91, inc. <i>prosop.</i>)	151	60	32	26	12	4	3	8	2	1	1	2	432	2.86	42	
n''.	○ Public-Good (67-91, exc. <i>prosop.</i>)	147	59	31	25	12	4	3	8	2	1	1	1	384	2.61	11	
q.	Milo's fortitude (92-98)	47	22	11	6	2		1	3	1			1	123	2.62	18	
r.	‡Cicero's despair (99-105)	70	33	20	10	4	2		1					136	1.94	7	
q'.	○ <i>Peroratio</i> (92-105)	117	55	31	16	6	2	1	4	1			1	259	2.21	18	
w.	<i>Speech</i>	739	320	165	110	56	28	22	18	4	6	2	8	1868	2.53	42	
t.	Transition 1 (23)	3	1		1								1	17	5.67	13	
u.	*Transition 2 (30-31)	20	3	11	3	1		1	1					51	2.55	7	
v.	Summary (52)	1											1	26	26.00	26	
w.	<i>Prosopopoiia</i> (72.3-75)	4	1	1	1								1	48	12.00	42	

Clauses containing five clauses or more are identified at Sentence-Types Index 4.2.2.

- Key: A: Total number of units
 B: Number of units containing 1 clause
 C: Number of units containing 2 clauses
 D: Number of units containing 3 clauses
 E: Number of units containing 4 clauses
 F: Number of units containing 5 clauses
 G: Number of units containing 6 clauses
 H: Number of units containing 7 clauses
 I: Number of units containing 8 clauses
 J: Number of units containing 9 clauses
 K: Number of units containing 10 clauses
 L: Number of units containing more than 10 clauses
 M: Total number of clauses
 N: Average number of clauses per unit
 O: Highest number of clauses in a unit

Units with two or no principal clauses (identified at Sentences-Types Index 4.2.5)

* marks passages with one unit containing two principal clauses.

† marks passages with two units containing two principal clauses.

‡ marks passages with two units containing two principal clauses and three units with no principal clauses.

Table 5: Levels of subordination over the course of the speech

		A	B	C	D	E	F	G	H	I
a.	<i>Exordium</i> (1-6)	22	5	6	7	3	1		4	1.50
b.	Preliminary Argument 1 (7-11)	21	6	1	6	6	2		4	1.86
c.	Preliminary Argument 2 (12-14)	23	8	9	3	2	1		4	1.09
d.	Preliminary Argument 3 (15-22)	69	33	22	11	2	1		4	0.78
a'. o	Exordium + Prelim. Args. (1-22)	135	52	38	27	13	5		4	1.12
a''. o	Exordium + Prelim. Args. (1-23)	138	53	38	28	13	6		4	1.14
b'. o	Preliminary Arguments (7-22)	113	47	32	20	9	5		4	1.05
b''. o	Preliminary Arguments (7-23)	116	48	32	20	10	5		4	1.05
e.	<i>Narratio</i> (24-29)	31	13	5	9	3	1		3	1.16
	o <i>Narratio</i> (23-29)	34	14	5	10	4	1		3	1.21
e'. o	<i>Narratio</i> (23-31)	54	18	12	12	6	1		3	1.07
f.	Motive (32-35)	50	24	16	6	2	2		4	0.84
g.	Violence (36-43)	44	16	15	7	6			3	1.07
h.	Preparations (44-51)	63	31	15	14	3			3	0.83
h'. o	Preparations + 52 (44-52)	64	31	15	14	4			3	0.86
i.	Skirmish (53-56)	34	16	10	7	1			3	0.79
i'. o	Skirmish + 52 (52-56)	35	16	10	7	2			3	0.86
j.	Interrogations (57-60)	43	25	13	4	1			3	0.56
k.	Aftermath (61-66)	47	26	9	9	3			3	0.77
l.	Address to Pompeius (67-71)	17	4	4	5	2	2		4	1.65
f'. o	Self-Defence (32-66, exc. 52)	281	138	78	47	16	2		4	0.81
f''. o	Self-Defence (32-66, inc. 52)	282	138	78	47	17	2		4	0.82
l'. o	Self-Defence (32-71, exc. 52)	298	142	82	52	18	4		4	0.86
l''. o	Self-Defence (32-71, inc. 52)	299	142	82	52	19	4		4	0.87
m.	<i>Great Prosopopoiia</i> (72-75)	7	2	1	3			1	5	1.71
n.	Public-Good (76-83.1)	62	21	22	11	7	1		4	1.11
o.	Divine Intervention (83.2-86)	19	7	4	6		2		4	1.26
p.	Recapitulation (87-91)	46	26	10	9	1			3	0.67

m.	o Public-Good (72-91, inc. <i>prosop.</i>)	134	56	37	29	8	3	1	5	1.01	
n.	o Public-Good (72-91, exc. <i>prosop.</i>)	130	55	36	28	8	3		4	0.98	
m'.	o Public-Good (67-91, inc. <i>prosop.</i>)	151	60	41	34	10	5	1	5	1.09	
n'.	o Public-Good (67-91, exc. <i>prosop.</i>)	147	59	40	34	10	5		4	1.07	
q.	Milo's fortitude (92-98)	47	22	16	6	2	1		4	0.81	
r.	Cicero's despair (99-105)	70	32	25	12	1			3	0.74	
q'.	o Peroratio (92-105)	117	54	41	18	3	1		4	0.77	
s.	<i>Speech</i>	739	322	215	137	50	14	1	5	0.95	
t.	Transition 1 (23)	3	1		1	1			3	1.67	
u.	Transition 2 (30-31)	20	4	12	2	2			3	1.10	
v.	Summary (52)	1				1			3	3.00	
w.	<i>Prosopopoiia</i> (72.3-75)	4	1	1	1				1	5	2.00

Clauses with three or more levels of subordination are identified at Sentence-Types Index 4.2.3.

Key: A: Total number of units
 B: Number of units with no subordination
 C: Number of units with 1 level of subordination
 D: Number of units with 2 levels of subordination
 E: Number of units with 3 levels of subordination
 F: Number of units with 4 levels of subordination
 G: Number of units with 5 levels of subordination
 H: Highest level of subordination
 I: Average level of subordination

Table 6: Clause interaction over the course of the speech

		A	B	C	D	E	F	G	H	I	J	K	L	M
a.	<i>Exordium</i> (1-6)	22	12	18	0.82	3	1	0.05	8	11	0.50	2	30	1.36
b.	Preliminary Argument 1 (7-11)	21	11	21	1.00	3	0		4	4	0.19	2	25	1.19
c.	Preliminary Argument 2 (12-14)	23	7	12	0.52	3	3	0.13	8	9	0.39	2	24	1.04
d.	Preliminary Argument 3 (15-22)	69	12	12	0.17	1	3	0.04	14	16	0.23	2	31	0.45
a'.	o <i>Exordium</i> + Prelim. Args. (1-22)	135	42	63	0.47	3	7	0.05	34	40	0.30	2	110	0.81
a''.	o <i>Exordium</i> + Prelim. Args. (1-23)	138	43	69	0.50	6	7	0.05	36	43	0.31	2	119	0.86
b'.	o Preliminary Arguments (7-22)	113	30	45	0.40	3	6	0.05	26	29	0.26	2	80	0.71
b''.	o Preliminary Arguments (7-23)	116	61	51	0.44	6	6	0.05	28	32	0.28	2	89	0.77
e.	<i>Narratio</i>	31	10	26	0.84	11	0		7	10	0.32	3	36	1.16
e'.	o <i>Narratio</i> (23-29)	33	11	32	0.97	11	0		9	13	0.39	3	45	1.36
e''.	o <i>Narratio</i> (23-31)	54	13	35	0.65	11	0		18	22	0.41	3	57	1.06
f.	Motive (32-35)	50	8	14	0.28	4	1	0.02	8	9	0.18	2	24	0.48
g.	Violence (36-43)	44	13	17	0.39	2	0		10	14	0.32	3	31	0.70
h.	Preparations (44-51)	63	9	14	0.22	3	2	0.03	6	7	0.11	2	23	0.37
h'.	o Preparations + 52 (44-52)	64	10	17	0.27	3	3	0.05	6	7	0.11	2	27	0.42
i.	Skirmish (53-56)	34	9	13	0.38	2	0		3	3	0.09	1	16	0.47
i'.	o Skirmish + 52 (52-56)	35	10	16	0.46	3	4	0.11	3	3	0.09	1	20	0.57
j.	Interrogations (57-60)	43	6	6	0.14	1	0		7	8	0.19	2	14	0.33
k.	Aftermath (61-66)	47	8	9	0.19	2	0		7	9	0.19	2	18	0.38
l.	Address to Pompeius (67-71)	17	8	14	0.82	3	0		5	10	0.59	3	24	1.41
f'.	o Self-Defence (32-66, exc. 52)	281	53	73	0.26	4	3	0.01	41	50	0.18	3	126	0.45
f''.	o Self-Defence (32-66, inc. 52)	282	54	76	0.27	4	4	0.01	41	50	0.18	3	130	0.46
l'.	o Self-Defence (32-71, exc. 52)	298	61	87	0.29	4	3	0.01	46	60	0.20	3	150	0.50

l'. o Self-Defence (32-71, inc. 52)	299	62	90	0.30	4	4	0.01	46	60	0.20	3	154	0.52
m. <i>Great Protopoia</i> (72-75)	7	1	12	1.71	12	1	0.14	2	4	0.57	3	17	2.43
n. Public-Good (76-83.1)	62	15	23	0.37	5	1	0.02	17	19	0.31	2	43	0.69
o. Divine Intervention (83.2-86)	19	9	16	0.84	4	2	0.11	2	2	0.11	1	20	1.05
p. Recapitulation (87-91)	46	11	12	0.26	2	1	0.02	6	6	0.13	1	19	0.41
m'. o Public-Good (72-91, inc. <i>protop.</i>)	134	36	63	0.47	12	5	0.04	27	31	0.23	3	99	0.74
n'. o Public-Good (72-91, exc. <i>protop.</i>)	130	35	51	0.39	5	4	0.03	26	28	0.22	2	83	0.64
m''. o Public-Good (67-91, inc. <i>protop.</i>)	151	44	77	0.51	12	5	0.03	32	41	0.27	3	123	0.81
n''. o Public-Good (67-91, exc. <i>protop.</i>)	147	43	65	0.44	5	4	0.03	31	38	0.26	3	107	0.73
q. Milo's fortitude (92-98)	47	15	21	0.45	3	1	0.02	10	14	0.30	3	36	0.77
r. Cicero's despair (99-105)	70	12	14	0.20	2	1	0.01	8	9	0.13	2	24	0.34
q'. o <i>Peroratio</i> (92-105)	117	27	35	0.30	3	2	0.02	18	23	0.20	3	60	0.51
s. <i>Speech</i>	739	180	286	0.39	12	18	0.02	140	174	0.24	3	478	0.65
t. Transition 1 (23)	3	1	6	2.00	6	0		2	3	1.00	2	9	3.00
u. Transition 2 (30-31)	20	2	3	0.15	2	0		9	9	0.45	1	12	0.60
v. Summary (52)	1	1	3		3	1		0				4	
w. <i>Protopoia</i> (72.3-75)	4	1	12	3.00	12	1	0.25	1	3	0.75	3	16	4.00

Clauses containing embedding, interlacing, or subordinate preceding superordinate are categorized at Sentence-Types Index 4.3-4.4.

- Key: A: Total number of units
 B: Number of units with embedding
 C: Number of embeddings
 D: Average number of embeddings per unit
 E: Highest number of embeddings in a unit
 F: Units with interlacing (never more than one)
 G: Average number of interlacings per unit
 H: Units with subordinate preceding superordinate
 I: Number of units with subordinate preceding superordinate
 J: Average number of subordinates preceding superordinate per unit
 K: Highest number of subordinates precedings superordinate in a unit
 L: Total number of all categories
 M: Average number of all categories per unit

Table 7: Initial clauses/position of principal clause over the course of the speech

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
a. † <i>Exordium</i> (1-6)	22	14	8				14	3	3		1	1			4, 5	1.82
b. Preliminary Argument 1 (7-11)	21	18	3				18		2	1						1.33
c. Preliminary Argument 2 (12-14)	23	17	5	1			17	3	3							1.39
d. †Preliminary Argument 3 (15-22)	69	58	10	1			58	8	1	1	1			2, 8		1.26
a'. o <i>Exordium</i> + Prelim. Args. (1-22)	135	107	26	1	1		107	14	9	2	1	2				1.39
a''. o <i>Exordium</i> + Prelim. Args. (1-23)	138	109	26	2	1		109	14	10	2	1	2				1.39
b'. o Preliminary Arguments (7-22)	113	93	18	1	1		93	11	6	2	1					1.30
b''. o Preliminary	116	95	18	2	1		95	11	7	2	1					1.31

Arguments (7-23)																	
e.	<i>Narratio</i> (24-29)	31	24	7				24	2	1	2	1			1	1.71	
e'.	o <i>Narratio</i> (23-29)	34	26	7	1			26	3	1	2	1			1	1.71	
e''.	o <i>Narratio</i> (23-31)	54	37	16	1			37	10	2	3	1			1	1.65	
f.	*Motive (32-35)	50	42	7	1			42	6	2						2	1.20
g.	Violence (36-43)	44	34	9	1			34	7	2	1						1.32
h.	†Preparations (44-51)	63	57	5	1			57	3	3						2, 3	1.14
h'.	o Preparations + 52 (44-52)	64	58	5	1			58	3	3							1.14
i.	Skirmish (53-56)	34	31	3				31	1	2							1.15
i'.	o Skirmish + 52 (52-56)	65	32	3				32	1	2							1.14
j.	Interrogations (57-60)	43	37	5	1			37	4	1	1						1.21
k.	Aftermath (61-66)	47	41	5	1			41	3	2	1						1.21
l.	Address to Pompeius (67-71)	17	13	4				13	2			1			1		1.82
f'.	o Self-Defence (32-66, exc. 52)	281	242	34	5			242	24	12	3						1.20
f''.	o Self-Defence (32-66, inc. 52)	282	243	34	5			243	24	12	3						1.20
l'.	o Self-Defence (32-71, exc. 52)	298	255	38	5			255	26	12	3	1			1		1.24
l''.	o Self-Defence (32-71, inc. 52)	299	256	38	5			256	26	12	3	1			1		1.24
m.	<i>Great Prosopopoiia</i> (72-75)	7	6	1				6		1							1.29
n.	*Public-Good (76-83.1)	62	47	14	1			47	10	2	2	1				2	1.39
o.	Divine Intervention (83.2-86)	19	17	2				17	2								1.11
p.	Recapitulation (87-91)	46	40	6				40	4	2							1.17
m'.	o Public-Good (72-91, inc. <i>prosop.</i>)	134	110	23	1			110	16	5	2	1					1.27
n'.	o Public-Good (72-91, exc. <i>prosop.</i>)	130	106	23	1			106	16	5	2	1					1.28
m''.	o Public-Good (67-91, inc. <i>prosop.</i>)	151	123	27	1			123	18	5	2	2			1		1.33
n''.	o Public-Good (67-91, exc. <i>prosop.</i>)	147	119	27	1			119	18	5	2	2			1		1.34
q.	Milo's fortitude (92-98)	47	37	10				37	5	1	1	1	1	1			1.55
r.	‡Cicero's despair (99-105)	70	54	16			3	59	6	2						2, 2	1.10
q'.	o <i>Peroratio</i> (92-105)	117	91	26			3	96	11	3	1	1	1	1			1.28
s.	<i>Speech</i>	739	601	129	8	1	3	606	77	31	11	5	3	1	2		1.31
t.	Transition 1 (23)	3	2		1			2		1							1.67
u.	*Transition 2 (30-31)	20	11	9				11	8		1					2	1.55
v.	Summary (52)	1	1					1									
w.	<i>Prosopopoiia</i> (72.3-75)	4	4					4									1.00

Clauses whose (first) principal clause is the third or subsequent clause are identified at Sentence-Types Index 4.2.4; all clauses with initial subordinate clause are categorized at Sentence-Types Index 4.3.

- Key: A: Total number of units
 B: Number of units where initial clause is the principal clause
 C: Number of units where the initial clause is at the first level of subordination
 D: Number of units where the initial clause is at the second level of subordination
 E: Number of units where the initial clause is at the third level of subordination
 F: Number of units with no principal clauses
 G: Number of units where the principal clause is the initial clause

- H: Number of units where the principal clause is the second clause
 I: Number of units where the principal clause is the third clause
 J: Number of units where the principal clause is the fourth clause
 K: Number of units where the principal clause is the fifth clause
 L: Number of units where the principal clause is the sixth clause
 M: Number of units where the principal clause is the seventh clause
 N: Number of units where the principal clause is the eighth clause
 O: Number of units where the principal clause is the ninth clause
 P: Average position of principal clause

Units with two or no principal clauses (identified at Sentences-Types Index 4.2.5):

- * marks passages with one unit containing two principal clauses.
 † marks passages with two units containing two principal clauses.
 ‡ marks passages with two units containing two principal clauses and three units with no principal clauses.

There is a concentration of complexity factors in three areas of the speech in particular: the *exordium* and preliminary argument 1; the *narratio* and the transitional passages preceding and following it; the Address to Pompeius and the passage containing the great *prosopopoiia*. The Tables show averages both for the individual sub-divisions and (in bold) for various groupings of those sub-divisions, and comparisons between the two sets demonstrate that the attempt to produce aggregate figures such as averages for such groupings poses problems. The highest averages in most of the Tables is for the passage containing the great *prosopopoiia* (72-75), but this passage is dominated by the single long sentence 72.3-75.3, (322 words, 42 clauses not including parentheses, the only sentence in the speech to reach, by my count, five levels of subordination). The extent to which the effect of this sentence is lost when it is placed in its wider context can be seen by comparing the average for the passage itself (row m) with that for the Public-Good Argument as a whole (row m'); in all cases, the average for the latter, which most existing structural analyses of the speech take as a unit, is far closer to the average for the speech as a whole (row s). It is important to note that the average displayed in row m' shows the extent to which the effect of this sentence is 'flattened out' by its surroundings, because this average is calculated by *including* the sentence; the average for this passage can be brought down further, and in some case thus even closer to that for the speech as a whole, by *excluding* the sentence (row n').

The result of this 'flattening' effect is that the averages for the Public-Good Argument as a whole do not always appear to be as dramatically higher than the others as those for 72-75 taken alone. It is no surprise that the great *prosopopoiia* itself stands out from its surroundings; the numbers indicate that it stands out especially from what follows it. Many of the averages for the passage that follows, the core of the Public-Good Argument (76-83.1; row n), are particularly low, lower than for the divine intervention argument (83.2-86; row o); this raises the possibility that the orator deliberately follows the *prosopopoiia* itself with some less complex, or at least less striking, syntax. The passage immediately preceding 72-75, in contrast, shows high averages (row l). This is the address to Pompeius, which in many of the tables stands out from what immediately precedes it, although in several it is still some way behind 72-75.

If averages are to be used at all – and the existence of spreadsheet and database software makes their use very tempting – they must be handled with care. The averages for some whole passages have been calculated more than once, with and without the longest sentences (the summary of the argument so far at 52.1, rows h', i', f'-l'; the Great *Prosopopoiia*,

rows m'-n''). Other averages have been calculated more than once for a different reason, *i.e.*, because there is a question-mark over the position of certain sub-divisions in the structural analysis of the speech (the *exordium* in relation to the Preliminary Arguments, rows a'-b''; the transitional passages surrounding the *narratio*, rows a'', b'', e-e''; the Address to Pompeius (67-71) as a transition between the Self-Defence and Public-Good Arguments (rows f'-l'', rows m'-n''). In some of these latter cases the long/complex sentences also turn out to be a factor (the *exordium*, the first transitional passage (23), the Address to Pompeius). For consistency these multiple calculations have been included in all tables even though sometimes very little difference is made by the changes (*e.g.*, in levels of subordination, Table 5). The figures for the problematic passages themselves, other than the Address to Pompeius, are found at the bottom of each table (rows t-w).

When the transitional passages are left out, the *narratio* turns out to be the passage with the highest average in most tables, generally followed by the beginning of the speech (especially if the *exordium* is counted alongside the Preliminary Arguments, row a') and the Public-Good Argument (row n'), with the Self-Defence Argument (row f') and the *peroratio* (row q') bringing up the rear, usually in that order. A possible exception is Table 7, which shows a considerable number of differences from the other tables, raising the question of whether the position of the principal clause/level of subordination of the initial clause is a different kind of complexity factor from the others; even here, however, the sequence could be said to be the same as for clause interaction (Table 6; combined figure, column M), and the question arises because the average for the *peroratio* is not only higher than that for the Self-Defence Argument, but the same as that for the Public-Good Argument (at least to two decimal places). That there is an overall pattern may tend to confirm that these data have some meaning, even if the degree of difference varies and sometimes two adjacent passages swap places. If this is accepted, several observations can be made. Syntactic complexity is not employed in this speech to create stylistic similarity between the beginning and end of the speech for the purposes of ring composition. The similarity between the Self-Defence Argument and the *peroratio* is particularly striking. In the former, it seems that on the whole complexity is not being used to impress the audience with the orator's ability to construct complex arguments; simplicity may be being used for an opposite reason, to make the argumentation seem transparent and therefore obvious, as well as to ensure that the points made come across easily. In the *peroratio*, however, elaborate expression might have been expected as a vehicle for emotion; in fact the language appears to get simpler as the *peroratio* progresses (92-98 and 99-105; rows q and r).

This observation is already turning from the longer groupings to the shorter sub-divisions, in this case of the *peroratio*. In some of these complexity accompanies emotion, for example in the violence argument (36-43; row g) and the divine intervention argument (83.2-86; row o). The tendency for a sequence of linked passages to decrease in complexity may be visible in the low figures for the third preliminary argument (15-22; row d) and the recapitulation of the Public-Good Argument (87-91; row p). A case could be made for applying this to the interrogations argument (57-60; row j), considered as the end of the Self-Defence Argument, with a build-up to the Public-Good Argument beginning with the aftermath argument (61-66; row k) and leading into the address to Pompeius (67-71; row l). These last two passages are also relatively emotional. Complexity itself might be seen as transitional or as associated with beginnings: the *exordium* (1-6; row a) and perhaps the first

preliminary argument (7-11; row b); the transition between Preliminary Arguments and the *narratio* (23; row t, cf. rows a' to b''), where after all it is claimed that the real business of the speech is finally starting; the address to Pompeius and the great *prosopopoiia* at the start of the Public-Good Argument.

If the averages for the larger groupings suffer from a 'flattening' effect in comparison with those for the individual sub-divisions, the same may be true of the individual sub-divisions themselves, which are groupings of even shorter passages; averages for these passages might show variations that do not appear in these tables. The current set of data was generated by counting phenomena within sub-divisions whose identity had been established prior to the counting; it is not being claimed that objective measurement of these phenomena helped to establish that analysis. The averages for the sub-divisions also need to be compared with the lists of individual sentences showing high levels of a particular complexity factor in the Sentence-Types Index. Here will be found sequences of sentences whose complexity factors are not as high as 52.1 or 72.3-75.2, e.g., in the *exordium*, the first preliminary argument, and the *narratio* together with the transitional passages which precede and follow it. These concentrations of sentences are what lift the averages for these groupings above those for the Public-Good Argument as a whole, and it could be argued that a sustained level of medium complexity has more effect than a single outstandingly complex sentence. There are also a number of sentences which stand out from their surroundings that might be worth a closer look: 32.4 near the beginning of the motive argument; the summary of the arguments so far at 52.1; 61.1, and 63.1 in the aftermath argument; 96.2-97.0 and perhaps 102.2 in the *peroratio*. Some of these can also be seen as summaries, as can 23.1 in the transition to the *narratio*, and even the great *prosopopoiia* itself (summarizing Clodius' crimes as opposed to summarizing anything in the speech). The association of summaries with complexity at least in terms of length is not surprising. Further work on other speeches will be necessary in order to discover whether the association of simplicity with endings and with argumentation, or of complexity with beginnings and (sometimes) emotion, is paralleled elsewhere, or is a feature of the *Pro Milone*.

3.3.1. Complexity and existing structural analyses

The complexity data may be relevant to the following issues identified in §2.1 above: whether the Preliminary Arguments can be seen as introductory; the effect of the summary at 52.1 on the audience's impression of how the argument is developing; the effect of the transitional material at 61/67-71.

In relation to the beginning of the speech, it must be acknowledged that including the *exordium* along with the preliminary arguments makes a substantial difference to the averages (rows a'-a'' compared with rows b'-b''). What may be more important is the relatively consistent pattern shown by the sequence of individual sub-divisions from *exordium* to the third preliminary argument, the latter always showing the lowest level of complexity, often one of the lowest levels in the speech. It is also the longest of the three arguments, and therefore has a 'flattening' effect on the average for the Preliminary Arguments as a whole. In Tables 3 and 6 the four sub-divisions show a steady decrease in complexity; the pattern in Tables 4 and 5 is similar except that the first preliminary argument has a higher average than the *exordium* itself. Table 7 is once again unusual;

according to the others the drop in complexity over the four sub-divisions is a gradual one, with the first preliminary argument not strongly distinguished from the *exordium*.

As a single sentence, averages do not apply to the summary at 52.1 (row v); the fact that the great *prosopopoiia* contains four parentheses brings down even its ‘average’ length in words to below that of the summary (89 as opposed to 113). That it stands out from its surroundings may be made more evident by the fact that in length in words and number of clauses it exceeds not only the averages but also the highest other figure for the Self-Defence Argument as a whole (see column D of Table 3 and column O of Table 4; rows f'-l'); in the other tables there is less variation in the speech as whole. In all the tables the inclusion of 52 with either the preceding or the following argument raises the average more or less substantially (the preparations and skirmish arguments, 44-51 and 53-56; rows h-i'). The increase is usually more substantial in the case of the skirmish argument; this, however, is probably because the average for this argument was further away from the figure for the summary before the latter was added; cf. the difference made by adding the first transition (row t) to the Preliminary Arguments with and without the *exordium* (rows a'-a'' and rows b'-b''). Stylistically the summary interrupts the flow of the Self-Defence Argument substantially, and this may be seen as supporting the case that its very presence signals to the audience (falsely) that the argument is coming to an end.

It has proven difficult to use the detailed figures in the tables to demonstrate whether a transitional passage ‘belongs’ more with what precedes or what follows. Adding the first transition (row t) to the *narratio* (rows e-e') makes more of a difference than adding it to the Preliminary Arguments (rows a'-a'', b'-b''), since in this case the figures for the *narratio* are generally closer to those for the transition to begin with (in contrast to the cases mentioned in the previous paragraph). When it comes to the address to Pompeius (row l), including it in the Public-Good Argument often makes more difference in rows m'' and n'' than including it in the Self-Defence Argument makes in rows l' and l''; again the Self-Defence Argument figures are further away from those for the address to Pompeius to begin with. This particular figure (the amount of difference made to an average by including or excluding a sentence or relatively short passage) either turns out not to be particularly helpful, or requires the application of more mathematical/statistical sophistication than has yet been applied. Rather than trying to decide where the address to Pompeius ‘belongs’, it may be better to consider the arguments as a sequence. What is observable in the tables is a regular step-by-step increase in complexity from the interrogations argument (57-60) through the aftermath argument (61-66) and the address to Pompeius (67-71) to the great *prosopopoiia* (72-72) (rows j-l, m). This stylistic observation, combined with the steady logical sequence with which these passages follow one another (see introductions to the various sub-divisions) suggests a steady, planned change rather than an awkward editing together of pieces of discourse with different origins.

4. Vocabulary

4.1. General principles

It is logical to assume that when the topic of discourse changes, the vocabulary used to discuss that topic will also change. Analysis of the vocabulary of a text is therefore one way to approach the question of its structure, viewed as a succession of topics. But this is not as easy as it sounds; it is not simply a matter of counting words (synonymy and words

with multiple meanings create obvious problems), and in any case counting words is not a simple matter (what counts as a separate word? how does one classify compounds, derivatives, adjectives used substantively, participles used adjectivally, ...?). The lexical analysis presented here is based on an electronically-generated concordance of the speech (details of the processes used and principles followed will be found in the introduction to the Lexical Index), which allows me to count the occurrences of any word, or group of words, in any specified passage. Only a limited amount of insight into topic can be provided by this relatively crude method, which takes no account of synonymy and so on: the data presented here are to be considered only as a starting-point for further investigation, which will take us back to the text.

There is a considerable body of work in discourse analysis which tends to confirm the assumption that lexical patterning is linked to textual structure/cohesion; quantitative methods of various kinds have been used, partly because words are relatively easy to count. A number of decisions about what and how to count must nevertheless be made, and this leads to a wide variety of approaches, made yet more various by the different purposes of the different works, whether it is investigating 'about-ness' (Phillips 1985), exploring the possibility of automating the process of summarizing a text (Hoey 1991), assessing the quality of texts (Károly 2002), or focusing on segmentation and text-organization, relating the quantitative analysis to pre-existing paragraphing (Berber Sardinha 2000), to the reader's sense of how an argument is developing (Morley 2009), or to pre-existing literary analyses of structure (Fischer-Starcke 2010). These works examine different kinds of texts, of very different lengths (*e.g.*, newspaper articles, student essays, textbooks, novels). They vary in their decisions about what to count: Hoey counts not only repeated words and synonymus but also pronouns referring back to earlier nouns. As when measuring self-referential features in a text (see above, §2.3), this kind of investigation requires the text to be marked up by the investigator before counting. In contrast, Berber Sandinha, although closely following Hoey in many ways, apparently used entirely unlemmatized texts in the trial run of his procedure. Fischer-Starcke, working on much larger texts, used a multi-stage process which involved identifying frequently occurring semantic fields and the most frequently occurring words within those semantic fields before examining the distributions of just those words. There is also variation in terms of measuring only the distribution of words or repetitive links between sentences.

In keeping with the goal of exploring what can be done with very simple tools (see §1.3 above), the current investigation did not involve detailed mark-up of the text to track synonyms or the like, although an attempt was made to take account of both inflection and derivation. The primary focus is on lexical distribution rather than on measuring the links between sentences. The methodology used does not closely parallel anything in the works mentioned; their value for the current project is that they confirm, collectively, that investigating aspects of lexical distribution is a valid approach to a text's structure and cohesion.

Within Classical Studies the method used here may seem to have an antecedent in the work of MacKendrick 1995, which presents 'word frequency' lists for twenty-three Ciceronian speeches. MacKendrick's analysis is not purely lexical, even on the surface; he also counts various figures of speech and thought, such as hendiadys and *praeteritio* on the one hand and metaphor on the other; metaphors are characterized by the semantic field from which the vehicle of the metaphor is drawn (*e.g.*, the senses, medicine/psychology).

MacKendrick does not simply present his frequency lists without explanation, but provides a lengthy discussion with considerable details about the way the words are used (e.g., pp.366-80 for the *Pro Milone*; the bare list is provided in the end-notes on p.508). This implicitly acknowledges the need to go beyond the bare list by considering the possibility of different referents and contexts for different occurrences of the same word, e.g.:

Servi, ‘slaves’ (nineteen examples). Mostly Cl.’s: he drafted rough mountaineers to kill P., ... Milo’s slaves were loyal (29 [twice], 56) (p.376).

I say ‘implicitly’ because nowhere does MacKendrick discuss his methodology or purpose in presenting this information to the reader; its nature and its value are taken for granted; only some of the decisions he and his collaborator made about what to count and how to count it can be reconstructed from the published results.

A quick glance at the most frequently occurring word-groups in the speech as a whole (Table 8) will reveal some of the issues that will face anyone attempting this kind of analysis. The bulk of the word-groups occurring at least once every one hundred words in the speech – that is to say, enough to constitute 1.0% or more of the words in the text²⁷ – are what are known as grammatical/closed-class items rather than lexical/open-class items, and are therefore uninformative about content. The most frequently occurring words are the relative pronoun and the copula, and many of the other frequent words are pronouns, conjunctions, prepositions, particles, and discourse adverbs such as *non*, which modify the statement being made rather than giving any indication as to the topic of the statement. (Compare the list of most frequently occurring words in two large corpora of written and spoken English given at Adolphs 2006, 41.) Only two items in Table 8, *Milo* and *posse/potens, etc.*, can be said to make any communication about content, and they do not tell us much: *Milo* because we already know the speech is about Milo, and *posse, etc.* because the bulk of the occurrences are likely to be essentially auxiliary uses of the verb, without any real ‘ability’ or ‘power’ becoming an actual theme of the text.

Table 8: Frequently occurring word-groups in the speech as a whole (>1.0%)

Word(-group)	No. of occurrences	per 100 words
<i>qui quae quod</i> (pron. or adj.)/ <i>quis quis quid</i> (pron. or adj., interrog./indef.)/adverbial forms such as <i>quam, quo, quid, quod, etc.</i> ; not including <i>cum</i> (conj.)	553 (339/118/96)	5.3
<i>esse</i>	423	4.0
<i>in</i>	240	2.3
<i>non</i>	204	1.9
<i>is</i> (pron. or adj.)/ <i>ea</i> (adv.)/ <i>eo</i> (adv.)	191 (187/1/3)	1.8
<i>et</i>	190	1.8
<i>hic</i> (pron. or adj.)/ <i>hic</i> (adv.)	179 (176/3)	1.7
<i>ego/meus</i>	149 (103/46)	1.4
<i>si/nisi/sin/siue</i>	154 (114/32/4/4)	1.4
<i>se/suus</i>	141 (74/67)	1.3
<i>posse/potens/potential/potestas/potius/potissimum</i>	124 (99/1/3/6/12/3)	1.2
<i>ut</i>	114	1.1
<i>Milo</i>	104	1.0

²⁷ All percentages are rounded to one decimal point.

Table 9: Frequent word-groups (0.5-0.9%, speech as a whole) not informative for topic

conjunctions	<i>sed</i> (89); <i>cum</i> (70); <i>nec/neque</i> (64); <i>ac/atque</i> (62)
prepositions	<i>a(b)</i> (73); <i>de</i> (66); <i>ad</i> (55)
pronouns/pronominal adjectives	<i>uos/uester</i> (93—62/31); <i>ipse</i> (73); <i>tu/tuus</i> (58—38/20)
discourse adverbs/particles ²⁸	<i>etiam</i> (71); <i>enim</i> (51)

Table 10: Frequent word-groups (0.5-0.9%, speech as a whole) possibly informative for topic

Word(-group)	No. of occurrences	per 100 words
<i>facere/facilis/difficilis/facultas/facinus/facinosus</i>	96 (80/3/1/1/10/1)	0.9
<i>iudex/iudicium/iudicare</i>	96 (51/26/19)	0.9
<i>res</i>	93	0.9
<i>populus/popularis/publicus</i>	89 (25/1/63)	0.8
<i>Clodius/Clodianus</i>	83 (77/6)	0.8
<i>uir/uirtus</i>	71 (52/19)	0.7
<i>omnis/omnino</i>	70 (68/2)	0.7
<i>uidere</i>	59	0.6
<i>magnus/magnitudo/magis/maior/maiores/ maximus/maxime</i>	56 (15/4/11/3/5/5/13)	0.5
<i>mors/moriri/mortuus/immortalis/immortalitas</i>	54 (30/4/8/11/1)	0.5
<i>uerus/ueru/ueru/uerum</i>	54 (6/4/39/5)	0.5
<i>ullus/nullus</i>	53 (7/46)	0.5
<i>ciuis/ciuilis/ciuitas</i>	52 (35/2/15)	0.5
<i>dicere/dictitare</i>	50 (46/4)	0.5
<i>quaerere/quaestio/quaesere</i>	49 (24/22/3)	0.5

Expanding our focus to include words with a frequency of 0.5% or more results in a more equal balance between the conjunctions, pronouns *etc.* on the one hand (Table 9), and nouns/verbs/adjectives on the other (Table 10), but even these potentially more informative word(-group)s can tell us only a limited amount about the content of the speech, for several different reasons.

1. Like *posse*, some of the nouns and verbs are too ‘colourless’ or generic always to be informative about topic (*e.g.*, *res*, *facere*), while some of the adjectives are potentially applicable to too many different things (*e.g.*, *omnis*, *ullus*). The high frequency of these words may indeed be owed to the wide variety of things to which they can be applied. This is not to deny that *omnis* might sometimes be related to Cicero’s attempts to universalize his own beliefs and attitudes, but this possibility would have to be tested by looking at the actual occurrences of the word, and it is unlikely to account for all of them.

2. There may be disagreement over the way individual words have been grouped together here, for example where a relatively colourless word is grouped with a more meaningful derivative (*e.g.*, *posse* with *potens*; *uir* and *uirtus* may also fall into this category). To test whether there is any felt connection between these words, or any pattern in the way they are used, we must again turn to the text itself. Doubts may also be felt about derivatives with highly specialized uses (*e.g.*, adverbial *uero/uerum*, which have

²⁸ On the difficulty of clearly distinguishing these two ‘parts of speech’ from one another, see Kroon 1995, 35.

only a vague connection with ‘truth’) or which involve considerable sound-change (e.g., *publicus* from *populus*).

3. The case of *iudex/iudicium/iudicare* combines elements of both 1 and 2: anyone familiar with Cicero’s speeches will guess that the frequency of *iudex* itself is increased by the orator’s frequent direct addresses to the *iudices*. This usage is not meaningless, but it might be considered ‘colourless’ in terms of topic: it contributes to the impression, reinforced throughout the text, that this is a judicial speech, but it does not tell us what the speech is about.

4. As was mentioned above in relation to the frequency of *Milo*, we already know that the text is about a judicial process concerning highly political/public acts involving Milo and Clodius, and the fact that there are references to manliness (*uir/uirtus*), death (*mors*, etc.) and citizen-status (*ciuis*) are hardly surprising. On the other hand, the very expectedness of the words in the table tends to confirm the assumption with which I started, that vocabulary should reflect subject-matter; the next step is to consider lexical frequencies in individual passages of the speech.

How has MacKendrick dealt with these issues? It is clear from the start of the ‘word frequency’ list presented for the speech (1995, 508) that he has silently omitted prepositions, conjunctions, *esse*, and many – but not all – pronouns from the count:

ego	238
vos	155
Milo	103
nos	100
Clodius	82
res publica	49
senatus	46

His figures for *Milo* and *Clodius* are close to mine: I count 104 and 78, with the latter rising to 84 when combined with six occurrences of *Clodianus* (see Lexical Index, s.v., for lists of the occurrences); the slight discrepancies might be accounted for by our using different editions, a possibility which must always be considered when studying ancient texts. But this cannot explain the more marked disagreements. The remarkably high count for *ego* is partly explained in the detailed discussions, which make it clear that in calculating a figure for what he calls a ‘cluster’ surrounding *ego* in each speech, he has not only counted *ego* and *meus* but also first-person singular verbs. In fact, however, my own count of *ego* + *meus* + first-person singular verbs is higher still (421; see Table 11). It seems an implausible explanation that MacKendrick has omitted first-person references which are not in fact to Cicero, for example when the orator speaks in the voice of his client in the great *prosopepoia*; not only does he never say so, but he does explicitly analyse who is being referred to by the various occurrences of the *tu-*, *nos-* and *uos-* clusters. In any case it is unlikely that this category accounts for almost 200 examples. Has he perhaps only counted those first-person plural verbs which are not accompanied by an explicit use of the first-person personal pronoun or possessive, *ego/meus*, taking *ego sentio* (70.2) as one occurrence?

Table 11: Counts for personal pronouns, possessives, and 1st/2nd person verbs, Fotheringham and MacKendrick

Word(-group)	No. of occurrences (LSF)	Verbs (LSF)	Total (LSF)	Total (PM)
<i>ego/meus</i>	149 (104/45)	1st sing. 172	421	238
<i>se/suus</i>	141 (75/66)			omitted
<i>uos/uester</i>	93 (62/31)	2nd plur. 105	198	155
<i>tu/tuus</i>	58 (38/20)	2nd sing. 42	100	82
<i>nos/noster</i>	44 (23/21)	1st plur. 73	117	100

There is a genuine question to be asked about whether first- and second-person pronouns might be worth including in a lexical analysis, even one that excludes other pronouns such as *is* and *hic*, on the grounds that the fact that the orator is talking about himself or about his addressees can be considered more significant than the fact that he is talking about third parties. Such a view may well have been held by MacKendrick, who spends a considerable proportion of his analyses debating the question of Cicero's vanity on the basis of the fact that his *ego*-cluster appears in first or second position in the 'word frequency' lists for all the speeches he studies. But in his inclusion of (some) first- and second-person verbs alongside *ego*, *nos*, *tu* and *uos* he has, apparently without noticing it, moved away from a purely lexical analysis to something more like an analysis of the participants in the action discussed by the text. This analysis remains incomplete, however, because he has not attempted it with the third person (1072 singular and 224 plural in the speech): his count for *Milo* is 103, but he has not attempted to count the third-person verbs of which *Milo* is the subject (a rough preliminary attempt at counting these indicates there are at least 178), or uses of demonstrative pronouns to refer to him, and so on. Even counting *is* and *hic* might be informative if the count stated who or what each occurrence referred to. To do such an analysis thoroughly would clearly require a good deal more work, and perhaps many doubtful cases; it might, however, produce interesting results, and certainly more valid results than the rather vague comparison between an indefinitely arrived at count of 238 for *ego* and a count of 103 for *Milo* that only takes occurrences of the proper name itself into consideration.

I have *not* conducted a full-scale analysis of participants in the action; I *have* considered first- and second-person references, including, in addition to the pronouns and possessives, not only verbs but also vocatives, but the discussion of these features *as a group* has been separated from the lexical analysis of the speech's vocabulary, and dealt with as evidence of the visible presence of the speaker and addressee in the text (see further §5 below). In the rest of the lexical analysis I have excluded all 'closed-class' parts of speech: prepositions, conjunctions, pronouns, and particles. All nouns, most adjectives, and verbs other than *esse* have been included on the grounds that they are potentially informative as to topic (*posse*, for example, may sometimes indicate that the topic is 'power'). Adverbs, which are notoriously a 'rag-bag' category as a part of speech, could not be treated as a single group: the decision was made to include anything that was obviously derived from a noun, verb, or adjective. This excludes *igitur*, on the grounds that its relation to *agere* is not obvious, as well as words like *non* and adverbial uses of pronouns such as *eo*; words like *uero* and *modo*, on the other hand, were included. Following a similar principle in reverse, the only adjectives *excluded* from the count (apart from the actual adjectival use of pronouns) are the possessives, on the grounds that they *are* obviously derived from the personal pronouns.

Table 12: Comparison of counts in Fotheringham and MacKendrick, words and word-groups

Word-group (LSF)	Count	Word (LSF)	Count	Word (PM)	Count
<i>facere/facilis/difficilis/facultas/facinus/facinosus</i>	96	<i>facere</i>	80	omitted	
<i>iudex/iudicium/iudicare</i>	96	<i>iudex</i>	51	<i>iudices</i>	44
<i>res</i>	93			<i>res publica</i>	49
<i>populus/popularis/publicus</i>	89	<i>publicus</i>	63	<i>res publica</i>	49
<i>Clodius/Clodianus</i>	83	<i>Clodius</i>	77	<i>Clodius</i>	82
<i>uir/uirtus</i>	71	<i>uir</i>	52	omitted	
		<i>uirtus</i>	19	<i>uirtus</i>	18
<i>omnis/omnino</i>	70	<i>omnis</i>	68	omitted	
<i>uidere</i>	59			omitted	
<i>magnus/magnitudo/magis/maior/maiores/maximus/maxime</i>	56	<i>magnus</i>	15	omitted	
		<i>maximus/-e</i>	18		
<i>mors/moriri/mortuus/immortalis/immortalitas</i>	54	<i>mors</i>	30	<i>mors</i>	39
		<i>moriri</i>	4		
		<i>mortuus</i>	8		
<i>uerus/uere/uero/uerum</i>	54	<i>uerus</i>	6	omitted	
		<i>uero</i>	39		
<i>ullus/nullus</i>	53	<i>nullus</i>	46	omitted	
<i>ciuis/ciuilis/ciuitas</i>	52	<i>ciuis</i>	35	<i>ciuis</i>	35
<i>dicere/dicitare</i>	50	<i>dicere</i>		omitted	
<i>quaerere/quaestio/quaesere</i>	49	<i>quaerere</i>	24	<i>quaero</i>	41
		<i>quaestio</i>	22		

MacKendrick's treatment of the personal pronouns shows that he groups related words together at least some of the time. But his count for *ciuis* suggests that he has separated it from *ciuilis* and *ciuitas* (see comparison between his figures and mine in Table 12). A different approach to what should be grouped together does not provide an adequate explanation of the differences between us. His figure for *quaero* corresponds neither to my figure for *quaerere* nor to my figures for *quaerere/quaestio* or *quaerere/quaestio/quaesere* combined; his detailed comment (1995, 370) does not help, stating only:

Quaestio is 'enquiry' (with congeners, 41 examples). P. wanted it, in the interests of justice (14, 22); the proper question it should ask is 'Who did what to whom?' (23, 31).

The sections referenced here account for only ten of the occurrences of *quaerere/quaestio/quaesere*, so it is not possible to use these to work out which of the occurrences retrieved by my concordance are not being counted by MacKendrick. Has he excluded uses of the words which do not refer to an official enquiry, such as *quaerenti* used of Faunius' asking Clodius a question at 26.3? The possibility that he has made such a distinction is perhaps supported by his treatment of *iudices* (he has counted only the vocatives) and of *publicus* (only those occurring in the phrase *res publica* – although I count 51 of these). It is likely that he has excluded some words because they seem uninformative or uninteresting: verbs like *facere*, *uidere*, and *dicere*, nouns like *uir* (and *res* on its own), adjectives like *(n)ullus* and *omnis*; this too may be compatible with the decision to exclude some occurrences of a word which has a different referent or emphasis to those he is interested in.

The difficulty of reconstructing the principles MacKendrick followed in deciding what to count should serve as a reminder of how important it is to state one's methodology clearly – even where the principles seem to the writer to be 'obvious' (*res* is uninteresting') or easy to work out (etymologically related words are counted together). I

have tried to follow consistent principles in making such decisions as what to include and exclude, and when to consider an etymological relationship to be evident or important. I have also tried in general to be inclusive rather than exclusive in relation to ‘open-class’ words (nouns, verbs, adjectives, and adverbs), that is to say, I have not excluded colourless words like *res* or words which may seem to have lost clear connection with the meaning of the root-word, such as adverbial *uero* and *modo*. This may seem to result in my going to the opposite extreme from MacKendrick, and including or grouping together words which need not have been included or grouped together. The justification for this procedure is that the process may therefore catch relationships between specific occurrences of words that would be missed by a search for a more narrowly defined set of ‘informative’ words or less inclusive word-groups, as well as places where another reader might disagree with MacKendrick that this occurrence of *quaerere/publicus* is not, or not significantly, related to the others. For example, there is a play on *rem publicam resque priuatas* in 76.3, which it might be interesting to take account of.

The general principle followed here has been to cast the net widely in order to make it less likely that occasional connections will be missed (more details in the Introduction to the Lexical Index). The opposite danger, that of assuming connections which are not in fact significant in the text, is guarded against in the first place by the inclusion in the tables presented, wherever space allows, of breakdowns by individual words. This will provide readers with the opportunity to see the decisions that have been made, and, if they so choose, to make different decisions and to recalculate the figures. In addition to this, as in MacKendrick’s work, the count is only the starting-point of the analysis, to be supplemented by discussion of the actual frequently occurring vocabulary-items in each passage of the speech. This also ensures that the occasional potentially significant occurrences of apparently colourless words, such as *ferre* in the third preliminary argument, will be picked up. Again, by including these words in the tables and making explicit the decision as to their informativeness in the discussion, I make it possible for readers to come to different decisions and use these to generate their own figures to compare with mine.

4.2. Vocabulary and structure

It is the varying distribution of vocabulary-items across the different passages into which the speech can be divided that is likely to provide information about the content structure of the speech and the development of the argument. As far as I know this is not a use to which concordances have been put in the study of classical texts. Table 13 shows potentially informative words achieving a frequency of 1.0% or more in each of the passages into which the speech was sub-divided in §2.3 above. Notice that what is being explored here is what lexical distribution can tell us about pre-identified passages; the quantitative analysis is not being used to *find* the segments into which the text can or should be divided. The table gives the number of words in each passage below the passage-label, and the number of occurrences of each word(-group), in brackets after that word(-group). The total percentage of each passage taken up by the occurrences of all the ‘frequent’ word(-group)s together is shown in bold next to the passage-label; the word(-group)s themselves have been divided into more and less potentially informative, with the more ‘colourless’ words appearing below the others, and the total percentage for each category calculated (bottom-right corner of the cell in which the words are listed). Although the location of certain words in one or

another category might be debated, this procedure allows the comparison of the percentages calculated both including and excluding the 'colourless' category.

The first observation which can be made on the basis of this table is that different words are frequent in the different passages. This confirms the initial assumption that vocabulary varies as different topics gain prominence at different points in the course of the text. In some passages, (some of) the words in the table correspond in an obvious manner, if not to the (necessarily brief and therefore crude) labels which I have applied to each passage, at least to my more detailed description of the topic of the passage in my 'Table of Contents' analysis of the speech (see §2.1 above), *e.g.*, the frequency of *senatus* in the second preliminary argument, the frequency of *quaerere/quaestio* in the interrogations argument, the frequency of *deus/diuinus* in the divine intervention argument. Once again it must be emphasized that the lexical analysis was carried out after, and on the basis of, the structural analysis; it is not being claimed that the structural analysis itself is the result of an objective or scientific counting procedure. The correspondence therefore suggests that the lexical analysis is picking up on something which had already had a noticeable effect on at least one reader of the speech; this can be taken as confirmation that the data generated have some value for indicating topic. But the data do more than simply telling us what we already know; there is variation not only in the identity of the frequently repeated words in each passage but also in their correspondence with the structural analysis previously carried out: in some passages there is no such correspondence. I have described the first half of the *peroratio* as dealing with 'Milo's fortitude'; this topic could hardly be guessed from the frequency of the words *ciuis/ciuitas* and *populus/publicus*.

This raises a question: what is it about the passage that communicated the theme 'Milo's fortitude' to me *without* using frequent vocabulary items relating to Milo or fortitude? The answer may lie in the relative crudeness of the counting technique, which focuses on etymologically related words rather than (*e.g.*) semantic fields or participant analysis. There could be several words related to the 'fortitude' theme, each with a frequency of 0.7%; these would not be 'frequent' enough to appear in the table, but taken together they could communicate a theme to the reader. And Milo may be the subject of many verbs in the passage without being named. (In fact he supposedly speaks much of it; see §5 below.) Even so, there is a difference in the way the subject-matter of this passage is handled in comparison to *e.g.*, the motive argument, where Milo is named, and considerably more of the passage is taken up by repeated words. Can this difference be seen as purposeful? Starting from the question of correspondence between frequent words and previously defined topic, we have reached the question of how lexically repetitious each passage is. Some of the passages where there is less correspondence of this kind are those with fewer frequently repeated words taking up a smaller percentage of the passage; in addition to the first half of the *peroratio*, the violence argument and the great *prosopopoiia* could be cited here. It remains possible that if the number of words under consideration were to be increased in order to include, say, those achieving a frequency of 0.8-0.9%, this picture would change in an interesting way.

Table 13: Frequent potentially informative word-groups (1.0% or more) in individual passages of the speech

Exordium: 11.3%	Prelim. 1: 13.6%	Prelim. 2: 20.3%	Prelim. 3: 10.3%	Narratio: 9.3%
577 words	487 words	354 words	797 words	550 words
iudex <i>etc.</i> (15) uir/uirtus (9) publicus/populus (7) Milo (6) salus/salutaris (6)	iustus/iure (8) causa (7) defendere (6) interficere (6) iudex <i>etc.</i> (6) occidere (6) telum (6) uidere (5)	senatus (12) publicus (7) caedes/caedere (5) decernere (5) quaerere/quaestio (5) iudicium/iudicare (4) sentire/sententia (4) uis (4)	quaerere (11) iudex <i>etc.</i> (10) Publius (9) Clodius (8) mors/immortalis (8) uir (8)	Milo (11) Clodius (7) dicere (6) publicus/populus (6) raeda/raedarius (6)
7.5%	10.3%	13.0%	6.8%	6.6%
posse (8) res (8) magnus (6)	homo (10) posse (6)	res (9) posse (5) facere (4) (n)ullus (4) (n)umquam (4)	posse (11) ferre (9) res (8)	facere <i>etc.</i> (8) res (7)
3.8%	3.3%	7.3%	3.5%	2.7%
Motive: 11.2%	Violence: 6.3%	Preparations: 12.9%	Skirmish: 11.7%	Interrogation: 15.3%
591 words	762 words	651 words	402 words	347 words
Clodi(an)us (17) Milo (16) consul(atus) (6) odium/odisse (6)	Milo (12) iudex <i>etc.</i> (9)	Clodius (14) Milo (13) dies (11) dicere (9) nox <i>etc.</i> (7) scire (7) testis <i>etc.</i> (7)	locus (6) cogitare (5) Clodius (4) comes/comitatus (4) Milo (4) parare <i>etc.</i> (4) uidere (4) uxor (4)	quaerere (12) uerus (5) Appius/Appia (4) Clodius (4) dominus (4) praemium (4) seruus (4) tormentum/tortor (4)
7.4%	2.8%	10.4%	8.7%	11.8%
posse (9) magnus (7) res (6)	facere <i>etc.</i> (10) omnis (9) posse (8)	posse (9) facere <i>etc.</i> (7)	semper (7) (n)umquam (5)	posse (7) facere (5)
3.7%	3.5%	2.5%	3.0%	3.5%
Aftermath: 14.0%	Address to P.: 8.2%	Prosopopiia: 4.5%	Public Good: 7.4%	Divine Interv.: 6.4%
609 words	474 words	399 words	842 words	421 words
Milo (8) publicus/populus (8) uerus (8) senatus/senator (7) animus (6) audire (6) uir/uirtus (6)	arma/armare (7) Milo (6) publicus (6) iudicium & c. (5)	ciuis/ciuis (5) possessio (5) dicere (4) mors <i>etc.</i> (4)	publicus/populus (12) ciuis/ciuitas (9) (in)gratus (8) uir/uirtus (8)	deus/diuinus (6) uis (5) mens (4) mors/immortalis (4) poena <i>etc.</i> (4) uidere (4)
8.0%	5.1%	4.5%	4.4%	6.4%
nullus (8) res (8) magnus <i>etc.</i> (7) posse (7) facere (6)	magnus (5) res (5) unus (5)		posse (13) res (12)	
5.9%	3.2%	0.0%	3.0%	0.0%
Recapitulation: 9.3%	Peroratio 1: 4.8%	Peroratio 2: 6.5%		
472 words	663 words	673 words		
publicus/populus (9) consul/consularis (6) mors/immortalis (6) curia (5) uiuus (5)	ciuis/ciuitas (7) publicus/populus (7)	uir/uirtus (9) iudex <i>etc.</i> (8) Milo (7)		
6.6%	2.1%	3.6%		
posse <i>etc.</i> (8) res (5)	omnis (9) facere <i>etc.</i> (9)	posse <i>etc.</i> (13) tantus (7)		
2.8%	2.7%	3.0%		

It must be acknowledged that the selection of 1.0%, as the dividing line between what is considered 'frequent' in a passage and what is not, is arbitrary. The inclusion of words with a frequency of 0.9% in some of the longer passages might be interesting,²⁹ and it is certainly not claimed here that such words are dramatically less frequent than those with a frequency of 1.0%, just because our culture counts in tens and hundreds. In order to place a limit on the discussion, a dividing line has to be placed somewhere; the important thing is that it be placed consistently, in every passage and in respect of both more informative and 'colourless' words. In the speech as a whole, very few potentially informative words achieved a frequency of 1.0%, and so the analysis was extended to cover those with a frequency of 0.5-0.9%. (MacKendrick's list goes down to words occurring only ten times, a frequency of (only just) 0.1%; but he excludes many more words than I do, apparently on the basis that they are uninteresting.) In the passages into which the speech has been sub-divided, however, using 1.0% as a cut-off generates enough data for discussion, with potentially interesting variation across the speech as a whole. The reason that more words achieve a frequency of 1.0% or more in the individual passages is presumably due to the fact that they do not need to occur so often, in the shorter space of text, in order to reach this cut-off point.

This simple observation raises the possibility that shorter passages may be more repetitious than longer ones, just because fewer occurrences are necessary to achieve a frequency of 1.0%. The passages range from 347 to 842 words in length. Although this variation may seem considerable, in contrast to the speech as a whole it is relatively insignificant. At this scale, the table shows no consistent correlation between the length of the passage and its repetitiousness: consider the relatively non-repetitious *prosopopiia* (399 words, 4.5% of them 'frequent'), and the relatively repetitious 'preparations' argument (651 words, 12.9% of them 'frequent'). See also Table 14. The relative repetitiousness of a passage cannot be *explained* in terms of its length.

With all this in mind, it seems reasonable to proceed with the 1.0% dividing line, and to consider the data generated using it. Apart from anything else, analysing and discussing these data in detail will take long enough without adding even more words to the table. What is interesting about Table 13 is the variation it shows, in terms of the number of words achieving informative status within the passage, the degree of informativeness achieved ('colourless' or not), the identity of the words, and the amount of the passage taken up by them. The data can safely be taken as indicating relative repetitiousness as long as it is borne in mind that this is only *a* measure of repetitiousness, and is not being claimed as the *only* measure. Consistent use of a particular procedure has generated the information that, for example, a larger percentage of the second preliminary argument than of the interrogations argument is taken up by words which achieve a particular level of frequency. But this is not the only difference shown up by the table. For example, in the preparations argument 12.9% of the passage is taken up by repetitions of only nine 'frequent' words, while in the skirmish argument that follows it, a lower percentage of the passage (11.7%) is taken up by

²⁹ In the shorter passages there *are* no words whose frequency rounds to 0.9%; *e.g.*, while a word occurring four times in the great *prosopopiia* (399 words) has a frequency of 1.002%, one occurring three times has a frequency of 0.752%.

Table 14: Relative repetitiousness of individual passages in the speech (percentage of passage taken up by words with a frequency $\geq 1.0\%$)

Passage	Words in passage	All		Excluding colourless		Words $\geq 2.0\%$
		# Words $\geq 1.0\%$	Total %	# Words $\geq 1.0\%$	Total %	
<i>Prosopopoiia</i>	399	4	4.5%	4	4.5%	
<i>Peroratio</i> 1	663	4	4.8%	2	2.1%	
Violence	762	5	6.3%	2	2.8%	
Divine Intervention	421	6	6.4%	6	6.4%	
<i>Peroratio</i> 2	673	5	6.5%	3	3.6%	
Public Good	842	6	7.4%	4	4.4%	
Address to P.	474	7	8.2%	4	5.1%	
<i>Narratio</i>	549	7	9.3%	5	6.6%	<i>Milo</i> : 2.0%
Recapitulation	472	7	9.3%	5	6.6%	
Prel. Arg. 3	797	9	10.3%	6	6.8%	
Motive	591	7	11.2%	4	7.4%	<i>Clodius</i> : 2.7% <i>Milo</i> 2.7%
<i>Exordium</i>	577	8	11.3%	5	7.5%	<i>iudex</i> : 2.6%
Skirmish	402	10	11.7%	8	8.7%	
Preparations	651	9	12.9%	7	10.4%	<i>Clodius</i> : 2.2% <i>Milo</i> : 2.0%
Prel. Arg. 1	487	10	13.6%	8	10.3%	
Aftermath	609	12	14.0%	7	8.0%	
Interrogations	347	10	15.3%	8	11.8%	<i>quaerere</i> : 3.5%
Prel. Arg. 2	354	13	20.3%	8	13.0%	<i>senatus</i> : 3.4% <i>populus</i> : 2.0%

repetitions of more words (ten). Some of the ‘frequent’ words in the ‘preparations’ argument must therefore be *very* frequent; the table shows that these are the names *Clodius* and *Milo*, which achieve frequencies of 2.2% and 2.0% respectively. (Only nine of the words in Table 13 achieve a frequency of 2.0% or more in the passage where they occur.)

Table 14 summarizes some of the variations in the data. The passages are listed in ascending order of repetitiousness by the current measure, when including all the words in the table (both informative and colourless). The table also gives the length of each passage in words, the number of frequent words making up the percentage which indicates the level of repetitiousness. Unlike passage-length, the number of frequent words generally increases as repetitiousness increases. But there are exceptions: the motive argument, the interrogations argument. (Unsurprisingly, both passages are among those containing exceptionally frequent words, listed in the right-most column of the table.) These exceptions provide a reminder that the presentation of numbers, especially totals, must be followed by discussion which points out what they conceal as well as what they reveal, *e.g.*, in the sub-division introductions in the Commentary.

Table 14 also displays the data on a number of frequent words and the percentage of the passage taken up by repetition when the more colourless words are excluded from the count. It is clear already from Table 13 that the amount of repetition of these colourless words varies across the speech; the difference between the repetitiousness percentages for each passage with and without colourless words is not constant. Nevertheless with only three exceptions the percentage without colourless words increases in parallel with the percentage including them; the exceptions are the great *prosopopoiia*, the divine intervention argument and the aftermath argument; the first two of these have no frequent colourless words at all. In the case of the aftermath argument, we might want to ask whether words like *magnus*

might actually belong in the ‘informative’ category. But it remains possible that passages like the *prosopopiia* and the divine intervention argument are unusual in their lack of frequent colourless words. Their repetitiousness depends on informative words alone, and might therefore be considered more interesting; on the other hand, they are not particularly repetitious, appearing among the first five rows of the table.

Some experiments with different categorizations of the frequent words were carried out to see whether the relative repetitiousness of the passages changed under different circumstances. For example, adjectives like *magnus* and *nullus* were treated as informative, only words like *posse* and *res* as colourless, names were treated as a separate category, and so on. A similar variation to that which appears here generally occurred. What made a more substantial difference to the figures was the inclusion of first- and second-person pronouns and their associated possessive adjectives alongside the nouns, verbs and adjectives which have been counted so far. These results confirmed the previous decision not to treat the personal pronouns and possessives as ‘vocabulary’, because while the words classified as colourless and informative appeared to be behaving in a similar way, the pronouns and possessives were not; when they were included, the second half of the *peroratio* appeared to be the most repetitious passage in the speech. This raises the possibility that at certain points, a desire not only to emphasize certain themes, but actually to be lexically repetitious, might lead a speaker to repeat colourless words as well as those directly related to a theme. The clearest case would be the second preliminary argument, which has a remarkable concentration of both informative and colourless words (as classified here); the aftermath argument, with a high concentration of colourless words in particular, is also interesting from this point of view.

More detailed discussions of the relevance of the frequent words within individual passages will be found throughout the Commentary. But a brief overview can be given here. Over the speech as a whole, there is a general although not consistent trend for the levels of repetitiousness in the individual passages to decrease. This can be demonstrated by looking at the highs and lows for the three major divisions of the text: passages in the Introductory Material range from 10.3% to 20.3%; passages in the Self-Defence Argument range from 6.3% to 15.3%; passages in the Public-Good Argument range from 4.5% to 9.3%. The *peroratio* also shows relatively low levels of repetition of informative lexical words. This trend corresponds to some extent to the variation in the use of topic-sentences, which are most consistently explicit in the Introductory Material; the sub-divisions of the Self-Defence Argument include several misleading markers; within the Public-Good Argument and the *peroratio*, despite marking of the transition between the two, sub-divisions are not so clearly marked. The clarity of the topic-sentences in the Self-Defence Argument was associated previously with the desire to create the impression that the defence was bolstered by multiple arguments, the relatively loose structure of the Public-Good Argument with the increasing emotional tone which continues into the *peroratio*. Might the relatively repetitious nature of the opening passages of the speech also contribute to an impression that the speaker is both organized and able to deal with a number of different approaches to the issue, represented by the sequence of clearly separated topics? It would be interesting to know if other speeches showed similar trends, or if the *Pro Milone* is unusual in this respect, as in its careful marking of the *partes orationis*.

The four passages making up the Introductory Material (the *exordium* and the three Preliminary Arguments), are also among those where the frequent words reflect the subject-matter most clearly. This point may not be entirely separate from the sheer repetitiousness of the passages: in a particularly repetitious passage, especially if the repetitiousness is due to a large number of moderately frequent words rather than a few extremely frequent words, it is perhaps more likely that some of those words will reflect the topic. The descriptions applied to the individual preliminary arguments in Table 1 are reflected in the frequent words (*defendere, interficere, occidere; senatus, decernere, sentire; iudicare, quaerere*); frequent words from the passages also occur in the topic-sentences (*occisum esse*, 7.2; *caedem, senatum, iudicasse*, 12.1; *iudicavit, Clodius*, 15.1). Although differences between the third preliminary argument and the other two could be pointed out, all of this confirms that the Introductory Material is very carefully structured; the advantages of creating such an impression at the beginning might be relevant in other speeches as well, and again further work is needed to explore this possibility.

Starting with the *narratio*, the names of the two protagonists become particularly frequent; one or the other or both appears in the table for every passage of the Self-Defence Argument. They are particularly frequent in the *narratio*, the motive argument and the preparations argument; in the violence argument, which is one of the least repetitious passages in the speech, almost no interesting words other than *Milo* achieve a frequency of 1.0% or more. The names are the only frequent words from the relevant passage to appear in the topic-sentences of the motive and violence arguments; none of the frequent words from the preparations argument appear in the unusual topic-sentence of that passage. Furthermore, the words in the topic-sentences 32.2 and 36.1 which give their names to these two arguments in the current analysis, *causa* and *uis*, do not appear in the table of frequent words for the arguments; contrast the first and second preliminary arguments, on self-defence and the opinion of the senate. All of these points compound the impression that the structure is not as carefully signalled here as in the Introductory Material.

The most repetitious passages of the Self-Defence Argument are the interrogations argument and the aftermath argument; the repetitiousness of the latter, as already noted, is in part due to the colourless words, but the frequent words in the former closely reflect the topic. This point in the argument has already been identified as a potentially problematic one: the use of summaries and topic-sentences at 52.1, 53.1, and 57.1 (as well as the sub-topic-sentence at 55.4) seem to be drawing attention away from the introduction of the issue of slave-interrogations, which may have been one of the weak points of the defence-case (see §2.3.1 above). It is tempting to compare the second preliminary argument, a similarly short passage with an even higher level of repetitiousness, closely reflecting the avowed topic. The apparent *praeiudicium* of the senate against Milo may also have been a difficult point for the defence. Might Cicero, in addition to dealing with these difficult points as quickly as possible, have used repetitiousness, either consciously or instinctively, to create an impression of consistency and tight argumentation? This hypothesis could be confirmed by the study of repetitiousness in other speeches. Even if parallels are found, it remains only one possible weapon in the orator's armoury; the difficulty of the apparent *praeiudicium* of Pompeius is dealt with in a very different way.

In the Public-Good Argument the overall level of repetitiousness continues to drop. Milo and Clodius are named less frequently, but there is some consistency in terms of the use of

words relating to public affairs (*ciui(li)is* in the *prosopopoiia*, *publicus/populus* and *ciui(ta)s* in the core of the public-good argument; *publicus/populus*, *consul(aris)*, and *curia* in the recapitulation). This trend can be traced back into the address to Pompeius (*publicus*) and the aftermath argument (*publicus/populus* and *senatus/senator*), contributing to the transitional feel of these passages; these words are not frequent earlier in the Self-Defence Argument. Given the increasing politicisation of the topic, their rise to prominence here is not surprising. The word-group *mors/immortalis* appears in the *prosopopoiia*, the divine intervention argument and the recapitulation, in which the opposite of death is also represented by the frequency of *uiuus*. Given the relatively low level of repetitiousness/number of frequent words in the individual passages, the repeated appearance of these related words is all the more striking. The passages themselves may be less repetitious, and so may cover a wider range of topics, but the few topics that are frequent recur in the Argument as a whole. This is different kind of consistency to that created within individual passages earlier in the speech, and may contribute to the increasing emotional tone, as the orator ceases to straitjacket his topics and begins instead to move repeatedly away from and back to a variety of themes which occupy his thoughts. It is tempting to link the fact that the last sub-division of the Public-Good Argument is the most repetitive with the label I have given it, ‘recapitulation’: it picks up themes from all three of the preceding subdivisions.

In the *peroratio* the levels of repetitiousness stay low and in the first half the two frequent ‘informative words’ continue to be related to public affairs. In the second these are replaced by a focus on Milo, and perhaps with a focus on the trial-situation (*iudex, etc.*); might the frequency of *uir(tus)*, especially in association with Milo, also constitute a link back to the *exordium*?

This discussion has demonstrated various ways of relating the vocabulary distribution data to the structure of the speech overall. The introductions to individual passages in the course of the Commentary will draw attention to details such as whether the frequent words cluster in particular sections, and will also consider the relative prominence in each passage of words relating to politics and justice which are prominent in the speech as a whole, whether they reach 1.0% in the passage in question or not.

4.2.1. Vocabulary distribution and existing structural analyses

Frequently occurring words in 44-56 may be relevant to the way this passage of the speech is viewed. My own reading (see §2.3.1 above) takes account of the apparent strong break at 52.1, as well as the very differently managed topic-shifts at 44.1 and 57.1, and therefore analyses 44-41 and 53-56 as two separate passages. The lexical analysis shows that the frequent vocabulary varies in the two passages, and confirms that they are about more than just ‘time’ and ‘place’ respectively. Both passages are fairly but not exceptionally repetitious; both achieve repetitiousness by the use of several fairly frequent words rather than by a few exceptionally frequent words. Two ‘time’-words, *dies* and *nox*, appear in the table for 44-51, and *locus* is at the head of the table for 53-57. But ‘time’ and ‘place’ do not exhaust the topics covered in these passages; the vocabulary of what I have called the preparations argument also appears to focus on the two protagonists’ knowledge of one another’s movements (*scire*) and on witness-testimony (*dicere*), while that of what I have called the skirmish argument includes a focus on the modes of travel of the two

protagonists, specifically who accompanied them (*comes/comitatu, uxor*), and on whether either one of them intended to encounter the other (*cogitare, parare, etc.*). This last point is the key question to which the both location of the skirmish and the modes of travel are supposed to help provide the answer: who ambushed whom?

None of the scholars' analyses considered is so crude as to label 44-51 'time' and 53-56 'place': Donnelly adds 'equipment' (54-55) to this pair along with two 'refutations' (47-49 and 56-60), and provides further sub-divisions; Clark labels 52 a *frequentatio* and 55-56 *facultas*, and appears not to provide a label for 46-50. The last decision is particularly interesting, showing his awareness that something in addition to *tempus* was the topic; unlike Donnelly, he does not notice, or does not consider it worth remarking, that aspects of place are already present before 53. But the word *locus* does not appear until 50.1; before this, place is represented by words and phrases such as *Lanuui, Romam, in Albano, in uia*. I am not arguing that Clark was counting words, but it is possible that his analysis was influenced not only by the orator's drawing attention to the *locus*-theme in 53.1 but also by the five occurrences of the word itself in 53.1-3, and a sixth in 54.5, just before Clark identifies a topic-shift to *facultas*. The appearance of *locus* in 50.1 and 51.3, if observed, might be interpreted as anticipating the next argument, in the same way that *serui* appears in 56.3, just before the interrogation-of-slaves topic begins.

5. Interaction

5.1. Shifts in speaker and addressee

The last aspect of language to be considered systematically in the current work is a selection of features on the interactional level of discourse. This is a potentially a very wide area; Kroon 1995, for example, argues that the primary function of particles like *enim, uero, and at* are primarily interactional rather than 'explanatory' or 'adversative', respectively: marking a claim to consensus between speaker and addressee, signalling the speaker's personal commitment to what is being said, and heralding the forthcoming frustration of the addressee's expectations.³⁰ I will not be systematically examining the use of interactional discourse particles in the *Pro Milone*, but will concentrate instead on more explicit signals indicating who is speaking and who is being addressed at various points in the speech. Direct reference to the speaker and addressee has been flagged as interesting earlier, both in relation to 'self-referentiality', which is sometimes a feature of topic-sentences (see §2.3) and in the context of the difference between lexical analysis and participant analysis (see §4.1). My focus is on points where attention is drawn to the communication-situation through reference to the communicator and the communicatee, and on points where the communication-situation apparently changes.

First- and second-person references, including vocative nouns as well as verbs, pronouns, and possessive adjectives, can be and have been subjected to quantitative analysis; these draw attention to the speaker and/or addressee. In addition to being sometimes a feature of topic-sentences, these features can also contribute to a sense of structure by being used differently in different passages of the text. Second-person

³⁰ On Kroon's analysis, *nam* and *autem* operate primarily on the presentational level of discourse, indicating the subsidiarity or discreteness of what is coming in relation to what precedes.

features provide the primary indication of who the addressee *is* at any point, and the addressee does change over the course of the speech. Where there is a long stretch of text without any addressee identified, it can perhaps be assumed that the last addressee mentioned is still being addressed. Other clues do exist however; for example, it can be debated whether the reference to somebody (or a group of somebodies) in the third person indicates that they are *not* the addressee (any longer).

Shift in speaker is also sometimes debatable. Indirect speech is marked by various syntactic features: the accusative-infinitive construction for indirect statement; indirect questions; the use of the subjunctive to distance the speaker from the opinion being expressed (see for example Subordinate Clauses Index 3.3.12, 3.3.16). Direct speech is sometimes linguistically marked, *e.g.*, by a word such a *dicit* or *inquit* either introducing or interrupting the words that belong to another person. Where this indicator is absent, there can be dispute over whether and where the speaker has adopted the voice of another, hence variable punctuation in modern editions: different editors make different decisions about where to use inverted commas. Another issue which affects punctuation is the status of a sentence as statement, question, or exclamation; editors can disagree on this too. As noted by narratologists, asking a question invokes an addressee (in narrative, a narratee), and thus constitutes a reminder that there is a speaker, somebody doing the addressing (in narrative, a narrator).

The use of the first-person plural simultaneously affects our understanding of what the speaker is doing and who is being addressed. This may be used to create unity between speaker and addressee; it may indicate that the speaker is speaking for a group, whether including the addressee or not; it may also stand for the speaker alone, a use which does not necessarily indicate the speaker's sense of his own importance (MacKendrick's 'we of majesty and of Cicero'), but can be described instead as the 'author's' or the 'editorial' we. (I shall use 'editorial' throughout.)

For the bulk of this text, the words are spoken by the defence-orator, Cicero: the communication-situation is one in which he as defence-advocate is attempting to persuade a specific addressee (the *iudices*) to perform a specific action (to acquit Milo). But there are moments when somebody else appears to speak, as in the following passage from the motive argument:

Quid Milonis intererat interfici Clodium? quid erat cur Milo non dicam admitteret, sed optaret? 'Obstabat in spe consulatus Miloni Clodius.' At eo repugnante fiebat, ...
(34.2-4)

Here the words *obstabat in spe consulatus Miloni Clodius* have been placed in inverted commas in order to indicate immediately to the modern reader that they are being interpreted as belonging to someone other than Cicero. The preceding words, which ask why Milo would have desired Clodius' death (expecting the answer: 'no earthly reason'), clearly belong to Cicero; so do the following words, which respond to the *obstabat...* sentence by commencing the argument that Clodius was *not* an obstacle to Milo gaining the consulship. The intervening suggestion that he *was* such an obstacle (*obstabat*) is, just as clearly, not Cicero's. There are alternatives, however, to putting the sentence in inverted commas – to treating it as direct speech from some other person, real or imagined. Most of the editors of the speech *do* use inverted commas, but Reid 1894 does

not, perhaps thinking that a debater does not need to have an opposition speaker in mind when he lists a (possible) opposition point. And indeed, if we *are* to imagine someone other than Cicero uttering these words, the text gives us no clue at all as to *who* we are to imagine. It is entirely plausible that this motivation for Milo was suggested by the prosecution, but the text does not specify; the absent introductory phrase could as well be ‘someone might say’ as ‘the prosecution have suggested’.³¹ Consequently this passage does not constitute evidence that this suggestion was made in any prosecution speech; on the other hand, the absence of any reference to the prosecution does not constitute evidence that it was not – Cicero handles the prosecutors very carefully in this speech; which is to say that he hardly refers to them directly at all.

In strong contrast to this vagueness, note the following passage:

‘Valeant,’ *inquit*, ‘ualeant ciues mei; sint incolumes, sint florentes, sint beati. ... O frustra’ *inquit* ‘mei suscepti labores, o spes fallaces, o cogitationes inanes meae! ... Ego cum te’ (mecum enim saepissime *loquitur*) ‘patriae reddidissem, mihi putarem in patria non futurum locum? Vbi nunc senatus est quem secuti sumus, ubi equites Romani illi, illi’ *inquit* ‘tui, ubi studia municipiorum, ...’ (93.2-5)

Here there can be no question that Cicero is quoting the words of another, and the introductory sentence (93.1) makes it clear (if it were not already clear from context) that the speaker is Milo. The direct speech is considerably longer than that proposed at 34.3 – Milo speaks a total of 170 words; his comments are repeatedly interrupted by words and phrases in Cicero’s own voice which remind the hearer that this is direct speech, and who is speaking. On three occasions this interruption consists merely of the word *inquit*, which does little more than convey this reminder; the phrase *mecum enim saepissime loquitur* (96.3), however, brings Cicero himself more clearly to the fore, highlighting his relationship with Milo (which is also stressed in the introductory sentence) as well as serving to identify explicitly the second-person singular whom Milo is addressing in the words *ego cum te*. (This singular addressee continues prominent to the end of the passage.)

These longer passages of direct speech are dignified with the title *prosopopoiiai*, or ‘personifications’ (lit. ‘mask-making’); they are a highlight of several Ciceronian speeches. Not all are as frequently interrupted by such markers of their status as ventriloquism as 93.2-5 is. They are certainly a different phenomenon from the one-line summary of a possible prosecution argument/unknown person’s objection such as we see at 34.3, but both phenomena constitute the speaker’s use of another person’s voice for a particular purpose (34.3 introduces a topic; 93.2-5 demonstrates Milo’s character and attempts to invoke sympathy). The use of inverted commas, also known as ‘quotation marks’, suggests that we might call the shorter ones ‘quotations’; this word, however, may carry the dangerous implication that Cicero is reporting precisely the actual words spoken on an actual occasion by a specific other person. This implication may be desired on some occasions by the speaker, but the inference is not a safe one for a historian to make

³¹ Contrast the use of such introductory phrases in the *Pro Archia: quaeres a nobis, Gratti, cur...*, 12 (direct address to prosecutor; indirect question); *quaeret quispiam: ‘quid? ...’*, 15 (unspecified interlocutor; direct speech).

(cf. Gotoff 1986). As a reminder of this, I propose using the label ‘pseudo-quotations’ when the passage does not seem long enough (or securely enough attached to another speaker) to merit ‘*prosopopoiia*’.

The identification of direct speech in the text is not just a modern editorial problem of punctuation. On many occasions it may be of no direct importance, but there are times when the speaker seems to be exploiting the possibility of vagueness. An example of this may occur in the apparently lengthy *prosopopoiia* of Milo that opens the Public-Good Argument (72.3-75.2). This long passage is syntactically analysable as a single sentence; its length is due to the repeated addition of more and more relative clause-complexes detailing more and more of Clodius’ crimes. It has an explicit introductory sentence identifying it as speech and identifying the speaker (*Miloni palam clamare ac mentiri gloriose liceret*, 72.2), and early on there is a ‘reminder’ interruption in Cicero’s own voice, with Milo briefly again in the third person (*auderet enim dicere, cum patriam periculo suo liberasset* – Cicero is not explicitly present in the text, but this constitutes a strong reminder of *his* opinion).³² But there is good reason to question where Milo’s speaking voice fades out and Cicero’s reasserts itself: in the second last relative clause, the first person referred to in the words *Appium fratrem, hominem mihi coniunctum fidissima gratia* is more easily taken, historically, as being Cicero rather than Milo. There is no clear marker of the shift, such as would be constituted by the use of ‘close inverted commas’ in a modern written text – at least one using English punctuation conventions. (For further discussion see 72-75n., 75.1n.)

The impossibility of identifying the precise moment where Cicero ceases even to appear to be voicing Milo, reasserting his own persona instead, should constitute a reminder that the adoption of any other voice than his own is in any case a pretence. The communication-situation never ceases to be the defence-orator persuading the *iudices*, even if it incorporates within it a brief representation of another communication-situation, in which the prosecutor or an unspecified interlocutor addresses the defence or the trial-personnel in general, or Milo addresses Pompeius, the Roman people, or Cicero himself on the day before. The prosecutor’s question to the defence and Milo’s plea to Pompeius are equally designed to be heard and understood by the *iudices*, as is the defence-orator’s own address to Domitius (22.1) or Cloelius (33.2). The shifts of voice emphasize different aspects of the communication-situation and of the argument. In a sense, too, different aspects of the speaker’s own persona are activated at different points. Some of the first-person remarks made in the course of the speech could be made by any speaker (e.g., *dixi equidem modo*, 45.2); others could only be uttered by Cicero (e.g., *me consule senatus*, 8.3). Where the persona of Cicero the politician is evoked as well as or instead of Cicero the defence-orator, this can be for a variety of reasons, for example to enlist his own *auctoritas* for the defence, or to express his personal involvement in the contest between Milo and Clodius.

Apparent speaker-shift between different people, rather than different aspects of the same person, can also be achieved in less vivid manner by using *indirect* speech, and Cicero

³² The interruption occurs within the already long clause-complex 72.3, preceding the first of the relative clauses, and following the antecedent, the first reference to Clodius as *eum*; it allows the speaker to take a breath before launching into the list of crimes.

uses this for variety in, for example, his announcement of new topics in the Preliminary Arguments (indirect speech at 7.2 and 12.1; direct speech – no speaker identified – at 15.1). Indirect speech is necessarily explicitly attributed to *someone*, even if it is someone indefinite (*quis[quam]*). Looking at all examples of indirect speech would constitute a considerable expansion of the data-set, and they have not been systematically considered; this is justifiable on the grounds that they are more common and less striking than occurrences of direct speech. Some lengthy passages of indirect speech attributed to Milo are, however, worth noticing (e.g., 95.2-96.2/97.0), as are the shorter passages such as 7.2 and 12.1 which are used for structural purposes in parallel with ‘pseudo-quotations’ (see next section).

Turning from the question of who is speaking to the question of who is addressed, the primary addressee of the speech is the body of *iudices*, just as the primary speaker is the defence-orator, Cicero. There is, however, variation – and just as with the question of who is speaking, that variation can be more or less definite, and more or less explicitly marked. The question of whether the *iudices* alone are being addressed, or whether the voice of the orator is also supposed to be reaching to the crowd beyond, the Roman people as a whole, is not always easy to answer. To the extent that the *iudices* represent the Roman people as a whole, or at least the positive elements within that body, it could be said that the distinction is unimportant; on the other hand, the fact that the two bodies are confusable is not without tactical importance in a speech so heavily dependent on the presentation of the Roman people as a unified political force, with one will. This presentation could be undermined by the occasional references that have to be made to those members of the Roman people who oppose Cicero and Milo, revealing a lack of unity within the state which was more pervasive than Cicero can admit; repeated use of *uos* – and indeed *nos* – with the precise referent unclear, may work against that revelation by keeping those opponents outside the circle of speaker and addressees; the latter are simply not permitted by the orator to identify with the opposition. But the clearest *linguistic* indications that the addressee has changed are changes from second-person plural to second-person singular, and vocatives other than the frequently repeated *iudices*. Just as with the shift to direct speech, however, these linguistic indicators are not actually necessary for the audience to be sure that the addressee has shifted.

5.2. *Speakers, addressees, and structure*

The introductions to the individual sub-divisions of the speech will explore in more detail the shifts, both explicit and vague, in addressee, in speaker, and in aspect of the orator’s persona being evoked. The use of questions will be considered as well as first- and second-person grammatical features and direct/indirect speech; some attempt will be made to track the variations in the identity of *uos*. What follows is a brief outline of the changes over the course of the text as a whole.

As already mentioned, for the bulk of the speech the communication-situation involves Cicero addressing the *iudices*. Down to the end of the *narratio* there is only one explicit change of addressee, when L. Domitius Ahenobarbus is addressed towards the end of the Preliminary Arguments. The shift is clearly marked and the addressee equally clearly identified at 22.1; return to the standard addressee is indicated immediately at the beginning of 23.1. The first member of the opposition to be directly addressed is not one

of the prosecutors but the Clodian adherent, Sextus Cloelius, who bursts into the text at 33.2-7. Shifts in speaker are more frequent: unattributed pseudo-quotations are used, sometimes in parallel with indirect speech, to introduce new aspects of the argument, both in the Preliminary Arguments and in the Self-Defence Argument (pseudo-quotations at 15.1, 34.3, 35.1, 36.1, 48.1, 54.4, 57.1, 59.1). There is a perhaps ‘natural’ tendency to use the technique when defending Milo rather than when attacking Clodius; in both Preliminary Arguments and Self-Defence Arguments pseudo-quotations are used for the expression of opposition views which must be answered. Thus, pseudo-quotations do not appear during the discussion of Clodius’ motive for killing Milo (32-33), but do appear during the discussion of Milo’s motive; they disappear again after the violence theme is introduced, when Cicero is expatiating on Clodius’ violence.

The undefined topic-shift at 44.1 is quickly followed by another brief shift in addressee, when Cicero calls on two of the *iudices* individually, Petilius and Cato (44.2-3). In what follows there is a strong concentration on the trial-situation; references to the prosecution take the form not of pseudo-quotations, but of further shifts in addressee (less clearly marked than those mentioned so far, but evident from content; see notes on 46.1 and 46.4), and explicit analysis of witness-testimony. Another cluster of pseudo-quotations begins at the shift from contrasting the entourages of the two men, a point made in support of the defence-argument that Clodius was the aggressor, to rebutting the suggestion that Milo’s ‘victory’ indicates that *he* was the aggressor (54.4); the cluster continues into the interrogations argument, also a defence of Milo. This part of the speech includes a number of second-person singular verbs, some of which may be idiomatic uses rather than actual shifts of speaker; the addressee is never explicitly identified. There are also several question-response sequences, perhaps mimicking the topic of interrogations. One of these provides a useful example of the impossibility of pinning down who is speaking at certain points.

59.1 shifts the focus of the discussion from the manumission of Milo’s slaves to the apparent interrogation of Clodius’ with the words: *sed quaestiones urgent Milonem, quae sunt habitae nunc in atrio Libertatis*. These words are easy to imagine in the words of an (unspecified) interlocutor, and have therefore been punctuated in this text within inverted commas. They are followed by a question asking for more details about these *quaestiones*: *quibusnam de seruis?* The answer (*de P. Clodi*) is postponed by yet another question, expressing disdain for the first question: *rogas?* Then come another three question-answer sequences, the point of which is to emphasize the fact that the prosecution have been interrogating their own slaves. An invocation to the gods follows; then another question, which receives no answer; then a comment on the proceedings here specified, here punctuated as an exclamation.

The sequence could be imagined as follows:

Interlocutor/Prosecutor: *sed quaestiones urgent Milonem, quae sunt habitae nunc in atrio Libertatis.*

Cicero: *quibusnam de seruis?*

Interlocutor: *rogas? de P. Clodi.*

Cicero: *quis eos postulauit?*

Interlocutor: *Appius.*

Cicero: *quis produxit?*

Interlocutor: *Appius.*

Cicero: *unde?*

Interlocutor: *ab Appio.*

Cicero: *di boni! quid potest agi seuerius?*

But there is another possible attribution, and the presence of the second-person *rogas?* may point in its direction. The questions can be given to someone other than a one of the prosecutors, and the answers to Cicero:

Cicero (in the voice of one of the Prosecutors): *sed quaestiones urgent Milonem, quae sunt habitae nunc in atrio Libertatis.*

Interlocutor: *quibusnam de seruis?*

Cicero: *rogas? de P. Clodi.*

Interlocutor: *quis eos postulauit?*

Cicero: *Appius.*

Interlocutor: *quis produxit?*

Cicero: *Appius.*

Interlocutor: *unde?*

Cicero: *ab Appio – di boni! quid potest agi seuerius?*

According to this attribution, the orator is not interrogating a prosecutor in order to force him to reveal what is wrong with his case, but is explaining the problems with that case to the ignorant (unspecified) interlocutor. There is nothing in the text which decides the attribution one way or another; *rogas?* is only suggestive. In delivery the orator may or may not have used intonation to make one attribution seem more likely than the other; we cannot know, and the ambiguity present on the page may be a positive feature, equally desirable in a spoken oration, and creatable by delivering the words *without* using intonation in this way to indicate where the shift in speakers was occurring. In such cases I have chosen to omit the inverted commas which would seem to decide the issue one way or another. This omission is a reminder that there is in fact nobody else speaking here, only Cicero – and this could be a motivation for leaving other sentences, which I have marked as pseudo-quotations, without inverted commas. (The reasoning of those editors who omit inverted commas is uncertain, since they do not discuss the point.)

To return to our progress through the speech, the subsequent argument, which focuses on Milo's return to Rome, involves multiple and unreliable voices in a discussion of various rumours (including lengthy indirect speech in 63.1, explicit quotation in 63.2), and that this aspect may be being anticipated in the interrogations argument. Perhaps, too, in a broader sense all this shifting of voice is preparing the ground for the dramatic shift of addressee at 67.1 and the subsequent shifts of speaker. The address to Pompeius is the most substantial shift in addressee in the speech so far; that it has come to an end is only certain in 70.2. It continues even when the apparent speaker (given in brackets) changes:

67.2. *times, tua, putas, tuis, tuum* (Cicero)

68.1. *tibi, sanares, confirmares* (Cicero)

68.2. *tibi, te, tua, tua, tibi, tuis, te, te, tuo* (Milo – indirect speech)

68.3. *tibi, te, Magne* (Cicero)

69.1. *uides* (Milo – direct speech)

69.2. *tu, tuis, desideres* (Milo – direct speech)

The point at which Pompeius ceases to be the addressee is debatable.

The shifts of speaker in the Public-Good Argument, anticipated in the (transitional) address to Pompeius, are different from those of the Preliminary and Self-Defence Arguments in that they are explicit *prosopopoiiai* of one person, Milo – of varying but always fairly substantial length – rather than brief and only vaguely attributed pseudo-quotations. This technique dominates the opening of the Public-Good Argument itself (72.3-75.2 – but see above; 77.1), and recurs, significantly, in the *peroratio* (93.2-94.5, 98.1-5, 104.2). These *prosopopoiiai* do not exhaust the words supposedly spoken by Milo in these passages, with substantial use of *indirect* speech at 68.2, 95.1-96.1/97.0 and (more briefly) 101.2. There is, however, a difference between Milo's speech in the Public-Good Argument and the *peroratio*: there is considerably less slippage between Cicero's voice and Milo's in the *peroratio*, and the reported communication-situation at which Milo is speaking are more clearly defined than in the great *prosopopoiia* at least. In this way overall consistency is achieved in the last third of the speech, but stylistic distinctness between individual passages, and therefore structural clarity, is also maintained.

6. Conclusion

Topic-sentences, syntactic variation, vocabulary distribution, and shifts in speaker and addressee are only some of the linguistic features of the text that could be examined in the exploration of how structure and meaning are created. This introductory essay has explored the ways in which the study of such linguistic features can enhance our understanding of the speech's strategy, and has presented the outlines of a reading of the speech, supported by this study, as a unified work of persuasion exploiting all the resources of language to create a particular set of impressions. The reading itself is the cumulative reflection of many repeated engagements with the text over a period of time; to defend it further will require the kind of detailed discussion of individual points which can only be given in a commentary-format. The discussion here should illuminate the choices made about what to comment on as well as the nature of the comments; it also suggests a new methodology (or methodologies) for studying persuasion, style, structure, and the interaction of language and meaning more generally, which, it is hoped, can be applied not only to other speeches but to other genres. Such further study will also help determine the value of the observations which have here been made about a single text.

M. TVLLI CICERONIS PRO T. ANNIO MILONE DE VI

[1] Etsi uereor, iudices, ne turpe sit pro fortissimo uiro dicere incipientem 1
timere, minimeque deceat, cum T. Annius ipse magis de rei publicae salute
quam de sua perturbetur, me ad eius causam parem animi magnitudinem adferre
non posse, tamen haec noui iudici noua forma terret oculos, qui, quocumque
inciderunt, ueterem consuetudinem fori et pristinum morem iudiciorum 2
requirunt. Non enim corona consessus uester cinctus est, ut solebat; non usitata 2
frequentia stipati sumus; non illa praesidia quae pro templis omnibus cernitis,
etsi contra uim conlocata sunt, non adferunt tamen oratori terroris aliquid, ut in
foro et in iudicio, quamquam praesidiis salutaribus et necessariis saepti sumus,
tamen ne non timere quidem sine aliquo timore possimus. Quae si opposita 1
Miloni putarem, cederem tempori, iudices, nec enim inter tantam uim armorum 1
existimarem esse orationi locum. Sed me recreat et reficit Cn. Pompei, 2
sapientissimi et iustissimi uiri, consilium, qui profecto nec iustitiae suae putaret
esse, quem reum sententiis iudicum tradidisset, eundem telis militum dedere,
nec sapientiae temeritatem concitatae multitudinis auctoritate publica armare.
Quam ob rem illa arma, centuriones, cohortes non periculum nobis sed 3
praesidium denuntiant, neque solum ut quieto sed etiam ut magno animo simus
hortantur, nec auxilium modo defensionis meae uerum etiam silentium
pollicentur.

Reliqua uero multitudo, quae quidem est ciuium, tota nostra est, nec eorum 2
quisquam quos undique intuentis, unde aliqua fori pars aspici potest, et huius
exitum iudici expectantis uidetis, non cum uirtuti Milonis fauet, tum de se, de
liberis suis, de patria, de fortunis hodierno die decertari putat. [2] Vnum genus 3
est aduersum infestumque nobis, eorum quos P. Clodi furor rapinis et incendiis
et omnibus exitiis publicis pauit; qui hesternae etiam contione incitati sunt ut
uobis uoce praeirent quid iudicaretis; quorum clamor, si qui forte fuerit,
admonere uos debet ut eum ciuem retineatis qui semper genus illud hominum
clamoresque maximos prae uestra salute neglexit.

Quam ob rem adeste animis, iudices, et timorem si quem habetis, 4
deponite. Nam si umquam de bonis et fortibus uiris, si umquam de bene meritis 2
ciuibus potestas uobis iudicandi fuit, si denique umquam locus amplissimorum
ordinum delectis uiris datus est ut sua studia erga fortis et bonos ciuis, quae
uultu et uerbis saepe significassent, re et sententiis declararent, hoc profecto
tempore eam potestatem omnem uos habetis ut statuatis utrum nos, qui semper
uestrae auctoritati dediti fuimus, semper miseri lugeamus an, diu uexati a
perditissimis ciuibus, aliquando per uos ac per uestram fidem uirtutem
sapientiamque recreemur. Quid enim nobis duobus, iudices, laboriosius, quid 5
magis sollicitum, magis exercitum dici aut fingi potest, qui, spe amplissimorum
praemiorum ad rem publicam adducti, metu crudelissimorum suppliciorum

carere non possumus? Equidem ceteras tempestates et procellas in illis dumtaxat fluctibus contionum semper putavi Miloni esse subeundas, quia semper pro bonis contra improbos senserat; in iudicio uero et in eo consilio, in quo ex coniunctis ordinibus amplissimi uiri iudicarent, numquam existimaui spem ullam esse habituros Milonis inimicos ad eius non modo salutem exstinguendam sed etiam gloriam per talis uiros infringendam. 2

Quamquam in hac causa, iudices, T. Anni tribunatu rebusque omnibus pro salute rei publicae gestis ad huius criminis defensionem non abutemur. Nisi oculis uideritis insidias Miloni a Clodio esse factas, nec deprecaturi sumus ut crimen hoc nobis propter multa praeclara in rem publicam merita condonetis, nec postulaturi ut, quia mors P. Clodi salus uestra fuerit, idcirco eam uirtuti Milonis potius quam populi Romani felicitati adsignetis. Sin illius insidiae clariores hac luce fuerint, tum denique obsecrabo obtestaborque uos, iudices, si cetera amisimus, hoc nobis saltem ut relinquatur: uitam ab inimicorum audacia telisque ut impune liceat defendere. 6
2
3

[3] Sed ante quam ad eam orationem uenio quae est propria uestrae quaestionis, uidentur ea mihi esse refutanda quae et in senatu ab inimicis saepe iactata sunt et in contione ab improbis et paulo ante ab accusatoribus, ut omni errore sublato rem plane quae ueniat in iudicium uidere possitis. Negant intueri lucem esse fas ei qui a se hominem occisum esse fateatur. In qua tandem urbe hoc homines stultissimi disputant? nempe in ea quae primum iudicium de capite uidit M. Horati, fortissimi uiri, qui nondum libera ciuitate tamen populi Romani comitiis liberatus est, cum sua manu sororem esse interfectam fateretur. 7
2
3

An est quisquam qui hoc ignoret: cum de homine occiso quaeratur, aut negari solere omnino esse factum, aut recte et iure factum esse defendi? Nisi uero existimatis dementem P. Africanum fuisse? qui, cum a C. Carbone tribuno plebis seditiose in contione interrogaretur quid de Ti. Gracchi morte sentiret, responderit iure caesum uideri. Neque enim posset aut Ahala ille Seruilius aut P. Nasica aut L. Opimius aut C. Marius aut me consule senatus non nefarius haberi, si sceleratos cuius interfici nefas esset. Itaque hoc, iudices, non sine causa etiam fictis fabulis doctissimi homines memoriae prodiderunt: eum qui patris ulciscendi causa matrem necauisset, uariatis hominum sententiis, non solum diuina sed etiam sapientissimae deae sententia liberatum. 8
2
3
4

Quod si XII tabulae nocturnum furem quoquo modo, diurnum autem si se telo defenderet, interfici impune uoluerunt, quis est qui, quoquo modo quis interfectus sit, puniendum putet, cum uideat aliquando gladium nobis ad hominem occidendum ab ipsis porrigi legibus? [4] Atqui si tempus est ullum iure hominis necandi, quae multa sunt, certe illud est non modo iustum uerum etiam necessarium, cum ui uis inlata defenditur: pudicitiam cum eriperet militi tribunus militaris in exercitu C. Marii, propinquus eius imperatoris, interfectus ab eo est cui uim adferebat; facere enim probus adulescens periculose quam perpeti turpiter maluit; atque hunc ille summus uir scelere solutum periculo liberauit. Insidiatori uero et latroni quae potest inferri iniusta nex? Quid 9
2
10

comitatus nostri, quid gladii uolunt? quos habere certe non liceret, si uti illis nullo pacto liceret.

Est igitur haec, iudices, non scripta sed nata lex, quam non didicimus, accepimus, legimus, uerum ex natura ipsa adripuimus, hausimus, expressimus, ad quam non docti sed facti, non instituti sed imbuti sumus, ut, si uita nostra in aliquas insidias, si in uim et in tela aut latronum aut inimicorum incidisset, omnis honesta ratio esset expediendae salutis. Silent enim leges inter arma nec se exspectari iubent, cum ei qui exspectare uelit ante iniusta poena luenda sit quam iusta repetenda. Etsi persapienter et quodam modo tacite dat ipsa lex potestatem defendendi, quae non hominem occidi, sed esse cum telo hominis occidendi causa uetat, ut, cum causa non telum quaereretur, qui sui defendendi causa telo esset usus, non hominis occidendi causa habuisse telum iudicaretur. Quapropter hoc maneat in causa, iudices; non enim dubito quin probaturus sim uobis defensionem meam, si id memineritis, quod obliuisci non potestis: insidiatorem interfici iure posse.

[5] Sequitur illud quod a Milonis inimicis saepissime dicitur: caedem in qua P. Clodius occisus esset senatum iudicasse contra rem publicam esse factam. Illam uero senatus non sententiis suis solum sed etiam studiis comprobauit. Quotiens enim est illa causa a nobis acta in senatu, quibus adsensionibus uniuersi ordinis, quam nec tacitis nec occultis? Quando enim frequentissimo senatu quattuor aut summum quinque sunt inuenti qui Milonis causam non probarent? Declarant huius ambusti tribuni plebis illae intermortuae contiones quibus cotidie meam potentiam inuidiose criminabatur, cum diceret senatum non quod sentiret sed quod ego uellem decernere. Quae quidem si potentia est appellanda, potius quam propter magna in rem publicam merita mediocris in bonis causis auctoritas, aut propter hos officiosos labores meos non nulla apud bonos gratia, appelletur ita sane, dum modo ea nos utamur pro salute bonorum contra amentiam perditorum.

Hanc uero quaestionem, etsi non est iniqua, numquam tamen senatus constituendam putauit. Erant enim leges, erant quaestiones uel de caede uel de ui, nec tantum maerorem ac luctum senatui mors P. Clodi adferebat ut noua quaestio constitueretur. Cuius enim de illo incesto stupro iudicium decernendi senatui potestas esset erepta, de eius interitu quis potest credere senatum iudicium nouum constituendum putasse? Cur igitur incendium curiae, oppugnationem aedium M. Lepidi, caedem hanc ipsam contra rem publicam senatus factam esse decreuit? quia nulla uis umquam est, in libera ciuitate suscepta inter ciuis, non contra rem publicam. Non enim est ulla defensio contra uim umquam optanda, sed non numquam est necessaria. Nisi uero aut ille dies quo Ti. Gracchus est caesus, aut ille quo Gaius, aut arma Saturnini non, etiam si e re publica oppressa sunt, rem publicam tamen uolnerarunt? [6] Itaque ego ipse decreui, cum caedem in uia Appia factam esse constaret, non eum qui se defendisset contra rem publicam fecisse, sed, cum inesset in re uis et insidiae, crimen iudicio reseruauit, rem notauit. Quod si per furiosum illum tribunum plebis senatui quod sentiebat perficere licuisset, nouam quaestionem nullam

haberemus. Decernebat enim ut ueteribus legibus, tantum modo extra ordinem, 5
 quaeretur; diuisa sententia est postulante nescio quo (nihil enim necesse est
 omnium me flagitia proferre); sic reliqua auctoritas senatus empta intercessione
 sublata est.

‘At enim Cn. Pompeius rogatione sua et de re et de causa iudicauit; tulit enim de 15
 caede quae in Appia uia facta esset, in qua P. Clodius occisus esset.’ Quid ergo 2
 tulit? nempe ut quaeretur. Quid porro quaerendum est? factumne sit? at 3
 constat; a quo? at paret. Vidit igitur etiam in confessione facti iuris tamen 4
 defensionem suscipi posse; quod nisi uidisset – posse absolui eum qui fateretur,
 cum uideret nos fateri – neque quaeri umquam iussisset, nec uobis tam hanc 5
 salutarem in iudicando litteram quam illam tristem dedisset. Mihi uero Cn.
 Pompeius non modo nihil grauius contra Milonem iudicasse, sed etiam statuisse 6
 uidetur quid uos in iudicando spectare oporteret. Nam qui non poenam 6
 confessioni sed defensionem dedit, is causam interitus quaerendam, non
 interitum, putauit.

Iam illud ipse dicit profecto, quod sua sponte fecit, Publione Clodio tribuendum 16
 putarit an temporari. [7] Domi suae nobilissimus uir, senatus propugnator atque 2
 illis quidem temporibus paene patronus, auunculus huius iudicis nostri
 fortissimi uiri, M. Catonis, tribunus plebis M. Drusus occisus est. Nihil de eius 3
 morte populus consultus est, nulla quaestio decreta a senatu est. Quantum 4
 luctum fuisse in hac urbe a nostris patribus accepimus, cum P. Africano domi
 suae quiescenti illa nocturna uis esset inlata? Quis tum non ingemuit, quis non 5
 arsit dolore, quem immortalem, si fieri posset, omnes esse cuperent, eius ne
 necessariam quidem exspectatam esse mortem? Num igitur ulla quaestio de 6
 Africani morte lata est? certe nulla. Quid ita? quia non alio facinore clari 17
 homines, alio obscuri necantur. Intersit inter uitae dignitatem summorum atque 2
 infimorum; mors quidem inlata per scelus isdem et poenis teneatur et legibus.

Nisi forte magis erit parricida si qui consularem patrem quam si qui humilem 3
 necarit? aut eo mors atrocior erit P. Clodi quod is in monumentis maiorum
 suorum sit interfectus – hoc enim ab istis saepe dicitur, proinde quasi Appius
 ille Caecus uiam munierit non qua populus uteretur, sed ubi impune sui posterum 18
 latrocinantur! Itaque in eadem ista Appia cum ornatissimum equitem
 Romanum P. Clodius M. Papirium occidisset, non fuit illud facinus puniendum;
 homo enim nobilis in suis monumentis equitem Romanum occiderat. Nunc 2
 eiusdem Appiae nomen quantas tragoedias excitat! Quae cruentata antea caede 3
 honesti atque innocentis uiri silebatur, eadem nunc crebro usurpatur, postea
 quam latronis et parricidae sanguine imbuta est.

Sed quid ego illa commemoro? Comprehensus est in templo Castoris seruus P. 4
 Clodi, quem ille ad Cn. Pompeium interficiendum conlocarat; extorta est ei
 confitenti sica de manibus. Caruit foro postea Pompeius, caruit senatu, caruit 6
 publico; ianua se ac parietibus, non iure legum iudiciorumque texit. Num quae 19
 rogatio lata, num quae noua quaestio decreta est? Atqui si res, si uir, si tempus 2
 ullum dignum fuit, certe haec in illa causa summa omnia fuerunt. Insidiator erat 3

in foro conlocatus atque in uestibulo ipso senatus; ei uiro autem mors parabatur cuius in uita nitebatur salus ciuitatis; eo porro rei publicae tempore quo, si unus ille occidisset, non haec solum ciuitas sed gentes omnes concidissent. Nisi uero, quia perfecta res non est, non fuit punienda? proinde quasi exitus rerum, non hominum consilia, legibus uindicerentur! Minus dolendum fuit re non perfecta, sed puniendum certe nihilo minus.

Quotiens ego ipse, iudices, ex P. Clodi telis et ex cruentis eius manibus effugi! Ex quibus si me non uel mea uel rei publicae fortuna seruasset, quis tandem de interitu meo quaestionem tulisset? [8] Sed stulti sumus qui Drusum, qui Africanum, Pompeium, nosmet ipsos cum P. Clodio conferre audeamus? Tolerabilia fuerunt illa; P. Clodi mortem aequo animo ferre nemo potest. Luget senatus, maeret equester ordo, tota ciuitas confecta senio est; squalent municipia, adflctantur coloniae, agri denique ipsi tam beneficium, tam salutarem, tam mansuetum ciuem desiderant.

Non fuit ea causa, iudices, profecto non fuit, cur sibi censeret Pompeius quaestionem ferendam. Sed homo sapiens atque alta et diuina quadam mente praeditus multa uidit: fuisse illum sibi inimicum, familiarem Milonem; in communi omnium laetitia si etiam ipse gauderet, timuit ne uideretur infirmior fides reconciliae gratiae. Multa etiam alia uidit, sed illud maxime: quamuis atrociter ipse tulisset, uos tamen fortiter iudicaturos. Itaque delegit ex florentissimis ordinibus ipsa lumina; neque uero, quod non nulli dictitant, secreuit in iudicibus legendis amicos meos. Neque enim hoc cogitauit uir iustissimus, neque in bonis uiris legendis id adsequi potuisset, etiam si cupisset. Non enim mea gratia familiaritatibus continetur, quae late patere non possunt (propterea quod consuetudines uictus non possunt esse cum multis), sed si quid possumus, ex eo possumus: quod res publica nos coniunxit cum bonis. Ex quibus ille cum optimos uiros legeret idque maxime ad fidem suam pertinere arbitraretur, non potuit legere non studiosos mei.

Quod uero te, L. Domiti, huic quaestioni praeesse maxime uoluit, nihil quaesiuit aliud nisi iustitiam, grauitatem, humanitatem, fidem. Tulit ut consularem necesse esset, credo, quod principum munus esse ducebat resistere et leuitati multitudinis et perditorum temeritati. Ex consularibus te creauit potissimum; dederas enim quam contemneres popularis insanias iam ab adulescentia documenta maxima.

[9] Quam ob rem, iudices, ut aliquando ad causam crimenque ueniamus, si neque omnis confessio facti est inusitata, neque de causa nostra quicquam aliter ac nos uellemus a senatu iudicatum est, et lator ipse legis, cum esset controuersia nulla facti, iuris tamen disceptationem esse uoluit, et ei lecti iudices, isque praepositus est quaestioni qui haec iuste sapienterque disceptet, reliquum est, iudices, ut nihil iam quaerere aliud debeatis nisi uter utri insidias fecerit. Quod quo facilius argumentis perspicere possitis, rem gestam uobis dum breuiter expono, quaeso, diligenter attendite.

P. Clodius, cum statuisset omni scelere in praetura uexare rem publicam,

uideretque ita tracta esse comitia anno superiore ut non multos mensis praeturam gerere posset, qui non honoris gradum spectaret, ut ceteri, sed et L. Paulum conlegam effugere uellet, singulari uirtute ciuem, et annum integrum ad dilacerandam rem publicam quaereret, subito reliquit annum suum seseque in proximum transtulit, non, ut fit, religione aliqua, sed ut haberet, quod ipse dicebat, ad praeturam gerendam (hoc est ad euertendam rem publicam) plenum annum atque integrum.

Occurrebat ei mancam ac debilem praeturam futuram suam consule Milone; 25
 eum porro summo consensu populi Romani consulem fieri uidebat. Contulit se 2
 ad eius competitores, sed ita totam ut petitionem ipse solus, etiam inuitis illis,
 gubernaret, tota ut comitia suis, ut dicitabat, umeris sustineret. Conuocabat 3
 tribus; se interponebat; Collinam nouam dilectu perditissimorum ciuium
 conscribebat. Quanto ille plura miscebat, tanto hic magis in dies conualescebat. 4
 Vbi uidit homo ad omne facinus paratissimus fortissimum uirum, 5
 inimicissimum suum, certissimum consulem, idque intellexit non solum
 sermonibus, sed etiam suffragiis populi Romani saepe esse declaratum, palam 26
 agere coepit et aperte dicere occidendum Milonem. Seruos agrestis et barbaros,
 quibus siluas publicas depopulatus erat Etruriamque uexarat, ex Appennino
 deduxerat, quos uidebatis; res erat minime obscura. Etenim dicitabat palam 2
 consulatum Miloni eripi non posse, uitam posse. Significauit hoc saepe in 3
 senatu, dixit in contione, quin etiam M. Fauonio, fortissimo uiro, quaerenti ex
 eo qua spe fureret Milone uiuo, respondit triduo illum aut summum quadriduo
 esse periturum, quam uocem eius ad hunc M. Catonem statim Fauonius detulit.

[10] Interim cum sciret Clodius (neque enim erat id difficile scire a Lanuuius) 27
 iter sollemne, legitimum, necessarium ante diem XIII Kalendas Februarias
 Miloni esse Lanuuium ad flaminem prodendum, quod erat dictator Lanuui Milo,
 Roma subito ipse profectus pridie est ut ante suum fundum, quod re intellectum
 est, Miloni insidias conlocaret; atque ita profectus est ut contionem turbulentam,
 in qua eius furor desideratus est, quae illo ipso die habita est, relinqueret, quam,
 nisi obire facinoris locum tempusque uoluisset, numquam reliquisset. Milo 28
 autem cum in senatu fuisset eo die quoad senatus est dimissus, domum uenit;
 calceos et uestimenta mutauit; paulisper, dum se uxor, ut fit, comparat,
 commoratus est; dein profectus id temporis cum iam Clodius, si quidem eo die
 Romam uenturus erat, redire potuisset.

Obuiam fit ei Clodius, expeditus, in equo, nulla raeda, nullis impedimentis, 2
 nullis Graecis comitibus, ut solebat, sine uxore, quod numquam fere, cum hic
 insidiator, qui iter illud ad caedem faciendam apparasset, cum uxore ueheretur
 in raeda, paenulatus, magno et impedito et muliebri ac delicato ancillarum
 puerorumque comitatu. Fit obuiam Clodio ante fundum eius hora fere undecima 29
 aut non multo secus. Statim complures cum telis in hunc faciunt de loco
 superiore impetum; aduersi raedarium occidunt. Cum autem hic de raeda, 2
 reiecta paenula, desiluisset seque acri animo defenderet, illi qui erant cum
 Clodio, gladiis eductis, partim recurrere ad raedam ut a tergo Milonem
 adorirentur, partim, quod hunc iam interfectum putarent, caedere incipiunt eius 3

seruos qui post erant, ex quibus, qui animo fideli in dominum et praesenti fuerunt, partim occisi sunt, partim, cum ad raedam pugnari uiderent, domino succurrere prohiberentur, Milonem occisum et ex ipso Clodio audirent et re uera putarent, fecerunt id serui Milonis (dicam enim aperte non deriuandi criminis causa, sed ut factum est), nec imperante nec sciente nec praesente domino, quod suos quisque seruos in tali re facere uoluisset.

[11] Haec sicuti exposui ita gesta sunt, iudices: insidiator superatus est, ui uicta 30
uis, uel potius oppressa uirtute audacia est. Nihil dico quid res publica consecuta 2
sit, nihil quid uos, nihil quid omnes boni; nihil sane id prosit Miloni, qui hoc
fato natus est ut ne se quidem seruare potuerit, quin una rem publicam uosque
seruaret. Si id iure fieri non potuit, nihil habeo quod defendam. Sin hoc et ratio 3
doctis et necessitas barbaris et mos gentibus et feris natura ipsa praescrispsit, ut
omnem semper uim quacumque ope possent a corpore, a capite, a uita sua
propulsarent, non potestis hoc facinus improbum iudicare, quin simul iudicetis
omnibus qui in latrones inciderint aut illorum telis aut uestris sententiis esse
pereundum. Quod si ita putasset, certe optabilius Miloni fuit dare iugulum P. 31
Clodio, non semel ab illo neque tum primum petitem, quam iugulari a uobis
quia se non iugulandum illi tradidisset. Sin hoc nemo uestrum ita sentit, illud 2
iam in iudicium uenit: non occisusne sit, quod fatemur, sed iure an iniuria, quod
multis in causis saepe quaesitum est. Insidias factas esse constat, et id est quod 3
senatus contra rem publicam factum iudicauit. Ab utro factae sint incertum est; 4
de hoc igitur latum est ut quaereretur. Ita et senatus rem, non hominem, notauit, 5
et Pompeius de iure, non de facto, quaestionem tulit. [12] Num quid igitur aliud 6
in iudicium uenit nisi uter utri insidias fecerit? profecto nihil; si hic illi, ut ne sit
impune; si ille huic, tum nos scelere soluamur.

Quonam igitur pacto probari potest insidias Miloni fecisse Clodium? Satis est in 32
illa quidem tam audaci, tam nefaria belua docere, magnam ei causam, magnam
spem in Milonis morte propositam, magnas utilitates fuisse. Itaque illud 3
Cassianum ‘cui bono fuerit?’ in his personis ualeat, etsi boni nullo emolumento
impelluntur in fraudem, improbi saepe paruo. Atqui Milone interfecto Clodius 4
haec adsequebatur: non modo ut praetor esset non eo consule quo sceleris facere
nihil posset, sed etiam ut eis consulibus praetor esset quibus, si non
adiuuantibus, at coniuuentibus certe, speraret se posse eludere in illis suis
cogitatis furoribus, cuius illi conatus, ut ipse ratiocinabatur, nec cuperent
reprimere, si possent, cum tantum beneficium ei se debere arbitrentur, et, si
uellent, fortasse uix possent frangere hominis sceleratissimi conroboratam iam
uetustate audaciam.

An uero, iudices, uos soli ignoratis – uos hospites in hac urbe uersamini, uestrae 33
peregrinantur aures neque in hoc peruagato ciuitatis sermone uersantur – quas
ille leges, si leges nominandae sunt ac non faces urbis, pestes rei publicae, fuerit
impositurus nobis omnibus atque inustus? Exhibe, exhibe, quaeso, Sexte 2
Cloeli, libarium illud legum uestrarum quod te aiunt eripuisse e domo et ex
mediis armis turbaque nocturna tamquam Palladium sustulisse, ut praeclarum
uidelicet munus atque instrumentum tribunatus ad aliquem, si nactus esses, qui

tuo arbitrio tribunatum gereret, deferre posses! Et aspexit me illis quidem oculis 3
 quibus tum solebat cum omnibus omnia minabatur. Mouet me quippe lumen 4
 curiae! [13] Quid? tu me tibi iratum, Sexte, putas, cuius tu inimicissimum multo 5
 crudelius etiam punitus es quam erat humanitatis meae postulare? Tu P. Clodi 6
 cruentum cadauer eiecisti domo, tu in publicum abiecisti, tu spoliatum
 imaginibus, exsequiis, pompa, laudatione, infelicissimis lignis semiustilatum,
 nocturnis canibus dilaniandum reliquisti. Qua re, etsi nefarie fecisti, tamen, 7
 quoniam in meo inimico crudelitatem exprompsisti tuam, laudare non possum,
 irasci certe non debeo.

Audistis, iudices, quantum Clodi interfuerit occidi Milonem; conuertite animos 34
 nunc uicissim ad Milonem. Quid Milonis intererat interfici Clodium? quid erat 2
 cur Milo non, dicam, admitteret, sed optaret? ‘Obstabat in spe consulatus Miloni 3
 Clodius.’ At eo repugnante fiebat, immo uero eo fiebat magis, nec me 4
 suffragatore meliore utebatur quam Clodio. Valebat apud uos, iudices, Milonis 5
 erga me remque publicam meritorum memoria, ualebant preces et lacrimae
 nostrae, quibus ego tum uos mirifice moueri sentiebam, sed plus multo ualebat
 periculorum impendentium timor. Quis enim erat ciuium qui sibi solutam P. 6
 Clodi praeturam sine maximo rerum nouarum metu proponeret? Solutam autem 7
 fore uidebatis, nisi esset is consul qui eam auderet possetque constringere. Eum 8
 Milonem unum esse cum sentiret uniuersus populus Romanus, quis dubitaret
 suffragio suo se metu, periculo rem publicam liberare? At nunc Clodio remoto, 9
 usitatis iam rebus enitendum est Miloni ut tueatur dignitatem suam; singularis
 illa et huic uni concessa gloria, quae cotidie augebatur frangendis furoribus
 Clodianis, iam Clodi morte cecidit. Vos adepti estis ne quem ciuem metueretis; 10
 hic exercitationem uirtutis, suffragationem consulatus, fontem perennem gloriae
 suae perdidit. Itaque Milonis consulatus, qui uiuo Clodio labefactari non 11
 poterat, mortuo denique temptari coeptus est. Non modo igitur nihil prodest sed 12
 obest etiam Clodi mors Miloni.

‘At ualuit odium, fecit iratus, fecit inimicus, fuit ultor iniuriae, punitor doloris 35
 sui.’ Quid? si haec non, dico, maiora fuerunt in Clodio quam in Milone, sed in 2
 illo maxima, nulla in hoc, quid uoltis amplius? Quid enim odisset Clodium 3
 Milo, segetem ac materiam suae gloriae, praeter hoc ciuile odium quo omnis
 improbos odimus? Illi erat ut odisset primum defensorem salutis meae, deinde 4
 uexatorem furoris, domitorem armorum suorum, postremo etiam accusatorem
 suum; reus enim Milonis lege Plotia fuit Clodius quoad uixit. Quo tandem 5
 animo hoc tyrannum illum tulisse creditis? quantum odium illius, et in homine
 iniusto quam etiam iustum, fuisse?

[14] Reliquum est ut iam illum natura ipsius consuetudoque defendat, hunc 36
 autem haec eadem coarguant: ‘nihil per uim umquam Clodius, omnia per uim 2
 Milo.’ Quid? ego, iudices, cum maerentibus uobis urbe cessi, iudiciumne timui, 3
 non seruos, non arma, non uim? Quae fuisset igitur iusta causa restituendi mei, 4
 nisi fuisset iniusta eiciendi? Diem mihi, credo, dixerat, multam inrogarat, 4
 actionem perduellionis intenderat, et mihi uidelicet in causa aut mala aut mea,
 non et praeclarissima et uestra, iudicium timendum fuit? Seruorum et egentium 5

ciuium et facinorosorum armis meos ciuis, meis consiliis periculisque seruatos, pro me obici nolui. Vidi enim, uidi hunc ipsum Q. Hortensium, lumen et ornamentum rei publicae, paene interfici seruorum manu, cum mihi adesset, qua in turba C. Vibienus senator, uir optimus, cum hoc cum esset una, ita est mulcatus ut uitam amiserit. Itaque quando illius postea sica illa quam a Catilina acceperat conqueiuit? Haec intenta nobis est, huic ego uos obici pro me non sum passus, haec insidiata Pompeio est, haec uiam Appiam, monumentum sui nominis, nece Papiri cruentauit, haec eadem longo interuallo conuersa rursus est in me; nuper quidem, ut scitis, me ad regiam paene confecit.

Quid simile Milonis? Cuius uis omnis haec semper fuit: ne P. Clodius, cum in iudicium detrahi non posset, ui oppressam ciuitatem teneret. Quem si interficere uoluisset, quantae quotiens occasiones, quam praeclarae fuerunt! Potuitne, cum domum ac deos penatis suos illo oppugnante defenderet, iure se ulcisci? Potuitne cui egregio et uiro fortissimo, P. Sestio, conlega suo, uolnerato? Potuitne Q. Fabricio, uiro optimo, cum de reditu meo legem ferret, pulso, crudelissima in foro caede facta? Potuitne L. Caecili, iustissimi fortissimique praetoris, oppugnata domo? Potuitne illo die quo est lata lex de me, cum totius Italiae concursus, quem mea salus concitarat, facti illius gloriam libens agnouisset, ut, etiam si id Milo fecisset, cuncta ciuitas eam laudem pro sua uindicaret? [15] At quod erat tempus! Clarissimus et fortissimus uir consul, inimicus Clodio, P. Lentulus, ultor sceleris illius, propugnator senatus, defensor uestrae uoluntatis, patronus publici consensus, restitutor salutis meae; septem praetores; octo tribuni plebei illius aduersarii, defensores mei; Cn. Pompeius, auctor et dux mei reditus, illius hostis, cuius sententiam senatus omnis de salute mea grauissimam et ornatissimam secutus est, qui populum Romanum est cohortatus, qui cum decretum de me Capuae fecisset, ipse cunctae Italiae cupienti et eius fidem imploranti signum dedit ut ad me restituendum Romam concurreret; omnium denique in illum odia ciuium ardebant desiderio mei. Quem qui tum interemisset, non de impunitate eius, sed de praemiis cogitaretur.

Tum se Milo continuit et P. Clodium in iudicium bis, ad uim numquam uocauit. Quid? priuato Milone et reo ad populum, accusante P. Clodio, cum in Cn. Pompeium pro Milone dicentem impetus factus est, quae tum non modo occasio sed etiam causa illius opprimendi fuit? Nuper uero cum M. Antonius summam spem salutis bonis omnibus attulisset, grauissimamque adulescens nobilissimus rei publicae partem fortissime suscepisset, atque illam beluam, iudici laqueos declinantem, iam inretitam teneret, qui locus, quod tempus illud, di immortales, fuit? Cum se ille fugiens in scararum tenebras abdidisset, magnum Miloni fuit conficere illam pestem nulla sua inuidia, M. uero Antoni maxima gloria! Quid? comitiis in campo quotiens potestas fuit, cum ille in saepta inrupisset, gladios destringendos lapides iaciendos curasset, dein subito uultu Milonis perterritus fugeret ad Tiberim, uos et omnes boni uota faceretis ut Miloni uti uirtute sua liberet!

[16] Quem igitur cum omnium gratia noluit, hunc uoluit cum aliquorum querela, quem iure, quem loco, quem tempore, quem impune non est ausus,

hunc iniuria, iniquo loco, alieno tempore, periculo capitis non dubitavit
 occidere? praesertim, iudices, cum honoris amplissimi contentio et dies 42
 comitiorum subesset, quo quidem tempore (scio enim quam timida sit ambitio,
 quantaque et quam sollicita sit cupiditas consulatus) omnia non modo quae
 reprehendi palam, sed etiam quae obscure cogitari possunt timemus; rumorem,
 fabulam falsam fictam leuem, perhorrescimus; ora omnium atque oculos 1
 intuemur. Nihil est enim tam molle, tam tenerum, tam aut fragile aut flexibile
 quam uoluntas erga nos sensusque ciuium, qui non modo improbitati irascuntur
 candidatorum, sed etiam in recte factis saepe fastidiunt. Hunc igitur diem campi 43
 speratum atque exoptatum sibi proponens Milo, cruentis manibus scelus et
 facinus prae se ferens et confitens, ad illa augusta centuriarum auspicia
 ueniebat? Quam hoc non credibile est in hoc, quam idem in Clodio non 2
 dubitandum, qui se ipse, interfecto Milone, regnaturum putaret! Quid? quod 3
 caput est audaciae, iudices, quis ignorat maximam inlecebram esse peccandi
 impunitatis spem? In utro igitur haec fuit? in Milone, qui etiam nunc reus est 4
 facti aut praeclari aut certe necessarii, an in Clodio, qui ita iudicia poenamque
 contempserat ut eum nihil delectaret quod aut per naturam fas esset aut per leges
 liceret?

Sed quid ego argumentor? quid plura disputo? Te, Q. Petili, appello, optimum et 44
 fortissimum ciuem; te, M. Cato, testor, quos mihi diuina quaedam sors dedit
 iudices! Vos ex M. Fauonio audistis Clodium sibi dixisse – et audistis uiuo 3
 Clodio – periturum Milonem triduo; post diem tertium gesta res est quam
 dixerat. Cum ille non dubitaret aperire quid cogitaret, uos potestis dubitare quid 4
 fecerit?

[17] Quem ad modum igitur eum dies non fefellit? Dixi equidem modo: 45
 dictatoris Lanuuii stata sacrificia nosse negoti nihil erat. Vidit necesse esse 3
 Miloni proficisci Lanuuium illo ipso quo est profectus die; itaque anteuertit. At 4
 quo die? quo, ut ante dixi, fuit insanissima contio, ab ipsius mercenario tribuno
 plebis concitata, quem diem ille, quam contionem, quos clamores, nisi ad
 cogitatum facinus approperearet, numquam reliquisset. Ergo illi ne causa quidem 5
 itineris, etiam causa manendi; Miloni manendi nulla facultas, exeundi non causa
 solum sed etiam necessitas fuit.

Quid si, ut ille sciuit Milonem fore eo die in uia, sic Clodium Milo ne suspicari 6
 quidem potuit? Primum quaero qui id scire potuerit – quod uos idem in Clodio 46
 quaerere non potestis. Vt enim neminem alium nisi T. Patinam, familiarissimum 2
 suum, rogasset, scire potuit illo ipso die Lanuui a dictatore Milone prodi
 flaminem necesse esse. Sed erant permulti alii ex quibus id facillime scire 3
 posset: omnes scilicet Lanuuii. Milo de Clodi reditu unde quaesiuit? Quaesierit 4
 sane – uidete quid uobis largiar! – seruum etiam, ut Q. Arrius, amicus meus,
 dixit, corruerit. Legite testimonia testium uestrorum! Dixit C. Causinius 6
 Schola, Interamnanus, familiarissimus et idem comes Clodi, P. Clodium illo die
 in Albano mansurum fuisse, sed subito ei esse nuntiatum Cyrum architectum
 esse mortuum, itaque repente Romam constituisse proficisci. Dixit hoc item 8
 comes P. Clodi, C. Clodius. [18] Videte, iudices, quantae res his testimoniis sint 47

confectae! Primum certe liberatur Milo non eo consilio profectus esse ut 2
 insidiaretur in uia Clodio; quippe, si ille obuius ei futurus omnino non erat!
 Deinde (non enim uideo cur non meum quoque agam negotium) scitis, iudices, 3
 fuisse qui in hac rogatione suadenda diceret Milonis manu caedem esse factam,
 consilio uero maioris alicuius; me uidelicet latronem ac sicarium abiecti
 homines et perditii describebant. Iacent suis testibus qui Clodium negant eo die 4
 Romam, nisi de Cyro audisset, fuisse rediturum. Respiraui, liberatus sum; non 5
 uereor ne, quod ne suspicari quidem potuerim, uidear id cogitasse.

Nunc persequar cetera, nam occurrit illud: ‘igitur ne Clodius quidem de insidiis 48
 cogitauit, quoniam fuit in Albano mansurus.’ Si quidem exiturus ad caedem e 2
 uilla non fuisset. Video enim illum qui dicatur de Cyri morte nuntiasse, non id 3
 nuntiasse, sed Milonem appropinquare. Nam quid de Cyro nuntiaret quem 4
 Clodius Roma proficiscens reliquerat morientem? Testamentum simul 5
 obsignauit, una fui; testamentum autem palam fecerat: et illum heredem et me
 scripserat. Quem pridie hora tertia animam efflantem reliquisset, eum mortuum 6
 postridie hora decima denique ei nuntiabatur? [19] Age, sit ita factum; quae 49
 causa fuit cur Romam properaret, cur in noctem se coniceret? Quid adferebat 2
 festinationis quod heres erat? Primum nihil erat cur properato opus esset; 3
 deinde, si quid esset, quid tandem erat quod ea nocte consequi posset, amitteret
 autem si postridie Romam mane uenisset?

Atqui ut illi nocturnus ad urbem aduentus uitandus potius quam expetendus fuit, 4
 sic Miloni, cum insidiator esset, si illum ad urbem noctu accessurum sciebat,
 subsidendum atque exspectandum fuit. Noctu occidisset; insidioso et pleno 50
 latronum in loco occidisset; nemo ei neganti non credidisset, quem esse omnes
 saluum etiam confitentem uolunt. Sustinuisset crimen primum ipse ille latronum 2
 occultator et receptor locus; tum neque muta solitudo indicasset neque caeca
 nox ostendisset Milonem; deinde multi ab illo uiolati, spoliati, bonis expulsi,
 multi haec etiam timentes in suspicionem caderent; tota denique rea citaretur
 Etruria.

Atque illo die certe Aricia rediens deuertit Clodius ad se in Albanum. Quod ut 51
 sciret Milo illum Ariciae fuisse, suspicari tamen debuit eum, etiam si Romam
 illo die reuerti uellet, ad uillam suam quae uiam tangeret deuersurum. Cur nec 3
 ante occurrit, ne ille in uilla resideret, nec eo in loco subsedit quo ille noctu
 uenturus esset?

Video adhuc constare, iudices, omnia: Miloni etiam utile fuisse Clodium uiuere, 52
 illi ad ea quae concupierat optatissimum interitum Milonis; odium fuisse illius in
 hunc acerbissimum, nullum huius in illum; consuetudinem illius perpetuam in ui
 inferenda, huius tantum in repellenda; mortem ab illo Miloni denuntiatam et
 praedicatam palam, nihil umquam auditum ex Milone; profectionis huius diem illi
 notum, reditum illius huic ignotum fuisse; huius iter necessarium, illius etiam
 potius alienum; hunc prae se tulisse se illo die exiturum, illum eo die se
 dissimulasse rediturum; hunc nullius rei mutasse consilium, illum causam
 mutandi consilii finxisse; huic, si insidiaretur, noctem prope urbem exspectandam,

illi, etiam si hunc non timeret, tamen accessum ad urbem nocturnum fuisse metuendum.

[20] Videamus nunc id quod caput est: locus ad insidias ille ipse ubi congressi sunt, utri tandem fuerit aptior. Id uero, iudices, etiam dubitandum et diutius cogitandum est? Ante fundum Clodi, quo in fundo, propter insanas substructiones, facile hominum mille uersabatur ualentium, edito aduersarii atque excelso loco, superiorem se fore putabat Milo, et ob eam rem eum locum ad pugnam potissimum elegerat, an in eo loco est potius exspectatus ab eo qui ipsius loci spe facere impetum cogitarat? Res loquitur ipsa, iudices, quae semper ualet plurimum. Si haec non gesta audiretis, sed picta uideretis, tamen apparet uter esset insidiator, uter nihil mali cogitaret, cum alter ueheretur in raeda paenulatus, una sederet uxor – quid horum non impeditissimum: uestitus an uehiculum an comes? Quid minus promptum ad pugnam, cum paenula inretitus, raeda impeditus, uxore paene constrictus esset? Videte nunc illum, primum egredientem e uilla, subito – cur? – uesperis – quid necesse est? – tarde – qui conuenit, praesertim id temporis? ‘Deuertit in uillam Pompei’ – Pompeium ut uideret? sciebat in Alsiensi esse; uillam ut perspiceret? miliens in ea fuerat. Quid ergo erat? mora et tergiuersatio: dum hic ueniret, locum relinquere noluit. [21] Age nunc, iter expediti latronis cum Milonis impedimentis comparete. Semper ille antea cum uxore, tum sine ea; numquam nisi in raeda, tum in equo; comites Graeculi, quocumque ibat, etiam cum in castra Etrusca properabat, tum nugarum in comitatu nihil. Milo qui numquam, tum casu pueros symphoniacos uxoris ducebat et ancillarum greges; ille qui semper secum scorta, semper exoletos, semper lupas duceret, tum neminem nisi ut uirum a uiro lectum esse diceret.

‘Cur igitur uictus est?’ quia non semper uiator a latrone, non numquam etiam latro a uiatore occiditur; quia, quamquam paratus in imparatos Clodius, ipse Clodius tamen mulier inciderat in uiros. Nec uero sic erat umquam non paratus Milo contra illum ut non satis fere esset paratus. Semper ipse et quantum interesset P. Clodii se interire, et quanto illi odio esset, et quantum ille auderet cogitabat; quam ob rem uitam suam, quam maximis praemiis propositam et paene addictam sciebat, numquam in periculum sine praesidio et sine custodia proiciebat. Adde casus; adde incertos exitus pugnarum, Martemque communem, qui saepe spoliantem iam et exsultantem euertit et perculit ab abiecto; adde inscitiam pransi poti oscitantis ducis qui, cum a tergo hostem interclusum reliquisset, nihil de eius extremis comitibus cogitauit, in quos incensos ira uitamque domini desperantis cum incidisset, haesit in eis poenis quas ab eo serui fideles pro domini uita expetiuerunt.

‘Cur igitur eos manu misit?’ Metuebat scilicet ne indicaretur, ne dolorem perferre non possent, ne tormentis cogerentur occisum esse a seruis Milonis in Appia uia P. Clodium confiteri. Quid opus est terrore? quid quaeris? occideritne? occidit; iure an iniuria? nihil ad tortorem. Facti enim in eculo quaestio est, iuris in iudicio. [22] Quod igitur in causa quaerendum est, id agamus hic; quod tormentis inueniri uis, id fatemur. Manu uero cur miserit, si id

potius quaeris quam cur parum amplis adfecerit praemiis, nescis inimici factum reprehendere. Dixit enim hic idem, qui semper omnia constanter et fortiter, **58**
 M. Cato, – et dixit in turbulenta contione quae tamen huius auctoritate placata est – non libertate solum sed etiam omnibus praemiis dignissimos fuisse qui domini caput defendissent. Quod enim praemium satis magnum est tam beneuolis, tam **2**
 bonis, tam fidelibus seruis, propter quos uiuit? Etsi id quidem non tanti est quam **3**
 quod propter eosdem non sanguine et uolneribus suis crudelissimi inimici mentem oculosque satiauit. Quos nisi manu misisset, tormentis etiam dedendi fuerunt **4**
 conseruatores domini, ultores sceleris, defensores necis. Hic uero nihil habet in his **5**
 malis quod minus moleste ferat quam, etiam si quid ipsi accidat, esse tamen illis meritum praemium persolutum.

‘Sed quaestiones urgent Milonem, quae sunt habitae nunc in atrio Libertatis’ – **59**
 quibusnam de seruis? rogas? de P. Clodi. Quis eos postulauit? Appius; quis **2**
 produxit? Appius; unde? ab Appio. Di boni! quid potest agi seuerius? Proxime **3**
 deos Clodius accessit, propius quam tum cum ad ipsos penetrarat, cuius de morte tamquam de caerimoniis uiolatis quaeritur! Sed tamen maiores nostri in **5**
 dominum quaeri noluerunt, non quia non posset uerum inueniri, sed quia uidebatur indignum et dominis morte ipsa tristius. In reum de seruo accusatoris **6**
 cum quaeritur, uerum inueniri potest? Age uero, quae erat aut qualis quaestio? **60**
 ‘Heus tu, Rufio,’ uerbi causa, ‘caue, sis, mentiare: Clodius insidias fecit **2**
 Miloni?’ ‘Fecit’ – certa crux; ‘nullas fecit’ – sperata libertas. Quid hac **3**
 quaestione certius? Subito adrepti in quaestionem tamen separantur ceteri et in **5**
 arcas coniciuntur ne quis cum eis conloqui possit; hi centum dies penes accusatorem cum fuissent ab eo ipso accusatore producti sunt. Quid hac **6**
 quaestione dici potest integrius, quid incorruptius?

[23] Quod si nondum satis cernitis, cum res ipsa tot tam claris argumentis **61**
 signisque luceat, pura mente atque integra Milonem, nullo scelere imbutum, nullo metu perterritum, nulla conscientia exanimatum Romam reuertisse, recordamini, per deos immortalis, quae fuerit celeritas reditus eius, qui ingressus in forum ardente curia, quae magnitudo animi, qui uoltus, quae oratio! Neque uero se populo solum sed etiam senatui commisit, neque senatui modo **2**
 sed etiam publicis praesidiis et armis, neque his tantum uerum etiam eius potestati cui senatus totam rem publicam, omnem Italiae pubem, cuncta populi Romani arma commiserat, cui numquam se hic profecto tradidisset, nisi causae suae confideret, praesertim omnia audienti, magna metuenti, multa suspicanti, non nulla credenti. Magna uis est conscientiae, iudices, et magna in utramque **3**
 partem, ut neque timeant qui nihil commiserint, et poenam semper ante oculos uersari putent qui peccarint. Neque uero sine ratione certa causa Milonis semper **62**
 a senatu probata est; uidebant sapientissimi homines facti rationem, praesentiam animi, defensionis constantiam. An uero oblitus estis, iudices, recenti illo nuntio **2**
 necis Clodianae, non modo inimicorum Milonis sermones et opiniones sed non nullorum etiam imperitorum? Negabant eum Romam esse rediturum. Siue enim **63**
 illud animo irato ac percito fecisset, ut incensus odio trucidaret inimicum, arbitrabantur eum tanti mortem P. Clodi putasse, ut aequo animo patria careret

cum sanguine inimici explesset odium suum; siue etiam illius morte patriam liberare uoluisset, non dubitaturum fortem uirum quin, cum suo periculo salutem populo Romano attulisset, cederet aequo animo legibus, secum auferret gloriam sempiternam, uobis haec fruenda relinqueret quae ipse seruasset.

Multi etiam Catilinam atque illa portenta loquebantur: ‘erumpet, occupabit aliquem locum, bellum patriae faciet.’ Miseros interdum ciuis optime de re publica meritos, in quibus homines non modo res praeclarissimas obliuiscuntur, sed etiam nefarias suspicantur! Ergo illa falsa fuerunt, quae certe uera exstitissent, si Milo admisisset aliquid quod non posset honeste uereque defendere. [24] Quid? quae postea sunt in eum congesta, quae quamuis etiam mediocrium delictorum conscientiam perculissent, ut sustinuit – di immortales! sustinuit? immo uero ut contempsit ac pro nihilo putauit, quae neque maximo animo nocens neque innocens nisi fortissimus uir negligere potuisset! Scutorum, gladiatorum, pilorum, frenorum etiam multitudo deprehendi posse indicabatur; nullum in urbe uicum, nullum angiportum esse dicebant in quo non Miloni conducta esset domus; ‘arma in uillam Ocriculanam deuecta Tiberi, domus in cliuo Capitolino scutis referta, plena omnia malleolorum ad urbis incendia comparatorum.’ Haec non delata solum sed paene credita, nec ante repudiata sunt quam quaesita.

Laudabam equidem incredibilem diligentiam Cn. Pompei – sed dicam ut sentio, iudices. Nimis multa audire coguntur (neque aliter facere possunt) ei quibus commissa tota res publica est. Quin etiam fuit audiendus popa Licinius nescio qui de circo maximo, seruos Milonis, apud se ebrios factos, sibi confessos se de interficiendo Cn. Pompeio coniurasse, dein postea se gladio percussum esse ab uno de illis, ne indicaret. Pompeio nuntiatur in hortos; arcessor in primis; de amicorum sententia rem defert ad senatum. Non poteram, in illius mei patriaeque custodis tanta suspicione, non metu exanimari; sed mirabar tamen credi popae, confessionem seruorum audiri, uolnus in latere, quod acu punctum uideretur, pro ictu gladiatoris probari. Verum, ut intellego, cauebat magis Pompeius quam timebat, non ea solum quae timenda erant, sed omnia, ne uos aliquid timeretis. Oppugnata domus C. Caesaris, clarissimi ac fortissimi uiri, multas noctis horas nuntiabatur. Nemo audierat tam celebri loco, nemo senserat; tamen audiebatur. Non poteram Cn. Pompeium, praestantissima uirtute uirum, timidum suspicari; diligentiam pro tota re publica suscepta nimiam nullam putabam. Frequentissimo senatu nuper in Capitolio senator inuentus est qui Milonem cum telo esse diceret. Nudauit se in sanctissimo templo, quoniam uita talis et ciuis et uiri fidem non faciebat, ut eo tacente res ipsa loqueretur. Omnia false atque inuidiose ficta comperta sunt; tametsi metuitur etiam nunc Milo.

[25] Non iam hoc Clodianum crimen timemus, sed tuas, Cn. Pompei (te enim appello, et ea uoce ut me exaudire possis), tuas, inquam, suspiciones perhorrescimus. Si Milonem times, si hunc de tua uita nefarie aut nunc cogitare aut molitum aliquando aliquid putas, si Italiae dilectus, ut non nulli conquisitores tui dictitarunt, si haec arma, si Capitolinae cohortes, si excubiae, si uigiliae, si delecta iuuentus, quae tuum corpus domumque custodit, contra

Milonis impetum armata est, atque illa omnia in hunc unum constituta, parata, intenta sunt, magna in hoc certe uis, et incredibilis animus, et non unius uiri uires atque opes iudicantur, si quidem in hunc unum et praestantissimus dux electus et tota res publica armata est. Sed quis non intellegit omnis tibi rei publicae partis aegras et labantis, ut eas his armis sanares et confirmares, esse commissas? **68**

Quod si locus Miloni datus esset, probasset profecto tibi ipsi neminem umquam hominem homini cariorem fuisse quam te sibi; nullum se umquam periculum pro tua dignitate fugisse; cum illa ipsa taeterrima peste se saepissime pro tua gloria contendisse; tribunatum suum ad salutem meam, quae tibi carissima fuisset, consiliis tuis gubernatum; se a te postea defensum in periculo capitis, adiutum in petitione praeturae; duos se habere semper amicissimos sperasse, te tuo beneficio, me suo. Quae si non probaret, si tibi ita penitus inhaesisset ista suspicio ut nullo euelli posset modo, si denique Italia a dilectu, urbs ab armis sine Milonis clade numquam esset conquietura, ne ipse haud dubitans cessisset patria is qui ita natus est et ita consuevit; te, Magne, tamen ante testaretur, quod nunc etiam facit: **2**

[26] ‘Vides quam sit uaria uitae commutabilisque ratio, quam uaga uolubilisque fortuna, quanta infidelitates in amicitiiis, quam ad tempus aptae simulationes, quanta in periculis fugae proximorum, quanta timiditates. Erit, erit illud profecto tempus, et inlucescet ille aliquando dies, cum tu saluis, ut spero, rebus tuis, sed fortasse in motu aliquo communium temporum (qui quam crebro accidat experti scire debemus), et amicissimi beneuolentiam et grauissimi hominis fidem et unius post homines natos fortissimi uiri magnitudinem animi desideres.’ **69**

Quamquam quis hoc credat, Cn. Pompeium, iuris publici, moris maiorum, rei denique publicae peritissimum, cum senatus ei commiserit ut uideret ne quid res publica detrimenti caperet, quo uno uersiculo satis armati semper consules fuerunt etiam nullis armis datis, hunc exercitu, hunc dilectu dato, iudicium exspectaturum fuisse in eius consiliis uindicandis qui ui iudicia ipsa tolleret? Satis iudicatum est a Pompeio, satis, falso ista conferri in Milonem, qui legem tulit qua, ut ego sentio, Milonem absolui a uobis oporteret, ut omnes confitentur, liceret. Quod uero in illo loco atque illis publicorum praesidorum copiis circumfusus sedet, satis declarat se non terrorem inferre uobis (quid enim minus illo dignum quam cogere ut uos eum condemnetis in quem animaduertere ipse et more maiorum et suo iure possit?), sed praesidio esse, ut intellegatis, contra hesternam illam contionem, licere uobis quod sentiatis libere iudicare. **70**

[27] Nec uero me, iudices, Clodianum crimen mouet, nec tam sum demens, tamque uestri sensus ignarus atque expertus, ut nesciam quid de morte Clodi sentiatis. De qua si iam nollem ita diluere crimen ut dilui, tamen impune Miloni palam clamare ac mentiri gloriose liceret: **71**

‘Occidi, occidi, non Sp. Maelium, qui annona leuanda iacturisque rei familiaris, quia nimis amplecti plebem uidebatur, in suspicionem incidit regni appetendi, **72**

non Ti. Gracchum, qui conlegae magistratum per seditionem abrogauit, quorum interfectores implerunt orbem terrarum nominis sui gloria, sed eum' (auderet enim dicere, cum patriam periculo suo liberasset) 'cuius nefandum adulterium in puluinaribus sanctissimis nobilissimae feminae comprehenderunt; eum cuius supplicio senatus sollempnis religiones expiandas saepe censuit; eum quem cum sorore germana nefarium stuprum fecisse L. Lucullus iuratus se, quaestionibus habitis, dixit comperisse; eum qui ciuem quem senatus, quem populus Romanus, quem omnes gentes urbis ac uitae ciuium conseruatore[m] iudicarent, seruorum armis exterminauit; eum qui regna dedit, ademit, orbem terrarum quibuscum uoluit partitus est; eum qui, plurimis caedibus in foro factis, singulari uirtute et gloria ciuem domum ui et armis compulit; eum cui nihil umquam nefas fuit nec in facinore nec in libidine; eum qui aedem Nympharum incendit, ut memoriam publicam recensionis, tabulis publicis impressam, exstingeret; eum denique cui iam nulla lex erat, nullum ciuile ius, nulli possessionum termini; qui non calumnia litium, non iniustis uindictis ac sacramentis alienos fundos, sed castris, exercitu, signis inferendis petebat; qui non solum Etruscos (eos enim penitus contempserat) sed hunc P. Varium, fortissimum atque optimum ciuem, iudicem nostrum, pellere possessionibus armis castrisque conatus est; qui cum architectis et decempedis uillas multorum hortosque peragrabat; qui Ianiculo et Alpius spem possessionum terminarat suarum; qui, cum ab equite Romano splendido et forti, M. Paconio, non impetrasset ut sibi insulam in lacu Prilio uenderet, repente lintribus in eam insulam materiem, calcem, caementa, harenam conuexit, dominoque trans ripam inspectante non dubitauit aedificium exstruere in alieno; qui huic T. Furfanio, cui uiro, di immortales! – quid enim ego de muliercula Scantia, quid de adolescente P. Aponio dicam? quorum utriusque mortem est minatus, nisi sibi hortorum possessione cessissent – sed ausum esse T. Furfanio dicere, si sibi pecuniam quantam posceret non dedisset, mortuum se in domum eius inlaturum, qua inuidia huic esset tali uiro conflagrandum; qui Appium fratrem, hominem mihi coniunctum fidissima gratia, absentem de possessione fundi deiecit; qui parietem sic per uestibulum sororis instituit ducere, sic agere fundamenta, ut sororem non modo uestibulo priuaret, sed omni aditu et limine.'

[28] Quamquam haec quidem iam tolerabilia uidebantur, etsi aequabiliter in rem publicam, in priuatos, in longinquos, in propinquos, in alienos, in suos inruebat, sed nescio quo modo usu iam obduruerat et percalluerat ciuitatis incredibilis patientia; quae uero aderant iam et impendebant, quonam modo ea aut depellere potuissetis aut ferre? Imperium ille si nactus esset, omitto socios, exterarum nationes, reges, tetrarchas, uota enim faceretis ut in eos se potius immitteret quam in uestras possessiones, uestra tecta, uestras pecunias – pecunias dico? a liberis, me dius fidius, et a coniugibus uestris numquam ille effrenatas suas libidines cohibuisset! Fingi haec putatis quae patent, quae nota sunt omnibus, quae tenentur: seruorum exercitus illum in urbe conscripturum fuisse, per quos totam rem publicam resque priuatas omnium possideret?

Quam ob rem si cruentum gladium tenens clamaret T. Annius: 'adeste, quaeso,

atque audite, ciues! P. Clodium interfeci; eius furores, quos nullis iam legibus, nullis iudiciis frenare poteramus, hoc ferro et hac dextera a ceruicibus uestris reppuli, per me ut unum ius aequitas, leges libertas, pudor pudicitia maneret in ciuitate!’, esset uero timendum quonam modo id ferret ciuitas? Nunc enim quis est qui non probet, qui non laudet, qui non unum post hominum memoriam T. Annium plurimum rei publicae profuisse, maxima laetitia populum Romanum, cunctam Italiam, nationes omnis adfecisse, et dicat et sentiat? Non queo uetera illa populi Romani gaudia quanta fuerint iudicare; multas tamen iam summorum imperatorum clarissimas uictorias aetas nostra uidit, quarum nulla neque tam diuturnam laetitiam attulit nec tantam.

Mandate hoc memoriae, iudices: spero multa uos liberosque uestros in re publica bona esse uisuros; in eis singulis ita semper existimabitis: uiuo P. Clodio nihil eorum uos uisuros fuisse. In spem maximam et, quem ad modum confido, uerissimam sumus adducti, hunc ipsum annum, hoc summo uiro consule, compressa hominum licentia, cupiditatibus confractis, legibus et iudiciis constitutis, salutarem ciuitati fore. Num quis igitur est tam demens qui hoc P. Clodio uiuo contingere potuisset arbitretur? Quid? ea quae tenetis priuata atque uestra, dominante homine furioso, quod ius perpetuae possessionis habere potuissent? [29] Non timeo, iudices, ne odio mearum inimiciarum inflammatus libentius haec in illum euomere uidear quam uerius. Etenim si praecipuum esse debebat, tamen ita communis erat omnium ille hostis ut in communi odio paene aequaliter uersaretur odium meum. Non potest dici satis, ne cogitari quidem, quantum in illo sceleris, quantum exiti fuerit. Quin sic attendite, iudices, fingite animis (liberae sunt enim nostrae cogitationes, et quae uolunt sic intuentur ut ea cernimus quae uidemus), fingite igitur cogitatione imaginem huius condicionis meae: si possimus efficere Milonem ut absoluatis, sed ita si P. Clodius reuixerit – quid uultu extimistis? Quonam modo ille uos uiuus adficeret, quos mortuus inani cogitatione percussit? Quid? si ipse Cn. Pompeius, qui ea uirtute ac fortuna est ut ea potuerit semper quae nemo praeter illum, si is, inquam, potuisset aut quaestionem de morte P. Clodi ferre aut ipsum ab inferis excitare, utrum putatis potius facturum fuisse? Etiam si propter amicitiam uellet illum ab inferis euocare, propter rem publicam non fecisset. Eius igitur mortis sedetis ultores cuius uitam, si putetis per uos restitui posse, nolitis, et de eius nece lata quaestio est, qui si lege eadem reuiuiscere posset, ista lex lata numquam esset.

Huius ergo interfecto si esset, in confitendo ab eisne poenam timeret quos liberauisset? Graeci homines deorum honores tribuunt eis uiris qui tyrannos necauerunt – quae ego uidi Athenis, quae in aliis urbibus Graeciae! quas res diuinas talibus institutas uiris, quos cantus, quae carmina! Prope ad immortalitatis et religionem et memoriam consecrantur; uos tanti conseruatorem populi, tanti sceleris ultorem non modo honoribus nullis adficietis, sed etiam ad supplicium rapi patiimini? Confiteretur, confiteretur, inquam, si fecisset, et magno animo et libenter, se fecisse, libertatis omnium causa, quod esset non confitendum modo sed etiam uere praedicandum.

[30] Etenim si id non negat ex quo nihil petit nisi ut ignoscatur, dubitaret id

fateri ex quo etiam praemia laudis essent petenda? Nisi uero gratius putat esse 2
 uobis sui se capitis quam uestri defensorem fuisse? cum praesertim in tali 3
 confessione, si grati esse uelletis, honores adsequeretur amplissimos. Sin factum 3
 uobis non probaretur (quamquam qui poterat salus sua cuiquam non probari?),
 sed tamen si minus fortissimi uiri uirtus ciuibus grata cecidisset, magno animo 4
 constantique cederet ex ingrata ciuitate. Nam quid esset ingratus quam laetari 4
 ceteros, lugere eum solum propter quem ceteri laetarentur? Quamquam hoc 82
 animo semper fuimus omnes in patriae proditoribus opprimendis, ut, quoniam
 futura esset nostra gloria, periculum quoque et inuidiam nostram putaremus.
 Nam quae mihi tribuenda ipsi laus esset, cum tantum in consulatu meo pro 2
 uobis ac liberis uestris ausus essem, si id quod conabar sine maximis
 dimicationibus meis me esse ausurum arbitrarer? Quae mulier interficere 3
 sceleratum ac perniciosum ciuem non auderet, si periculum non timeret?
 Proposita inuidia, morte, poena, qui nihilo segnus rem publicam defendit, is uir 4
 uere putandus est. Populi grati est praemiis adficere bene meritos de re publica 5
 ciuis; uiri fortis ne suppliciis quidem moueri ut fortiter fecisse paeniteat. Quam 83
 ob rem uteretur eadem confessione T. Annius qua Ahala, qua Nasica, qua
 Opimius, qua Marius, qua nosmet ipsi, et si grata res publica esset, laetaretur, si
 ingrata, tamen in graui fortuna conscientia sua niteretur.

Sed huius benefici gratiam, iudices, fortuna populi Romani et uestra felicitas et 2
 di immortales sibi deberi putant. Nec uero quisquam aliter arbitrari potest, nisi 3
 qui nullam uim esse ducit numenque diuinum, quem neque imperi nostri
 magnitudo, nec sol ille, nec caeli signorumque motus, nec uicissitudines rerum
 atque ordines mouent, neque, id quod maximum est, maiorum nostrorum
 sapientia, qui sacra, qui caerimonias, qui auspicia et ipsi sanctissime coluerunt
 et nobis suis posteris prodiderunt. [31] Est, est illa uis profecto, neque in his 84
 corporibus, atque in hac imbecillitate nostra, inest quiddam quod uigeat et
 sentiat, non inest in hoc tanto naturae tamque praeclaro motu. Nisi forte idcirco 2
 non putant quia non apparet nec cernitur? proinde quasi nostram ipsam mentem,
 qua sapimus, qua prouidemus, qua haec ipsa agimus ac dicimus, uidere ac plane 3
 qualis aut ubi sit sentire possimus! Ea uis igitur ipsa, quae saepe incredibilis 3
 huic urbi felicitates atque opes attulit, illam perniciem exstinxit ac sustulit, cui
 primum mentem iniecit ut ui inritare ferroque lacessere fortissimum uirum
 auderet, uincereturque ab eo, quem si uicisset, habiturus esset impunitatem et
 licentiam sempiternam.

Non est humano consilio, ne mediocri quidem, iudices, deorum immortalium 85
 cura res illa perfecta. Regiones me hercule ipsae, quae illam beluam cadere 2
 uiderunt, commosse se uidentur et ius in illo suum retinuisse. Vos enim iam, 3
 Albani tumuli atque luci, uos, inquam, imploro atque testor, uosque, Albanorum
 obrutae arae, sacrorum populi Romani sociae et aequales! quas ille praiceps
 amentia, caesis prostratisque sanctissimis lucis, substructionum insanis molibus
 oppresserat – uestrae tum religiones uiguerunt, uestra uis ualuit, quam ille omni
 scelere polluerat; tuque ex tuo edito monte Latiari, sancte Iuppiter! cuius ille
 lacus nemora finisque saepe omni nefario stupro et scelere macularat, aliquando

ad eum puniendum oculos aperuisti; uobis illae, uobis uestro in conspectu serae, sed iustae tamen et debitae poenae solutae sunt. Nisi forte hoc etiam casu factum esse dicemus? ut ante ipsum sacrarium Bonae deae, quod est in fundo T. Serti Galli, in primis honesti et ornati adolescentis – ante ipsam, inquam, Bonam deam, cum proelium commisisset, primum illud uolnus acciperet quo taeterrimam mortem obiret, ut non absolutus iudicio illo nefario uideretur, sed ad hanc insignem poenam reseruatus! [32] Nec uero non eadem ira deorum hanc eius satellitibus iniecit amentiam ut sine imaginibus, sine cantu atque ludis, sine exsequiis, sine lamentis, sine laudationibus, sine funere, oblitus cruore et luto, spoliatus illius supremi diei celebritate cui cedere inimici etiam solent, ambureretur abiectus. Non fuisse, credo, fas clarissimorum uirorum formas illi taeterrimo parricidae aliquid decoris adferre, neque ullo in loco potius mortem eius lacerari quam in quo esset uita damnata.

Dura, me dius fidius! mihi iam fortuna populi Romani et crudelis uidebatur, quae tot annos illum in hanc rem publicam insultare pateretur. Polluerat stupro sanctissimas religiones, senatus grauissima decreta perfregerat, pecunia se a iudicibus palam redemerat, uexarat in tribunatu senatum, omnium ordinum consensu pro salute rei publicae gesta resciderat, me patria expulerat, bona diripuerat, domum incenderat, liberos coniugem meam uexarat, Cn. Pompeio nefarium bellum indixerat, magistratuuum priuatorumque caedis effecerat, domum mei fratris incenderat, uastarat Etruriam, multos sedibus ac fortunis eiecerat, instabat, urgebat. Capere eius amentiam ciuitas, Italia, prouinciae, regna non poterant; incidebantur iam domi leges quae nos seruis nostris addicerent; nihil erat cuiusquam, quod quidem ille adamasset, quod non hoc anno suum fore putaret. Obstabat eius cogitationibus nemo praeter Milonem. Illum ipsum qui poterat obstare nouo reditu in gratiam sibi deuinctum arbitrabatur; Caesaris potentiam suam esse dicebat; bonorum animos in meo casu contempserat; Milo unus urgebat.

[33] Hic di immortales, ut supra dixi, mentem illi perditio ac furioso dederunt ut huic faceret insidias. Aliter perire pestis illa non potuit; numquam illum res publica suo iure esset ulta. Senatus, credo, praetorem eum circumscripsisset? Ne cum solebat quidem id facere, in priuato eodem hoc aliquid profecerat! An consules in praetore coercendo fortes fuissent? Primum Milone occiso habuisset suos consules; deinde quis in eo praetore consul fortis esset per quem tribunum uirtutem consularem crudelissime uexatam esse meminisset? Oppressisset omnia, possideret, teneret; lege noua, quae est inuenta apud eum cum reliquis legibus Clodianis, seruos nostros libertos suos effecisset; postremo, nisi eum di immortales in eam mentem impulissent, ut homo effeminatus fortissimum uirum conaretur occidere, hodie rem publicam nullam haberetis. An ille praetor, ille uero consul, si modo haec templa atque ipsa moenia stare eo uiuo tam diu, et consulatum eius exspectare potuissent, ille denique uiuus mali nihil fecisset, cui mortuo unus ex suis satellitibus curiam incenderit? Quo quid miserius, quid acerbius, quid luctuosius uidimus? Templum sanctitatis, amplitudinis, mentis, consili publici, caput urbis, aram sociorum, portum omnium gentium, sedem ab

uniuerso populo concessam uni ordini, inflammari, excindi, funestari; neque id fieri a multitudine imperita, quamquam esset miserum id ipsum, sed ab uno! Qui cum tantum ausus sit ustor pro mortuo, quid signifer pro uiuo non esset ausurus? In curiam potissimum abiecit, ut eam mortuus incenderet quam uiuus euererat. Et sunt qui de uia Appia querantur, taceant de curia, et qui ab eo spirante forum putent potuisse defendi, cuius non restiterit cadaueri curia! Excitate, excitare ipsum, si potestis, a mortuis: frangetis impetum uiui cuius uix sustinetis furias insepulti? Nisi uero sustinuistis eos qui cum facibus ad curiam concurrerunt, cum fascibus ad Castoris, cum gladiis toto foro uolitauerunt? Caedi uidistis populum Romanum, contionem gladiis disturbari, cum audiretur silentio M. Caelius, tribunus plebis, uir et in re publica fortissimus, in suscepta causa firmissimus, et bonorum uoluntati, auctoritati senatus deditus, et, in hac Milonis siue inuidia siue fortuna, singulari, diuina, incredibili fide.

[34] Sed iam satis multa de causa, extra causam etiam nimis fortasse multa; quid restat nisi ut orem obtesterque uos, iudices, ut eam misericordiam tribuatis fortissimo uiro quam ipse non implorat, ego, etiam repugnante hoc, et imploro et exposco? Nolite, si in nostro omnium fletu nullam lacrimam aspexistis Milonis, si uultum semper eundem, si uocem, si orationem stabilem ac non mutatam uidetis, hoc minus ei parcere! – haud scio an multo etiam sit adiuuandus magis. Etenim si, in gladiatoris pugnis et in infimi generis hominum condicione atque fortuna, timidos et supplices et ut uiuere liceat obsecrantis etiam odisse solemus, fortis et animosos et se acriter ipsos morti offerentis seruari cupimus, eorumque nos magis miseret qui nostram misericordiam non requirunt quam qui illam efflagitant, quanto hoc magis in fortissimis ciuibus facere debemus!

Me quidem, iudices, exanimant et interimunt hae uoces Milonis quas audio adsidue et quibus intersum cotidie:

‘Valeant,’ inquit, ‘ualeant ciues mei; sint incolumes, sint florentes, sint beati. Stet haec urbs praeclara mihique patria carissima, quoquo modo erit merita de me. Tranquilla re publica mei ciues, quoniam mihi cum illis non licet, sine me ipsi, sed propter me tamen perfruantur. Ego cedam atque abibo; si mihi bona re publica frui non licuerit, at carebo mala, et quam primum tetigero bene moratam et liberam ciuitatem, in ea conquiescam. O frustra’ inquit ‘mei suscepti labores, o spes fallaces, o cogitationes inanes meae! Ego cum tribunus plebis, re publica oppressa, me senatui dedissem quem exstinctum acceperam, equitibus Romanis quorum uires erant debiles, bonis uiris qui omnem auctoritatem Clodianis armis abiecerant, mihi umquam bonorum praesidium defuturum putarem? Ego cum te’ (mecum enim saepissime loquitur) ‘patriae reddissem, mihi putarem in patria non futurum locum? Vbi nunc senatus est quem secuti sumus, ubi equites Romani illi, illi’ inquit ‘tui, ubi studia municipiorum, ubi Italiae uoces, ubi denique tua, M. Tulli, quae plurimis fuit auxilio, uox atque defensio? Mihine ea soli qui pro te totiens morti me obtuli nihil potest opitulari?’

[35] Nec uero haec, iudices, ut ego nunc, flens, sed hoc eodem loquitur uoltu quo uidetis. Negat enim se, negat, ingratis ciuibus fecisse quae fecerit, timidis et omnia pericula circumspicientibus non negat. Plebem et infimam multitudinem, quae P. Clodio duce fortunae uestrae imminerebat, eam, quo tutior esset uestra uita, suam se fecisse commemorat, ut non modo uirtute flecteret sed etiam tribus suis patrimoniis delerent; nec timet ne, cum plebem muneribus placarit, uos non conciliarit meritis in rem publicam singularibus. Senatus erga se beneuolentiam temporibus his ipsis saepe esse perspectam, uestras uero et uestrorum ordinum occursationes, studia, sermones, quemcumque cursum fortuna ceperit, secum se ablatum esse dicit. Meminit etiam uocem sibi praeconis modo defuisse, quam minime desiderarit, populi uero cunctis suffragiis, quod unum cupierit, se consulem declaratum; nunc denique, si haec arma contra se sint futura, sibi facinoris suspicionem, non facti crimen obstare. Addit haec, quae certe uera sunt: fortis et sapientis uiros non tam praemia sequi solere recte factorum quam ipsa recte facta; se nihil in uita nisi praeclarissime fecisse, si quidem nihil sit praestabilius uiro quam periculis patriam liberare; beatos esse quibus ea res honori fuerit a suis ciuibus, nec tamen eos miseros qui beneficio ciuis suos uicerint; sed tamen ex omnibus praemiis uirtutis, si esset habenda ratio praemiorum, amplissimum esse praemium gloriam; esse hanc unam quae breuitatem uitae posteritatis memoria consolaretur, quae efficeret ut absentes adessemus, mortui uiueremus; hanc denique esse cuius gradibus etiam in caelum homines uiderentur ascendere.

‘De me’ inquit ‘semper populus Romanus, semper omnes gentes loquentur, nulla umquam obmutescet uetustas. Quin hoc tempore ipso, cum omnes a meis inimicis faces inuidiae meae subiciantur, tamen omni in hominum coetu, gratis agendis et gratulationibus habendis, et omni sermone celebramur. Omitto Etruriae festos et actos et institutos dies. Centesima lux est haec ab interitu P. Clodi et, opinor, altera; qua fines imperii populi Romani sunt, ea non solum fama iam de illo sed etiam laetitia peragrauit. Quam ob rem ubi corpus hoc sit non’ inquit ‘laboro, quoniam omnibus in terris et iam uersatur et semper hic habitabit nominis mei gloria.’

[36] Haec tu mecum saepe his absentibus, sed isdem audientibus haec ego tecum, Milo: te quidem, cum isto animo sis, satis laudare non possum, sed quo est ista magis diuina uirtus, eo maiore a te dolore diuellor. Nec uero si mihi eriperis, reliqua est illa saltem ad consolandum querela: ut eis irasci possim a quibus tantum uolnus accepero. Non enim inimici mei te mihi eripient, sed amicissimi, non male aliquando de me meriti, sed semper optime. Nullum mihi umquam, iudices, tantum dolorem inuretis (tametsi quis potest esse tantus?), sed ne hunc quidem ipsum, ut obliuiscar quanti me semper feceritis. Quae si uos cepit obliuio, aut si in me aliquid offendistis, cur non id in meo capite potius luitur quam Milonis? Praeclare enim uiuere, si quid mihi acciderit prius quam hoc tantum mali uidero. Nunc me una consolatio sustentat, quod tibi, T. Anni, nullum a me amoris, nullum studi, nullum pietatis officium defuit. Ego inimicitias potentium pro te appetiui; ego meum saepe corpus et uitam obieci

armis inimicorum tuorum; ego me plurimis pro te supplicem abieci; bona, fortunas meas ac liberorum meorum in communionem tuorum temporum contuli; hoc denique ipso die si qua uis est parata, si qua dimicatio capitis futura, deosco. Quid iam restat? quid habeo quod faciam pro tuis in me meritis nisi ut eam fortunam, quaecumque erit tua, ducam meam? Non abnuo, non recuso, uosque obsecro, iudices, ut uestra beneficia, quae in me contulistis, aut in huius salute augeatis aut in eiusdem exitio occasura esse uideatis.

[37] His lacrimis non commouetur Milo; est quodam incredibili robore animi. Exsilium ibi esse putat ubi uirtuti non sit locus; mortem naturae finem esse, non poenam. Sit hic ea mente qua natus est; quid? uos, iudices, quo tandem eritis animo? Memoriam Milonis retinebitis, ipsum eicietis? et erit dignior locus ullus in terris qui hanc uirtutem excipiat quam hic qui procreauit? Vos, uos appello, fortissimi uiri, qui multum pro re publica sanguinem effudistis – uos, inquam, in cuius inuicti periculo appello, centuriones, uosque, milites! – uobis non modo inspectantibus sed etiam armatis et huic iudicio praesidentibus, haec tanta uirtus ex hac urbe expelletur, exterminabitur, proicietur? **101**

O me miserum, o me infelicem! reuocare tu me in patriam, Milo, potuisti per hos, ego te in patria per eosdem retinere non potero? Quid respondebo liberis meis qui te parentem alterum putant? quid tibi, Quinte frater, qui nunc abes, consorti mecum temporum illorum? mense non potuisse Milonis salutem tueri per eosdem per quos nostram ille seruasset? at in qua causa non potuisse? quae est grata omnibus gentibus; a quibus non potuisse? ab eis qui maxime P. Clodi morte acquirerunt; quo deprecante? me. Quodnam ego concepi tantum scelus, aut quod in me tantum facinus admisi, iudices, cum illa indicia communis exiti indagauis, patefecis, protulisti, extinxisti? Omnes mihi meisque redundant ex fonte illo dolores. Quid me reducem esse uoluistis? an ut inspectante me expellerentur ei per quos essem restitutus? Nolite, obsecro uos, acerbiores mihi pati reditum esse quam fuerit ille ipse discessus! Nam qui possum putare me restitutum, si distrahor ab his per quos restitutus sum? [38] Utinam di immortales fecissent (pace tua, patria, dixerim; metuo enim ne scelerate dicam in te quod pro Milone dicam pie!), utinam P. Clodius non modo uiueret sed etiam praetor, consul, dictator esset, potius quam hoc spectaculum uiderem! **102**

O di immortales! fortem et a uobis, iudices, conseruandum uirum! ‘Minime, minime,’ inquit; ‘immo uero poenas ille debitas luerit; nos subeamus, si ita necesse est, non debitas.’ Hicine uir, patriae natus, usquam nisi in patria morietur, aut, si forte, pro patria? Huius uos animi monumenta retinebitis, corporis in Italia nullum sepulcrum esse patiemini? Hunc sua quisquam sententia ex hac urbe expellet, quem omnes urbes expulsum a uobis ad se uocabunt? O terram illam beatam quae hunc uirum exceperit, hanc ingratam si eiecerit, miseram si amiserit! **103**

Sed finis sit; neque enim prae lacrimis iam loqui possumus, et hic se lacrimis defendi uetat. Vos oro obtestorque, iudices, ut in sententiis ferendis, quod sentietis, id audeatis. Vestram uirtutem, iustitiam, fidem, mihi credite, is maxime **104**

comprobat qui, in iudicibus legendis, optimum et sapientissimum et fortissimum quemque delegit.

COMMENTARY

1-23: Introductory material

As already discussed (Approach 2.2), the entirety of 1-23 can be seen as introductory. But the passage is carefully subdivided into an *exordium* (1-6) and a series of preliminary arguments (7-22). Discussion of the issues involved in the case at 6.1-3 implies that the *exordium* is ending; the Preliminary Arguments are then explicitly presented as a postponement of what the defence consider to be the real business of the trial, a postponement made necessary by certain opposition claims (7.1). The responses to these claims are often referred to as *praeiudicia* because they deal with the possibility that Milo stands already condemned, by his own admission of responsibility for Clodius' death (7-11), and by the senate and Pompeius – as evidenced by a resolution of the former (12-14) and a bill of the latter (15-22) establishing the very trial now being conducted. The second and third responses deal as much with the issue of why the senate and Pompeius wanted a *noua quaestio* at all as they do with the opinion of these entities regarding the person of the defendant. The summary/transition to the *narratio* at 23 reiterates both the idea that the arguments constitute a digression and the identification of the ambush-issue as the real business of the trial.

A comparison with other speeches indicates the 'exordial' nature of much in the Preliminary Arguments. The focus on *praeiudicium* opens the *Pro Cluentio*; it has also been anticipated in the *exordium* of the current speech, in the discussion of whether the soldiers in the forum represent someone's negative view of Milo (2.1-2). The discussion of the views of the senate and Pompeius (12-22) provides the opportunity to present the defence view of the political context of the case (*cf. e.g., Flacc.* 1-5). The focus on the selection of the *iudices* and on the appointment of Domitius to oversee the trial (21.3-22.3) is paralleled at end of the *exordium* in numerous speeches (*e.g., Rosc. Am.* 7-12). The Preliminary Arguments also supply to some extent the attack on the prosecution which is largely missing from 1-6 (*e.g., Rosc. Am.* 6-8, *Cael.* 1-2): the first mention of the *accusatores* is at 7.1, and each of the individual arguments is introduced by a reference to opposition arguments (7.2, 12.1, 15.1); in addition, the third preliminary argument contains the first of the speech's intense attacks on Clodius, who was only briefly referred to in the *exordium* (3.3).

What might lead an orator to separate out material which could have been amalgamated in a single, longer *exordium*, and reinforce the impression of separation by carefully identifying each new argument? The clarification and explanation of the structure of the speech at 7.1 and 23.1 indicate that the orator is not only organized and in control of his material, but also open and honest, concerned to reveal the workings of his speech to his audience. He is also someone who earnestly wishes to get on with the real business of the trial, but is prevented. If 7.1 is interpreted as an apology for departing from the standard order of the *partes orationis* (see Approach 2.2), then the blame is laid squarely on the

opposition, who have already been described as attempting to interfere in a different way with the orderly process of the trial itself (3.3).

The presentation also creates a particular impression of the arguments themselves. It might be imagined that the idea of the senate and Pompeius' being prejudiced against Milo was a serious problem for the defence, both because it was important and because dispelling it was next to impossible. These issues are presented here as mere digressions from the key issue, needing to be dealt with first because of the perversity of the opposition, who are also prepared to deny even that self-defence is justifiable! The *iudices* are not told that they must disregard the opinions of others and make up their own minds, although there is repeated insistence on the fact that Pompeius has left the decision up to them (2.2, 15.2-4, 21.3). Instead it is claimed or suggested that the senate and Pompeius support the defence (12.2-4, 15.4, 21.2); at the same time, the focus on the reasons for the *noua quaestio* distract the audience from the actual issues of what the senate and Pompeius thought of Milo.

The way that the Preliminary Arguments are ordered has several advantages for the defence. The opening argument, that killing in self-defence is justifiable, makes the defence's position appear strong and the opposition captious. The statement of the opposition's position is probably exaggerated; they may have made complaints about the *audacia* of Milo, an obvious murderer from their point of view, not only in showing his face but in continuing his consular campaign, complaints which could have been twisted into the extremist claim set up in 7.2 in order to be demolished. It seems unlikely that they made such a claim, that killing could never be justified, or that they argued against the principle of self-defence, given that in their presentation of events Milo was the aggressor. By opening with an (apparent) opposition argument that is easy to reject, the defence makes it easier to reject other, more challenging arguments later; suggesting that the senate and Pompeius may have prejudged Milo is equated with denying the principle of self-defence.

Making the first preliminary argument about self-defence also makes a clearer break with the themes of the *exordium*, which is dominated by politics and political allegiances, bolstering the picture of a united populace. If the more political arguments about the senate and Pompeius had immediately followed, the Preliminary Arguments might have looked less like a digression; the sequence chosen thus reinforces the desired impression that there is a strong break at 7.1, downplaying the exordial nature of what follows. On the other hand, the underlying unity of the introductory material as a whole is reinforced, without being explicitly commented on, by closing the Preliminary Arguments with Pompeius, who was also mentioned in the *exordium* (internal ring composition).

It is interesting that in the summary of the arguments at 23.1, four points are listed rather than just three: the fourth is the selection of the *iudices*/Domitius (21.4-22.3). In the course of the third preliminary argument, this point is seamlessly integrated with what the discussion of Pompeius' views; his involvement in the selection is emphasized at 21.4 and 21.7-22.3. Consequently it is unsurprising that most structural analyses of the speech identify three preliminary arguments, not four. But if 15-22 had been lost in a lacuna, the summary at 23.1 might have led scholars to imagine a somewhat different arrangement of this material than the one we now have. The mismatch between what the orator says and how he describes what he has said is a slight one, but the fact that such a mismatch can exist is a valuable reminder that the orator's explicit descriptions of what he is doing should not always be taken at face value. The impression he creates at 6.3-7.1 may likewise be

misleading. The Preliminary Arguments do not constitute a lamentable but necessary digression from standard oratorical procedure, forced on the defence by the importunities of the prosecution; rather, they are deliberately placed at this point in his speech by the defence-orator because of the impression they create, itself probably misleading: that the prosecution are overstating their case, and that the defence can easily dismiss the possibility that the political powers-that-be are opposed to Milo.

1-6: Exordium

The *exordium* introduces the trial-situation: the defendant and his advocate; the surrounding audience, including Pompeius, soldiers, and a large crowd; the *iudices*. An initial focus on what is unusual about the scene surrounding the trial (1.1-3.1, 4.1) gives way to a discussion of who supports and opposes Milo (2.1-3.3), followed by a discussion of the role of the *iudices* (4.1-5.2) and an introduction to the defence case (6.1-3). The succession of topics seems natural, and little attention is drawn to the internal transitions; the ending is climactic, looking ahead to various aspects of the speech.

This way of combining the elements of the trial-situation, both positive and apparently negative, attempts to turn them to the defence's advantage. The opening double focus on Cicero and Milo allows the fortitude of the latter to stand out against the nervousness of the former, explained by (in particular) the presence of the soldiers, which is then attributed to the danger posed by the *Clodiani*. The prosecution team is not directly referred to; the opposition is represented by the excitable mob and its rabble-rousing leaders. This leads to a discussion of Milo's opposition to these elements in Roman society, which is said to align him with the better elements, including the *iudices*; in this he is also united with Cicero, who re-enters the picture as a statesman at 5.1, as an orator at 6.1. The *exordium* thus closes with a repeated focus on the defence advocate, but the nervousness of the beginning has been replaced by a far more confident stance.

The paragraphing printed emphasizes the wrapping up of the 'nervous orator' theme by 3.1, the completion of the shift to focus on the *iudices* at 4.1, and the introduction of the defence case at 6.1. Other paragraph-breaks would be possible, particularly in the first half of the passage: breaking after 2.1 would highlight the introduction of Pompeius and produce a sequence of assertions about support for the defence (2.2-3.2); 3.3 – which establishes the fundamental relationship that connects Milo and Cicero, the *iudices*, and Clodius & his followers, the basis of the discussion which follows – could be taken with that discussion. The break at 4.1 requires the most defence, as 3.2-4.1 form a long 'glide', but the current paragraphing emphasizes one of the patterns present in the text, dividing the *exordium* into two roughly equal halves with echoes of the opening sentence closing the first half (Milo's courage, end of 3.3) and opening the second (reference to fear, 4.1).

Much of the *exordium* is simple assertion, but there is some argument and much implication. 2.1-3.1 attempt to demonstrate that the soldiers have not been positioned in the forum to counter any threat from Milo; the supporting argument is that Pompeius would not allow such a thing (*cf.* 2.2n. on mind-reading). 3.3-5.2 strongly imply the argument which the orator then eschews at 6.1, that Milo's political record should incline the *iudices* to vote for his acquittal; the effect is similar to *praeteritio*, where the speaker draws attention to an issue by claiming that he will not discuss it. Milo's political record will in fact be important

in the Self-Defence Argument (e.g., 34.5, 35.4, 41.1, ...), as well as in the extra-legal Public-Good Argument which follows it.

Word-group	Frequency	Occurrences
<i>iudex/iudicium/iudicare</i> *	2.6%	15 (7/5/3)
<i>uir/uirtus</i> *	1.6%	9 (6/3)
? <i>posse/potestas/potius</i> *	1.4%	8 (5/2/1)
? <i>res</i> *	1.4%	8
<i>populus/publicus</i> *	1.2%	7 (1/6)
<i>Milo</i>	1.0%	6
<i>salus/salutaris</i> *	1.0%	6 (5/1)
? <i>magnus/magnitudo/magis/maximus</i> *	1.0%	6 (1/1/3/1)
		(577 words)

Viewed as an indicator that the topic is changing, a topic-sentence is not required at the beginning of a speech, but the occurrence in 1.1 of several words from the table (four of them ‘interesting’) – marked with an asterisk – suggests that the sentence reflects the material of the *exordium* as a whole: *iudex/iudicium*, *uir*, *publicus*, *salus*; ‘colourless’: *posse*, *res*, *magnus*; *Milo* does not occur, *Milo* is referred to as *T. Annius*. The sentence does not explicitly state what the topic/argument of the speech will be, but there may be a hint of the strong stance to be taken by the defence in the description of *Milo* as *fortissimus uir*. The political nature of the case is suggested by *rei publicae salute*, and the adverse circumstances by *Cicero’s* fear.

The *exordium* is neither exceptionally repetitious nor exceptionally varied in its use of vocabulary, with eight frequent word-groups (six ‘interesting’) making up 11.3% of the argument (7.5% ‘interesting’ only); the frequent word-groups reflect a strong focus on the trial-situation (including the defendant and the audience) and on the health of the state. The frequency of the *iudex*-group is particularly high: nine of the fifteen occurrences are not vocatives but actual references to the trial-situation, and the concentration of vocatives is itself noteworthy: this is the only passage where the vocatives alone achieve a frequency of 1.0%, although the second half of the *peroratio* comes close. A strong judicial element is probably to be expected in the *exordium*; there are also two references to *ius* in 2.1. The political angle is also important: to four occurrences of *res publica*, two of *publicus* and one of *populus Romanus*, can be added five of *ciues*. The ‘interestingness’ of *uir* is debatable, but lexical choice does underline the political equations made by the defence: *uir* is used of *Milo*, *Pompeius*, and the *iudices* – contrast the use of *homo* in 3.3 – and *uirtus* of *Milo* and the *iudices*.

1st sing.	1.9%
1st plur.	3.4%
2nd sing.	none
2nd plur.	5.0%

The speaker is *Cicero* throughout; the points of view of others are relayed in indirect speech at 2.2 (*Pompeius*), 3.2 (the crowd), and 3.3 (the *Clodiani*). It is explicit in numerous places that the addressee is the *iudices*: vocatives directly addressing them are fairly evenly spaced throughout the passage (1.1, 2.1, 4.1, 5.1, 6.1, 6.3), and their role is explicitly discussed in

4.1-2 and 5.2-6.2; *cf.* also 1.2-2.0n., 3.2n. The concentration of second-person plural words is very high; the fact that first-person singulars are outstripped by first-person plurals may be explained by a desire to unite speaker and addressee at the outset, especially in the first half of the *exordium* (1.2-2.0, 3.1). In the second half *nos* refers a) to the defence-team, b) to Cicero alone (4.2, 6.1-3), c) once specifically to Milo-and-Cicero (5.1). The first-person singular is used in 1.1-3.1, where the first-person plural still includes the *iudices*, and later adds a personal note to 5.2 and 6.3. Cicero-as-speaker is difficult to divorce from Cicero-as-politician here (*cf.* note on 1.1 *me*).

The *exordium* contains a high concentration of complexity factors: long units, many subordinate clauses, some initial subordinate clauses, some embedding and interlacing. On the whole, long/complex units alternate with shorter/simpler ones, and periodic features alternate with a more expansive, additive style: there are several compound sentences in the current punctuation. The orator repeats himself frequently both in the compound sentences (*e.g.*, 1.2-2.0, 3.1) and by multiplying subordinate clauses in others (*e.g.*, *si umquam ...*, *si umquam ...*, *si denique umquam*, 4.2; *nec ... ut ...*, *nec ... ut ...*, 6.2). There is also considerable doubling and multiplication of words and phrases (*e.g.*, *recreat et reficit*, 2.2; *de se*, *de liberis suis*, *de patria*, *de fortunis*, 3.2), as well as antithesis and comparison (*e.g.*, *non periculum nobis sed praesidium*, 3.1; *uirtuti Milonis potius quam populi Romani felicitati*, 6.2) and of the *non solum ... sed etiam ...* sequence. The two longest units, 1.1 and 4.2, can be seen as launching the two halves of the *exordium*; shorter units such as 4.1 and 6.1 can be seen as hinges (6.1-6.3 form a short sub-topic).

1.1. Etsi uereor, iudices,
 ne turpe sit
 pro fortissimo uiro dicere incipientem timere,
 minimeque deceat,
 cum T. Annius ipse magis de rei publicae salute quam de sua perturbetur,
 me ad eius causam parem animi magnitudinem adferre non posse,
 tamen haec noui iudici noua forma terret oculos,
 qui,
 quocumque inciderunt,
 ueterem consuetudinem fori et pristinum morem iudiciorum requirunt.

principal clauses – 1

subordinate clauses – 8: *etsi*, *ne ... -que*, acc.-inf. (*pro ... timere*), *cum*, acc.-inf. (*me ... non posse*), *qui*, *quocumque*

opening clause – concessive clause

levels of subordination – 4 (*cum T. Annius ... perturbetur*)

1.1 sets the scene, focusing on the contrast between the fortitude of the defendant and the nervousness of the orator in the face of what is described, without explanation, as an unusual trial-situation. The sentence, as noted at Approach 3.2 has a number of features which contribute to complexity and make it unusual in comparison with most others in the *Pro Milone*. It begins with a lengthy subordinate clause-complex focusing on the orator's fear. The opening concessive clause (*etsi uereor*) needs an object – what is the orator afraid of? – which is supplied in the noun-clause (*ne turpe sit*); this in turn needs a subject. An infinitive

phrase emphasising the defendant's fortitude follows, *pro fortissimo uiro dicere*, but this is not the subject (it is not speaking on behalf of a brave man which may be disgraceful; on the potential ambiguity, see further note on phrase); rather, the infinitive completes the sense of the subsequent accusative participle, part of an accusative-infinitive construction, *incipientem timere* (it may be disgraceful for the person beginning to speak (on behalf of a brave man) to be afraid). Another noun-clause (*minime deceat*), added by *-que* rather than by a second *ne*, is a paraphrase of the first; it is followed by constructions which paraphrase the accusative-infinitive construction, adding new emphases. First, an embedded temporal-concessive clause (*cum ...*) repeats and expands the idea in *pro fortissimo uiro*, explicitly identifying Milo as the brave man and defining the patriotic nature of his bravery; then comes another accusative-infinitive construction, the postponed subject of *deceat*, expressing the idea of *dicere incipientem timere* in terms which explicitly contrast Cicero with Milo (*me ... parem ... adferre non posse*). So it turns out that the speaker fears it is disgraceful to be afraid; the long postponed principal clause asserts that he is nevertheless (*tamen*) afraid, and provides a object (conceptual) of this new fear, expressed as the subject (grammatical) of *terret*: the unusual nature of the situation. The period is now complete, but instead of closing here, the speaker adds a relative clause-complex (*qui*) qualifying *oculos*, which extends the sentence still further and may initially hold out the possibility that the terrifying aspects of the unusual situation will be explained. The impression that further information is being provided may continue, although in fact the relative clause more or less repeats the content of *noui iudici noua forma*, expressing the unusual situation now in terms of the absence of the familiar (*ueterem ... requirunt*; an embedded indefinite relative clause (*quocumque*) emphasizes the completeness of that absence), just as the second noun-clause of fear above (*minimeque deceat*) paraphrased the preceding one; specific details are not identified until the next sentence. The postponement of explanatory information, first the cause of fear and then the unusual aspects of the scene, creates suspense in terms of content which parallels the syntactic suspense produced by the delayed principal clause; the repetitiveness gives plenty of time for the details which have been given – including the emphasis on Milo's character – to sink in. The resulting impression is of a careful speaker, spelling things out for his audience while wrestling with a difficult, potentially embarrassing situation; at the same time, the audience are forced to pay closer attention than they might have to pay to a simpler construction, and their curiosity is whetted as to the still unexplained elements.

Comparison shows that Cicero is not afraid of opening speeches with sentences complex in both syntax and thought, despite his youthful comments at *Inu.* 1.25. Compare especially: *diu. Caec.*, *Mur.*, *Arch.*, *Rab. perd.* (judicial); *ad pop.* (political). The habit may be designed to force his audience to pay attention (an indexical interpretation). Possible iconic interpretations must be specific to this speech: the multiple layers of subordination may represent the fears within fears of the subject-matter (see further Approach 3.2). The most unusual features of the syntax of 1.1 are the four distinct levels of subordination and the lengthy postponement of the principal clause by six subordinate clauses. As there is no embedding or interlacing in these clauses, however, the length and subordination may create more suspense than difficulty; on the possible difficulty created by the 'extra' infinitives, cf. note on *pro fortissimo uiro dicere*. The repetition of the content of the first 'fear' clause-complex (*ne turpe sit ...*) in the second (*minimeque deceat ...*) reduces the amount of

information, as opposed to language, which needs to be processed by the audience while waiting for the principal clause. Cf. 4.2, 9.1, 15.4, 23.1, 25.5, 67.2, 68.3, 94.2.

etsi uereor, iudices: the opening words of the speech emphasize the communication situation: first-person speaker and second-person addressee. The sentence- and speech-initial positioning of the fear-theme has dominated the reception of the published text (Fotheringham 2006b). Although the sentence, with its multiple fears, is striking, it is possible that any initial audience of a delivered speech would not have remembered the ‘fear’-theme particularly strongly, as the speaker moved on to deal with other, more important topics. See further below, note on *timere*.

pro fortissimo uiro dicere: as hinted in the description above, there is potential confusion at least for a reading audience, if only for a moment, since *turpe sit pro fortissimo uiro dicere* could stand alone as a syntactic unit – although it would make very surprising sense. If the orator was aware of this possibility and allowed it to stand, its most likely purpose is a contribution to the extended teasing in this sentence, with its endless postponement of the real object of fear. But could he have done so in the first place? Let us first consider the position of a listening audience. The clausula of *uiro dicere* is not impossible, but it is likely that in delivery *dicere* would have been elided with *incipientem*, leaving little chance that anyone would think the phrase complete at *dicere*; the interval of potential confusion shrinks to the trivial period where the syllables *dice-* are being pronounced. Nevertheless the word-order employed here is unusual. There are twenty-three other accusative-infinitive constructions in the speech containing an additional, subordinate infinitive. In the majority, the introductory verb is a speech-/thought-verb or similar which ‘expects’ an accusative-infinitive construction and cannot be completed by the subordinate infinitive(-phrase), as *turpe sit* can. The exceptions are *deceat* later in this sentence and *nolitis* in 79.5. In the former case, the prolative infinitive is preceded by the accusative which makes the construction clear, preventing confusion, and its sense is only partially modified by the addition of *posse*, whereas the two infinitives here, *dicere* and *timere*, give completely different sense (see further below). In the latter case, the accusative-infinitive construction has already been established before the verb – which is the second verb governing it – appears. Impersonal verbs and verbs of wishing are frequent elsewhere in the speech with accusative-infinitive constructions, but the particular combination used here is rare. The only close parallels are 68.2 and (perhaps) 7.2. The point could have been phrased in a different way in order to avoid the juxtaposition of *turpe sit* and *pro fortissimo uiro dicere*, e.g., *ne turpe sit eum timere qui p. f. u. dicere incipit*. It therefore remains possible that the juxtaposition is worth noting.

timere: the audience must wait longer for the object of this fear than they did for that of *uereor*, which followed immediately. But the possibility that the physical context supplies an object – at least for the audience in the forum, if there was one, and for those aware of the historical context before starting to read – must be addressed. Here the standard reading of the speech as directly revealing Cicero’s actual fear of the soldiers in the forum may be misleading. The stories of Plutarch and Dio stating that Cicero was genuinely terrified must be disregarded: the *exordium a timore* is a standard opening, making the orator seem human and inviting sympathy; here it creates a useful distinction between the orator and his client, allowing sympathy for the one to be combined with admiration for the other. Furthermore,

the fear is set up in order to be dispelled. It is therefore possible that the object of *timere* would not seem so obvious to an audience not conditioned by centuries of anti-Ciceronian reception. According to Asconius (40C), the presence of the soldiers was due to a defence-request; the possibility that they might be opposed to Milo may therefore have been invented by Cicero. The prosecution may have attempted to blame Milo for the presence of the soldiers by describing it as symptomatic of a violent state of affairs for which Milo was ultimately responsible, but even this cannot be certainly known – far less that they will have claimed the troops were actually on their side. The reference to the soldiers to introduce an reference to Pompeius which attempts to recruit him as well as them for the defence.

me: Cicero speaks as defence advocate, but in this trial to act for the defence carries political implications.

me ... adferre non posse: the fact that *turpe sit* had an accusative-infinitive as its subject does not necessarily mean that *minimeque deceat* also will: cf. the juxtaposition of accusative-infinitive construction and bare infinitive phrase at, e.g., 11.2. The initial position of *me*, however, makes the construction clear. It is normal in accusative-infinitive constructions for the accusative to come first, with the result that the function of the subsequent infinitive is clear; this is the case in twelve of the twenty-two which contain an additional infinitive (initial position: 1.1 *deceat*, 11.3, 22.2, 26.2, 32.4, 78.3, 79.5, 96.2-97.0 *fortis et sapientis uiros*, 102.2; preceded by other material: 15.4 *etiam in confessione facti*, 68.2n. *duos se habere ... sperasse*, 91.1). In six of the remaining ten, the additional infinitive follows the infinitive of which the accusative is the subject (accusative assumed: 46.7 *itaque repente*, 75.1n. *sed ausum esse*; no accusative because verb is impersonal: 2.2n., 45.3, 71.1 *licere uobis*; accusative postponed: 15.4 *posse absolui eum*). This leaves only four occurrences where the additional infinitive comes first: 1.1 *turpe sit*, 7.2n., 8.1n. (which also includes further accusative-infinitive constructions dependent on the first), 8.2n. These figures tend to suggest that Cicero generally attempts to make the construction clear as soon as possible. In fourteen of the twenty-two, the additional infinitive is prolatively dependent on *posse* (10), *solere* (2), *audere* or *constituere* (1 each), and even when the prolatively infinitive comes first (eight times), the construction would make either little sense at all or very similar sense without the following *posse/solere*.

parem animi magnitudinem: ‘an equal greatness of spirit’; *magnus animus* is a standard Latin expression for ‘courage’ (cf. 3.1, 61.1, 64.2, 69.2, 80.3, 81.3 – all but 3.1 refer to Milo).

terret oculos: if the sentence had ended on *oculos*, the sudden emphasis on eyes might have seemed a little surprising. It is the first in a series of references to vision in the first half of the *exordium*, which draw attention to the surroundings of the trial, visible to the original audience, imagined by the reader: *cernitis* (1.2-2.0); *intuentis, aspici, uidetis* (3.2). In the relative clause-complex which follows, the orator is pictured looking round desperately for something familiar, and failing to find it.

quocumque inciderint: the only clause in the sentence embedded within its superordinate is in a clause-complex which reaches only two levels of subordination. The clause is brief and therefore does not interrupt the superordinate relative clause for long.

1.2-2.0. Non enim corona consessus uester cinctus est,
 ut solebat;
 non usitata frequentia stipati sumus;
 non illa praesidia
 quae pro templis omnibus cernitis,
 etsi contra uim conlocata sunt,
 non adferunt tamen oratori terroris aliquid,
 ut in foro et in iudicio,
 quamquam praesidiis salutaribus et necessariis saepti sumus,
 tamen ne non timere quidem sine aliquo timore possimus.

principal clauses – 3, in 3 units (asyndeton)

subordinate clauses – 1/0/4: *ut, quae, etsi, ut, quamquam*

opening clauses – principal clause; principal clause; principal clause

levels of subordination – 2 (*quamquam ... saepti sumus*)

1.2-2.0 explains the unusual situation referred to in the previous sentence by describing the surroundings: not the familiar type of audience, but a ring of protective – but paradoxically threatening – soldiers. As punctuated here, this sentence is as long as 1.1, but it is made up of three coordinate units, which, although they are of varying complexity, are all less complex than 1.1. Triple anaphora of *non* creates parallelism, and the first two elements are similar in content – this throws into relief the slightly different third. The absence of a *corona* is mentioned first, in an initial principal clause, and its usual presence is then asserted in a short comparative clause (*ut*); in the second unit, the emphasis on usual practice is reduced to the participial adjective *usitata*. These two very simple units may give the audience a chance to relax after the syntactic complexity of 1.1. The third turns to an unfamiliar element which is present, and length and complexity increase as the paradoxical effect of the armed guards is explored. Their visibility is emphasized in an embedded relative clause (*quae*), their purpose specified in a concessive clause (*etsi*): to protect against violence. The resumed principal clause asserts that nevertheless (*tamen*) they cannot not bring fear (double negative). Once again, the speaker continues although the syntactic period is complete, adding a consecutive clause (*ut*) which focuses on those terrified rather than on the soldiers and contains another double negative (*ne non ... quidem*); these double negatives add to the complexity even if they do not create real difficulty in comprehension. The content of the consecutive clause is not very different from that of the principal clause, and another concessive clause (*quamquam*), embedded within it, more or less repeats the content of *etsi ... conlocata sunt*. The impression of expansiveness and repetitiveness is thus continued from 1.1. The multiple concessive clauses, reinforcing the concession with which the speech opens, suggest a speaker returning again and again to the fact that, and the reasons why, he should not be afraid, in an unavailing attempt to convince himself. The repeated double negative underlines the paradox that the thing which is supposed to protect nevertheless creates fear.

consessus uester: the most obvious addressee is still the *iudices* – or possibly all those directly involved in the trial (*e.g.*, prosecution, witnesses, and Domitius, who was presiding), as opposed to interested bystanders, who may be excluded by the use of the word *consessus*, and are referred to as separate entities (*corona, frequentia*). The second-person plural is

replaced in the following units by first-person plurals (*stipati sumus, saepti sumus*), which unite speaker and addressee.

etsi contra uim conlocata sunt: this comment should remind us that the presence of the soldiers result from a defence-request after the cross-examination of witnesses was interrupted by the violence of the *Clodiani* (Asconius 40C).

ne ... quidem: ‘not even’; unlike other uses of *ne*, this phrase, which occurs twelve times in the speech (e.g., 16.5, 30.2), has no subordinating function.

possimus: there is nothing in the immediate vicinity to identify the first-person plural here by excluding some other element in the scene; *corona* and *frequentia* are too far away, especially given that a full-stop could have been placed before *non illa praesidia* (cf. 79.2n.). The word *possimus* could therefore be taken as referring either to Cicero and the *iudices*/the rest of the people involved in the trial, or, following the reference to *oratori*, to Cicero alone – the ‘editorial’ *nos*. The ambiguity may soften the suggestion that the *iudices* themselves share the fear attributed to Cicero (*oratori terroris aliquid*); cf. the parenthetical conditional clause in 4.1, which implicitly allows them to deny any such fear. Cf. also note on 3.1 *nobis*...

2.1. Quae si
 opposita Miloni
 putarem,
 cederem tempori, iudices,
 nec enim inter tantam uim armorum existimarem
 esse orationi locum.

principal clauses – 2, in 2 units (*nec*)

subordinate clauses – 2/1: *si*, acc.-inf. x2 (*quae ... opposita Miloni; esse orationi locum*)

opening clauses – conditional clause (connecting relative: *quae*); principal clause

levels of subordination – 2 (*quae ... opposita Miloni*)

2.1 develops the reference to the soldiers in the forum, mentioning the possibility that they have been stationed there ‘against Milo’ in such a way as to indicate that this is not the case. The counterfactual conditional used here is effectively an argument: if X, then Y and not Z → not Y but Z, therefore not X (cf. 8.3n., 10.2, 15.4, etc.). But what the argument demonstrates is only that the orator does not *think* such-and-such about the soldiers (*putarem*) – nothing has been proven about the soldiers themselves. The sentence opens with a ‘connecting relative’, *quae* (= *et ea*), referring to *praesidia* in 1.2-2.0; the opening clause is not relative but conditional (*si*). The connecting relative (cf. note on *quae si*) turns this sentence into a kind of adjunct of the preceding, so that the fear caused by the *praesidia* is followed swiftly by denial of the possibility that they pose any threat. Here the connecting relative also results in an interlacing of clauses, if *quae* is taken as the subject of the accusative-infinitive construction *opposita Miloni [esse]*; contrast the un-interlaced possibility with the demonstrative rather than the relative, *et si putarem ea opposita Miloni*. (The five words could instead be taken as a single clause; ‘if I thought them set against Milo’ rather than ‘if I thought that they were set against Milo’.) Such interlacing with (linking) relatives/accusative-infinitive constructions is very common. The counterfactual subjunctive verb *putarem* already suggests that the speaker does not think the soldiers

embody any threat to, or negative judgement of, Milo, and the apodosis confirms this by referring to a situation which is obviously false: the speaker is not ‘giving in to the situation’, but continuing to speak.

This first unit fits three clauses into seven words (not counting the vocative), but the addition of a second, additive apodosis, after the completion of the period, maintains the expansive feeling of the previous sentences. The second apodosis essentially repeats the first (although it also explains what ‘giving in to the situation’ means), again stating what a despairing speaker would think (*existimarem* – but this speaker does not) with the thought, a generalization on the place of oratory in a context of violence, expressed in an accusative-infinitive construction (*nec enim ... existimarem ...*). The prepositional phrase *inter tantam uim armorum* could be taken as part of either/both the principal clause or/and the accusative-infinitive. If it is seen as belonging to the accusative-infinitive, the clauses are interlaced, with only *nec enim* preceding the interruption, just as the opening of the sentence *si* was isolated from the rest of its clause. Compare *qui, quocumque inciderunt* in 1.1. Similar immediate interruptions after conjunctions/particles account for many of the embedded/interlaced subordinate clauses in the speech, which are more common than subordinate clauses which entirely precede their superordinates. The interruption of the superordinate immediately after the conjunction/particle clearly signals to the audience that there are two (or more) levels of subordination being employed, but does not give them too much information to hold on to while dealing with the embedded clause.

quae si: for the combination of linking relative with conditional, compare *quod nisi* 15.4, *quem si* 38.2, *quos nisi* 58.4, *quod si* 61.1, *quae si* 68.3, *de qua si* 72.2, *quem si* 84.3 (mid-sentence), *quae si* 99.5; *quod si* at 14.4, 31.1, and 68.2 is a different construction (*cf.* notes *ad locc.*).

cederem tempori, iudices: the first-person plural is divided again into speaker and addressee; or, if *possimus* is ambiguous, the singular speaker emerges more explicitly here. Nevertheless, by sharing his thoughts with the *iudices*, Cicero unites himself with them. The word *tempori* leaves it conveniently unspecified what aspect of the current time (= situation) the orator would be ‘yielding’ to. The word in this sense will be particularly important in the third preliminary argument (16.1, 19.2-3).

opposita: the perfect participle suggests that somebody put the soldiers there, with that person’s purpose being under question: was it ‘against’ (*ob*) Milo? This prepares the ground for the reference to Pompeius in the following sentence.

nec here adds a second point, without being anticipated by a *nec* in the parallel clause. Contrast *nec ... nec ...* in the next sentence.

- 2.2. Sed me recreat et reficit Cn. Pompei, sapientissimi et iustissimi uiri, consilium,
 qui profecto
 nec iustitiae suae putaret esse,
 quem reum sententiis iudicum tradidisset,
 eundem telis militum dedere,
 nec sapientiae
 temeritatem concitatae multitudinis auctoritate publica armare.

principal clauses – 1 [2 verbs]

subordinate clauses – 4: *qui*, acc.-inf. (*nec iustitiae ... esse ... dedere*), *quem*, acc.-inf. (*nec sapientiae [esse] ... armare*)

opening clause – principal clause

levels of subordination – 3 (*quem reum ... tradidisset*)

2.2 supports the suggestion that the soldiers are not a threat to Milo by asserting positively that their commander, Pompeius, would never use the military to usurp trial-proceedings, or put it at the service of an unruly mob. The initial focus remains on the speaker (*me*); the opening principal clause responds to the counterfactual conditional in 2.1 with a strong assertion of the reassurance brought to him by the thought of Pompeius. A following relative clause-complex (*qui*) explains this reassurance by describing what Pompeius would not do, more precisely, what he would not think appropriate (*putaret*; not thinking something links the speaker in the previous sentence and Pompeius in this). The accusative-infinitive construction expressing his thought, *iustitiae ... esse*, is interlaced with the relative clause, *qui profecto nec ... putaret*; *nec* immediately signals that the thought will have two parts. This anticipatory *nec* is different from the additive *nec* in 2.1; it requires a successor, and the period is not complete until *armare* provides the subject of *sapientiae [esse]* after the second *nec*. (Because the subject of the infinitive in both parts of the construction is another infinitive, there is no accusative noun/pronoun in this accusative-infinitive construction.) Unlike the double noun-clause in 1.1 or the double principal clause in 2.1, the two clauses introduced by *nec ... nec ...* here make slightly different points; here the impression that the speaker has a lot to say is backed up by the content. The first part refers to what Pompeius would not think just (*nec iustitiae suae putaret esse*): to hand over the defendant in a trial to the tender mercies of the military (infinitive phrase: *telis militum dedere*; Milo's judicial status is specified in an embedded correlative clause, *quem ... eundem* – although Milo himself is concealed behind an anonymous *eundem*, and the verb in the relative clause is generic subjunctive). A second *nec* then adds what Pompeius would not think wise (*sapientiae*; supply *suae putaret esse* from the first half): to arm the mob – with *auctoritas* (second infinitive phrase: *temeritatem ... armare*). Although they do not count as separate subordinate clauses, the long infinitive phrases which are the subjects of *iustitiae/sapientiae esse* lengthen the sentence and to some extent increase its complexity; it is worth comparing those in 1.1, although here the positioning of *esse* leaves no room for ambiguity about the status of *dedere/armare*. The ellipse in the second half of the *nec ... nec ...* construction also adds to complexity.

Although the principal clause is in initial position and the relative clause-complex is additive, because that clause-complex is so long (and complex) the bulk of the sentence is taken up with a single, quite complex period. The effect is the opposite of the preceding sentences, in what might be described as a resting-point before the additive material came towards the end; and the material in the relative clause-complex has less of the feeling of an afterthought. It could even be argued that from the point of view of content, although the syntax of the principal clause is complete at *consilium*, the audience will expect some explanation of what that *consilium* is. I suggested that a similar expectation was not fulfilled in the relative clause-complex at the end of 1.1, where the explanatory material did not appear until the next sentence; here the speaker takes a different tack, and the explanation of how he was interpreting Pompeius' actions may be seen as more urgent. In its overall shape,

therefore, and in the means it uses to achieve complexity, this sentence is different to what precedes it; if these aspects are meant to make it stand out, that is entirely appropriate to the importance of its content, as well as to the need to retain the audience's attention throughout the *exordium*. The complexity provided by the interlacing and the ellipse may also distract from the fact that the thoughts here denied to Pompeius are not negative judgements of Milo, which it may be too soon to straightforwardly deny, but issues of principle to which the audience should find it easy to assent. (In this connection, note again the subjunctive *putaret*: this can be explained as generic, or as apodosis to a suppressed protasis (Colson *ad loc.*), but at the same time the speaker avoids saying anything about what Pompeius actually thinks by not using the indicative, *putat*.)

This is the first of numerous points in the speech where the orator purports to be able to read Pompeius' mind. The only support for the claim made here about what P. thinks is an appeal to his wisdom and justice: he is described as *sapientissimi et iustissimi uiri*, and the adjectives are then picked up in the genitives which structure the double accusative-infinitive. The relative clause-complex describing what are supposed to be his thoughts is made complex by its double nature, by the interlacing of two levels of subordination, and by the combination of the accusative-infinitive construction with infinitive phrases, the subjects of *iustitiae/sapientiae esse*. Complex expression often accompanies mind-reading (*cf.* 16.1), perhaps to express the difficult process of interpreting another person's actions, perhaps, by giving the audience something else to concentrate on, to distract from the always potentially suspect claim to understand what another person thinks. The careful balancing of the elements in the sentence may have helped a listening audience to process the content.

iustitiae suae esse: the genitive with *esse* means something like 'that X is (any part) of his justice', *i.e.* 'that X would be just of him' (see W. 72(1)iii, K. 251). A subject is required; it is delayed by a relative clause (third level of subordination) and takes the form of an infinitive phrase.

quem reum ... tradidisset: the noun *reum*, in apposition to the pronoun *quem*, is predicative, that is to say, it is not simply adding more information about the person under discussion, but rather specifying the way in which he was 'handed over to the verdicts of *iudices*': 'as a defendant'. Contrast *sapientissimi et iustissimi uiri*, describing Pompeius, earlier in the sentence; this could be said to have an explanatory as well as a descriptive force, but the same or similar is true of many such descriptions in apposition. Here *reum* has a strong connection with the verb. Similar uses of predicative apposition in 3.3, 24.1, 44.2, 100.2; compare also adjectives in predicative agreement and second, predicative accusatives after factitive verbs (see Nouns and Adjectives Index, 1.3.3).

quem ... eundem ...: the correlative construction allows another contrast, between civilian and military ways of dealing with Milo, to be included within the comparison of (un)just and (un)wise actions. Mixing up these two arenas is what would be inappropriate.

nec sapientiae: the sentence could not have finished without this second component of the accusative-infinitive construction, because of the initial *nec*. The core of the construction does not need to be repeated, only the parts that have changed: the aspect of Pompeius' character being focused on (the genitive, *sapientiae*) and the action which would be incompatible with it (infinitive-phrase). The arrangement of the infinitive-phrase, with the

infinitive at the very end, makes the sentence completely periodic: the audience is always waiting for some gap or other to be filled.

- 3.1. Quam ob rem illa arma, centuriones, cohortes non periculum nobis
 sed praesidium denuntiant,
 neque solum ut quieto
 sed etiam ut magno animo simus
 hortantur,
 nec auxilium modo defensioni meae uerum etiam silentium pollicentur.

principal clauses – 3, in 3 units (*neque, nec*)

subordinate clauses – 0/1/0 (*neque solum ut ... sed etiam ut*)

opening clauses – principal clause (connecting relative: *quam ob rem*); *ut*-clause; principal clause

3.1 concludes from the preceding assertion about Pompeius that the soldiers' presence should encourage rather than discourage the orator, reiterating their protective purpose. The opening phrase, *quam ob rem* (another 'connecting relative', although without a specific noun as antecedent), indicates that what follows will be a conclusion: the immediately following principal clause opposes two possibilities (*non ... sed ...*) in a claim that the presence of the soldiers is protective rather than threatening. The paradoxical relationship between protection by and fear of the soldiers has resolved itself into a simple antithesis making a strong assertion. A second point about the *arma, centurions, cohortes*, following in a coordinate principal clause (additive *neque*), focuses on the effect of the military presence on the speaker: what they urge him (*hortantur*) to do is expressed in a double noun-clause (indirect command) which precedes the superordinate verb. Antithesis is here replaced by doubling: the two elements reinforce rather than oppose one another (*neque solum ut ... sed etiam ut ...*); the coordinate clauses also to some extent constitute a doublet, or rather a triple: a third coordinate principal clause follows (additive *nec*), again with two reinforcing elements (*nec ... modo ... uerum etiam ...*), specifying the results promised (*pollicentur*) by the military presence. The three units follow one another in additive style; *non, neque solum*, and *nec ... modo* create internal periodicity in each of them. Syntactically this is the simplest sentence so far, and with little complexity and limited variation to distract from its repetitiveness, it makes its point – the dismissal of the fear aroused by the soldiers – forcefully.

Once again a relatively complex sentence (*cf.* 1.1) has been followed by a series of simpler units in a repetitive compound sentence (*cf.* 1.2-2.0). The first sequence introduced the idea of the soldiers causing fear, while the second dismisses it; the shorter 2.1 forms a kind of link or hinge between them. The only element of complexity in 3.1 is the interlacing in the second unit, made possible by the splitting of the indirect command into two halves sharing a verb (and a noun); the only elements of the principal clause involved in the interlacing are the structural elements *non solum ... sed etiam* (*cf.* 2.1n.).

ut quieto: the audience must wait a moment to find out what this means, as the words which complete the clause, *animo simus*, are only expressed in the second half of the indirect command.

neque: since this is the second principal clause in the sentence, *neque* does not necessarily anticipate the following *nec*, so should be seen as additive (cf. 2.1n., 2.2n.).

nobis ... simus ... meae: does the use of the singular *meae* at the end of the sentence indicate that the earlier plurals are not merely ‘editorial’ *nos*? The case is not as clear-cut as *corona consessus uester* or *frequentia stipati sumus* in 1.2; a first-time audience, at least, which would have interpreted these plurals before *meae* was reached. Even if the presence of *meae* can, retrospectively, suggest that *nobis* and *simus* should refer to something other than Cicero alone, the first-person plural could be taken as referring to Cicero-and-Milo/the defence-team. The clause *ut magno animo simus* therefore does not necessarily attribute fear to the *iudices* as well as to the speaker.

magno animo: ‘to be of good heart/courage’, a more common phrase than *quieto animo*; cf. *magnitudinem animi*, 1.1n. The ‘ablative of quality’ is used fifteen times in the speech, either with *esse* (3.1, 29.3, 82.1, 99.1, 101.3 *animo*; 79.3 *uirtute ac fortuna*; 101.1 *robore animi*; 101.3 *mente*) or simply qualifying a noun (24.1, 66.4 *uirtute*; 64.2 *animo*; 73.5 *uirtute et gloria*; 91.4 *fide*). The ablative noun is always accompanied by at least one adjective, even if only pronominal; the doublets can share an adjective (see W.43(6)). Cf. also 80.3n., 101.3n.

auxilium ... silentium: the claim that the presence of the soldiers is an ‘aid’ to Cicero’s defence is a striking restatement of *praesidiis salutaribus et necessariis*: are they there to ensure Milo’s acquittal? The addition of *silentium* then acts as a gloss, explaining that the soldiers are there to assure him a hearing. In other circumstances *auxilium* would be a stronger claim than *silentium*; the surprising contrast and its emphatic position heighten the importance of the latter. This may seem ironic on a post-publication reading, since Cicero’s delivery on the day was impaired by the shouting of the Clodians in the crowd (Asconius 41–42C); silence was *not* achieved. But the point could have been made in the delivered version: anticipating trouble from the *Clodiani*, Cicero could have composed this comment to remind the jury of where the blame lay for upheavals at the trial (and, indeed, in the political life of Rome over the preceding six years).

3.2. Reliqua uero multitudo,
 quae quidem est ciuium,
 tota nostra est,
 nec eorum quisquam
 quos undique intuentis,
 unde aliqua fori pars aspici potest,
 et huius exitium iudici expectantis uidetis,
 non cum uirtuti Milonis fauet,
 tum
 de se, de liberis suis, de patria, de fortunis hodierno die decertari
 putat.

principal clauses – 3, in 2 units (1/2 *nec*, *cum ... tum*)

subordinate clauses – 1/2/1 (1/3): *quae*, *quos*, *unde*, acc.-inf. (*de se ... decertari*)

participial phrases – 1: *undique intuentis ... et huius exitium iudici expectantis uidetis* [2 pples.]

opening clauses – principal clause; principal clause
 levels of subordination – 2 (*unde aliqua ... potest*)

3.2 continues the positive interpretation of the trial-surroundings but shifts focus to the crowd of spectators, claiming that all citizens support Milo and understand the importance of the day's proceedings. The new focus is made clear immediately (*reliqua uero multitudo*); after an interrupting relative clause (*quae*) limiting the people being talked about to those with citizenship, the resumed principal clause makes a strong positive assertion about the support of the crowd (*tota nostra est*). A second unit reiterates the universality implied by *tota* in negative terms: *nec ... quisquam*; it too is interrupted by a relative clause-complex (*quos*), which quickly reinforces the emphasis on universality (*undique*). A second level of embedding is created by a locative/relative clause (*unde = e quo*) which claims that the supportive crowd fills the forum. When, after the relative clause has been completed (*et huius ... uidetis*), the principal clause is also resumed, *non* turns it into a double negative, similar to the third unit of 1.2-2.0; *cum*, like an anticipatory *nec* (the *nec* in *nec eorum quisquam* was additive) indicates that it will be double, with the result that the third principal clause (*tum ... putat*) is necessary to complete the period. The accusative-infinitive construction expressing the crowd's thoughts is the fourth embedded structure in the sentence and the third in the double-unit; the sentence as a whole is repeatedly interrupted, although any suspense created is primarily syntactic, as the content is hardly surprising – unless perhaps in the strength with which it makes its assertions about widespread support for Milo.

The syntactic variation continues: the first unit has only one principal clause, while the second has three as well as the speech's first example of a double principal clause. This is the only occurrence of *cum ... tum ...* in the speech, but the same effect is also achieved by using anticipatory *nec* at the start of the first principal clause in a unit (e.g., at 6.2). The interrupting relative clause-complex in the second unit here provides the first example of 'nested' subordinate clauses, where one already embedded clause contains another. The thematic consistency of the two clauses, like the repetition in 1.1 and the careful balancing in 2.2, may reduce the amount of information the audience has to process and help prevent complexity from becoming incomprehensibility.

reliqua: *reliquus* could point forward to a contrasting 'other', supplied by *unum genus* in the following sentence, but the adversative *uero* suggests that it contrasts with something which has gone before, either the soldiers or the noisy *Clodiani* hinted at by *silentium*.

quae quidem est ciuium: it is a key element of the speech's characterization of the *Clodiani* to associate them with non-citizens and especially with slaves (cf. esp. 36.5 for the relationship with *ciues*).

tota: the preceding clause has already indicated an exception to this claim to universality, which will be repeated in the following sentence.

nostra is most naturally taken as referring to the speaker/defence-team, since the claim is that the crowd is on the defence side, but the *iudices* may also be included in the 'we'. The very vagueness contributes to unifying defence and jury: sharing a point-of-view is rather different from simply sharing a position in the forum (1.2-2.0, 3.1). The contrast between *reliqua uero multitudo* and *uidetis* later in the sentence confirms that the second-person

plural are the *iudices*/trial-personnel, rather than everyone in the forum who can hear Cicero; but this does not settle the identity of the first-person plural.

undique intuentis ... aspici ... uidetis: the crowd watch the trial and the *iudices* can see the crowd.

- 3.3. Vnum genus est aduersum infestumque nobis, eorum
 quos P. Clodi furor rapinis et incendiis et omnibus exitiis publicis pauit;
 qui hesternam etiam contione incitati sunt
 ut uobis uoce praeirent
 quid iudicaretis;
 quorum clamor,
 si qui forte fuerit,
 admonere uos debet
 ut eum ciuem retineatis
 qui semper genus illud hominum clamoresque maximos prae uestra
 salute neglexit.

principal clauses – 1

subordinate clauses – 8: *quos, qui, ut, indir. qu. (quid), quorum, si, ut, qui*

opening clause – principal clause

levels of subordination – 3 (*quid iudicaretis; qui semper ... neglexit*)

3.3 presents a contrast to both the supportive crowd from the preceding sentence and the ‘phoney opposition’ of the soldiers by defining the actual opposition as frenzied followers of Clodius, asserting that it is they who wish to influence the trial-proceedings improperly, and ending with the climactic claim that Milo’s policy of opposing such troublemakers should count in his favour with the *iudices*. Punctuated as a single sentence, this is the longest syntactic unit since 1.1, with the same number of subordinate clauses, but its structure is far simpler (it opens with the principal clause and reaches only three levels of subordination); a closer parallel to 1.1 is 4.2. The first thing referred to in the opening principal clause is the isolation of the opposition, described as *unum genus*; they are then identified as Clodius’ followers in a relative clause (*quos*) which turns out to be the first in a sequence of three; the third is the longest, with the highest number of additional dependent clauses, and has sometimes been punctuated as a separate sentence. The first relative clause has no further dependent clauses, but is lengthened by a triplet of instrumental ablatives (here too the third element is the longest). In the second relative clause-complex (*qui*) the focus is still on the *Clodiani*, but the emphasis has shifted from identifying them to describing them as opposing the course of justice: at yesterday’s *contio* they were encouraged by unnamed persons to attempt to influence (noun-clause, *ut* = indirect command) today’s verdict (expressed as an indirect question, *quid iudicaretis*). These dependent clauses are very short, and the whole clause-complex contains no more words than the single clause *quos ... pauit*; the clauses follow one another in a sequence both necessary and logical, with no embedding or interlacing.

The third relative clause-complex (*quorum*) has three dependent clauses, of which the first (not necessary) is embedded and the others (necessary after *admonere*) follow in sequence. It is as long as the other two put together, and it would be possible to take *quorum*

as a connecting relative and place a full-stop rather than a semi-colon after *iudicaretis*; the current punctuation emphasizes the clever use of the same grammatical construction to quite different purposes – the third is not really about the *Clodiani* at all. (Compare the triple compound sentence 1.2-2.0; there too the third and most complex element takes a different direction to the two preceding. 3.1 and 3.2 are also triple compound sentences, whereas this is a triplet of subordinate clauses, but the polyptoton of the relative pronoun here – *quos, qui, quorum* – provides a stronger echo of the anaphora of *non* in 1.2-2.0; is it going too far to suggest that there is a stylistic link here which might contribute to ring composition as the first part of the *exordium* comes to its close?) The third relative clause opens with a reference to the possibility of rowdy behaviour (*clamor*) as a consequence of yesterday's activity; an embedded indefinite conditional clause (*si qui*) raises the (ironic?) possibility that this might not happen. The resumed relative clause quickly shifts focus to what such *clamor* should encourage (*admonere*) the *iudices* to do. This is expressed in a noun-clause (*ut*; indirect command), which is followed by a correlative clause (*eum ... qui*) describing earlier responses to similar rowdiness shown by Milo, who is again partially concealed behind the anonymous *eum ciuem*. This is the longest clause in the sentence, maintaining the tendency to make the final element the longest, and providing a climax for the whole which brings out the triangular relationship among Milo (*qui neglexit*), the *Clodiani* (*genus illud hominum ...*), and the *iudices/boni* (*prae uestra salute*).

nobis here refers most naturally to the defence-team; later in the sentence there is a strong focus on the *iudices* (*uobis, iudicaretis, uos, retineatis, uestra*). But the content of the third relative clause stresses the identity of political interests between the defendant/defence on the one hand and the *iudices*, who are representative of the *boni* in general, on the other.

pauit is more likely to be the perfect of *pasco*, 'feed' (long *-a-*, cretic-trochaic clausula), providing a striking metaphor, than the present of *pauio*, 'terrify' (short *-a-*), although Clodius' *furor* could be imagined as surviving him, still able to rouse the mob.

quid iudicaretis: it makes little difference whether *quid* is taken as an external accusative, 'what you decide', or an internal one, 'what judgement/verdict to reach'. Cf. 7.3n., 15.5n., 44.1n.; Nouns and Adjectives Index, 1.3.1b.

hesterna contrasts with *hodierno die* in 3.2: the bulk of today's crowd support Milo, but there are elements of yesterday's crowd (see following note) present.

contione incitati sunt: Asconius informs us that Plancus Bursa held a *contio* on the eve of the trial's last day; no agent of the passive verb is supplied here, and Bursa is never named in the speech (cf. esp. 12.5). There are also very few references to the prosecutors by name (exceptions: 40.3-4, 59.2), although prosecution witnesses are named at 46.7-8; the principal living object of invective is Clodius' *scriba*, Sex. Cloelius (33.2-6, 90.2-4).

si qui forte fuerit: cf. *silentium*, 3.1; it would not have been difficult to anticipate that the *Clodiani* might make some noise. In the delivered version, a comment like this might have been optimistically aimed at shaming them into silence; in a post-publication reading, it is heavily ironic. The *qui* is an indefinite adjective within the conditional clause, agreeing with *clamor* understood from the part of the superordinate which precedes it. The indefinite

conditional interrupts the relative clause immediately after the noun to which it refers, as another relative clause would do.

eum ciuem retineatis: either ‘keep that citizen’ or ‘keep him as a citizen’ (predicative; *cf.* 2.2n.); the latter has more point.

4.1. Quam ob rem adeste animis, iudices,
et timorem si quem habetis,
deponite.

principal clauses – 2, in 2 units (*et*)

subordinate clauses – 0/1 (*si*)

opening clause – principal clause (connecting relative: *quam ob rem*); principal clause/conditional clause (sentence-conjunction: *et*; shared accusative: *timorem*)

4.1 picks up on the reference to the *iudices* at the end of the preceding sentence, concluding (from Milo’s treatment of troublemakers?) that they should not be afraid. The conclusion (*quam ob rem*) that they should take heart is expressed first, as a direct command; a second command, added by *et*, paraphrases the first, and contains an embedded indefinite conditional clause (*si*), allowing for the possibility that they were not afraid in the first place. The soldiers are not explicitly mentioned; the cause of fear may be supposed to be, instead, the *Clodiani*. Nevertheless this rounds off the fear-theme introduced at 1.1; although the original audience cannot have known it, this is the last reference to fear. The short and very compact sentence (three clauses in twelve words) provides a vigorous conclusion to, and the connecting relative phrase a close syntactic connection with, the preceding sentence; in its final putting aside of the fear-theme, however, it is also prepares the ground for a new direction which will be identified in the following sentence. The second-person plural verbs introduce a focus on and involvement with the *iudices* which will be maintained throughout the second half of the *exordium*. This short compound sentence acts as a hinge between the two halves of the *exordium*, as 2.1 is a hinge in the middle of the discussion of the soldiers (*cf.* 3.1n. and 6.1n.); 4.1 is almost as compact as 2.1, with three clauses fitted into twelve words.

adeste animis echoes the uses of *magnus animus* for courage in 1.1 and 3.1: the jury must be as Milo is by nature and the orator is now claiming to be himself. The possibility that the *iudices* have also been afraid, hinted at in 1.2-2.0 and 3.1, is here made explicit. This shift should not be seen as a problem or inconsistency; it is a natural development of an idea over the course of the speech.

timorem si quem habetis: like *qui* in 3.3, *quem* is an indefinite adjective agreeing with a word understood from the surrounding clause. Here the construction is not attempting to control the reaction of the audience or commenting ironically upon it, but allowing for the possibility that the *iudices* have not actually been afraid, perhaps indirectly apologizing for suggesting such a thing.

- 4.2. Nam si umquam de bonis et fortibus uiris,
 si umquam de bene meritis ciuibus potestas uobis iudicandi fuit,
 si denique umquam locus amplissimorum ordinum delectis uiris datus est
 ut sua studia erga fortis et bonos ciuis,
 quae uoltu et uerbis saepe significassent,
 re et sentiis declararent,
 hoc profecto tempore eam potestatem omnem uos habetis
 ut statuatis
 utrum nos,
 qui semper uestrae auctoritati dediti fuimus,
 semper miseri lugeamus
 an,
 diu uexati a perditissimis ciuibus,
 aliquando per uos ac per uestram fidem uirtutem sapientiamque recreemur.

principal clauses – 1

subordinate clauses – 8: *si* [*si* x2 but 1 verb], *si*, *ut*, *quae*, *ut*, indir. qu. x2 (*utrum ... lugeamus*; *an ... recreemur*), *qui*

participial phrases – 1: *diu uexati a perditissimis ciuibus*

opening clause – conditional clause (sentence-particle: *nam*)

levels of subordination – 3 (*quae ... significassent*; *qui ... dediti fuimus*)

4.2 develops the theme of the relationship between Milo and the *iudices*, claiming they naturally support men like him, and pointing out that they – rather than the soldiers? – have the power to determine whether Milo (along with Cicero) is condemned to, or saved from, eternal wretchedness. The new direction is marked by a return to both complexity and expansiveness: it is the longest unit so far (and the seventh longest in the speech), and full of repetition and contrast. As in 1.1, the principal clause is postponed until (just) over halfway through the sentence (the initial particle *nam* can be taken as referring to the whole sentence rather than just the principal clause); this stylistic connection with the opening sentence of the speech may or may not have created a conscious ‘echo’ for the audience, but it is appropriate to the start of a new topic. The initial conditional clause-complex¹ is marginally less complex and if anything even more repetitive than the concessive clause-complex in 1.1; the repetitiveness again means that the postponement creates suspense rather than difficulty in processing information. The triple *si (denique) umquam* also links the sentence with 1.2-2.0 and with 3.3. The construction here is an open conditional of the format ‘if there is any X, Y is an example of it’ (cf. 9.2, 19.2), used to strengthen the assertion of Y. The conditional status of what is being discussed is emphasized by early repetition of *si umquam*; the topic is the power (*potestas ... iudicandi*) of the *iudices* over ‘good citizens’ – Milo is presumably one of this group. Another protasis is now added by *si denique umquam*, expressing essentially the same idea as the first: the *iudices* are described in flattering terms and their judgement is expressed in an *ut*-clause (which can be seen either as a noun-clause

¹ The conditional is one of the two most common subordinate clause-types which open sentences instead of the principal clause; the other is the accusative-infinitive construction. For repetitive conditional protases postponing the apodosis, cf. 67.2, 68.3; perhaps 23.1.

in apposition to *locus*, or as a final clause) in terms of showing concrete support for Milo; an embedded relative clause (*quae*) claims that this support has already been shown in less concrete ways (*uoltu et uerbis*, contrasted with *re et sententiis* in the resumed *ut*-clause). It is perhaps no coincidence that this claim is embedded within another clause and at a relatively deep level of subordination, with the result that any objections or denials must be forgotten as the sentence plunges relentlessly on; in addition, the verb in the relative clause is in the subjunctive. This is appropriate in a description of a generic circumstance, one that re-occurs in the lives of the people involved (*si umquam*, emphatically three times), but the generic relative and its context also allows the speaker to deny, if he *were* to be challenged, that he had actually claimed such support had been shown for Milo – nevertheless the claim is at least suggested. The apodosis echoes the construction of the second protasis, following *potestatem ... habetis* with an *ut*-clause (noun-clause in apposition to *potestatem* or consecutive), which again conveys the idea of judgement (*statuatis*); the decision to be made by the *iudices* is then expressed in a double indirect question (*utrum ... , an ...*). A relative clause (*qui*) embedded in the first half and a participial phrase in the second (*diu uexati ...*) describe the relationship that connects Milo (and Cicero) with the *iudices* on the one hand and the *Clodiani* and their ilk on the other; this relationship explains why the *iudices* should support Milo, picking up on the hint at the end of 3.3.

si umquam de ... si umquam de: the splitting of the first protasis allows the introduction of important vocabulary for the description of the kind of politician represented by Milo, for example, both *uir* and *ciuis*. The paired adjectives *bonis et fortibus* will be repeated in the accusative in the subordination dependent on the last part of the protasis; *fortibus uiris* itself echoes *fortissimo uiro* describing Milo in 1.1. The phrase *bene meritis* introduces the important aspect of what such men deserve from their fellows, while *ciuibus* contrasts with the hint at the beginning of 3.2 that any opponents of Milo are *not* citizens.

delectis uiris: this third-person reference to the *iudices* does not represent a true shift in addressee; it may make the flattery less abject.

re et sententiis: *re* contrasts with *uerbis*, action with words; *sententiis*, in this context, refers to the verdict (*cf.* 2.2 and elsewhere) – the utterance of a word which constitutes an action.

diu uexati a perditissimis ciuibus: this participial phrase corresponds directly to the relative clause in the *utrum*-half of the indirect question; it could be seen as not simply descriptive (of *nos* understood) but adding another level of subordination. The meaning is primarily temporal.

5.1. Quid enim nobis duobus, iudices, laboriosius,
 quid magis sollicitum, magis exercitum dici aut fingi potest,
 qui,
 spe amplissimorum praemiorum ad rem publicam adducti,
 metu crudelissimorum suppliciorum carere non possumus?

principal clauses – 1

subordinate clauses – 1: *qui*

participial phrases – 1: *spe amplissimorum ad rem publicam adducti*

opening clause – principal clause

5.1 explains the wretchedness of Milo and Cicero referred to in the preceding sentence by pointing out that although they serve the state, they are faced with punishment for their actions. The sentence opens with an assertion of the two men's wretchedness in the form of a rhetorical question: 'what could be more X (*laboriosum, sollicitum, exercitum*) than Y (*nobis duobus*)?' (obvious answer: nothing). This is lengthened by repetition and followed by a relative clause (*qui*), which explains that wretchedness by contrasting the high hopes which led the two men to serve the state (expressed in a lengthy participial phrase, *spe ... adducti*) with the inappropriate sequel to their efforts (expressed in the remainder of the clause, *metu ... possumus*). The sentence is relatively simple, but the multiple adjectives in the principal clause and antithesis between the relative clause and the participial phrase make the sentence much longer than earlier units containing only two clauses, showing the wide variety of sentence-types possible: length here is more emphatic or decorative than complex. 5.1 is also the first question in the speech; along with the vocative *iudices*, the question-form keeps the audience involved in a sentence focusing on the speaker and defendant, which falls between two sentences focusing on the actions/power of the *iudices* themselves.

quid ... magis exercitum: repetition with variation: three (effectively) comparative adjectives, but only two occurrences of *quid*, and the second two comparatives expressed by *magis*. This expansive expression is balanced in the relative clause by a carefully elaborated antithesis between *spe amplissimorum praemiorum* in the participial phrase and *metu crudelissimorum suppliciorum*.

nobis duobus, iudices: here for once the referent of the first-person plural is explicitly identified. Whereas in the opening sentence Cicero and Milo stood in contrast to one another, here they will share the same fate, be it *lugeamus* or *recreemur*; the verbs represent the two possible verdicts. Cicero's share in the grief caused by Milo's potential exile will be a prominent feature of the *peroratio*. The vocative *iudices* is the only direct reference to the addressee in this sentence; its positioning may enhance the pathos of the personal reference *nobis duobus*.

5.2. Equidem ceteras tempestates et procellas in illis dumtaxat fluctibus contionum
semper putavi
Miloni esse subeundas,
quia semper pro bonis contra improbos senserat;
in iudicio uero et in eo consilio,
in quo ex coniunctis ordinibus amplissimi uiri iudicarent,
numquam existimaui
spem ullam esse habituros Milonis inimicos
ad eius non modo salutem exstinguendam
sed etiam gloriam per talis uiros infringendam.

principal clauses – 2, in 2 units (*uero*)

subordinate clauses – 2/2: acc.-inf. (*ceteras ... esse subeundas*), *quia*, in *quo*, acc.-inf. (*spem ... infringendam*)

opening clauses – acc.-inf. (sentence-particle: *equidem*); acc.-inf. (sentence-particle: *uero*)

levels of subordination – 2 (*quia ... senserat*; *in quo ... iudicarent*)

5.2 expands on the difficulties faced by those who serve the state and reiterates the relationship between Milo and the *iudices*, declaring the orator's surprise that his client is facing trouble, not from a mob at a public-meeting, but from a properly constituted court. The structure is an antithesis which returns to the question of what the speaker does/does not think: the main verbs *putaui* and *existimaui* pick up on *putarem* and *existimarem* in 2.2, but the counterfactual subjunctive there is replaced by a more assertive indicative here. The expectation of trouble at *contiones* is expressed first, in an accusative-infinitive construction which precedes the principal clause that governs it (*semper putaui*); a following causal clause (*quia*), explaining why the speaker expected this trouble, reiterates Milo's political stance. The words *in iudicio uero* introduce a further clause-complex which contrasts *contiones* with a properly constituted court; after a relative clause (*in quo*), which continues the flattery of the *iudices*, a second principal clause, *numquam existimaui*, answers the first. The remainder of the sentence is an accusative-infinitive construction, dependent on *existimaui*; the words *in iudicio* belong to this construction, which thus effectively surrounds its superordinate, the principal clause. This is an unusual method of combining two clauses, and where it occurs the principal clause is usually very short: an accusative-infinitive surrounds a one-word principal clause in 86.3, 91.4; *cf.* also 12.1n. The indirect speech explains the different expectations the speaker had of the current venue. An embedded relative clause (*in quo*) is generic, describing the type of situation rather than the actual one; here there is no need for 'plausible deniability' as with *quae ... significasset* (4.2), but the phrase *amplissimi uiri* implicitly applies the current *iudices* as well as to those who have played this role before. The emphatic *numquam* is reinforced by *ullam* in a complete dismissal of any possibility of harm to Milo emerging from the courts, further backed up by a *non modo ... sed etiam ...* sequence, which contrasts two gerundive phrases (*salutem exstinguendam, gloriam ... infringendam*). Here Milo's enemies should not be able even to damage his *gloria*, far less his *salus*.

ceteras anticipates the contrasting *in iudicio uero*; contrast *reliqua*, 3.2. This kind of anticipation can occur between sentences, and so does not constitute a reason to treat the two principal clauses here as a single, double clause as at the end of 3.2.

putaui: only here can the audience be certain that the preceding accusative is in indirect speech; the infinitive follows quickly to complete the construction. The focus narrows to the speaker alone, as at the end of 3.2, but the fact that Cicero's opinion is worth expressing in this context may suggest his political significance as well as his role in the defence – a first, if subtle use of his personal *auctoritas*. *Cf.* 14.3, 15.5, 65.2.

pro bonos contra improbos senserat: this again echoes the end of 3.3, where the relationships between Milo and the different elements of society were outlined for the first time. These are the first uses of *boni* on its own as a noun and of the invective term *improbos*. The verb could refer to Milo's expression of his opinions in the senate (*cf.* 12.5, 14.4, and *sententiis* 12.2).

amplissimi uiri: although not indicating that the addressee has changed, the third-person reference to the *iudices* (*cf.* 4.2) reflects the shift in focus to the the orator's own thoughts about Milo's position (first-person singular verbs). Nevertheless the *iudices* are supposed both to be flattered and to take the hint as to the appropriate verdict.

salutem ... gloriam: as with *auxilium-silentium* in 3.1, the stronger term, *salus*, precedes the weaker, *gloria*, here emphasizing how ridiculous the intentions of Milo's enemies are, since they should not even be able to achieve this lesser goal.

6.1. Quamquam in hac causa, iudices, T. Anni tribunatu
rebusque omnibus pro salute rei publicae gestis
ad huius criminis defensionem non abutemur.

principal clauses – 1
subordinate clauses – 0

6.1 shifts focus to the defence argument, denying that Milo's services to the state, mentioned in the preceding sentences, are the basis of the defence. The shift in focus to the nature of the defence case (note the judicial words *causa* and *crimnis defensionem*) is achieved quickly, in a single principal clause – although the clause itself is lengthened by a long ablative phrase referring to Milo's political record, which constitutes the link with what precedes. Compare the shorter but more complex transitional sentence at 4.1; this is the last topic-shift within the *exordium*.

quamquam: here not a subordinating conjunction, introducing a concessive, but a strong adversative introducing a principal clause (see *OLD* s.v. 3). This is the way *quamquam* is used in this speech.

abutemur: the first-person plural may refer to the defence-team or, since the focus is essentially on the speech itself, to the speaker alone; the same point applies to *deprecaturi/postulaturi sumus* in 6.2, and cf. note on 6.3 *obsecrabo obtestaborque*. The defence is not undertaking not to make *any* use of Milo's track record, but rather not to 'abuse' it (*OLD* 3, 4), or 'use it to its fullest extent' (*OLD* 1 'exhaust by using up').

6.2. Nisi oculis uideritis
insidias Miloni a Clodio esse factas,
nec deprecaturi sumus
ut crimen hoc nobis
propter multa praeclara in rem publicam merita condonetis,
nec postulaturi
ut,
quia mors P. Clodi salus uestra fuerit,
idcirco eam uirtuti Milonis potius quam populi Romani felicitati adsignetis.

principal clauses – 2, in 1 unit (*nec ... nec*)
subordinate clauses – 3/2 (5): *nisi*, acc.-inf. (*insidias ... factas*), *ut*, *ut*, *quia*
opening clause – conditional clause
levels of subordination – 2 (*insidias ... esse factas*; *quia mors ... fuerit*)

6.2 develops the denial expressed in the preceding sentence by promising not to plead for mercy on the grounds of Milo's services to the state, or to emphasize the positive effects of Clodius' death, until and unless it has been demonstrated that Clodius laid an ambush for Milo, *i.e.*, that Milo acted in self-defence. Complexity returns once more as the topic is

developed. The certainty that the *iudices* will see things the defence's way is implied by the opening conditional protasis, *nisi oculis uideritis*, which is completed by an accusative-infinitive construction expressing the defence view of the skirmish (*insidias Miloni a Clodio esse factas*). This important claim, placed at a second level of subordination early in a lengthy sentence, is slipped in almost incidentally, with no space for challenge; cf. above, 4.2n., on *quae ... significassent*. The apodosis opens with anticipatory *nec*, which immediately indicates that it will be double (the sentence is a single unit with two principal clauses); two future verbs of pleading follow – strictly speaking, two future participles sharing a *sumus*, expressed after the first of the two. Each is followed by a noun-clause (*ut, ut*; indirect commands) expressing the pleas for acquittal which the speaker is denying himself. The first indirect command describes acquittal in terms of absolution from a particular charge (*crimen*) on the grounds of general past services, and thus repeats the claim made in 6.1 that the defence will not be based on such past services; the second, which is immediately interrupted by a causal clause (*quia*) equating the death of Clodius with the salvation of the *iudices*, casts the action of coming to a verdict as a choice between two possible causes of that death: Milo's *uirtus* or *populi Romani felicitas*. This is a very imprecise reference to the argument which will follow 72.1/83.2; arguments such as 'killing Clodius was an act of *uirtus*' or 'the gods brought about Clodius' death' are not explicitly expressed. The audience is at best left with a vague impression that the speech may, eventually, deal with something else as well as the argument about who set the ambush, involving the conjunction of *mors P. Clodi, salus uestra, uirtus Milonis* – and *populi Romani felicitas*.

nisi oculis uideritis returns to the 'vision'-theme of the opening sections, here used in the metaphorical sense of 'seeing' a fact or a point (*OLD* meanings 14-16); the metaphor is in a sense made real at 54.1 (cf. note *ad loc.*). *Videritis* is the first of three second-person plural verbs in this sentence, which focuses on the role of the *iudices* in the trial.

insidias Miloni a Clodio esse factas: the first occasion in the speech on which the phrase *insidias facere* is used; it recurs at 23.1, 31.3-32.1, 60.2, and 88.2. All but the last of these occur in contexts where the central question of the trial is being identified or referred to.

deprecaturi sumus ... postulaturi: this periphrastic future tense, made up of the participle with a finite part of *esse*, is sometimes said to mean that the action is 'about' to take place, *i.e.*, in the immediate future. There are seventeen such uses of the future participle in the speech (against twenty-four uses with the infinitive, *e.g.*, *esse habituros*, 5.2); it is not always clear that a different meaning would have been given by the simple future such as *deprecabimur* or *postulabimus*. See W.104, K.114. Here the form allows a closer parallelism between the deponent and non-deponent verb, but this is not a consideration in the following sentence.

merita here is a substantive use, referring to actions which deserve well; compare the adjectival use at 4.2, *bene meritis ciuibus*.

salus uestra: Milo has been linked with the safety of the state and of the *iudices* at 1.1, 3.3, and 6.1; here *salus uestra* is equated with the death of Clodius.

- 6.3. Sin illius insidiae clariores hac luce fuerint,
 tum denique obsecrabo obtestaborque uos, iudices,
 si cetera amisimus,
 hoc nobis saltem ut relinquatur:
 uitam ab inimicorum audacia telisque ut impune liceat defendere.

principal clauses – 1

subordinate clauses – 4: *sin, si, ut, ut*

opening clause – conditional clause

levels of subordination – 2 (*si cetera amisimus; uitam ... liceat defendere*)

6.3 appears to repeat the promise made in the preceding sentence, but what is said to be postponed until the ambush has been demonstrated is now the plea that people should be allowed to act in self-defence. The sentence shares many syntactic features with the preceding one; it is slightly shorter, but roughly similar in complexity and density (both have considerably shorter clauses than 6.1). This similarity suits the continuity of subject-matter; the shift in what is postponed may not be meant to be noticed particularly. The defence of self-defence is in fact not postponed at all, but follows immediately; this should not be seen as indicating that the orator is being inconsistent – and therefore as evidence that the text is a conglomeration of elements originally delivered and added later – but rather that he is misleading his audience somewhat. The focus on what is to come has been present since 6.1, which already hints that the *exordium* itself is coming to an end, and 6.2 confirmed the confident tone; the shift from negative to positive may contribute to a sense of climax and closure, as does the suggestion that the ultimate last resort is being identified (*hoc saltem*).

Once again the first thing mentioned is the implied certainty of Clodius' ambush/guilt, in another sentence-opening conditional protasis. The alternative conditional conjunction, *sin*, implies an opposition between this and 6.2, but the new sentence will instead make essentially the same point, albeit in positive terms rather than negative. The principal clause asserts that the speaker will speak in a pleading tone at a later point in the speech; what he will plead for remains to be expressed. Whereas in the preceding sentence the two verbs *deprecaturi* and *postulaturi* were separated, and had different objects, here *obsecrabo obtestaborque* govern the same noun-clause (postponed *ut*; indirect command) expressing the plea, which is allowed this time. But the indirect command is preceded by another conditional protasis (*si*) to which it is the apodosis. This new conditional construction is of the format 'if nothing else, allow X', which emphasizes the indispensability of X. The fact that X is first expressed only as *hoc* draws attention to it, by creating a question in the minds of the audience as to what the pronoun refers to, and an expectation that this question will be answered. X is then given full expression in another noun-clause (postponed *ut*), which could be said to be 'announced' or 'introduced' by the *hoc* itself: it is neither acquittal nor the acceptance of Milo's responsibility for the people's salvation, as in 6.2, but the idea, much easier for the *iudices* to allow, of self-defence. Accusative-infinitive constructions are commoner after such 'introducing pronouns', but cf. 32.4 (noun-clause, *ut*), 53.1 (indirect question, *utri*). This sentence therefore ends up with the same number of noun-clauses as the preceding, although their relationship is different. This repetition across sentences may perhaps be seen as climactic.

clariores hac luce: the metaphor develops the vision-theme.

obsecrabo obtestaborque uos, iudices: the first-person singular is used in expressing what the defence *will* do, while the plural was used in 6.1-2 in expressing what they will *not*. Even if the plurals there are read as ‘editorial’, referring to Cicero alone, the use of the singular here increases the personalisation, and perhaps intensifies the emotional tone. It also anticipates the strong focus on Cicero himself in the *pars orationis* where the pleading will take place, the *peroratio*.

amisimus ... nobis: coming so soon after a singular, the first-person plural here is most naturally taken as referring to the defence-team; alternatively, although it is Milo for whom the plea is made, *nobis* generalizes from the single defendant to the broader principle. There may be an anticipation here of the universalizing first-person plurals in the first Preliminary Argument.

7-11: First preliminary argument – justifiable homicide

Both the Preliminary Arguments as a whole and the first preliminary argument in particular are explicitly introduced (7.1-2) as necessary responses to opposition claims, the first being that death is the only appropriate punishment for a man who, like Milo, admits killing another. The defence answer to this claim, which immediately follows, is to argue that there are many occasions on which homicide is justifiable, providing numerous examples interspersed with more general statements of the point (*e.g.*, 8.1, 10.3). The focus narrows to the justifiability of killing in self-defence against violence from 9.2, with the notion of ambush introduced in 10.1. After the topic-identification, none of the transitions in the argument particularly stands out until the self-referential conclusion (11.3).

There is no single correct way to subdivide this sequence of mostly brief examples and arguments into paragraphs; it could even be argued that the four paragraphs printed here are misleading, because they imply that some of the sentences belong together more than others. But inserting no paragraph-breaks at all might be off-putting for the modern reader, while paragraphing before almost every sentence would underplay the connections which link them all together: the effect created is not so much a list as a web of interrelated points. The breaks inserted here emphasize the *status*-distinction identified in 8.1, the invocation of old Roman law in 9.1, and the assertion of the ‘natural law’ of self-defence in 10.3.

The argument opens with a number of examples which are not directly relevant to the Self-Defence Argument, including historical (7.3), political (8.2-3), and even mythological (8.4) events; the only contemporary judicial example given is from a military rather than a civilian court (9.2). This wide variety is made possible by the very general way in which the opposition claim is expressed at 7.2, and may itself contribute to the impression that the prosecution have overstated their case (*cf.* 1-23n.). The inclusion of the political killings at 8.2-3 allows the Public Good Argument to be foreshadowed as well as the Self-Defence Argument. 9-11 focus more on legalities, and contain fewer examples and more argument than 7-8. The interpretations of the law presented are sound enough (9.1, 11.2); the plea of self-defence did not *per se* require such elaborate justification, which allows the defence to start from an apparently strong position.

Word-group	Frequency	Occurrences
? <i>homo</i> *	2.1%	10
<i>iustus/iniustus/iure</i>	1.6%	8 (2/2/4)
<i>causa</i>	1.4%	7
<i>defendere/defensio</i>	1.2%	6 (5/1)
<i>interficere</i>	1.2%	6
<i>iudex/iudicium/iudicare</i> *	1.2%	6 (3/2/1)
<i>occidere</i> *	1.2%	6
? <i>posse/potestas</i> *	1.2%	6 (5/1)
<i>telum</i>	1.2%	6
<i>uidere</i> *	1.0%	5

(487 words)

7.1-2 are both topic-sentences in that they identify what is to come, with high concentration of references to the oratorical and judicial process in 7.1 in particular (see further note on sentence). In the two together, there are occurrences of four words from the ‘interesting’ groups in the table: *occidere*, *iudicium*, *uidere*; also *homo* and *posse*. Seven of the uses of *homo* are in phrases for ‘to kill a man’, a phrase which is significant to this argument even if *homo* itself is uninteresting. Nevertheless the phrase *hominem occisum* can be taken as a label for this particular argument, since it occurs in the topic-sentence, 7.2 (7.1 introduces the Preliminary Arguments as a whole). The occurrence of such ‘key’-words in the topic-sentence does not need to involve a great many of them. The sentence also contains the word *fas*, which can be seen as standing for another of the important themes of this argument, reflected in the lexis by the frequency of *iustus/iure*.

This argument is among the most repetitious sub-divisions of the speech by the current measures, with ten frequent word-groups (eight ‘interesting’) making up 13.6% of the argument (10.3% ‘interesting’ only). It is surpassed only by the second preliminary argument, the interrogations argument, and possibly the aftermath argument. The vocabulary is entirely consonant with an argument in favour of the *justifiability* of self-defence against the threat of *death/armed* attack, even if it leads to *killing* one’s attacker. The fact that both *ius*, *etc.* and *iudex*, *etc.* achieve a frequency of over 1.0% – only three of the latter are vocative *iudices* – reflects a further focus on legitimacy of argument here: in addition to *fas* in 7.2, there are also four references to *lex* in 9-11. This subject-matter is the principal link between this argument and the *exordium* – as well as with the other two preliminary arguments – in terms of vocabulary. The frequency of *causa* (including the four occurrences in the semi-prepositional use with the genitive of the gerundive) reflects the focus on the claim that the reason for actions is as important as the actions themselves. The *res publica-populus Romanus* theme more or less disappears (*cf.* 7.3n.); there are occurrences of *ciui(ta)s* in 7.3 and 8.3.

1st sing.	1.2%
1st plur.	2.7%
2nd sing.	none
2nd plur.	1.8%

Formally, the speaker remains Cicero (although there are numerous references to the speech and thoughts of others in indirect speech and the like: *negant* 7.2, *disputant* 7.3,

ignoret 8.1, *existimatis* 8.2, *sentiret* 8.2, *haberi* 8.3, *prodiderunt* 8.4, ...), and the addressee remains the *iudices*. The overall drop in explicit personal references, especially second-person plurals, contributes to the stylistic difference between the *exordium* and this argument. The first-person singular and second-person plural references are concentrated in the opening and closing sentences of the argument, where *ego* is the speaker and *uos* is definitely the *iudices*; this concentration of references to speaker and *iudices* raises the question of whether such self-reference can operate as a marker of topic-transition. In contrast, *me consule senatus* (8.3) is a reference to Cicero's political past – which is not to say that it is insignificant for the persuasive process that the speaker is able to evoke a relevant political past. Most of the first-person plurals are in 10.3, and are of a universalizing type which encompasses all Romans and perhaps the entire human race (9.1, 10.2, 10.3); this is appropriate to an argument which seeks to demonstrate the universal justifiability of acting in self-defence.

On the whole the sentences in the first preliminary argument are shorter than those in the *exordium*, but these shorter sentences nevertheless manage to fit in a large number of subordinate clauses, including one of the highest proportions of sentences with four levels of subordination in the speech as a whole. On the other hand, there are fewer initial subordinate clauses, and less interlacing. There is less variation than in the *exordium*: there are no units without subordination (taking 7.3 as a single unit¹) and no compound sentences (in the current punctuation) before 9.2. The lack of simple units allowing the audience to relax their concentration for a moment may reinforce the insistent sequence of example after example (but see 7.3n., 8.3n.). After 7.1, the complex sentences tend to have less repetition and parallelism, and may therefore create an impression that the relatively relaxed introduction has been replaced by serious argument.

The passage is punctuated by questions (7.3, 8.1, 8.2, 9.1, 10.1, 10.2), whereas there was only one of these in the *exordium*; the *narratio* entirely lacks questions, but there is one in the transition from the *narratio* to the argument. Questions have various different functions – they can be seen as involving the audience in the text, and they can be emotional (there are peaks in the frequency in the core of the Public-Good Argument and in the second half of the *peroratio*) – but they are sometimes used to articulate arguments, and an increase in frequency may be used to mark the presence of argument.

7.1. Sed ante quam ad eam orationem uenio
 quae est propria uestrae quaestionis,
 uidentur ea mihi esse refutanda
 quae et in senatu ab inimicis saepe iactata sunt
 et in contione ab improbis et paulo ante ab accusatoribus,
 ut
 omni errore sublato
 rem plane
 quae ueniat in iudicium
 uidere possitis.

¹ The classification of question-answer sequences in terms of syntactic units is explained in the Introduction to the Syntactic Indices, under Sentence-Types.

principal clauses – 1

subordinate clauses – 6: *ante quam, quae, quae, ut*, abl. abs. (*omni ... sublato*), *quae*

nominative-infinitive – 1: *ea mihi esse refutanda*

opening clause – temporal clause (sentence-conjunction: *sed*)

levels of subordination – 2 (*quae ... quaestionis; omni errore sublato; quae ueniat in iudicium*)

7.1 states explicitly that what is described as the real business of the trial (presumably the ambush issue outlined in the preceding sentences), must be postponed until certain points made by the prosecution – and the opposition more generally – have been answered. The postponement is expressed first, in a temporal clause (*ante quam* + present indicative) which precedes the principal clause (*sed* can be taken as a sentence-conjunction); the thing postponed is defined by a following relative clause (*quae*). The principal clause then identifies the material causing a postponement as a response (*refutanda*), and another relative clause (*quae*) attributes the arguments that need a response to the opposition. The second relative clause is a necessary addition to the principal clause because of the pronoun *ea*, which needs to be defined. The final clause (*ut*) which closes the sentence is additive; it states the purpose of responding at this point in the speech: to eliminate misconceptions (embedded ablative absolute) and clarify the issue (embedded relative clause, *quae*; the subjunctive contributes to a feeling that this clarified issue is an important aspect of every trial).

Like the preceding two sentences, 7.1 refers explicitly to the speaker and the audience; later, it also refers to the prosecution. It opens with a subordinate clause referring to a later stage in the speech, but whereas the principal clauses in 6.2-3 describe what the orator will do after that stage, the principal clause here describes what he will do first. The first item causing this new postponement is the argument that 6.3 suggested would be postponed until later. 7.1 has more subordinate clauses than either of its predecessors (six including the ablative absolute), but all three sentences have three levels of subordination (second level in 7.1: *quae ... quaestionis, omni errore sublato, quae ... iudicium*). These shared elements may help to smooth the transition between what are here being presented as two different *partes orationis*. Postponement of principal clauses, which was so marked a feature of the opening sentence of the speech, also appears in transitions at 23.1-2, 29.3, and 30.3, and (less strikingly) 71.1 and 72.2.

ad eam orationem uenio: this first-person singular, used in a comment on the structure of the text, has no political overtones: Cicero is orator here, not politician. The line may be a little more blurred, perhaps, in *mihi refutanda esse*, since there the orator is explicitly taking a stand against the arguments of Milo's enemies. The second-person plurals in this sentence are focused closely on the *iudices* (*uestrae quaestionis, quae ueniat in iudicium uidere possitis*).

refutanda: the gerundive attempts to create an impression of necessity, but this speech is in fact very selective about what it 'has' to answer: for example, there is no direct discussion of the prosecution version of events.

ab inimicis ... ab improbis ... ab accusatoribus: even though the orator directs no invective at the prosecutors themselves, the first two agent nouns, one implying prejudice and the other very negative, colour the more neutral third.

- 7.2. *Negant*
 intueri lucem esse fas ei
 qui
 a se hominem occisum esse
 fateatur.

principal clauses – 1

subordinate clauses – 3: acc.-inf. (*intueri ... ei*), *qui*, acc.-inf. (*a se ... esse*)

opening clause – principal clause

levels of subordination – 3 (*a se hominem occisum esse*)

7.2 identifies the first preliminary argument by reporting the alleged opposition view that any man who admits having killed should automatically be punished with death. The first and second person drop out of sight; focus remains on the third person introduced in 7.1, the opposition/prosecution. The opening verb (= one-word principal clause), *negant*, indicates immediately that what follows is one of the opposition arguments, and creates the expectation of an indirect statement (impersonal accusative-infinitive construction). The immediately following infinitive phrase, *intueri lucem*, is a metaphor for living, and turns out to be the subject of the infinitive *esse fas ei*: the opposition deny somebody the right to life. That somebody is then identified in a generic correlative clause (*qui* + subjunctive) as the sort of person who admits (*fateatur*) having killed another (embedded accusative-infinitive construction). The sentence is a single period.

This far shorter sentence is compact rather than simple, fitting four clauses – three of them subordinate – into thirteen words. The positioning of the ‘extra’ infinitive-phrase positioned in the indirect statement, before the accusative-infinitive construction expected after *negant*, recalls the opening sentence of the speech somewhat; here, however, there is little chance of the audience constructing an alternative sense, even for a moment, because ‘they deny that light looks’ makes little sense at all, and the metaphor is sufficiently common to be recognizable. The two infinitives should therefore be noted as adding to complexity rather than playing any kind of game with the audience. The sentence is rather different from the short sentences seen as playing transitional or ‘hinge-’roles in the *exordium* (2.1, 4.1, 6.1).

- 7.3. *In qua tandem urbe hoc homines stultissimi disputant?*
 nempe in ea
 quae primum iudicium de capite uidit M. Horati, fortissimi uiri,
 qui
 nondum libera ciuitate
 tamen populi Romani comitiis liberatus est,
 cum
 sua manu sororem esse interfectam
 fateretur.

principal clauses – 2, in 2 units (question-answer)

subordinate clauses – 0/5: *quae, qui*, abl. abs. (*nondum ... ciuitate*), *cum*, acc.-inf. (*sua manu ... interfectam*)

opening clause – principal clause

levels of subordination – 4 (*sua manu sororem esse interfectam*)

7.3 establishes a foundation for rejecting this extreme position by providing an example of a man who admitted having killed (for a reason other than self-defence) but was nevertheless acquitted by a Roman *iudicium*: the historical example of Horatius. The location of the current discussion is the first thing referred to, in a rhetorical question which implies that location and the stupidity of the opposition position are linked. The obvious answer, ‘Rome’, is not explicitly stated; the elliptical response, *in ea* + correlative clause (*quae*), instead provides information about the city which explains *why* the opposition stance is stupid. This introduction emphasizes the impeccable Roman credentials of the *exemplum* of justifiable homicide here provided: the story of Horatius, introduced in the relative clause. A second, following relative clause (*qui*) makes the point that he was acquitted (an embedded ablative absolute refers to the antiquity of the time-frame); a temporal-concessive clause (*cum*) states explicitly that this was despite his previous admission (*fateretur*) of a homicidal act, detailed in an embedded accusative-infinitive construction. The relative and concessive clause-complexes are somewhere between additive and necessary; the syntax may be considered complete at *fortissimi uiri* and *liberatus est*, but the story is incomplete.

The abruptness and lack of immediately obvious relevance makes the opening question, if anything, more attention-grabbing than the preceding sentence. The question also creates an impression of dialogue in a sentence with no first- or second-person references, and provides an opportunity for an indignant tone, which helps draw attention away from the possibility that the opposition stance is being misrepresented. The pause between question and answer may allow the audience a moment of rest, as there is no syntactic suspense, although the answer, when it comes, is syntactically dependent on the question. The answer completes the topic-sentence by indicating the nature of the defence response. Four levels of subordination are reached (4 *sua manu ... interfecit*; 3 *cum ... fateretur, nondum libera ciuitate*; 2 *qui ... liberatus est*; 1 *quae ... uidit ... fortissimi uiri*), but despite two embedded clauses, the sequence remains reasonably straightforward – more so than in the following sentence. The sentence is a mini-narrative, and the embedding of circumstantial details such as *nondum libera ciuitate* within a narrative sequence does not create difficulties; the embedding of *sua manu ... interfecit* within its superordinate clause allows the postponement of the important verb *fateretur* to sentence-final position.

homines stultissimi: the *iudices* (whose *sapientiam* was mentioned in 4.2) are invited to join the orator in a more intelligent analysis of the situation. For stupidity/ignorance and intelligence/knowledge, compare also *ignarus* (72.1), *ignorare* (8.1, 33.1), *intelligere* (66.1, 71.1), *nescire* (57.6, 72.1), *obliuisci* (62.2), *sapiens* (23.1, 105.4), *scire* (37.3, 41.2-42.0, 47.3), *stulti* (20.3).

hoc ... disputant: *hoc* may refer back to the belief expressed in the preceding sentence, ‘debate this point’, or may be an internal accusative, ‘conduct this debate’. Cf. 3.3n.

nondum libera ciuitate: apart from antiquity, the point is presumably that the Roman people were generous-spirited and not hidebound by the letter of the law even in a period before they had been educated by political self-determination.

liberatus est: *liber-* is used in two different ways in this sentence, referring to political freedom and to acquittal. Although it hardly qualifies as a pun, the play on words may nevertheless draw attention to the point being made, that a killer *can* be acquitted.

- 8.1. An est quisquam
 qui hoc ignoret:
 cum de homine occiso quaeratur,
 aut negari solere
 omnino esse factum,
 aut
 recte et iure factum esse
 defendi?

principal clauses – 1

subordinate clauses – 5: *qui, cum, acc.-inf. x3 (aut negari solere aut defendi; omnino esse factum; recte et iure factum esse)*

opening clause – principal clause

levels of subordination – 3 (*cum ... quaeratur; omnino esse factum; recte et iure factum esse*)

8.1 provides a possible explanation for the acquittal of Horatius by generalizing about the arguments allowed at a trial (in terms reminiscent of rhetorical *status*-theory): a man accused of killing can defend himself either by denying the deed or by justifying it. The generalization is presented as a known fact, first referred to as *hoc*, by its introduction in a rhetorical question of the universalizing ‘[is there anyone] who does not know?’-type (opening principal clause and the following generic relative, *qui* + subjunctive). The implication that ‘everybody knows’ makes it difficult for the audience to reject what follows; the ‘real’ question is not about the distribution of knowledge but about *hoc*, and the introductory question indicates the correct attitude to be taken towards this. It is a stage-setting device, and a particularly elaborate one: ‘everybody knows X’ is a strong way of asserting X – as well as uniting the speaker with ‘everybody’; ‘who does not know X?’ is perhaps stronger, with its direct appeal to the audience; here subordination extends the introduction and may make it even more emphatic. Compare 9.1, 13.3, 33.1, 43.3, 68.1, and variations elsewhere.

A fuller expression of what *hoc* refers to must now be supplied, *e.g.*, in an accusative-infinitive construction (on ‘introducing pronoun’, *cf.* 6.3n.); first, however, a temporal clause (*cum*) sets the scene: the investigation of a killing. There follows a remarkable concentration of infinitives (the closest parallel in the speech is at 25.5). First, *aut negari solere* provides the expected accusative-infinitive construction, explaining the *hoc* (*solere*, ‘it is customary’, preceded by the prolative infinitive *negari* which expresses the custom). These words give the expected explanation of *hoc*, but also create further expectations: *negari* invites the question, ‘what is denied?’; *aut* anticipates an alternative. The thing denied follows in another accusative-infinitive construction, after which a second *aut* introduces an alternative custom (supply *solere* again). The second prolative infinitive indicating the alternative to denial, *defendi*, follows the third accusative-infinitive, which expresses the defence. The structure is therefore a framing accusative-infinitive construction containing two prolative

infinitives, on which depend two further embedded accusative-infinitives which are set in opposition to one another, as potential responses to an accusation of murder. The entire sentence is a single period.

What follows *hoc ignoret* has much in common with the subordinate clause-complex in 2.2: a double – and elliptical – accusative-infinitive construction with additional infinitives (here prolative rather than substantive) and a lack of accusatives due to the use of impersonal verbs and infinitives/clauses as subjects. Here the situation is if anything made more complex by the addition of further accusative-infinitive constructions (subjects of the prolative infinitives): six clauses are fitted into twenty-four words instead of two into thirty-six. As in 2.2, the whole is structured by coordinating conjunctions, here *aut ... aut ...* instead of *nec ... nec ...*, and the second additional infinitive is postponed to the end of the sentence, after the material it governs, creating a completely periodic sentence. Is there any connection between these two sentences? Both discuss points of principal, and both are *important*: 2.2 introduces Pompeius and provides the only actual argument against seeing the soldiers as opposed to Milo; 8.1 introduces a central distinction between a defence based on fact and a defence based on justice. The complexity may therefore be designed to draw attention to both sentences, in particular perhaps to their endings. Note that in both cases the complexity is achieved without reaching the highest level of subordination in the speech; contrast 7.3, 8.2, 12.5.

recte et iure: ‘rightly and lawfully’; the abl. *iure* is here paired with an adverb. There are seven such uses of ‘adverbial’ *iure* in the speech, as well as three where the abl. noun is accompanied by an adj. or dependent gen. (18.6n., 77.1n., 88.4n.).

8.2. Nisi uero existimatis
dementem P. Africanum fuisse?
qui,
cum a C. Carbone tribuno plebis seditiose in contione interrogaretur
quid de Ti. Gracchi morte sentiret,
responderit
iure caesum uideri.

principal clauses – 1

subordinate clauses – 5: acc.-inf. (*dementem ... fuisse*), *qui*, *cum*, indir. qu. (*quid*), acc.-inf. (*iure caesum uideri*)

opening clause – principal clause

levels of subordination – 4 (*quid de T. Gracchi morte sentiret*)

8.2 gives another example of a judgement (political rather than judicial) that a homicide was justifiable, by relating the opinion of Scipio Aemilianus (referred to as Africanus) on the death of Tiberius Gracchus. The sentence opens with *nisi uero* (cf. note on phrase), here introducing an immediately-to-be-rejected exception to the implied answer to 8.1: ‘nobody is ignorant of X – except ...’ The exception is phrased in terms of whether anyone in the audience thinks that Aemilianus was mad (*existimatis* + accusative-infinitive), a proposition which is designed to be difficult to accept, even perhaps for those who might not praise all of the great man’s actions. By the time the sentence reaches Aemilianus’ opinion, it has been

set up as impossible to reject; the effect is similar to that of the universalizing ‘who does not know?’-type of rhetorical question in the preceding sentence. The opinion itself is still further postponed; the relative clause (*qui*) which introduces it is immediately interrupted by a circumstantial-temporal clause (*cum*), setting the scene: Aemilianus was asked a question (expressed in a following indirect question, *quid*) at a *contio*. The resumed relative clause is followed by another accusative-infinitive with preceding prolative infinitive which expresses Aemilianus’ reply: *iure caesum [esse] uideri* – ‘that he seems to have been lawfully killed’.

This sentence, like the previous two, has five subordinate clauses and reaches four levels of subordination (with *nisi uero existimatis* taken as the principal clause). Like 7.3, however, 8.2 seems less complex than 8.1. The speaker has returned from a point of principle to another example: the sentence is another mini-narrative, with an embedded circumstantial clause-complex (*cum ... interrogaretur quid ... sentiret*) parallel to the embedded ablative absolute in 7.3.

nisi uero: The combinations *nisi uero* and *nisi forte* are used eight times in the speech to ‘[put] forward absurd or far-fetched ideas’ (*OLD* s.v. *nisi*, 2b; cf. ‘ironical’, K.442n.3), *i.e.*, ideas which are rejected even as they are suggested. Although these constructions are in a sense conditional protases, modifying something that precedes, they tend to express exceptions to generalizations rather than conditions enabling other events or states (contrast *e.g.*, 6.2, 15.4). As with *nisi* = ‘except’ preceding a noun or phrase (cf. 22.1n.), the preceding element being modified often contains an explicit or implicit negative (cf. note on sentence). There is often something of the afterthought about *nisi uero*, as if a possible – or rather, impossible – exception has only just struck the speaker. They have therefore been punctuated in this text as independent sentences, and as rhetorical questions (implied answer: ‘no’). The tone is sometimes surprised or indignant, and the expression therefore can raise the emotional level. The other occurrences in the speech are: 14.2, 17.3, 19.4, 81.2, 84.2, 86.1, 91.3; there is a noticeable clustering in the Preliminary Arguments and the Public-Good Argument, and the echo may contribute to ring composition.

existimatis: there is no clear indicator to exclude the audience beyond the *iudices* from the second-person plural here, and the vagueness of the plural may contribute to the suggestion that *nobody* could judge Aemilianus insane. But Cicero does not use this universalizing second-person elsewhere in the current argument.

responderit: the subjunctive can be explained as being in a subordinate clause in *o.o.*, but there may also be a causal element: those who deny the possibility of defence to those who admit killing must find Aemilianus insane *because of* this answer.

iure echoes the end of 8.1.

- 8.3. Neque enim posset aut Ahala ille Seruilius aut P. Nasica aut L. Opimius
aut C. Marius aut
me consule
senatus non nefarius haberi,
si
sceleratos ciuis interfici
nefas esset.

principal clauses – 1

subordinate clauses – 3: abl. abs. (*me consule*), *si*, acc.-inf. (*sceleratos ... interfici*)

opening clause – principal clause

levels of subordination – 2 (*sceleratos cuius interfici*)

8.3 develops the reference to Tiberius Gracchus in the preceding sentence, arguing that, if all killing were necessarily wrong, his killer and a number of other renowned Roman statesmen would have to be judged wicked. The counterfactual conditional construction carries the strong implication that such a judgement of Ahala, Nasica, and the rest (expressed in the apodosis, which is positioned first) would be inappropriate, and that therefore the judgement expressed in the protasis, that the killing of wicked citizens (embedded accusative-infinitive construction, *sceleratos cuius interfici*) is *nefas*, would also be inappropriate: X, if Y → not X, therefore not Y (cf. 2.1). No explicit universalizing move is made, but the audience are supposed to agree with the orator's reasoning. The sentence is effectively a single period: although the subjunctive *posset* could in theory stand independently, in practice a conditional protasis is required to explain the circumstances under which this would (not) be possible. It reaches a similar length to 8.2-3 because the subject is expanded into a lengthy anaphoric sequence (6x *aut*) listing historical killers of wicked citizens. The sequence creates syntactic suspense but the point of the sentence can already be guessed, so there is little conceptual suspense; the list may create a moment where the audience can rest from processing new or complex information. As at the end of the previous sentence, the style of historical reference is allusive rather than explanatory, but even without knowing the details of these men's career, it is clear that they are not supposed to be considered *nefarii*, and the fact that so many of them can be listed adds to the impression that many examples can be cited.

me consule senatus: here at the heart of the argument, in contrast to its opening and closing sentences, the first-person singular refers to Cicero not as orator in the present moment, but as politician in the past. The ablative absolute dates the occasion being referred to (our 63 BCE, *Tullio et Antonio consulibus*), but also reduces the importance of Cicero's role in the execution of the Catilinarian conspirators: not insignificantly, the credit is formally given to the *senatus*. This is the first explicit reference to the orator's own political actions in the past, although his exile, which resulted from the event referred to here, was hinted at in 6.1.

non nefarius haberi: the double negative here is primarily emphatic, but may also reflect the twisted nature of a *nefarius* judgement.

- 8.4. Itaque hoc, iudices, non sine causa
 etiam fictis fabulis doctissimi homines memoriae prodiderunt:
 eum
 qui patris ulciscendi causa matrem necauisset,
 uariatis hominum sententiis,
 non solum diuina sed etiam sapientissimae deae sententia liberatum.

principal clauses – 1

subordinate clauses – 3: acc.-inf. (*eum ... liberatum*), *qui*, abl. abs. (*uariatis ... sententiis*)

opening clause – principal clause

levels of subordination – 2 (*qui ... necauisset; uariatis hominum sententiis*)

8.4 gives a new example of justifiable homicide, this one mythological: the story of Orestes' killing of his mother in revenge for the death of his father. The example is introduced not by a question, as in 8.1 and 8.2, but by a statement (the lengthy principal clause) which identifies the source of the story (*fictis fabulis doctissimi homines*) and asserts its value (*non sine causa*). The story itself is referred to by the 'introducing pronoun' *hoc* (cf. 6.3); further detail is provided in an accusative-infinitive construction, which is separated from *hoc* by almost the whole clause – with the result that the myth is given a big build-up. The accusative, *eum*, comes first; the infinitive is postponed by two interrupting subordinate clauses which first identify the crime – and thus the criminal (relative clause, *qui*), and his motivation (*causa* + gerundive, embedded within the relative clause), then describe the inability of men to decide what to do with him (ablative absolute). The agency of Athena is emphasized by a *non solum ... sed etiam ...* sequence, and the sentence-final infinitive, *liberatum [esse]*, emphasizes the ultimate result: Orestes' acquittal. If the introducing *hoc* is taken to require an explanation, the entire sentence is a single period.

The use of the 'introducing' pronoun *hoc* echoes 8.1, and perhaps also the structures of 7.3 and 8.2, with their introductory questions followed by an answer/explanation. This would make 8.3 the 'odd one out' syntactically, perhaps because it expands on an existing example rather than adding a new one. The reference is as allusive as the historical references in 8.2-3, but the orator supplies enough elements of the story to make it comprehensible even to someone who does not know it. It is likely, however, that this of all Greek myths would have been known to the audience, and that the educated *iudices* in particular are expected to respond positively to the implication that they can work out the allusion without any names being given.

itaque: this new example is not really a logical consequence of the preceding sentence, but the inclusion of this particle, generally translated as 'therefore', may contribute to an impression that the examples all work together.

iudices: this is the first vocative in the argument; 7.1 relied on second-person plural references to involve the *iudices*.

patris ulciscendi causa: the motive and justification for homicide in this example is revenge of a very particular kind; despite its mythic irrelevance, the example is a strong one because the extreme nature of the killing, matricide, which was eventually condoned *in a court*.

necauisset: as with *responderit* in 8.2, the subjunctive can be explained as being in a subordinate clause in *o.o.*, but there may be an additional overtone, here concessive rather than causal: Orestes was acquitted despite his action.

9.1. Quod si XII tabulae
 nocturnum furem quoquo modo, diurnum autem
 si se telo defenderet,
 interfici impune
 uoluerunt,
 quis est
 qui,
 quoquo modo quis interfectus sit,

puniendum
 putet,
 cum uideat aliquando
 gladium nobis ad hominem occidendum ab ipsis porrigi legibus?

principal clauses – 1

subordinate clauses – 8: *si*, acc.-inf. (*nocturnum ... impune*), *si*, *qui*, *quoquo modo*, acc.-inf. (*puniendum*), *cum*, acc.-inf. (*gladium ... porrigi legibus*)

opening clause – conditional clause (sentence-conjunction: *quod*)

levels of subordination – 3 (*si se telo defenderet*; *quoquo modo quis interfectus sit*; *gladium ... porrigi legibus*)

9.1 returns from Greek mythology to the Roman legal context, pointing out that the Twelve Tables allow the killing of thieves under particular circumstances, and concluding with the generalization that the act of killing does not necessarily lead to punishment. The argument takes the form of a conditional, but whereas earlier conditional arguments were counterfactual (8.3, 9.1), this one is open: if X, then Y; both parts are supposed to be true. The opening protasis (with sentence-conjunction *quod*; cf. note on word) expresses the premise and the apodosis the conclusion. The Twelve Tables are immediately identified as the subject of the opening protasis (*si*), which expresses their mandate regarding two different kinds of thief (*uoluerunt* + embedded accusative-infinitive): the first (*nocturnum furem*) is to be killed without fear of punishment (*interfici impune*) under any circumstances (*quoquo modo*), the second (*diurnum autem*) under particular circumstances (further embedded conditional clause, *si*).

The apodosis/conclusion is introduced by a universalizing rhetorical question similar to the ‘who does not know?’-type (cf. 8.1n): ‘who [is there who] thinks?’ (principal clause followed by generic relative clause, *qui* + subjunctive; cf. 8.1n.); the obvious implication is that nobody thinks (or should think) something, *i.e.*, that it is not true. This ‘something’ is therefore expressed in terms which the audience is supposed to reject. It takes the form of another embedded accusative-infinitive construction; the fact that its terms reverse the mandate given by the Twelve Tables reinforces the impression, created by the rhetorical introduction, that this is the false conclusion and the real conclusion is the opposite: an indefinite relative clause (*quoquo modo quis ...*; the subjunctive is due to the superordinate *o.o.*) echoes *quoquo modo* in the protasis but with more detail; the one-word accusative-infinitive, *puniendum [esse]*, reverses *impune*. The speaker could end the sentence here, but instead adds a temporal-concessive clause (*cum*) which reinforces the premise by claiming that the person who thinks *quoquo modo puniendum* should instead be able to see (*uideat* + following accusative-infinitive) that the law itself permits killing. This is the first entirely additive clause following a completed period since 7.1 (although cf. note on 7.3); the sentence is longer and more expansive than what precedes.

The conditional clause-complex postponing the principal clause here involved three subordinate clauses with ‘nested’ embedding (cf. 3.2). Although the clauses are not as repetitive as the postponing clauses in 1.1 and 4.2, they are carefully balanced, with *nocturnum furem* and *diurnum* sharing a verb, and the embedded *si se telo defenderet* corresponding to *quoquo modo*; this may reduce the difficulty of processing this new information while waiting for the apodosis. The content of the extended protasis, which

provides something like evidence and focuses on Roman law, is in some ways more important than that of the apodosis, which repeats the familiar conclusion that homicide is not always culpable. This sentence therefore breaks the habit of placing an introductory question or comment before the main point.

quod here is used as a conjunction, but not meaning ‘that’ or ‘because’; cf. 14.4, 31.1, 68.2 (with *si*, ‘and so if’); 22.1, 71.1 (with *uero*, ‘but as for the fact that’); 51.2 (with *ut*, v. similar to *quod si*).

nocturnum furem quoquo modo, diuturnum autem...: the syntactical function of these accusatives is not made clear until after the interrupting *si*-clause.

nobis: this ‘we’ is generic: the sword is permitted to all. The first-person plural does not cease to unite speaker and audience, but the number of people united is expanded in a universalizing move. This coincides with an impression of unity between orator and audience created by the question-format, which invites agreement.

ab ipsis ... legibus anticipates further discussion of what the *lex/leges* allow at 10.3-11.2.

9.2. Atqui si tempus est ullum iure hominis necandi,
 quae multa sunt,
 certe illud est non modo iustum uerum etiam necessarium,
 cum ui uis inlata defenditur:
 pudicitiam cum eriperet militi tribunus militaris in exercitu C. Mari,
 propinquus eius imperatoris,
 interfectus ab eo est
 cui uim adferebat;
 facere enim probus adulescens periculose quam perpeti turpiter maluit;
 atque hunc ille summus uir scelere solutum periculo liberauit.

principal clauses – 4, in 4 units (introduction; *enim, atque*)

subordinate clauses – 3/2/0/0: *si, quae, cum, cum, cui*

opening clauses – conditional clause (sentence-conjunction: *atqui*); *cum*-clause; principal clause; principal clause

levels of subordination – 2 (*quae multa sunt*)

9.2 sums up the preceding examples with a generalization claiming that there are many occasions when homicide is justifiable, then narrows the focus to killing in self-defence, giving as an example a soldier who killed the military tribune who assaulted him. What is here punctuated as a single sentence is longer than 9.1, but it is made up of four units which could in theory be separated into as many sentences: the first establishes the principle of self-defence against violence, and the other three narrate the example. The existence of many kinds of justifiable homicide is expressed first, implicitly in an open conditional construction (of the ‘if there is any X, Y is an example of it’-type, cf. 4.2), and explicitly in a relative clause, positioned between the protasis and the apodosis, which emphasizes how many X there are (*quae multa sunt*); note the indicative verbs. The apodosis, which asserts that Y (*illud*) is required as well as justified (*non modo ... uerum etiam ...*), is followed by a temporal clause (*cum*) specifying the circumstances that define Y; *illud* can be said to

‘introduce’ this clause as elsewhere it introduces accusative-infinitive constructions and noun-clauses (cf. 6.3n.). The entire first unit is here punctuated as itself introducing the example. The second unit opens with a temporal clause (postponed *cum*) narrating the event that led to the example killing, *i.e.*, the assault, followed by a principal clause referring to the killing and a correlative clause (*cui*) identifying the killer. At this point the syntax changes more substantially than at any point so far in the argument: the third and fourth units, which explain the killer’s motivation and describe his acquittal by his general, Marius, are shorter and contain no subordination. The motivation could have been explained in a causal clause and the surprising consequence could have been connected syntactically to the rest of the story by putting the preceding events in a concessive clause-complex. Why does the orator choose to use a string of principal clauses rather than subordination? It is not necessarily required because the story is less well-known than the political cases referred to in 8.2-3 – indeed some of the information could have been omitted without making the story harder to follow: the unit giving the soldier’s motivation is an ethical gloss rather than necessary background. The effect is that of straightforward narration rather than allusion, and the simple syntax will continue to be used in the next sentence. The story of the assaulted soldier is the last concrete example given in the argument, and the shift in syntax may mark the change in tack.

cum ui uis inlata defenditur: the word-order juxtaposes the two cases of *uis*; compare *ui uicta uis* at 30. In written prose there is no clear metrical evidence as to whether *inlata* is nominative (‘when the infliction of violence is fended off by violence’) or ablative (‘then violence is fended off by the infliction of [further] violence’), but if the participle is nominative, agreeing with the noun closest to it, the clausula is a double-cretic.

puccitiam cum eriperet: due to the postponement of *cum*, the first word makes it clear that the *uis* is not aimed at someone’s life. The fact that killing is acceptable in defence of *puccitia* makes Milo’s defence of his life all the more justifiable.

tribunus militaris in exercitu C. Mari, propinquus eius imperatoris: rank and relationship with commander give the attacker a double advantage over his victim, explaining *periculose* in the *enim*-unit. Marius appears for the second time in the speech, having figured in the list at 8.3. He is probably named because he was not known as a soft touch, but nevertheless acquitted the soldier.

interfectus ab eo est cui uim adferebat: the imperfect indicative may suggest that the violence was being attempted when the killing took place, making the soldier’s motive self-defence rather than vengeance.

10.1. Insidiatori uero et latroni quae potest inferri iniusta nex?

principal clauses – 1

subordinate clauses – 0

10.1 applies the claim that homicide is justified in self-defence to the context of violent attack by ambushers and bandits – a narrowing of focus from the claim made in the first unit of 9.2, rather than a new example taking the argument in a different direction. This important category of people is identified in the pair of dative nouns which open a

syntactically simple rhetorical question, the equivalent of a strong statement that killing such men is justifiable. The shortness of the sentence may add to its impact; it maintains the syntactic simplicity of the last two units of 9.2, but whereas those were continuing a story started earlier (and continuity is to some extent expressed in *enim* and *atque*), this introduces something new (underlined by the adversative *uero*).

insidiatori ... latroni: the reference to ambush recalls 6.2-3, but this is the first reference in the speech to banditry; the word and its relatives will later be used of Clodius (*e.g.*, 17.3).

iniusta echoes *iustum* near the beginning of 9.2.

10.2. Quid comitatus nostri, quid gladii uolunt?
 quos habere certe non liceret,
 si uti illis nullo pacto liceret.

principal clauses – 1

subordinate clauses – 2: *quos, si*

opening clause – principal clause

levels of subordination – 2 (*si uti illis nullo pacto liceret*)

10.2 supports the justification of self-defence by appealing to custom, arguing that people would not be allowed swords and bodyguards if they were not allowed to deploy these items in self-defence when attacked. The existence of the bodyguards and swords is indicated by a rhetorical question about their purpose. As the question is open, an answer is probably expected – it is not obviously a simply negative such as that implied by 10.1; the precise answer could vary, but it is bound to be related to the self-defence context, so there is a limit to the conceptual suspense created by the question-answer format. There is no vocabulary overlap with 10.1, but the obvious situation in which these items would be used is attack by the ambushers or bandits mentioned there. The topic is suggested by association of ideas from the preceding rhetorical question; the audience must establish the thematic link. The following relative clause (*quos*) provides the answer, in a sense: the purpose of having these accoutrements is to use them. The relative clause turns out also to be the apodosis of a counterfactual conditional construction (hence the subjunctive, *liceret*), which provides that answer, the argument that (violent) use of these items is permitted. The protasis (*si*) provides the premise: not X if not Y → Y, therefore X. The answer is made to seem as unarguable as possible, to ensure universal assent from the audience.

nostri: on the universalizing combination of rhetorical question and first-person plural *cf.* 9.1n.

si uti illis nullo pacto liceret: the protasis follows precisely the same sequence as the apodosis: prolativum infinitivum-adverbium-same verb; this patterning emphasizes the connection between the two points.

- 10.3. Est igitur haec, iudices, non scripta sed nata lex,
 quam non didicimus, accepimus, legimus,
 uerum ex natura ipsa adripuimus, hausimus, expressimus,
 ad quam non docti sed facti, non instituti sed imbuti sumus,
 ut,
 si uita nostra in aliquas insidias,
 si in uim et in tela aut latronum aut inimicorum incidisset,
 omnis honesta ratio esset expediendae salutis.

principal clauses – 1

subordinate clauses – 5: *quam* [3 verbs] ... *uerum* [3 verbs], *ad quam* [4 pples, 1x *sumus*], *ut*,
si [*si* x2, 1 verb]

opening clause – principal clause

levels of subordination – 3 (*si* ... *incidisset*)

10.3 generalizes about the principle of self-defence, claiming that a natural law allows any means (*i.e.*, including lethal force) to be used in self-defence, specifically in cases of ambush or attack by either bandits or *inimici*. The opening principal clause strongly asserts the existence of this law, and sets up an antithesis between man-made and natural law (*non ... sed ...*), which is reiterated in the two relative clauses which follow (*quam non ... uerum ...*; *ad quam non ... sed, non ... sed*). The content of the natural law is then expressed in a subordinate clause (*ut*) which can be seen either as a noun-clause expressing what the law commands or as a consecutive clause expressing the result of the existence of the law. It is immediately interrupted by an embedded conditional protasis (*si ... si ...*) describing the cases in which all means of self-protection are allowed. The single unit which constitutes this sentence is the longest in the argument, and more expansive than most: the two relative clauses are effectively synonymous, and each contains repetition through synonymy; the *ut*-clause-complex is only partly necessary, as the content of the supposed natural law could be easily inferred if it were not expressed. The principal and relative clauses contain antitheses (involving groups of first-person plural verbs); the conditional clause contains a number of doublets whose elements reinforce rather than oppose one another. This stylistic shift can perhaps be seen as marking the beginning of the end of the current argument. The question-format disappears, but the use of the first-person plural is dramatically increased, maintaining the universalizing approach of the preceding sentences, and perhaps extending it to the entire human race (*cf.* 30.3, where this is not only explicit, but extended even to animals). The universalizing subject-matter can also be seen as heralding the climax of the current argument.

est ... non scripta sed nata lex: the word-order seems to suggest that the *est* here is existential rather than periphrastic with the participles *scripta/nata*: the meaning is not ‘a law has been not written but born’, but ‘there exists a law, not written but born’. *Cf.* 45.4n., perhaps 13.4n.

iudices: this, the first vocative since 8.4, invites the jury to share the speaker’s urbane acceptance of natural as well as official laws.

ad quam non docti sed facti, non instituti sed imbuti sumus: the second relative clause repeats the first, with shift from active to passive verbs, and from tricolon within the *non-sed* antithesis to a repetition of *non* and *sed* themselves; *sumus* is not repeated but must be

supplied. While the negated terms (*docti, instituti*) recall *didicimus* and *legimus* from the first relative clause, the positive assertions skip the violent metaphors *adripuimus, hausimus, expressimus*, looking back to the first antithesis in the principal clause: *facti* and *imbuti* echo *nata*.

latronum creates continuity with 10.1.

11.1. Silent enim leges inter arma
 nec
 se exspectari
 iubent,
 cum ei
 qui exspectare uelit
 ante iniusta poena luenda sit
 quam iusta repetenda.

principal clauses – 2, in 2 units (*nec*)

subordinate clauses – 0/4: acc.-inf. (*se exspectari*), *cum*, *qui*, *ante ... quam*

opening clauses – principal clause; accusative-infinitive (sentence-conjunction: *nec*)

levels of subordination – 2 (*qui exspectare uelit*, *quam iusta repetenda*)

11.1 brings the focus back from ‘natural’ to actual laws, claiming that the laws (*e.g.*, against killing?) cannot be applied in violent situations because they take too long to operate. The non-applicability of the laws in such circumstances (*inter arma*) is expressed first, in a striking personification (*silent*) which is continued in a second, coordinate principal clause (*nec ... iubent*); an embedded accusative-infinitive construction expresses what it is that the laws do not command. A causal clause (*cum*) then gives the rationale for this silence: the law-abiding man is defined in an embedded generic correlative clause as one who wishes to wait for the law to operate (*qui* + subjunctive – here the anonymous *ei* has a more genuinely generic feel than that at 3.3; Milo is not currently the main focus of the discourse, although the words could be applied to what the defence will claim was his situation; *cf.* also 2.2). Such a man will pay an undeserved punishment before (following temporal clause, *quam* anticipated by *ante*) the law can produce a deserved punishment for his attacker. If *ante ... quam* is taken as a conjunction here, the *cum*-clause and the *antequam*-clause are interlaced; but it is also possible to take *ante* as an adverb which properly belongs in the superordinate *cum*-clause. The compound sentence allows the kind of variation between simple and complex units which was prominent in the *exordium*. The abrupt shifts between very different examples which characterized the first half of the argument have now disappeared: the movement from ‘natural’ law (10.3) to the silence of actual laws (11.1) is clear and logical.

silent enim leges inter arma: this comment is remarkable in a judicial speech, and in a post-publication reading might be taken as referring to the trial rather than to the ambush. Nevertheless, it has a clear function in the (imagined) delivered speech (*cf. tacite*, 11.2), and cannot be said with certainty to have been added later.

expectari ... exspectare: despite the change in grammatical subject, in both cases the laws are what is waited for: repetition is combined with variation.

- 11.2. Etsi persapienter et quodam modo tacite dat ipsa lex potestatem defendendi,
 quae non
 hominem occidi,
 sed esse cum telo hominis occidendi causa uetat,
 ut,
 cum causa non telum quaereretur,
 qui sui defendendi causa telo esset usus,
 non hominis occidendi causa habuisse telum iudicaretur.

principal clauses – 1

subordinate clauses – 5: *quae*, acc.-inf. (*hominem occidi*), *ut*, *cum*, *qui*

nominative-infinitive – 1: *hom. occ. causa habuisse telum*

opening clause – principal clause

levels of subordination – 3 (*cum causa non telum quaereretur*; *qui sui defendendi causa telo esset usus*)

11.2 presents an alternative viewpoint – which still supports the defence case – to that expressed in the preceding sentence (that the laws do not apply), by pointing to a law which itself differentiates between carrying a weapon for self-defence and carrying a weapon with intent to kill, *i.e.*, which judges intention rather than action alone. What is here treated as a separate sentence, beginning with *etsi*, could instead be treated as a concessive clause attached to 11.1. The punctuation used here emphasizes the impression that the new argument was not present in the orator's mind when making the point beginning *silent enim leges*, but has only just occurred to him (*cf.* independent *nisi*, 8.2n.). Instead of claiming that the law is inapplicable in cases of violence, the orator now asserts that it positively supports self-defence – although this support has to be deduced, as it is not explicitly stated (*quodam modo tacite*). A relative clause (*quae ... uetat*; the indicative makes a strong assertion, when it would have been so easy to emphasize the explanatory causal aspect – it is this content of the law which justifies the claim in the concessive clause – by using the subjunctive) gives the content of the law that can be interpreted in this way, contrasting (*non ... sed*) what it does not forbid (the accusative-infinitive construction, *hominem occidi*) with what it does forbid (the infinitive phrase, *esse ... causa*); the following consecutive clause (*ut ... iudicaretur*) expresses the judgement deduced from this prohibition. It is interrupted by two subordinate clauses: first by a causal clause (*cum*), which gives a reason for the resulting judgement; then by a generic relative clause (*qui* + subjunctive; as in 11.1, Milo *can* be seen concealed behind this anonymized description, although it is not necessary that he *should*), which identifies the subject (*is* understood) as someone using a weapon in self-defence. In the resumed consecutive clause, the judgement reached on this person is expressed in an infinitive phrase (*non ... habuisse telum*).

The sentence is long and complex: three levels of subordination (3 *cum ... quaereretur* qualifies: 2 *ut ... non ... iudicaretur*, whose subject is: 3 *qui ... esset usus*) and three embeddings (2 *hominem occidi* and the two third-level clauses just mentioned); if 11.2 were treated as a subordinate clause-complex attached to 11.1, the result would be even more complex. It contains considerable repetition: 4x *telum*, 3x *hominem occidere*, 3x *causa* prepositional and 1x nominal, 2x *defendere*; without this sentence, all these words would drop below the one-in-a-hundred frequency for the argument as a whole. It has been

suggested before that repetition may make such sentences easier to process (e.g., 1.1, 4.2, ...); here it also serves a persuasive purpose, in that the opposition between killing a man (without having intended it) and having a weapon with intent to kill is drilled into the audience's minds.

etsi: for *etsi* introducing a principal clause, see *OLD* s.v. 2, and cf. *quamquam* 6.1n.; unlike *quamquam*, *etsi* is usually subordinating in the speech, but cf. 58.3. An element of concession remains; concessions are an effective way of combining actually incompatible arguments (cf. 12.6n.).

tacite builds on *silent* in the preceding sentence; the silence of the laws can sometimes be eloquent.

non hominem occidi sed esse cum telo: the active infinitive *occidere* would have produced two exactly parallel infinitive phrases: 'the law forbids not a) killing a man but b) having a weapon ...' (see further below). The opposition of an accusative-infinitive ('that a man should be killed') to a 'plain' infinitive must therefore be deliberate: the orator is playing with syntax. The equivalence of the accusative-infinitive construction to a noun-clause is even plainer at 48.3, where *Milonem appropinquare* is contrasted simply with *id*.

esse cum telo: the use of *cum* + abl. to mean 'being in possession of' occurs especially with *esse* (cf. 66.5) but also with other verbs (29.2, 91.3); all four occurrences in the speech refer to weapons (3x *telo/telis*, 1x *facibus*). See W.46.

causa non telum: in the right circumstances, *causa* can be translated as 'motive', and will be an important theme in the Self-Defence Argument. Here its appearance after one occurrence of *causa* + gerundive, and before two more, adds point to this otherwise more bland 'prepositional' use of the word.

habuisse telum iudicaretur: see W.33 on the use of the nominative-infinitive with passive verbs of speech etc.; the construction occurs in this speech with *comperior* (66.7), *dicor* (48.3), *indicor* (64.3), *nuntior* (66.2), and *uideor* (65.5, 86.1) as well as here with *iudicor*.

11.3. Quapropter hoc maneat in causa, iudices;
non enim dubito
quin probaturus sim uobis defensionem meam,
si id memineritis,
quod obliuisci non potestis:
insidiatorem interfici iure posse.

principal clauses – 2, in 2 units (*enim*)

subordinate clauses – 0/4: *quin, si, quod*, acc.-inf. (*insidiatorem ... posse*)

opening clauses – principal clause; principal clause

levels of subordination – 3 (*quod obliuisci non potestis; insidiatorem interfici iure posse*)

11.3 brings the focus back from these generalizations to the current trial/speech, asserting that the defence will succeed as long as the principle of justifiable self-defence is allowed. The structure is similar to 11.1: a compound sentence in which a simple unit is followed by a complex one. The existence of something which remains to be decided is expressed first,

bringing attention back from examples and generalizations to the case currently under scrutiny. A second, coordinate principal clause (*enim*) then asserts the orator has confidence, expressed by *non dubito* followed by a noun-clause (*quin*). The latter is also the apodosis of an open conditional construction: the defence case will be proven if the *iudices* remember a particular principle, initially referred to by the ‘introductory’ pronoun *id* (cf. 6.3n.); full expression of the principle itself in an accusative-infinitive construction is further delayed by a relative clause (*quod*) which describes it as something the *iudices* cannot forget.

in causa, iudices: the vocative alone would not be sufficiently self-referential to indicate closure/transition, but *causa* here, in distinction to the previous sentence, refers to the legal case the jury is being asked to judge, and this self-referentiality is backed up by *probaturus* and *defensionem* in what follows. Note how easily and quickly a word can shift meanings, making the calculation of frequencies only the start of an investigation of how lexical choice shapes topic.

probaturus sim uobis defensionem meam: the first-person singular here is the defence-ordinator, the second-person plural is the *iudices*.

si id meminertis quod obliuisci non potestis: this is a universalizing move, and a variation on the ignorance-vs.-knowledge theme, implying that the *iudices* would have to be mentally deficient not to acquit Milo! As at 6.1-6.2, the fact that the ambush will be demonstrated without a doubt is taken for granted; this echo of the end of the *exordium* contributes to the sense of closure/climax.

12-14: Second preliminary argument – the Senate

The new topic is explicitly identified as another issue emphasized by the opposition: the senate’s resolution (*decretum*) that the killing of Clodius was *contra rem publicam* (12.1). In response, the defence claims that the senate approves Milo’s cause (12.2-6), then shifts to the slightly different question of whether the senate wished a new *quaestio* to be created (13.1-3). An explanation for the *contra rem publicam* resolution is then presented (13.4-14.3), after which the discussion closes with a return to the issue of the new *quaestio* (14.4-5). The transitions from one issue to the other are not heavily marked.

The alternation between the two issues makes a variety of paragraphing decisions possible, even in this short argument. Breaking before 13.4 and 14.4 would emphasize the difference between the two topics, which the continuous back-and-forth movement of the text may be designed to blur. The break printed before 13.1 may already highlight the introduction of the ‘new *quaestio*’ issue more than the presentation warrants, but placing it here emphasizes one of the patterns present in the text, the reversal at 14.5 of the opposition claim at 12.5 about who has taken away the senate’s power of decision.

Inasmuch as the topic-sentence at 12.1 does not mention the *noua quaestio*, it can be seen as slightly misleading. The argument about the new *quaestio* seems likely to have been introduced to distract attention from the senate’s judgement of Milo, which may have been more problematic than the defence admit. The only argument made in support of the defence counter-claim, that the senate approve Milo’s cause (12.2-4), is the specious one that when the opposition accuse Cicero of excessive influence on the senate, they acknowledge that approval (12.5); the explanation of the *contra rem publicam* resolution presented in 13.4 does not even mention Milo. Perhaps surprisingly, little is made of the point that the senate

also judged other actions, carried out by the *Clodiani*, to be *contra rem publicam* (mentioned almost incidentally at 13.4); arguing that this condemned the *Clodiani* may have been thought to imply that Milo too stood condemned.

Word-group	Frequency	Occurrences
<i>senatus*</i>	3.4%	12
? <i>res*</i>	2.5%	9
<i>publicus*</i>	2.0%	7
<i>caedes/caedere*</i>	1.4%	5 (4/1)
<i>decernere</i>	1.4%	5
? <i>posse/potential/potestas/potius</i>	1.4%	5 (1/2/1/1)
<i>quaerere/quaestio</i>	1.4%	5 (1/4)
? <i>facere*</i>	1.1%	4
<i>iudicium/iudicare*</i>	1.1%	4 (3/1)
<i>sentire/sententia</i>	1.1%	4 (2/2)
<i>uis</i>	1.1%	4
? <i>ullus/nullus</i>	1.1%	4 (1/3)
? <i>umquam/numquam</i>	1.1%	4 (2/2)
		(354 words)

The topic-sentence is clearly marked by the direct reference to progress through the arguments in the word *sequitur*; there is also a clear echo of the topic-sentence for the Preliminary Arguments as a whole, 7.1, in *Milonis inimicis*, another explicit reference to the trial-context. Four words from the ‘interesting’ groups in the table appear here: *senatus*, *publicus*, *caedes*, *iudicare* (also *res* and *facere*). Although several other words do not appear (*decernere*, *sentire*, *uis*), the omission of *quaerere/quaestio* may be significant, if the focus on the establishment of the *quaestio* is a distraction, as I suggest. But this sentence both identifies the shift in topic and, like 1.1, reflects the topic of the new passage in its vocabulary.

The argument itself is the most repetitious in the speech whether ‘colourless’ words are included or not; if they are included, it outstrips all the others by some length (thirteen word-groups, 20.3%; without ‘colourless’: eight, 13.0%). It must be noted that because this passage is so short, a word only has to appear four times to achieve a frequency of 1.0%; but the strong political dimension of the argument, which is not unexpected but which creates a strong contrast with the preceding argument, is indicated by the very high frequency of the words *publicus* and (especially) *senatus*; both would count as frequent in a passage twice this long. The seven occurrences of *res publica* is perhaps the single most concentrated cluster in the speech; there are also two occurrences of *ciui(ta)s* in 13.4. The rest of the vocabulary in the table is unsurprising in a passage announced (12.1) as dealing with the senate’s *opinion* of the participants in a skirmish which led to *violent death*. Note that the *iudic-* group here does not include *iudex*; none of these are vocatives. There are also two references to *leges*; *quaerere/quaestio*, here used to refer to an official investigation, can also be added to this semantic grouping: there continues to be a strong focus on the trial-situation.

1st sing.	2.5%
1st plur.	0.6%
2nd sing.	none
2nd plur.	none

The speaker is Cicero, the addressee presumably the *iudices*; the opinions of the opposition are relayed in 12.1 and 12.5, those of the senate are the topic of the argument (12.1-4, 13.1-4, and 14.4-5). First- and second-person plural references drop again, the latter to zero; direct audience involvement is maintained, if at all, only by questions, which are quite frequent (five in this short argument). First-person singular references, on the other hand, go up, and some of the plurals may also refer to Cicero alone (12.3, 12.6). The bulk of the first-person references are to Cicero not as orator but as a political player in recent events, himself under attack by the opposition (12.5-6); it is clear that his opinion is supposed to matter (14.3), which will be relevant to his effect as a persuasive speaker. The apparent disappearance of the *iudices* as addressee may be related to the fact that, as 12.5 makes clear, Cicero is here responding to one specific individual among the *Clodiani*. As this individual is one he does not even deign to name, he is hardly likely to address him directly; nevertheless, his focus is on Bursa, and not on the *iudices*. But this is a short argument, and a vocative might have slipped in if it had been longer. On the other hand, since the *iudices* include senators, and the upper orders are treated as unified throughout the speech, there is a sense in which the addressees' own opinion is the topic here, but Cicero may not be sure enough of his ground actually to say: 'you don't think that at all, do you?'

Both the length of sentences and the overall amount of subordination drop in this argument, but there are several sentences with interlaced clauses and/or superordinates embedded within subordinates (12.1, 13.1, 13.3, 13.4). All involve at least one accusative-infinitive construction, dependent on a verb of thinking/judging (*credere*, 13.3; *iudicare*, 12.1; *decernere*, 13.4; *putare*, 13.1, 13.3); the repeated syntactic pattern can therefore be associated with the lexical repetition in this passage: the words with a frequency of 1.0% or more include *iudicium/iudicare* and *decernere* as well as *sentire*, and if we were also examining synonyms we would find the number of words from semantic field of judging/thinking increased by occurrences of *putare*.

12.1. Sequitur illud

quod a Milonis inimicis saepissime dicitur:

caedem

in qua P. Clodius occisus esset

senatum iudicasse

contra rem publicam esse factam.

principal clauses – 1

subordinate clauses – 4: *quod*, *in qua*, acc.-inf. (*caedem ... senatum iudicasse*), acc.-inf.

(*caedem ... contra rem publicam esse factam*),

opening clause – principal clause

levels of subordination – 3 (*in qua P. Clodius occisus esset*)

12.1 states explicitly that the topic is changing and identifies the new argument by reporting the opposition emphasis on the senate's resolution that the killing of Clodius was *contra rem publicam*. The opening principal verb, *sequitur*, immediately signals the shift to a new topic, referred to at first only by the 'introductory' pronoun *illud* (cf. 6.3n.) and described in a relative clause as another opposition argument (*quod ... dicitur*); further detail is required. The first detail provided is an accusative, *caedem*, specified more precisely in an interrupting

relative clause (*in qua*; the subjunctive here must be due to *o.o.*); the words *senatum iudicasse* then indicate that the construction is an accusative-infinitive referring to the senate's opinion of the *caedes* (*senatum* is the subject of *iudicasse*; *caedem* is what they have expressed an opinion about). This opinion is the new topic; it is expressed in another accusative-infinitive of which *caedem*, it turns out, is the subject; by this point, it has become clear that this subordinate accusative-infinitive has its superordinate, *senatum iudicasse*, embedded within it (*cf.* 5.2). The embedding of a superordinate within a dependent clause is rare but not unheard-of; the dependent clause is generally an accusative-infinitive construction and the superordinate very short (*cf. credo* 86.3, *uidistis* 91.4). The complexity here is increased by the fact that the superordinate, which is indeed only two words long, is another accusative-infinitive, so that the syntactic function of the first accusative, *caedem*, is not instantly apparent; the relative clause (*in qua*) contributes a slight delay before this issue is resolved. Any uncertainty will have been neither substantial nor lengthy, and if this sentence does actually quote from the senate decree, it is possible that some at least of the audience will have guessed the new topic as soon as the word *caedem* was heard, and will therefore have been expecting a reference to the senate, perhaps even guessing (consciously or otherwise) the nature of the syntactic construction. Nevertheless Cicero could have chosen to express this sequence of ideas in a less interlaced sequence: *senatum iudicasse caedem ... esse factam*; the sentence is therefore marked by complexity. Contrast the straightforward sequence of the increasing levels of subordination in the preceding sentence, and the absence of subordination in the two following. The occurrence of complexity of this type at the point where a new topic is introduced may not be accidental; the slight delay in resolving the function of *caedem* can be compared with the possible ambiguity of the first of two infinitives, *dicere*, in 1.1. We will also find this kind of clause-interaction recurring within the current topic (13.1n., 13.3n., 13.4n.).

The first sentence of the second preliminary argument differs from the sentences introducing the *exordium* and the Preliminary Arguments as a whole (1.1, 7.1) in its complete lack of first- or second-person references; the preceding sentence contained plenty of both, but in fact such self-reference is not obligatory at transitional points such as this (*cf.* 31.6-32.1, 34.12-35.1, ...). In its focus on the opposition (*a Milonis inimicis ... dicitur*) it resembles the introduction to the first preliminary argument *per se* at 7.2 (*negant*), which also contained one accusative-infinitive construction dependent on another (with another clause intervening). Here the emphasis is on what the opposition say that the *senate* thought; there is an element of mind-reading at one remove (*cf.* 2.2n.). The sentence is compact but complex: one principal and four subordinate clauses fitted into twenty-two words, with perhaps three levels of subordination – taking the accusative-indicative clause-complex in apposition to *illud*, and so in the same relation to the principal clause as the relative clause. The relatively unusual embedding of a superordinate within its subordinate is caused by pulling *caedem* out of sequence to a prominent position at the start of the complex: the defence makes no bones about the occurrence of the killing itself.

caedem in qua: relative clauses often interrupt their superordinates in order to stay close to their antecedents; *cf.* 3.2 *multitudo quae*, 7.2 *rem plane quae*, *etc.* As mentioned above on word-frequencies within this argument, the use of the word here may be due to the fact that the wording of the senate's *decretum* is being echoed; whatever its source, the word may also carry the implication that others besides Clodius died in the incident. A reminder

of this could be to the defence's advantage, since some of those killed will have been Milo's men, but the relative clause qualifying *caedem* restricts the focus. It may be significant that the corresponding introductory sentence to the third preliminary argument (15.1) qualifies *caede* with two relative clauses of which only one was used in 12.1: *in qua P. Clodius occisus esset*, not *quae in Appia uia facta esset* (for which cf. 14.3). The emphasis here is on the death of Clodius, and *caedem ... occisus est* becomes a paraphrase for something like *mortem P. Clodi* (note that Milo has not been mentioned yet – something, which if it reflects the *decretum*-wording, may also have stood the defence in good stead). This death, the orator will later strongly suggest (e.g., 13.3, 20.4-5, 72.1, 73.1, 79.1), the senate does – even must – approve.

12.2. Illam uero senatus non sententiis suis solum sed etiam studiis comprobauit.

principal clauses – 1
subordinate clauses – 0

12.2 establishes the defence response to the opposition view expressed in the preceding sentence by claiming that the senate in fact approves the death of Clodius. The counter-assertion is strongly made in a simple sentence with no subordination, and emphasized by a *non ... solum sed etiam* sequence.

illam: this feminine singular pronoun must refer back to *caedem*; the claim that the senate approves of such a thing is quite remarkable, as the word is considerably less neutral than *mortem* (cf. *de Ti. Gracchi morte*, 8.2; there the word *caesum* was reserved for Aemilianus' statement).

12.3. Quotiens enim est illa causa a nobis acta in senatu,
quibus adsensionibus uniuersi ordinis, quam nec tacitis nec occultis?

principal clauses – 1
subordinate clauses – 0

12.3 repeats the claim made in the preceding sentence in the form of a rhetorical question (or exclamation) asserting that the senate's support (of what is described as *illa causa*) has been expressed frequently, unanimously and loudly (*quotiens, quibus, quam* + adj.).

a nobis acta: the referent of the first-person plural is unclear: although it could refer to Cicero alone (the 'editorial' *nos*), others on the defence-team were involved during the interrogation of witnesses, and earlier (Asconius 34C, 40C). Any of these might have spoken on Milo's behalf in the senate.

quotiens ... quibus ... quam: the interrogatives invite (or, as exclamations, imply) positive responses: 'very frequently', 'with remarkable assent', 'very loud and open'.

quibus adsensionibus provides an example of the double possible meaning of the abl. of 'Attendant Circumstances': the applause both accompanies the *acta causa* and is a result of it (cf. *inuidia ... gloria*, 40.4).

12.4. Quando enim frequentissimo senatu quattuor aut summum quinque sunt inuenti
qui Milonis causam non probarent?

principal clauses – 1

subordinate clauses – 1: *qui*

opening clause – principal clause

12.4 repeats once more the claim made in 12.2. The sentence opens with *quando*, ‘when’, but the main focus of the rhetorical question is not on timing but on the small numbers of opposing senators; this is a version of the universalizing ‘who [is there who] thinks?’-type (cf. 9.1n.): ‘when were [a small number] found who thought?’ → ‘almost nobody thought’. The question is completed by a generic relative clause (*qui* + subjunctive verb; there may be a final overtone, with the opposition pictured as searching for, and failing to find, many *to express* the opinion they desire) expressing the attitude which so few people hold, disapproval of *Milonis causam*; there is no need for an accusative-infinitive construction to express the thought, which is adequately conveyed by *probarent* with an accusative.

12.2-4 constitute a sequence of short, mostly simple sentences (with a single subordinate clause at the end of the sequence), essentially repeating the same point – something which has not been seen so far in the speech; the style will be developed further in the third preliminary argument. The rhetorical questions in 12.3-4 invite or even demand audience agreement; their focus on apparently different aspects of the issue (time/frequency, nature and amount of support) may be intended to give the impression of new information. The effectiveness of the tactic may nevertheless have been limited.

quando, in contrast to the preceding interrogatives, invites an emphatically negative response: ‘never!’

frequentissimo senatu can be taken either as a semi-local ablative of attendant circumstances, ‘in a very crowded senate’, or as ablative absolute, the equivalent of a temporal (and concessive?) clause, ‘[even] when the senate was very crowded’.

12.5. Declarant huius ambusti tribuni plebis illae intermortuae contiones
quibus cotidie meam potentiam inuidiose criminabatur,
cum diceret
senatum
non quod sentiret
sed quod ego uellem
decernere.

principal clauses – 1

subordinate clauses – 5: *quibus, cum, acc.-inf. (senatum ... decernere), quod, quod*

opening clause – principal clause

levels of subordination – 4 (*quod sentiret; quod ego uellem*)

12.5 attempts to support the claim that the senate approves *Milonis causam* by turning the opposition’s own words against them: Plancus (not named) has described Cicero as influencing the senate to the extent that its judgements reflect his views and not its own; the implication is that if this description is true, they cannot have condemned Milo. The startling assertion that some opposition statements support the defence case is made first (*declarant;*

an object must be supplied from the preceding sentences, e.g., *senatum Milonis causam saepe probauisse*). A relative clause (*quibus*) describes Plancus' *contiones* as making attacks on Cicero's influence (*potentia*). More detail is then added in a temporal clause (*cum*), whose speech-verb (*diceret*) introduces an accusative-infinitive construction expressing the content of the attack: the senate's resolutions (says Plancus) express not its own opinion (first embedded relative clause, *non quod*) but Cicero's (second embedded relative clause, *sed quod*). This more complex sentence (five subordinate clauses on four levels of subordination) stands out against its predecessors. The opening principal clause makes a claim as remarkable as 12.2; the subordinate clauses then present an argument (of sorts) in support of it. This may have a retrospective effect on 12.2-4, giving the impression that that claim too was supported by argument.

ambusti tribuni plebis: this direct reference to Plancus, combined with a refusal to name him, is probably intended to be insulting; cf. 3.3, where the *contio* must have been summoned and its audience harangued by *somebody*, who is not even mentioned. In contrast, the actions of the prosecutors themselves are hardly ever even referred to, and when they are, the prosecutors are named (40.3-4, 59.2); the opportunity of insulting them by omitting their names does not arise or is not taken up.

meam potentiam ... quod ego uellem: the first-person singulars indicate that the focus is now definitely on Cicero as the specific object of Plancus' attack, rather than on the defence more broadly. The aspect of Cicero invoked here is his political role, not (only) his current role as orator.

quod sentiret ... quod ego uellem: these two relative clauses (4) qualify *id* understood in the accusative-infinitive construction which surrounds both of them, *senatum ... discernere* (3); this in turn is the object of *diceret* in the temporal clause (2) which explains *criminabatur* in the relative clause (1) qualifying *contiones* (P). There is a structural similarity to the embedding of two antithetical accusative-infinitive constructions inside a third in 8.1, which reaches only three levels of subordination but nevertheless, due to the collection of interrelated infinitives, is in a sense more complex.

12.6. Quae quidem si potentia est appellanda,
 potius quam propter magna in rem publicam merita
 mediocris in bonis causis auctoritas,
 aut propter hos officiosos labores meos non nulla apud bonos gratia,
 appelletur ita sane,
 dum modo ea nos utamur pro salute bonorum contra amentiam perditorum.

principal clauses – 1

subordinate clauses – 2: *si, dum*

opening clauses – principal clause/conditional clause (connecting relative: *quae*; sentence-particle: *quidem*)

levels of subordination – 1

12.6 defends Cicero against Plancus' accusation that he wields too much influence by redefining/justifying that influence and asserting that he uses it for the good of the state. The opening relative pronoun (*quae*, 'connecting relative', looking back to *potentia*), can be taken as the subject of both the immediately following, lengthy conditional protasis (*si ... est*

appellanda) and the subsequent apodosis (*appelletur*). Since the relative has a clause of its own (cf. 3.3, *quorum clamor, si ...*) this entire sequence could therefore be seen as a relative clause-complex dependent on the previous sentence (contrast *quae si*, 2.1). The current punctuation treats it, rather, as a separate sentence opened with the connecting relative *quae*, in order to separate the slightly different arguments being made in 12.5 and 12.6: the first is about what Plancus' accusation implies in the defence's favour, and the second is about how his accusation should itself be answered. The conditional is open; the subjunctive in the apodosis is jussive. The protasis presents one possible argument against the accusation involving the word *potentia* by suggesting alternative ways of describing Cicero's political influence; the apodosis then concedes the use of the word in order to prepare the ground for a second argument, expressed in a temporal clause (*dum*) which describes the positive use Cicero makes of his influence. For the concessive use of the jussive subjunctive, see W.112; here the syntax contributes to the speaker's intention of presenting two alternative arguments – to have his cake and to eat it (for this use of concession, however expressed, cf. 11.2n.).

This complex sentence is long and expansive rather than difficult. The fact that the relative *quae* can be taken with two clauses means that the clause can be seen as opening either with the conditional or with the principal clause – or simultaneously with both; in any case, opening with a conditional clause is fairly common (cf. 4.2n.). The remaining clauses follow one another without embedding or interlacing; the protasis itself is expanded by the inclusion of two possible alternative descriptions, both expressed by the same pattern: *propter* + noun-phrase, giving the reason for influence; adjective downplaying that influence; prepositional phrase emphasizing link with the *boni*; new word for influence, reserved to the end of the description for maximum impact. The sentence ends with a neat antithesis.

propter magna in rem publicam merita: by echoing *propter multa praeclara in rem publicam merita* at 6.2, the expression links Cicero and Milo as benefactors of the state. Here the appropriate reward for such meritorious service is specified: to have one's opinion taken seriously and one's advice listened to – in a word, *auctoritas*, that personal influence in public debate wielded by the experienced statesman. Cicero's own *auctoritas* is thus established shortly before an explicit statement of his own opinion which is presented as a model to follow (*ego ipse decreui*, 14.3).

propter hos officiosos labores meos non nulla apud bonos gratia: in this repetition-with-variation the *merita* are stressed as being dutiful and laborious, and the downplaying of the *auctoritas/gratia* is expressed in the litotes or double negative, *non nulla*.

nos utamur: here the first-person plural is most naturally taken as 'editorial', referring to Cicero alone, despite *meos* earlier in the sentence; it was his *potentia* alone (*meam*) which was attacked in the preceding sentence. For the combination of actual singular and editorial plural in a single sentence, cf. 21.6n. Alternatively, *nos* may suggest that Cicero is surrounded by a group of associates (including Milo) with the same political goals, who can all exploit the rewards of his past labours. On either interpretation, Cicero himself is prominent in these sentences.

pro salute bonorum contra amentiam perditorum: more echoes of the *exordium*, natural to the shared political context: *prae uestra salute*, 3.3; *pro bonis contra improbos*, 5.2.

- 13.1.** Hanc uero quaestionem,
etsi non est iniqua,
numquam tamen senatus
constituendam
putauit.

principal clauses – 1

subordinate clauses – 2: acc.-inf. (*hanc ... constituendam*), *etsi*

opening clause – accusative-infinitive (sentence-particle: *uero*)

levels of subordination – 2 (*etsi non est iniqua*)

13.1 introduces a different aspect of the senate's view of the situation, focusing on the issue of whether a new *quaestio* should have been established. The *quaestio* is the first thing mentioned, in the accusative; an interrupting concessive clause (*etsi*) then describes it as *aequa*. The implication is that the orator fears his criticism (of the way the *quaestio* was established) might be misunderstood as an attacking on the *quaestio* itself. Since he is now participating in that very *quaestio*, and has stressed its importance in establishing Milo's innocence (2.2, 11.3), he must acknowledge its *aequitas*. The superordinate clause-complex is then resumed, and the nature of the construction is made clear in the last three words, *senatus constituendam putauit*: *quaestionem ... constituendam [esse]* is an accusative-infinitive construction, interlaced with the principal clause which identifies the senate's opinion as the issue. This interlacing extends the subordinate-superordinate-subordinate sequence found in 12.1 by adding yet another fragment of the superordinate; as the issue of setting up the *quaestio* is a new sub-topic, there is a repeated co-occurrence of topic-shift and (a similar kind of) complexity. The orator here turns to his own attempt at reading the senate's mind (*senatus ... putauit*), in contrast to the opposition's (*senatum iudicasse*, 12.1).

- 13.2.** Erant enim leges,
erant quaestiones uel de caede uel de ui,
nec tantum maerorem ac luctum senatui mors P. Clodi adferebat
ut noua quaestio constitueretur.

principal clauses – 3, in 3 units (asyndeton, *nec*)

subordinate clauses – 0/0/1: *ut*

opening clauses – principal clause, principal clause, principal clause

13.2 supports the claim made in the preceding sentence, that the senate did not wish to establish a *noua quaestio*, first by listing facts which made a new *quaestio* an unnecessary step in dealing with the aftermath of the *caedes*/Clodius' death, then by denying that the grief felt for Clodius justified a new procedure. The prior existence of laws and procedures fit for the purpose is emphasized by repetition of the verb with two subjects, and by the anaphoric doublet *uel de caede uel de ui*. A third, coordinate principal clause denies the grief and therefore its potential result, the setting up of a *noua quaestio*, expressed in consecutive clause (*ut* anticipated by *tantum*).

13.3. Cuius enim de illo incesto stupro
 iudicium decernendi senatui potestas esset erepta,
 de eius interitu
 quis potest credere
 senatum
 iudicium nouum constituendum
 putasse?

principal clauses – 1

subordinate clauses – 3: *cuius*, acc.-inf. x2 (*de eius interitu ... iudicium nouum constituendum; senatum ... putasse*)

opening clause – relative clause (sentence-particle: *enim*)

levels of subordination – 3 (*cuius enim de illo incesto stupro ... potestas esset erepta*)

13.3 attempts to support the claim that the senate would not wish to establish a new *quaestio* to investigate Clodius' death, by drawing attention to an occasion of tension between him and the senate. The opening relative clause (*cuius*) refers, somewhat allusively, to the negotiations over the trial that followed the Bona Dea scandal, expressed as the senate's being deprived of the power of coming to a resolution over a terrible crime of Clodius'. The words *de eius interitu*, which indicate the correlative construction of the sentence as a whole, are followed by a universalizing rhetorical question related to the 'who does not know?'-type (cf. 8.1n.): 'who can believe?' (which makes this question even more difficult than 12.3 to answer in any way other than the orator intends it to be); the object of disbelief is expressed in an accusative-infinitive construction, *senatum putasse*, and *de eius interitu* turns out to belong to a further accusative-infinitive construction, the object of *putasse*. The sequence therefore is: a) start of level 2 subordinate construction; b) principal clause; c) start of level 1 subordinate construction; d) end of level 2 subordinate construction; e) end of level 1 subordinate construction [CABCB]. This combines the embedding of the superordinate at 12.1 and the interlacing of two clauses in 13.1; another interlacing follows in 13.4. Here as elsewhere the complexity co-occurs with mind-reading, but there can be no question of the style marking topic-shift, as perhaps at 12.1, 13.1 – and 13.4, which introduces the defence's interpretation of the senate's *decretum*. This is not a reason to dismiss the association of complexity with topic-shift elsewhere; it is not being claimed here that any one style is always associated with any one effect, whether it is iconic or indexical uses of style that are being discussed. But the frequency within this argument of related patterns of clause-interaction, *both* at the introduction of sub-topics *and* elsewhere, deserves comment: this short passage has already been shown to be highly repetitive in terms of lexical choice, and the repetition of syntactic structures can be seen as reinforcing this. The words with a frequency of 1.0% or more include *iudicium/iudicare* and *decernere* as well as *sentire*, and extending the investigation to include synonyms would add *putare* to the words from semantic field of judging/thinking increased by occurrences of *putare; iudicare, decernere, and putare* account for the majority of the embedded superordinates and interlacing under consideration. The lexical and the clause-relational repetition are therefore linked, and reinforce one another. In the case of 13.3-4 one might also draw attention to the way the structure is used to turn the opposition argument, expressed in a similar way at 12.1, on its head.

de eius interitu: cf. 5.2, where a prepositional phrase was also pulled out of the accusative-infinitive construction to a position before the governing principal clause; here again the prepositional phrase contrasts significantly with another which precedes.

13.4. Cur igitur
 incendium curiae, oppugnationem aedium M. Lepidi,
 caedem hanc ipsam contra rem publicam
 senatus
 factam esse
 decreuit?
 quia nulla uis umquam est,
 in libera ciuitate suscepta inter ciuis,
 non contra rem publicam.

principal clauses – 1

subordinate clauses – 2: acc.-inf. (*incendium ... factam esse*), *quia*

participial phrases – 1: *in libera ciuitate suscepta inter ciuis*

opening clause – accusative-infinitive (sentence-adverb and particle: *cur igitur*)

levels of subordination – 1

13.4 returns to the senate's *decretum* concerning Clodius' death, mentioned at 12.1, and provides an explanation of it, mentioning that it also described two other actions as well as the *caedes* in this way, and asserting that all *uis* which takes place within the citizen-body is *contra rem publicam*. The resolution is introduced by a question (*cur ... decreuit*), and expressed again in an accusative-infinitive construction interlaced with the principal clause; the point that the *caedes* was not the only action judged *contra rem publicam* is made obliquely by placing it at the end of a list of three actions. Unlike in 12.3-4 and 13.4, the answer/explanation of the resolution is not implicit in the wording of the question; it is supplied in a causal clause (*quia*) which presents the argument about *uis*.

caedem hanc ipsam: the position of the *caedes* at the end of the list is probably not accidental, but intended to make it seem less important – it is just one of a sequence.

incendium curiae: the event has already been referred to, obliquely, at 12.5 (*ambusti tribunus plebis*), and will be emphasized later at 33.2-7, 90.1-4 and 91.3.

in libera ciuitate suscepta inter ciuis: the current punctuation suggests taking this participial phrase as adverbial, 'no violence is ever not subversive when/if it is adopted...', rather than taking the *est ... suscepta* as a periphrastic perfect tense and *non contra rem publicam* as predicative, 'no violence has ever been adopted ... that is not subversive'. The meaning is the same. Cf. 10.3n., 45.4n., for similar non-periphrastic interpretations of the perfect participle with part of *esse*.

cf. *nondum libera ciuitate*, 7.2. The echo of the preceding passage may not be just accidental; if the trial of Horatius is recalled, its outcome will be too.

- 14.1.** Non enim est ulla defensio contra uim umquam optanda,
sed non numquam est necessaria.

principal clauses – 2, in 2 units (*sed*)

subordinate clauses – 0

14.1 repeats the assertion made in the preceding sentence but changes the phrasing, referring now to defence against *uis*, which is described as never desirable but sometimes necessary in an antithetical pair of coordinate principal clauses (*non ... umquam ...*, *sed non numquam*). They share a subject, *ulla defensio contra uim*, and the initial *non* can be said to ‘expect’ *sed*, but the second clause is not positively required to complete the sense of the first – it can be seen as a second, additive unit. Part repetition, part explanation (*enim*) of the preceding causal clause, this compound sentence returns to the syntactical simplicity of 12.2-3, although only briefly. In terms of subject-matter, it echoes *non modo iustum uerum etiam necessarium* at 9.2, and perhaps this echo brings along with it all the argumentation for the allowability of violence in (self-) defence presented in the second preliminary argument.

non ulla provides a variation on *nulla* in the preceding sentence: from the obvious statement that violence is a bad thing, the orator moves on to point out that defence against violence is itself undesirable.

defensio contra uim: *cf.* perhaps *ui uis inlata defenditur* at 9.2, reinforcing the echo of *necessarium*. The abstract noun *defensio* usually refers to judicial defence in this speech (*e.g.*, 3.1, 15.4, 94.4); this is the only time it means defence against violence.

non numquam: the double-negative or litotes reverses *nulla ... umquam* in 13.4

- 14.2.** Nisi uero aut ille dies
quo Ti. Gracchus est caesus,
aut ille
quo Gaius,
aut arma Saturnini
non,
etiam si e re publica oppressa sunt,
rem publicam tamen uolnerarunt?

principal clauses – 1

subordinate clauses – 3: *quo, quo, etiam si*

opening clause – principal clause

levels of subordination – 1

14.2 supports the general argument made in the preceding sentence by providing specific examples of violence which is *contra rem publicam* but nevertheless necessary: the violent suppression of the Gracchi and of Saturninus – along the way reintroducing the idea of justifiable political assassination from 8.2-3. The examples, introduced by *nisi uero* (*cf.* 8.2n.), are possible – but rejected – exceptions to the preceding general statement, perhaps creating the impression that it is has only just occurred to the speaker that the occasions mentioned might be viewed as entirely positive (*i.e.*, both necessary and harmless). Three occasions on which violence was in fact (it is implied) necessary are listed, the first two referred to as *ille (dies)* and qualified by embedded relative clauses (*quo; quo* –

the second is elliptical, depending on words supplied from the first). The third occasion is referred to by the noun-phrase *arma Saturnini*, and the finite verbs which follow, in a conditional clause (*etiam si*) and at the end of the sentence, are more appropriate to this subject than to the earlier singular *dies* in terms of syntax (they are plural) and meaning (can a *dies* be *oppressa*?). The conditional clause refers to the necessity of the violence; the resumed *nisi*-clause, a rhetorical question employing a double negative (*nisi ... non*), is the equivalent of an assertion that these occasions *did* nevertheless (*tamen*) harm the state.

The sentence is not obviously more complex/difficult than many others by standard measures, with only a little subordination at a low level. Its overall point is easy to grasp, and the central paradox – that an act which is approved, such as Milo’s killing of Clodius, can also be undesirable – has already been expressed in 13.4-14.1. Nevertheless the expression is somewhat awkward, with its shift from metaphorical – the day on which something happened standing for what happened on the day – to concrete – the *arma Saturnini*; this phrase also shifts the emphasis from the violence undertaken by representatives of the state (*est caesus*) to the violence which threatened the state. Is the argument sufficiently problematic that it becomes useful to confuse the audience with such shifts? Or is the awkwardness of expression made possible precisely *because* the central paradox has already been made clear in the preceding sentences? Might it reflect the subject-matter in a different way: can it be seen as poeticizing the actions of the past which the defence wishes to be taken as heroic precedents for Milo’s recent action?

est caesus: the echo of *iure caesum [esse]* at 8.2 may soften the verb here, which is probably used because it parallels *caedes* in the (report of the) senate’s resolution.

e re publica must mean something along the lines of ‘to the advantage/benefit of the state’; W.41(5) explains: ‘That with which an action or state is in *conformity* is usually regarded as the starting-point or standard from which one starts, and is denoted by *ex* with the ablative’. Cf. especially Reid *ad loc.*, with numerous parallels. Translation is made easier by taking *re publica* as ‘public interest’.

oppressa sunt: this is the first appearance of this verb, which is used eight times in the speech; its objects (when active, subjects when passive) include both people and things, and it can be used of both positive and negative actions.

rem publicam tamen uolnerarunt: paraphrasing *non contra rem publicam* in 13.4 (and, to a lesser extent, *non ... optanda* in 14.1), this metaphor reverses *e re publica oppressa sunt* in the preceding clause.

14.3. Itaque ego ipse decreui,
 cum
 caedem in uia Appia factam esse
 constaret,
 non eum
 qui se defendisset
 contra rem publicam fecisse,
 sed, cum inesset in re uis et insidiae,
 crimen iudicio reseruauit,
 rem notaui.

principal clauses – 3, in 3 units (*sed*, asyndeton)

subordinate clauses – 4/1/0: *cum*, acc.-inf. (*caedem ... factam esse*), acc.-inf. (*non eum ... fecisse*), *qui*, *cum*

opening clauses – principal clause; *cum*-clause (sentence-conjunction: *sed*); principal clause levels of subordination – 2 (*caedem in uia Appia factam esse*; *qui se defendisset*)

14.3 expresses the appropriate response to what happened on the *uia Appia* by relating Cicero's own judgement, which describes Milo as having acted in self-defence and includes a reminder that the final judgement is yet to be made – at this trial. The focus on Cicero himself is clearly established in the opening principal clause, which indicates that he made a decision (*decreui*; this verb has previously only been used of the senate). Before that decision can be stated, a temporal-causal clause (*cum*) identifies the circumstances which led to it: general agreement on a supposed fact, expressed in an embedded accusative-infinitive construction, that a *caedes* had taken place on the *uia Appia*. The word *non* introduces the decision Cicero did *not* make, expressed in an accusative-infinitive construction which shifts the issue of whether something was *contra rem publicam* from the action (*caedes*) to a person, *eum*. That Milo is meant (although he is not named) is confirmed by the embedded correlative clause (*eum qui*) assigning him the motivation of self-defence; the subjunctive verb in the relative clause may have generic overtones, but it can also be seen as referring to Milo specifically, since the subjunctive may be explained by the fact that the relative clause is in indirect speech. The structure *decreui ... non X* creates an expectation that *sed Y* will follow; *sed* does indeed follow, but instead of another object for *decreui* it introduces a new principal clause, followed by yet another in asyndeton. But the nature of the Y following the *sed* is not immediately clear, due to the interrupting causal clause (*cum*); an audience may have continued to expect another accusative-infinitive construction, serving as an object of *decreui*, while waiting for this clause to end. The result may not quite count as anacoluthon, but it is potentially a surprise; one effect of this may be to separate out from what precedes, and thus to highlight, the two short antithetical clauses with which the sentence ends. These again separate judgement of the event (*rem*) from judgement of the person involved, which is to be dealt with as a charge (*crimen*) at a properly constituted trial. The causal clause, like the *cum ... constaret* clause-complex earlier in the sentence, asserts another supposedly agreed fact which influenced Cicero's opinion: the fact that *uis* and *insidiae* were involved.

itaque ego ipse decreui: the use of *ego* with a first-person verb is emphatic; it is placed here close to the beginning of the sentence and reinforced by *ipse*. All this claims importance for Cicero's opinion more explicitly than at 5.2: the audience is supposed to take it seriously, even to follow it. The first person, however, always carries with it a reminder of the orator *qua* orator as well; *cf.* also note on 14.5 *omnium me...*

caedem in uia Appia factam esse: *cf.* *caedem ... contra rem publicam esse factam*, 12.1; *caedem hanc ipsam contra rem publicam ... factam esse*, 13.4; *caede quae in Appia uia facta esset*, 15.1. The words *caedes* and *facere* also appear in conjunction at 28.2, 38.5, 47.3, 73.5; 87.2 has the compound verb *efficere*.

crimen iudicio reseruau: this point echoes the earlier claims (2.2, 4.2) that it is up to the *iudices* to decide Milo's fate.

rem notau: *cf.* 31.5n.

- 14.4. Quod si per furiosum illum tribunum plebis senatui
quod sentiebat
perficere licuisset,
nouam quaestionem nullam haberemus.

principal clauses – 1

subordinate clauses – 2: *si, quod*

opening clause – conditional clause (sentence-particle: *quod*)

levels of subordination – 2 (*quod sentiebat*)

14.4 returns to the issue of the new *quaestio*, claiming that it was brought about by the opposition, who (rather than Cicero, as suggested by Plancus at 12.5) prevented the senate from achieving its purpose. The sentence is conditional, indicating what did happen by means of a counterfactual statement of what did not. The protasis (*si*), which is positioned first, refers to a past event (pluperfect subjunctive) which did not occur, a tribune allowing the senate to act according to its own opinion (the idea of that opinion is expressed in a short, embedded relative clause, *quod*). The apodosis expresses what has not resulted in the present (imperfect subjunctive). The conditional provides the appearance of an argument in favour of the defence-claim that Plancus did *not* allow the senate to achieve its own intention; the premise is in the apodosis: we do not not have a *noua quaestio*, therefore the senate was not allowed... The premise is self-evidently not true, since ‘we’ are currently engaged in the *noua quaestio*; whether the conclusion actually follows is a separate issue.

furiosum illum tribunum plebis: once again, no name is given; *cf.* 12.5n.

nouam quaestionem nullam haberemus: the first-person plural here encompasses the trial-personnel and perhaps the entire Roman citizen body. The speaker is very much part of this *nos*: he would rather not have a *noua quaestio*, and there is probably an implication that his audience share his view.

- 14.5. Decernebat enim
ut ueteribus legibus, tantum modo extra ordinem, quaereretur;
diuisa sententia est
postulante nescio quo
(nihil enim necesse est
omnium me flagitia proferre);
sic reliqua auctoritas senatus empta intercessione sublata est.

principal clauses – 3, in 3 units (asyndeton, *sic*)

subordinate clauses – 1/1/0: *ut*, abl. abs. (*postulante ... quo*)¹

parentheses – 1 (*nihil enim ... proferre*)

subordinate clauses – 1: acc.-inf. (*omnium me flagitia proferre*)

opening clauses – principal clause

opening clauses – principal clause; principal clause; principal clause

14.5 explains the claim made in the preceding sentence by narrating events in the senate, concluding that its power of decision was improperly taken away. The first unit describes

¹ See note on *empta intercessione*.

the senate as trying to pass (conative imperfect, *decernebat*) a resolution (noun-clause, *ut*; indirect command). The second unit narrates the division of the *sententia*, with the person responsible for the division identified (or rather, not identified) in an ablative absolute; a parenthesis (principal clause + accusative-infinitive construction) asserts that the speaker is refraining from invective against individuals. The third unit draws the conclusion (*sic*). Whether treated as a single, compound sentence or three/four separate sentences, the effect is similar: a steady sequence of relatively uncomplicated units – each has at most one dependent subordinate clause (*cf.* note on *empta intercessione*) – describing a sequence of events. Compare the slightly different rhythm of the incident narrated at 9.2, where an opening unit with two subordinate clauses setting the scene is followed by two very simple units providing motivation and result. In both places, the information could have been presented by means of more complex syntax: here, temporal and consecutive clauses are the most obvious ways in which more subordination could have been used. The relatively simple structure seems to be appropriate to short narratives; it will not, however, be used consistently in the *narratio* of the speech.

The degree to which the sentence can be seen as climactic or closural will probably not be agreed. The final unit of the sentence expresses a result, and so can be seen as the end of the narrative; it also constitutes an accusation against the opposition, and so is a strong note on which to end (*cf.* also note on *empta intercessione*). But if the narrative or the argument had instead continued, it would probably not have seemed strange. Any feeling that the final unit is climactic is probably coloured by knowledge that it is the last in the argument; it can therefore be doubted whether it signals the end of the argument.

postulante nescio quo: ablative absolute; the failure to name the culprit is here made noticeable by the following parenthesis, which makes it clear that *nescio quo* does not mean that the speaker does not know. The term is often translated as ‘somebody/-thing or other’; whether it necessarily makes much of an impression as a first-person reference could be debated (*cf.* 65.3, 76.1), but on this occasion the fact that the speaker is refusing to identify the person in question is significant.

omnium me flagitia proferre: this first-person singular is effectively part of a *praeteritio*, and therefore refers to Cicero as orator. To some extent, however, he speaks more like a politician than a defence-advocate; the question of how the *quaestio* came into existence has taken over from what the *quaestio* is actually about. Here the process at 14.3 (*cf.* note on *ego ipse decreui*), whereby the reference to Cicero-as-politician also reminded the audience that he was the orator, is reversed: the reference to him as current speaker reminds the audience of his political role.

empta intercessione: the combination of ablative noun and accompanying participle is usually treated as an ablative absolute; here, however, the expression may be stronger if it is treated as an instrumental ablative noun qualified by an adjectival participle: ‘by an intervention which had been purchased’ rather than ‘once an intervention had been purchased’. *Cf.* 53.3n. If the phrase is taken as absolute, *i.e.*, as a subordinate clause, it changes the rhythm of the sentence, since so far each unit has consisted of principal clause followed by subordinate, and here the subordinate is embedded. But this observation is not presented as an argument against seeing the phrase as absolute – such a shift might be considered appropriate to the last unit in the second preliminary argument as a whole, especially since it forces the verb to the strong final position. Neither the orator nor the audience were necessarily thinking in terms of choice between two such options; the

plurality of the audience also means that different individuals might have read the phrase in different ways.

sublata est: cf. *eset erepta*, 13.3; the same seditious elements are at work after all these years, preventing the senate from achieving its desired ends. The memory of the past incident thus becomes an implicit argument in favour of the defence interpretation of recent events.

15-22: Preliminary argument 3 – Pompeius

The topic-shift from Pompeius' judgement to the senate's, is clear (15.1), but there is continuity with the preceding passage as the focus remains on the issue of the new *quaestio*. After interpreting Pompeius' creation of the *quaestio* as allowing for the possibility of Milo's innocence (15.2-6), 16.1 introduces the possibility that it was a tribute to Clodius' importance. The refutation of this suggestion takes up most of the argument, with a clearly identifiable ending (21.1) followed by discussion of other possible motivations for Pompeius (21.2-3). This issue soon leads into another: the selection of the *iudices*, and of Domitius to oversee the trial (21.3-22.3). There is some potentially misleading signalling of the progression of the argument: attention is drawn to 18.4 and 20.3, both of which imply that the immediately preceding passage (18.1-3, 16.3-20.2) is a distraction from something more important; other shifts in topic at 17.3 and 21.3-4 are relatively unmarked.

This argument is longer than the preceding two; the paragraphing printed here separates the following passages: the argument about what Pompeius views as the proper object of investigation at the current trial (15.1-6); the introduction of the argument about whether the *quaestio* is a tribute to Clodius and the first two counter-examples, historical deaths treated here as assassinations (16.1-17.2); the discussion of Clodius' relationship with the *uia Appia* (17.3-18.3); the third counter-example, contemporary, unsuccessful, and planned by Clodius, which highlights the importance of Pompeius (18.4-19.5); the final counter-example and the explicit comparison with Clodius (20.1-5); the explicit rejection of the 'tribute to Clodius' possibility, the suggestion of alternatives, and the shift to focus on the selection of the *iudices* (21.1-7); the appointment of Domitius (22.1-3). Some might prefer to break instead before 16.2, 20.3, and 21.2, or to avoid the breaks at 17.3 and 22.1; the overall effect would not be very much different.

As in the second preliminary argument, much of this material may provide distraction from a problematic issue, and the topic-identifier is partly misleading. The defence argument that by legislating a *quaestio* Pompeius has allowed for the possibility of acquittal, *i.e.*, has not pre-judged Milo, is complete by 15.6; real analysis of his opinion of the man is (unsurprisingly?) neglected, in favour of a demolition of the suggestion that the *quaestio* represents special treatment for Clodius (16.1-21.1). This is probably an Aunt Sally. The demonstration depends on providing counter-examples, political assassination attempts which were *not* followed by a specially decreed *quaestio*, in order to make such a response to Clodius' death seem unlikely; it incorporates considerable criticism of Clodius but gives no evidence for Pompeius' opinion of Milo. The internal structure of this passage is interesting. A bridge is formed between the historical assassinations (16.2-6) and Clodius' recent assassination attempts (18.5-20.2) by the killing of the equestrian Papirius by Clodius on the *uia Appia* (18.1-3). This killing is not turned into a counter-example inasmuch as there is no discussion of whether a *quaestio* followed; it is introduced by a stream-of-

consciousness progression in 17.3-18.1 (with the *uia Appia* introduced mid-sentence in 17.3), and marked as a digression at 18.4 (*cf.* notes *ad locc.*). The result is that this important demonstration of Clodius' violent tendencies is hidden in the middle of a welter of other information, apparently a distraction within a distraction. When the orator returns to the question of Pompeius' views, the weak alternative motivations for creating the *quaestio* lead quickly into the closing discussion of the selection of the *iudices*, which incorporates a refutation of the opposition claim that Pompeius was so suspicious of Cicero and Milo he excluded their associates from the selection process (21.4-6); since Cato, a notorious supporter of Milo, was one of the *iudices*, this argument will have been easier to refute than other indications of Pompeius' suspicions might have been.

Word-group	Frequency	Occurrences
? <i>posse/potissimum</i>	1.4%	11 (10/1)
<i>quaerere/quaestio</i>	1.4%	11 (5/6)
<i>iudex/iudicium/iudicare</i> *	1.3%	10 (4/1/5)
? <i>ferre</i> *	1.1%	9
<i>Publius</i> *	1.1%	9
<i>Clodius</i> *	1.0%	8
<i>mors/immortalis</i>	1.0%	8 (7/1)
? <i>res</i> *	1.0%	8
<i>uir</i>	1.0%	8

(797 words)

15.1 is a different kind of topic-sentence to 7.1-2 and 12.1, with no explicit reference to the argument, but it does introduce something new: Pompeius. It also repeats content from 12.1 (*caede(m) ... in qua P. Clodius occisus est*); this can be seen as creating ring composition of the kind that leads into another ring, and therefore as contributing to the sense of topic-shift, while at the same time it necessarily links the two arguments. And the relative lack of emphasis on the topic-shift can be seen as chiming with the continuity of topic, vocabulary, and approach between 12-14 and 15-22. There is one feature shared by 15.1 and its predecessors, although here in a reduced form: replacing *negant* + indirect speech with a pseudo-quotation continues to invoke the opposition, but without a direct reference to them (Approach 5.1). The sentence also reflects the subject-matter to come, although less so than 1.1 and 12.1: it includes three of the 'interesting' word-groups from the table, and in this passage the word *ferre* can also count as interesting, as eight of its nine occurrences – including this one – refer to the *proposal* of legislation, an important issue in this argument. The frequently occurring *mors* is reflected in the verb *occisus est*. As in the second preliminary argument, *quaestio/quaerere* is one of the frequent word-groups which does *not* occur in the topic-sentence.

The third preliminary argument itself is of middling repetitiousness, with nine frequent word-groups (six 'interesting', or seven if *ferre* is included) making up 10.3% of the argument (6.8%/7.9% 'interesting' only); there are no individual groups with outstanding frequency such as *iudex* in the *exordium* and *senatus/publicus* in the preceding argument. Clodius is mentioned frequently; death is a common topic (and the use of *immortalem* at 16.5 is closely connected to the idea of death – *cf.* note *ad loc.*); the noun *uir* continues to be used in positive descriptions of Cato, Papirius, Pompeius, and the *iudices*. There is a particularly

strong concentration of the *iudic*-group in the first few sentences; it then drops from sight somewhat as focus shifts to past events, although the discussion of these produces two references to *leges*, one to *ius*, and several *quaestiones*: these non-existent past *quaestiones* are explicitly contrasted with the current trial-situation. Only three of the seven occurrences of *res* are *res publica* (all in 19-21); to these can be added two occurrences of *populus* and another occurrence of *publicus*; two occurrences each of *ciui(ta)s* in 19.3 and 20.5; perhaps also the two occurrences of *Romanus* in 18.1, and one of *urbs* in 16.4 (cf. 33.1n.).

The absence of the name Pompeius from the table may also be noted: he is only named six times (a frequency of 0.8%), and on three of these occasions he is the object of Clodius' assassination attempt rather than the legislator of the current *quaestio*. On the one hand, individuals can also be referred to without being named: Pompeius appears as *is* (15.6), *ipse* (16.1), *homo sapiens atque alta et diuina quadam mente praeditus* (21.2), *uir iustissimus* (21.5); he is also the unexpressed subject of many verbs (*tulit* 15.2, *uidit* 15.4, *uidit* 21.3, *uoluit* 22.1, ...). A similar absence of key-themes from the 'frequent' vocabulary will be found in the motive and violence arguments. On the other hand, as already noted, much of the passage is a 'digression' from the question of Pompeius' opinion of anything.

1st sing.	1.5%
1st plur.	1.1%
2nd sing.	0.6%
2nd plur.	0.6%

This passage includes the first speaker-shift and the first addressee-shift in the speech, both brief; the former in the opening sentence (15.1) and the latter at the end (22.1-3); compare the concentration of first-person singulars and second-person plurals near the points of topic-shift in the first preliminary argument. The address to Domitius, presiding over the trial, introduces second-person singulars for the first time; such addresses to the person in the presiding position are a typical end-of-*exordium* ploy (cf. *Rosc. Am.* 12, *Arch.* 3¹), and therefore contribute to the sense that the Preliminary Arguments make up an introductory section for the speech as a whole along with the *exordium per se*. The other three persons achieve low to middling frequencies; as in the preceding argument, however, a number of the first-person plural references are probably to Cicero alone. Cicero is generally presented as politician rather than only as orator, as object of Clodius' murderous intent at 20.1-2 and as possible victim of Pompeius' discrimination at 21.4-7; but cf. 15.5n., 18.4n., 22.2n. Other first-person plurals are the defence-team (15.4) and the Roman people at 16.2-4 (compare the universalizing question in 16.5).

In this argument, for the first time in the speech, the majority of the syntactic units have no subordination at all, there are no units longer than 40 words (in fact, most of the argument is taken up by units of 11-20 words), and where there is subordination there is very little embedding/interlacing/initial subordinate clauses. It is perhaps interesting that a similar drop in unit-length and in the amount/complexity of subordination takes place towards the end of the speech as a whole, as here towards the end of the Introductory Material; investigation of further texts is needed in order to establish whether simpler language is generally a sign that a

¹ In *Quinct.* 10, addressed to a single *iudex*, a similar transitional variation in the addressee is achieved by reference to Aquilius' *consilium*.

text or passage is coming to an end. The striking features here are not highly complex units but strings of syntactically simple – and sometimes very short – units (18.6, 20.4-5), to which may be added several antithetical or synonymous pairs, here punctuated as compound sentences (16.3, 17.2, 19.1). The passage also contains the highest proportion of questions and exclamations in the speech so far, including not only rhetorical questions but also question-response sequences, many involving short units and ellipsis (15.2-3, 16.6-17.1, 19.4).

- 15.1.** ‘At enim Cn. Pompeius rogatione sua et de re et de causa iudicauit;
tulit enim de caede
 quae in Appia uia facta esset,
 in qua P. Clodius occisus esset.’

principal clauses – 2, in 2 units (*enim*)

subordinate clauses – 0/2: *quae, in qua*

opening clauses – principal clause; principal clause

levels of subordination – 1

15.1 clearly signals and identifies a new topic by stating the opposition view that Pompeius has passed judgement on Milo. The sentence opens with the words of an opposition-claim to this effect, in direct speech without introductory speech-verbs attributing it to anyone in particular. A coordinate principal clause, still in the voice of the anonymous opponent, presents a justification for the claim in a statement that Pompeius proposed legislation (*tulit*); this action is presumed to indicate this view *et de re et de causa*. Details of the legislation are then given in two relative clauses (*quae, in qua*); these clauses are imagined as belonging to Pompeius’ proposal, so the mood of the verbs is due to virtual *oratio obliqua*. This sentence is less complex than any of the topic-introducing sentences so far (1.1, 7.1, 12.1), and sets the tone for the far simpler syntax of much of what follows, in which compound sentences made up of (relatively) short/simple units and question-response sequences will be frequent. This variation in syntax may serve to mark the argument out from the preceding one, with which it might otherwise appear to have too much in common.

This is the first sentence in the speech identified as a pseudo-quotation. The habit of using an opposition point of view to introduce the next topic has been established at 7.1-2 and 12.1, but in both of those places the point was made in indirect speech and the principal clause/preceding sentence identified the person making it. Although here the point is made in direct speech and there is no speaker identification, the use of another voice has enough in common with these earlier sentences to create a kind of consistency across the three Preliminary Arguments in terms of the way they are introduced. The sense of topic-shift here may be enhanced by the difference between the personal presence of the speaker in the preceding sentence (possibly *nescio*, certainly *me*) and the bare, unattributed status of this comment.

- 15.2.** Quid ergo tulit?
 nempe ut quaereretur.

principal clauses – 1

subordinate clauses – 1: *ut*

opening clause – principal clause

15.2 indicates the nature of the defence response to the opposition view by pointing out that Pompeius’ legislation has set up a new *quaestio* (investigation/trial) – rather, implicitly, than

determining the result. The point is cleverly introduced in the second part of a question-and-answer sequence which appears to create a dialogue with the opposition-voice in 15.1, to which the orator apparently responds with a request for more information about the nature of Pompeius' legislation. The elliptical answer provided, however, is not one likely to be supplied by any opposition interlocutor, as it focuses on an aspect which favours the defence (although this may not be immediately obvious). It consists (after the introductory particle *nempe*) only of a noun-clause (*ut*), expressing the content of the legislation as an indirect command.

- 15.3.** *Quid porro quaerendum est?*
 factumne sit?
 at constat;
 a quo?
 at paret.

principal clauses – 1
 subordinate clauses – 2: indir. qu. x2 (*-ne; a quo*)
 opening clause – principal clause
 interruptions (responses): 2 (*at constat; at paret*)
 levels of subordination – 1

15.3 develops the defence response, asserting that the fact of killing and the identity of the killer are known to all (*i.e.*, cannot be the object of investigation). The idea of investigation is reflected in the continuing sequence of questions and responses, all of which, as in 15.2, are supplied by the orator himself. In a logical development from the preceding answer (*ut quaeretur*), the first question asks what the object of investigation is (principal clause). Two possibilities are then suggested in the form of indirect questions which extend the preceding direct question: '[is the investigation about] whether...?' The factual questions (the first indicated by *-ne*, the second consisting only of a prepositional phrase) alternate with short principal clauses introduced by *at*, which are not so much answers as retorts: they indicate that the (unexpressed) answers are agreed by all (*constat*) or obvious (*paret*). Something other than the facts, it is implied, must be the object of the investigation. Taken as a single sentence – it could be repunctuated as anything up to five – this sequence has a different kind of complexity from any of those considered so far, which involves the alternation of view-points or stances rather than syntactic interdependence.

- 15.4.** *Vidit igitur*
 etiam in confessione facti iuris tamen defensionem suscipi posse;
 quod nisi uidisset –
 posse absolui eum
 qui fateretur –
 cum uideret
 nos fateri,
 neque
 quaeri
 umquam iussisset,
 nec vobis tam hanc salutarem in iudicando litteram quam illam tristem dedisset.

principal clauses – 3, in 2 units (*quod* (conn. rel.), *neque ... nec*)
 subordinate clauses – 1/6: acc.-inf. (*etiam in ... posse*), *nisi*, acc.-inf. (*posse absolui eum*),
qui, cum, acc.-inf. x2 (*nos fateri; quaeri*),
 opening clauses – principal clause; conditional clause (connecting relative: *quod*)
 levels of subordination – 3 (*qui fateretur*)

15.4 deduces that Pompeius acknowledges the possibility of a valid defence from the fact that he has set up a *quaestio* and made acquittal a possibility. The opening principal clause consists only of the finite verb and a particle: *igitur* implies logical sequence, while *uidit*, focusing on Pompeius, has as its object an accusative-infinitive construction expressing his opinion (as the defence understands it). This attempt to read the great man's mind is then provided with some justification: the connecting relative *quod* introduces a counterfactual conditional structure which interprets his behaviour. This unit is considerably more syntactically complex than the preceding sentences, and this change coincides with the provision of the actual defence response to the point made in 15.1, as well as with the mind-reading of Pompeius. The protasis (*nisi*), which comes first, more or less restates the mind-reading attempt, re-using *uidere* with another accusative-infinitive construction which paraphrases the previous one (a pendant correlative clause echoes the prepositional phrase *in confessione facti*; for the subjunctive, generic and/or in *o.o.*, cf. 14.3). The content has in a way already been stated in this unit, in the form of the relative pronoun *quod*, which can now be reinterpreted as an 'introducing pronoun' (cf. 6.3n., 90.2n.); the recapitulation adds emphasis and has here been punctuated as a parenthesis (cf. 32.3). A temporal-causal clause (*cum*) then intervenes before the apodosis is reached, referring yet again to Pompeius' vision, expressed in another accusative-infinitive which reiterates the fact that the defence (*nos*) admit the killing (*fateri* picks up on both *confessione* and *fateretur*). The opening *neque* immediately indicates the double nature of the apodosis, which expresses the behaviour being interpreted as evidence for Pompeius' attitude, equating the already-established fact that he ordered an inquiry (*iussisset* + one-word accusative-infinitive construction, impersonal *quaeri*) with allowing for the possibility of acquittal as well as condemnation (emotively expressed comparison of the choice before the *iudices*).

nos fateri: here the first-person plural is explicitly Cicero-and-Milo, or the defence-team.

uobis ... in iudicando: the focus on the role of the *iudices* in the trial anticipates the selection issue which the speaker will return to at 21.3; cf. also *uos in iudicando*, 15.5.

15.5. Mihi uero Cn. Pompeius non modo nihil grauius contra Milonem iudicasse,
 sed etiam statuisse uidetur
 quid
 uos in iudicando spectare
 oporteret.

principal clauses – 1
 subordinate clauses – 2: indir. qu. (*quid*), acc.-inf. (*uos ... spectare*)
 nominative-infinitive – 2: *non modo nihil grauius contra Milonem iudicasse; sed etiam
 statuisse*
 opening clause – principal clause
 levels of subordination – 2 (*uos in iudicando spectare*)

15.5 concludes that Pompeius has not pre-judged Milo, and asserts that his creation of a *quaestio* has indicated the real business of the trial. The opening word, *mihi*, draws attention to the fact that the defence-orator's view is being presented here, in response to the opposition claim (15.1) that Pompeius, here named explicitly once more, has expressed a final judgement. Two infinitive-phrases (*non modo ... sed etiam ...*) present alternative interpretations of Pompeius' actions: he has not passed judgement (*nihil ... iudicasse*) but instead has established something (*statuisse*). After the principal verb, *uidetur*, which governs the two infinitives, an indirect question (*quid*) with embedded accusative-infinitive construction explains what he has established, which is the nature of what the *iudices* are supposed (*oporteret*) to come to a judgement about (*in iudicando*).

mihi: the sentence-initial position of *mihi* underlines this brief reminder of the importance of Cicero's own opinion, which is due to his political status (*cf.* 14.3), although speakers of all kinds can use this sort of first-person reference, regardless of the degree of their personal involvement in the case under discussion.

nihil grauius ... iudicasse: it makes little difference whether *quid* is taken as external accusative, something like 'has judged nothing more serious', or internal, 'has come to no more serious judgement'. *Cf.* 3.3n.

15.6. Nam qui non poenam confessioni sed defensionem dedit,
 is
 causam interitus quaerendam, non interitum,
 putauit.

principal clauses – 1

subordinate clauses – 2: *qui*, acc.-inf. (*causam ... interitum*)

opening clause – relative clause (sentence-particle: *nam*)

levels of subordination – 1

15.6 explains the preceding assertion by once again deducing Pompeius' view – that the object of investigation should not be the fact of the killing, but the reason for it – from his response to Milo's admission of fact. The interpretation is expressed this time by a correlative structure with the relative clause positioned first: 'he who does X, does Y'. The structure can be usefully compared with that of 13.3: relative clause followed by correlative part of the construction (*de eius interitu/is*), immediately interrupted by something else: here the accusative-infinitive construction expressing both what Pompeius thought needed investigation (*causam interitus*), and what he did not (*interitum*); both constructions involve *putare* with dependent indirect speech. But because in this sentence the correlative clause is the principal clause rather than a subordinate construction, and because there is only one accusative-infinitive rather than two, one dependent on the other, the sentence is considerably simpler. Compare the following sentence and 16.5.

16.1. Iam illud ipse dicet profecto,
 quod sua sponte fecit,
 Publione Clodio tribuendum
 putarit
 an tempori.

principal clauses – 1

subordinate clauses – 3: *quod*, indir. qu. (-ne), acc.-inf. (*P. Clodio ... an tempori*)

opening clause – principal clause

levels of subordination – 3 (*quod sua sponte fecerit*)

16.1 introduces a new aspect of Pompeius' judgement by suggesting that his creation of a *quaestio* may have been a tribute to the importance of the dead man, Clodius. The opening principal clause maintains focus on Pompeius, but suggests that instead of the speaker and his audience needing to interpret his actions, he may explain them himself (*dicet*). The apparent object of *dicet*, *illud*, which is explained in a relative clause (*quod*; what Pompeius has done is not spelled out), does double duty as the subject of an accusative-infinitive construction which follows; the enclitic *-ne* on the first word, referring to Clodius, indicates a question. For an indirect question expressed by an accusative-infinitive construction rather than by a noun-clause with subjunctive verb, *cf.* 16.4; the sequence of words down to *tribuendum* could have been intended to mean: 'he will say whether what he did was a tribute to Clodius'. Instead, the accusative-infinitive itself then turns out to be dependent not on *dicet* but on the following *putarit*; the subsequent addition of *an tempori* means that this verb is once again enclosed within the structure dependent on it (*cf.* 13.3 *etc.*). From one possible reason for Pompeius' legislation (*Publione Clodio*) to the other (*an tempori*), only six words are used; the shift in the audience's interpretation of the syntax, if any, is achieved so quickly it may barely have been noticed – and the sentence may be easier to understand than its description is. The degree of complexity present, however compact, nevertheless links this point back to the discussions of what the senate thought, expressed in similar ways at 12.1, 13.1, and 13.3-4, as well as being appropriate to the mind-reading the speaker is attempting here (*cf.* 5.2).

16.2. Domi suae nobilissimus uir,
 senatus propugnator atque illis quidem temporibus paene patronus,
 auunculus huius iudicis nostri, fortissimi uiri, M. Catonis,
 tribunus plebis M. Drusus occisus est.

principal clauses – 1

subordinate clauses – 0

16.2 shifts focus suddenly, describing the death of Drusus, in 91 BCE. The shift in focus is accompanied by a shift in syntactic structure: the sentence, in stark contrast to what precedes, is a long but single principal clause. This is achieved by expanding the subject, *nobilissimus uir*, through a long sequence of noun-phrases in apposition, listing attributes of Drusus; these create suspense by postponing the clear identification of who, and what, is being talked about, expressed in the name and verb which close the sentence.

judicis nostri: the first-person plural here can be taken as referring to the trial-personnel (*cf.* note on 1.2-2.0 *consessus uester*), but as a mere passing reference it need not exclude the *corona* and other observers. *Cf.* also on 16.4 *a nostris*.

16.3. Nihil de eius morte populus consultus est,
nulla quaestio decreta a senatu est.

principal clauses – 2, in 2 units (asyndeton)

subordinate clauses – 0

16.3 clarifies the relevance of Drusus' death by continuing the story, pointing out that no special *quaestio* was created. The point is made in two coordinate principal clauses which maintain the simple syntax of 16.2, as well as, in a different manner, the 'list' effect; although the first refers to the people (nominative, subject of *consultus est*) and the second to the senate (prepositional phrase, expressing the agent of the verb *decreta ...est*), providing a short list of reactions, both make the same point and the combination is therefore emphatic.

nihil ... consultus est: *nihil* is either adverbial, 'in no respect', or an internal accusative (the active form being *nihil populum consuluerunt*, 'they did not consult the people about anything', W.14; *cf. nec te id consulo*, *Att.* 7.20.2 – Colson *ad loc.*, *OLD* s.v. *consulo* 1, examples). It makes little difference to the sense.

16.4. Quantum luctum fuisse in hac urbe
a nostris patribus accepimus,
cum P. Africano
domi suae quiescenti
illa nocturna uis esset inlata?

principal clauses – 1

subordinate clauses – 2: acc.-inf. (*quantum ... hac urbe*), *cum*

participial phrases – 1: *domi suae quiescenti*

opening clause – accusative-infinitive

levels of subordination – 2 (*cum ... esset inlata*)

16.4 gives another example of a death from the past, describing the grief felt when Scipio Aemilianus died in 129 BCE. Grief is the first thing mentioned, in an interrogative phrase (*quantum luctum*) which is the subject of an accusative-infinitive construction; the principal clause, which follows, indicates the fact that the event in question did not occur within living memory: the speaker and his audience have had to learn about it from their fathers. The event itself is finally specified in a temporal-causal clause (*cum*) which explains the grief and closes the sentence; the circumstances of Aemilianus' death (at home), included in the embedded participial phrase *domi suae quiescenti*, add to the pathos. The sentence has been punctuated here as a direct question (*cf.* 35.5n., 79.3), 'how much grief have we heard that there was...?' (obvious answer: a lot); it could also be read as an indirect question, 'we have heard how much grief there was...'. In either case it is the equivalent of an assertion, not so much that we have heard, but that Aemilianus was greatly mourned.

accepimus: used here in the sense of receiving information (more concretely with *a(b) + abl.* at 37.2, 99.2; *cf.* also on *scire*, 27.1). Those who have learned of the death of

Aemilianus are not restricted to the trial-personnel; the first-person plural here moves in a universalizing direction.

postea quam ... imbuta est: ‘now that it has been stained’; cf. W.217(4).

16.5. Quis tum non ingemuit,
 quis non arsit dolore,
 quem immortalem,
 si fieri posset,
 omnes
 esse
 cuperent,
 eius ne necessariam quidem expectatam esse mortem?

principal clauses – 2, in 2 units (asyndeton)

subordinate clauses – 0/4: *quem*, acc.-inf. (*quem immortalem ... esse*), *si*, acc.-inf. (*eius ... mortem*)

opening clauses – principal clause; principal clause

levels of subordination – 4 (*si fieri posset*)

16.5 develops the theme of the grief caused by Scipio’s death. The extent of grief is expressed by two universalizing rhetorical questions (‘who did not?’ = ‘everybody did’), effectively synonymous. The second rhetorical question is followed by a subordinate-clause complex, which can be taken as *oratio obliqua* after *ingemuit* and *arsit dolore*, expressing either ‘the thing causing the emotion’ (see also W.18(ii) on verbs expressing emotion being treated as transitive), or perhaps what people said in their grief (with *ingemuit* at least understood as a speech-verb). The construction of the *o.o.* is correlative, with the relative clause (*quem*) coming first; the accusative-infinitive construction which answers it is signalled by *eius*. The relative is complicated by being interlaced with another accusative-infinitive construction dependent on *cuperent* (as well as by a short embedded conditional clause, *si*); the word-order *quem omnes cuperent immortalem esse, si fieri posset*, would have been more straightforward. The tangled syntax is comparable to that at 13.3 as well as, more recently, 16.1; it may here be intended to reflect the grief still felt a generation later; the sentiment itself is extreme: everybody wanted Aemilianus to live forever, but he was not even granted a natural death.

si fieri posset: this conditional clause (4) modifies the accusative-infinitive construction *immortalem esse* (3), object of *cuperent* in the relative clause (2), which in turn qualifies *eius* in sentence-final accusative-infinitive construction (1). This is a high level of subordination, reached in only around a dozen sentences in the speech, but the complexity of the sentence is due rather to interlacing than to the high level of subordination alone; cf. 8.1 in contrast to 7.3, 8.2 and 12.5.

16.6. Num igitur ulla quaestio de Africani morte lata est?
 certe nulla.

principal clauses – 2, in 2 units (question-answer)

subordinate clauses – 0

16.6 makes the (expected) point that no new *quaestio* into this death was established. The simple syntax echoes 15.1-3 and 16.2-3, as well as the question-and-(elliptical)-answer sequence of 15.2; this makes the point more emphatically than a simple statement would.

17.1. Quid ita?

quia non alio facinore clari homines, alio obscuri necantur.

principal clauses – 1

subordinate clauses – 1: *quia*

opening clause – principal clause

17.1 explains the lack of a special *quaestio* into Scipio's death (and Drusus') by claiming that murder is the same crime regardless of the status of the person killed. The point is introduced by extending the question-and-answer sequence begun in 16.6 (or the sequence of questions going back to 16.4); both question and answer are elliptical. The question is simply 'why?' (supply *nulla quaestio ... lata est* from the preceding sentence); the answer, which is perhaps less predictable than that at 16.6 – it can be guessed only in outline – is supplied in just a causal clause (*quia*; cf. 13.4), which asserts the equivalence of murder regardless of status by denying the possibility of difference (*non alio ... alio ...*).

17.2. Intersit inter uitae dignitatem summorum atque infimorum;

mors quidem

inlata per scelus

isdem et poenis teneatur et legibus.

principal clauses – 2, in 2 units (*quidem*)

subordinate clauses – 0

participial phrases – 1: *inlata per scelus*

17.2 reiterates the claim made in the preceding sentence, urging that the differences in social status applicable during life not be considered when someone has been murdered. The contrast is expressed by two coordinate principal clauses in asyndeton, with subjunctive verbs. The first can be seen as making a concession to status in one circumstance (cf. 12.6n.) before the second reasserts equality in another; or the two can be taken as comparing two equally desirable situations in parallel jussive subjunctives. The structure of the sentence is parallel to that of 16.3, but the two clauses form an antithesis – discussing first life, then death – rather than an emphatic repetition.

17.3. Nisi forte magis erit parricida

si qui consularem patrem quam si qui humilem necarit?

aut eo mors atrocior erit P. Clodi

quod is in monumentis maiorum suorum sit interfectus –

hoc enim ab istis saepe dicitur,

proinde quasi Appius ille Caecus uiam munierit

non qua populus uteretur,

sed ubi impune sui posterii latrocinaentur!

principal clauses – 3, in 3 units (*aut*, interruption)

subordinate clauses – 1/1/3: *si qui ... quam si qui, quod, quasi, qua, ubi*

opening clauses – principal clause; principal clause; principal clause

levels of subordination – 2 (*non qua populus uteretur; sed ubi impune sui posterilatrocinarentur*)

17.3 develops the point about the legal equivalence of all murders and takes it in a new direction by comparing the possibility that parricide is a worse crime if the father is an ex-consul with the claim, apparently made by Clodius' supporters, that his death was more lamentable because of its location on the *uia Appia*, built by one of his ancestors – a claim countered (and mocked) by suggesting that Clodius had played the bandit on that road. This long sentence, which could be punctuated as two by placing a full-stop rather than a dash after *interfectus*, has no embedded or interlaced clauses; its effect is more expansive than complex in the manner of 16.5 and the others referred to in the note on that sentence. The possibility that there could be different degrees (*magis*) of parricide is presented (and rejected), by *nisi forte*, as an unlikely exception to the preceding generalization and perhaps as an afterthought (cf. 8.2n.); the two situations being compared are expressed in two conditional clauses with indefinite subjects (*si qui ... quam si qui*); they share a verb, which is placed at the end, and part of an object (*patrem*), which is placed in the first half. At this point the sense is complete, but another rejected difference (*atrocior*) appears to strike the speaker, and is added by *aut*. Here only one half of the comparison is expressed, in a causal clause (*quod*) identifying the location of Clodius' death by referring to *monumentis maiorum suorum* (the *uia Appia* is not yet explicitly named); the less terrible death, presumably, is one taking place anywhere else. This claim is said to have been made by Clodius' supporters in a new principal clause which gives the impression of explaining why something so ludicrous has been mentioned at all, here punctuated as an interruption. It is followed by another construction suggestive of the afterthought, introduced by *quasi*; it clarifies the previous reference of the *uia Appia* by referring implicitly to the fact that the road was built by one Claudian ancestor in particular. It also introduces further criticism of Clodius: two final relative clauses follow, contrasting the real purpose of the building of the road with an obviously ridiculous one (*non qua ... sed ubi [= in quo loco] ...*; subjunctive verbs); it is the real purpose which is negated, indicating that this comment is heavily ironic. The ridiculous purpose is that the Claudii might be able to act as bandits (*latrocinarentur*) on the road; this implies an accusation that Clodius has done so.

proinde quasi: for *quasi* 'introducing an ironical comment', see *OLD* s.v.2; for *proinde* (which adds emphasis) accompanying it, *OLD* s.v. *proinde*, 2b. W.251 states that '*Tanquam* and *quasi* are mostly used in 'conditional' or 'unreal' comparisons' (see also W.254) – a tendency which lends itself easily to ironical use. There are three occurrences of *proinde quasi* introducing a clause with a subjunctive verb in the speech (*tanquam* is used before nouns/phrases, 33.2 and 59.4); in all three cases, the *quasi*-clause is 'tacked on' to an already incredulous *nisi uero/nisi forte*. The other examples are 19.4 and 84.2; the effect is generally to increase the indignation already present in the *nisi*-clause.

- 18.1.** Itaque in eadem ista Appia cum ornatissimum equitem Romanum
P. Clodius M. Papirium occidisset,
non fuit illud facinus puniendum;
homo enim nobilis in suis monumentis equitem Romanum occiderat.

principal clauses – 2, in 2 units (*enim*)

subordinate clauses – 1/0: *cum*

opening clause – *cum*-clause (sentence-particle: *itaque*)

18.1 develops the reference to Clodius' banditry on the *uia Appia* by specifying an occasion when he killed a man there. The location, named explicitly for the first time, is emphasized by placing the prepositional phrase *in eadem ista Appia* first (after the particle *itaque*, which presents what follows as an ironic conclusion to the preceding comment), postponing the temporal-concessive conjunction (*cum*); this clause narrates Clodius' killing of Papirius. The subsequent principal clause reiterates the reference to Clodius' impunity at the end of 17.3 (*non ... puniendum, cf. impune*); this killing is therefore confirmed as an example of *latrocinium* mentioned there. The irony is maintained in a second, explanatory principal clause (*enim*), repeating the reference to *monumentis* in order to confirm that it was the location which allowed Clodius to do what he wanted, at least to a man of lower status than he (*homo enim nobilis ... equitem Romanum*).

- 18.2.** Nunc eiusdem Appiae nomen quantas tragoedias excitat!

principal clauses – 1

subordinate clauses – 0

18.2 reiterates the fact that Clodius' supporters make much of the location of his death, in what could be seen as a rhetorical question but is here punctuated as an exclamation (*quantas*), continuing the irony of the preceding sentences. Its nature changes: what the speaker is saying is no longer obviously false, but the activities which he describe are surprising and inappropriate.

- 18.3.** Quae cruentata antea caede honesti atque innocentis uiri silebatur,
eadem nunc crebro usurpatur,
postea quam latronis et parricidae sanguine imbuta est.

principal clauses – 1

subordinate clauses – 2: *quae, postea quam*

participial phrases – 1: *cruentata antea caede honesti atque innocentis uiri*

opening clause – relative clause

levels of subordination – 1

18.3 sums up the discussion of the *uia Appia* by contrasting the lack of complaint when Clodius killed somebody there with the loud complaints when he himself was killed there. The construction is correlative; the relative clause (*quae*) is placed first. The lack of complaint is expressed in the verb (*silebatur*), preceded by a participial phrase expressing the situation that should have led to complaint; the participle *cruentata*, which describes the enormity of Clodius' crime in killing Papirius, is thus emphasized by being positioned first

in the sentence (except for the relative pronoun). The principal clause, launched by the correlative pronoun *eadem*, describes the frequency of complaints in the new situation (the death of Clodius, who is described in negative terms), expressed in a following temporal clause (*postea quam*) which is the equivalent of the earlier participial phrase.

18.4. Sed quid ego illa commemoro?

principal clauses – 1
subordinate clauses – 0

18.4 interrupts the flow of the argument with an exclamatory question which hints that the speaker has thought of something even worse. The brevity and vigour of the question contributes to the impression of interruption.

commemorō: formally, the first-person reference here is to Cicero-as-speaker, inasmuch as *any* speaker can use such a self-interruption technique to draw attention to an upcoming point; the context, however, is political (*cf.* on 15.5 *mihi*).

18.5. Comprehensus est in templo Castoris seruus P. Clodi,
quem ille ad Cn. Pompeium interficiendum conlocarat;
extorta est ei confitenti sica de manibus.

principal clauses – 2, in 2 units (asyndeton)
subordinate clauses – 1/0: *quem*
participles – 1: *confitenti*
opening clauses – principal clause; principal clause

18.5 introduces the new thought hinted at in 18.4 by describing the arrest of a slave Clodius had sent to assassinate Pompeius. The arrest is described first, in the principal clause; a relative clause (*quem*; the antecedent is *seruus*), with embedded final gerundive (*ad*), then expresses the slave's master's purpose: assassination. The narrative is continued in another principal clause, which fits a good deal of information into a mere seven words: the finding of a dagger is expressed by saying that it was taken from his hands, conjuring a vivid image of struggle and of the threat thus averted; the fact that he admitted his guilt is added in an almost incidental participle (*confitenti*).

18.6. Caruit foro postea Pompeius,
caruit senatu,
caruit publico;
ianua se ac parietibus, non iure legum iudiciorumque textit.

principal clauses – 4, in 4 units (asyndeton)
subordinate clauses – 0

18.6 highlights the impact of the attempted assassination by narrating the aftermath: Pompeius absented himself from public life in order to protect himself. The opening statement that Pompeius absented himself from the forum is followed by two more principal clauses in asyndeton, with anaphora of the principal verb, *caruit*, followed by three different ablatives; this emphasizes the completeness of his absence. A fourth principal clause

describes his self-protection by contrasting the need for walls with what should have been adequate for protection, the rule of law (... , *non* ...).

iure legum iudiciorumque: the dependent gen. means that the abl. cannot be taken as adv. meaning ‘lawfully’; it is Instrumental: ‘with the system of laws and trials’.

19.1. Num quae rogatio lata,
num quae noua quaestio decreta est?

principal clauses – 1 [2 pples., 1x *est*]

subordinate clauses – 0

19.1 links the attempted assassination with the deaths of Drusus and Aemilianus as well as that of Papirius by focusing on whether a special *quaestio* was created on this occasion; the rhetorical question marker *num* immediately makes it clear that it was not. The short sentence fits in two possible ways of establishing a new *quaestio* (anaphora of *num* (cf. 16.6)), two subjects, two perfect passives sharing an *est*, which is expressed at the end). The structure of 16.3 is here transformed into a question.

19.2. Atqui si res, si uir, si tempus ullum dignum fuit,
certe haec in illa causa summa omnia fuerunt.

principal clauses – 1

subordinate clauses – 1: *si* [*si* x3, 1 verb]

opening clause – conditional clause (sentence-conjunction: *atqui*)

19.2 emphasizes the lack of a special *quaestio* by claiming that the attempted assassination of Pompeius was sufficiently important to deserve one. The construction is an open conditional of the type ‘if there is any X, Y is an example of it’; X = ‘something *dignum* (of having a *noua quaestio* established to investigate it)’. The protasis is placed first; its triple subject (emphasized by anaphora of *si*) stresses the importance of the planned crime, its intended victim, and the critical time at which it happened.

19.3. Insidiator erat in foro conlocatus atque in uestibulo ipso senatus;
ei uiro autem mors parabatur
cuius in uita nitebatur salus ciuitatis;
eo porro rei publicae tempore
quo,
si unus ille occidisset,
non haec solum ciuitas sed gentes omnes concidissent.

principal clauses – 3, in 3 units (*autem*, *porro*)

subordinate clauses – 0/1/2: *cuius*, *quo*, *si*

opening clauses – principal clause; principal clause; principal clause

levels of subordination – 2 (*si unus ille occidisset*)

19.3 supports the claim made in the preceding sentence by describing the audacity of the attempt, the importance of the intended victim, and the critical nature of the time-period. The three aspects mentioned in 19.2, *res*, *uir*, and *tempus*, are dealt with in turn, in three units

here treated as coordinate in a single, list-like sentence. The first emphasizes the location of the ambusher at the heart of Roman politics; the second associates Pompeius' safety with that of the state; the third reinforces this by claiming that at that particular time the association could be extended to that of the entire world. The first unit is a simple statement; the second is marked as a correlative construction by the opening *ei*, answered by *cuius*; the third, which shares this construction (*eo ... quo ...*), is elliptical – the predicate must be supplied from the preceding unit(s). The relative clause in the third unit is interrupted by an embedded conditional protasis (*si*) and expanded by a *non ... solum ... sed ...* sequence; this expansion creates a tricolon crescendo.

- 19.4.** Nisi uero,
 quia perfecta res non est,
 non fuit punienda?
 proinde quasi exitus rerum, non hominum consilia, legibus uindicerentur!

principal clauses – 1
 subordinate clauses – 2 (*quia, quasi*)
 opening clause – principal clause
 levels of subordination – 1

19.4 supplies a suggestion that the assassination attempt did not need to be punished because it failed, then counters it by claiming that the law judges intentions, not actions. The rejection of the suggestion is implied immediately by *nisi uero* (cf. 8.2n.); an embedded causal clause (*quia*) presents the failure of the attempt as (inadequate) justification for not punishing it; for the double negative (*nisi ... non*), cf. 14.2. The rejection is then justified by another construction which ironizes and rejects its own content, beginning with *proinde quasi* (cf. 17.3n.): the true state of affairs is instead that *hominum consilia, non exitus rerum* are (or should be) punished by the laws.

- 19.5.** Minus dolendum fuit
 re non perfecta,
 sed puniendum certe nihilo minus.

principal clauses – 1 [2 gerundives, 1x *fuit*]
 subordinate clauses – 1: abl. abs. (*re non perfecta*)
 opening clause – principal clause

19.5 concludes that the failed assassination attempt should result in relief, but not lack of punishment. In contrast to the ironically reversed statement of the principle expressed after *quasi* in 19.4, the true state of affairs (in relation to the specific case) is here stated, in a pair of principal clauses containing gerundives of obligation set in antithesis with one another (*minus ..., ... certe nihilo minus*). The failure of the assassination attempt is expressed in an ablative absolute construction placed between the two clauses; the second clause is elliptical (supply *fuit* from the first).

20.1. Quotiens ego ipse, iudices, ex P. Clodi telis et ex cruentis eius manibus effugi!

principal clauses – 1

subordinate clauses – 0

20.1 gives another example of Clodius' assassination attempts: repeated attacks on Cicero. The point is made in a syntactically simple exclamation/rhetorical question (*cf.* 12.3), emphasizing the number of times Cicero has escaped attack (*quotiens ... effugi*). This is the first occasion in the speech where past conflict between Cicero and Clodius is explicitly referred to.

ego ipse ... effugi: the focus falls squarely on Cicero-as-politician in this and the next sentence (*me, mea, meo*).

iudices: the first vocative in the argument, and the first second-person reference since 15.5, may underline the emotive tone here.

20.2. Ex quibus si me non uel mea uel rei publicae fortuna seruasset,
quis tandem de interitu meo quaestionem tulisset?

principal clauses – 1

subordinate clauses – 1: *si*

opening clause – conditional clause (connecting relative: *ex quibus*)

20.2 develops the new example by claiming that no special *quaestio* would have been created if Cicero had been killed by Clodius. The claim is made in a rhetorical question with an implied negative answer ('who?' → 'nobody'); the construction is a counterfactual conditional, with the protasis, which posits a situation in which Cicero had not escaped, coming first (*si*, after the connecting relative).

uel mea uel rei publicae fortuna: the context of this first-person possessive links Cicero directly with the state. For the combination of possessive in agreement and genitive, both modifying a single noun, *cf.* *non solum diuina sed etiam sapientissimae deae sententia* (8.4).

20.3. Sed stulti sumus
qui Drusum, qui Africanum, Pompeium, nosmet ipsos
cum P. Clodio conferre audeamus?

principal clauses – 1

subordinate clauses – 1: *qui* [*qui* x2, 1 verb]

opening clause – principal clause

20.3 rounds off the sequence of examples of occasions when no new *quaestio* was created (16.2-20.2), by listing the statesmen attacked and comparing their importance with Clodius'. The opening rhetorical question (it is clearly a question although there is no interrogative expression), accusing the speaker (and his audience?) of stupidity, is suggestive of irony, and has a similar interrupting force to the question at 18.4. The following generic relative clause (*qui* + subjunctive verb) lists the statesmen referred to as victims of (attempted) assassination in 16.2-16.6 and 18.5-20.2 (repetition of *qui* (2x); four objects). The implication of the rhetorical question is that comparing these men to Clodius is inappropriate. This much the defence would in fact endorse; it is the reason for the inappropriateness that is ironised.

stulti sumus ... nosmet ipsos: here, if anywhere, it seems best to take the first-person plural as an ‘editorial’ reference to Cicero himself. Possibly the shift from singular to plural underlines a shift in gear: from the straightforward, if emotive, enumeration of deaths culminating in Cicero’s own in the preceding sentences, to the sarcasm of the next three sentences.

- 20.4.** Tolerabilia fuerunt illa;
P. Clodi mortem aequo animo ferre nemo potest.

principal clauses – 2, in 2 units (asyndeton)
subordinate clauses – 0

20.4 repeats the ironic contrast between Clodius and the preceding examples in terms of the reaction to the different deaths, real or threatened. A short principal clause, stating that the earlier deaths (*illa*) were bearable, is clearly ironic given the reaction to Aemilianus’ death (16.4-5) and the importance of the attack on Pompeius (19.2-3); a second, longer, coordinate principal clause sets the death of Clodius in antithesis to these.

- 20.5.** Luget senatus,
maeret equester ordo,
tota ciuitas confecta senio est;
squalent municipia,
adflctantur coloniae,
agri denique ipsi tam beneficum, tam salutarem, tam mansuetum ciuem desiderant.

principal clauses – 6, in 6 units (asyndeton x4, *denique*)
subordinate clauses – 0

20.5 develops the ironic claim about the reaction to Clodius’ death by describing the grief it has supposedly brought about. The description is expanded into another list-like series of six coordinate principal clauses (mostly very short), which list the different grieving divisions of the society; the climax is a personification of *agri ipsi* and a heavily ironic description of Clodius, with triple anaphora of *tam*. Together with the antithesis at 20.4, this list creates one of the longest sequences of principal clauses with no intervening subordination in the speech (*cf.* 87.2); it can be seen as the climax of the tendency to simple, staccato syntax in this argument.

- 21.1.** Non fuit ea causa, iudices, profecto non fuit
cur
sibi
censeret Pompeius
quaestionem ferendam.

principal clauses – 1 [geminated verb]
subordinate clauses – 2: indir. qu. (*cur*), acc.-inf. (*quaestionem ferendam*)
opening clause – principal clause
levels of subordination – 2 (*quaestionem ferendam*)

21.1 returns to the issue raised at 16.1, asserting that the new *quaestio* was not established as a tribute to Clodius (deducing this from the implied negative reaction to his death?). The sentence opens with strong denial (repetition of the principal verb, *non ... non*) of the causal importance of grief for Clodius; an indirect question (*cur*), explains what it did not cause, and reintroduces Pompeius not as a potential victim of Clodius, as at 18.5-19.5, but in his earlier role as legislator of the current *quaestio* (16.1); the focus is once again on what he thought (*censeret* + accusative-infinitive construction), but instead of the tangled syntax used with *putarit* at 16.1, the speaker orders the clauses here more straightforwardly. What the defence wishes to be seen as the true reason for his actions is thus introduced in a more apparently open and transparent manner.

judices: this vocative underlines the speaker's earnestness; it also falls at a point of topic-transition.

21.2. Sed homo sapiens atque alta et diuina quadam mente praeditus multa uidit:
 fuisse illum sibi inimicum, familiarem Milonem;
 in communi omnium laetitia si etiam ipse gauderet,
 timuit
 ne uideretur infirmior fides reconciliatae gratiae.

principal clauses – 2, in 2 units (asyndeton)

subordinate clauses – 1/2: acc.-inf. (*fuisse ... Milonem*), *si, ne*

opening clauses – principal clause; conditional clause

levels of subordination – 2 (*in communi omnium laetitia si etiam ipse gauderet*)

21.2 suggests an alternative explanation of Pompeius' actions, flattering him by describing his ability to see all facets of an issue, and pointing out his uneasy relationship with Clodius despite their recent public reconciliation. After a lengthy positive description of Pompeius in the nominative, the verb, *uidit*, confirms that the speaker is reading his mind again; the object, *multa*, emphasizes the positive description of his intelligence by suggesting his broad vision, and leads to the expectation that a number of points will be listed; compare the 'introducing' use of pronouns such as *hoc*, 6.3n. The following accusative-infinitive construction (one verb, two subjects) supplies the first point: that Clodius was his enemy and Milo his friend. A second accusative-infinitive construction might have been expected, expressing something else Pompeius saw; instead, after a conditional clause (postponed *si*), which states explicitly what was implied by the irony of 20.5 (that the reaction to Clodius' death is a positive one), a new finite verb appears, *timuit*, followed by a noun-clause expressing what he feared (*ne*). For this partial anacoluthon, cf. 14.3, which explained Cicero's reasoning as this sentence explains Pompeius'; Cicero's ability to explain the great man's thought-processes is subtly connected with his ability to express his own. Syntactically, the point about fear is a new principal clause, coordinate with that containing *uidit*; in terms of meaning, it expands on, and explains the relevance of, the claim just made about Pompeius' relationship with Clodius.

21.3. Multa etiam alia uidit, sed illud maxime:
 quamuis atrociter ipse tulisset,
 uos tamen fortiter iudicatos.

principal clauses – 1
 subordinate clauses – 2: *quamuis*, acc.-inf. (*uos ... iudicatuos*)
 opening clause – principal clause
 levels of subordination – 2 (*quamuis atrociter ipse tulisset*)

21.3 returns focus to the trial, reiterating the praise of Pompeius' wide vision, and emphasizing his knowledge that the *iudices* would not be intimidated in giving their verdicts. The sentence opens with a principal clause which essentially repeats the opening clause of 21.2, *i.e.*, the assertion of Pompeius' broad vision (*multa ... alia*); again, only one point perceived by Pompeius is specified, but this time the tag-comment which introduces it, *sed illud maxime*, limits the audience's expectations to only one point, said to be the most important. A concessive clause (*quamuis*) then precedes the accusative-infinitive construction that gives fuller expression to what was referred to by the 'introducing pronoun' *illud*, specifying what he saw. The concessive clause admits that Pompeius' legislation may appear harsh; what he is said to have perceived is the courage of the *iudices*, implied by the claim that they would nevertheless give their opinion *fortiter*. The selection of the *iudices*, the topic of the next sentence and what follows, is thus introduced as a kind of climax to the process of reading Pompeius' mind about the *quaestio* in general.

uos ... iudicatuos: the focus on the role of the *iudices* in the trial echoes 15.4-5, making the selection-of-the-*iudices* issue, introduced in the next sentence, appear to belong with what precedes.

21.4. Itaque delegit ex florentissimis ordinibus ipsa lumina;
 neque uero,
 quod non nulli dicitant,
 secrevit in iudicibus legendis amicos meos.

principal clauses – 2, in 2 units (*neque*)
 subordinate clauses – 0/1 (*quod*)
 opening clauses – principal clause; principal clause

21.4 maintains focus on the *iudices*, asserting that Pompeius has selected the best possible men for the job, and that Cicero's associates have not, as the opposition have apparently argued, been excluded from the selection process. The opening principal clause focuses on the selection process (*delegit*): the particle *itaque* suggests a conclusion; the description of the men chosen flatters them. A second, coordinate principal clause, added to the first by *neque uero*, is immediately interrupted by a parenthetical relative clause (*quod*), which attributes to *non nulli* belief in the idea that follows in the resumed principal clause (the exclusion of Cicero's supporters, denied by the *neque*).

21.5. Neque enim hoc cogitavit uir iustissimus,
 neque in bonis uiris legendis id adsequi potuisset,
 etiam si cupisset.

principal clauses – 2, in 1 unit (*neque ... neque*)
 subordinate clauses – 0/1 (1): *etiam si*
 opening clause – principal clause

21.5 develops the assertion that Cicero's supporters have not been excluded, claiming both that Pompeius did not do this and that he could not have done. The two denials are expressed in two coordinate principal clauses introduced by anaphora of *neque*. The first is a straightforward assertion about Pompeius' thoughts (indicative verb); the adjective describing Pompeius, *iustissimus*, justifies the assertion by implying that the action ascribed to him by *non nulli* in 21.4 would have been *iniustum*. The second principal clause moves into the realm of the counterfactual (subjunctive verb), and is the apodosis to a subsequent conditional protasis (*si*). The conditional clause effectively concedes the possibility that Pompeius might have considered such an action, although only for the sake of argument – the counterfactual subjunctive keeps the actual impossibility of his wishing such a thing in mind – in order to emphasize the equally good reason to deny that he performed the action: he could not have. This structure, which presents two arguments each of which renders the other superfluous, enables the speaker to 'have his cake and eat it'.

21.6. Non enim mea gratia familiaritatibus continetur,
 quae late patere non possunt
 (propterea quod consuetudines uictus non possunt esse cum multis),
 sed si quid possumus,
 ex eo possumus:
 quod res publica nos coniunxit cum bonis.

principal clauses – 2, in 2 units (*sed*)

subordinate clauses – 2/2: *quae, quod, si, quod*

opening clauses – principal clause; conditional clause (sentence-conjunction: *sed*)

levels of subordination – 2 (*propterea quod ... esse cum multis*)

21.6 supports the claim that Cicero's supporters could not be excluded by emphasizing their numbers – all the *boni* – attributing this to Cicero's services to the state. The opening principal clause explains (*enim*) the second claim made in 21.5, that Pompeius could not have excluded Cicero's *amici* (21.4), by asserting the extent of Cicero's influence (*gratia*): it is not limited to those whose relationship with him could be described as *familiaritas*, a concept elaborated on in the subsequent relative clause (*quae*) and causal clause (*propterea quod*). A coordinate principal clause, added by *sed*, then introduces an explanation of Cicero's influence, now described as ability or power (*possumus*); an embedded conditional clause (with indefinite object, *quid*) downplays its extent even as it is about to be described as universal among the *boni*: the explanation heralded by *ex eo*, which follows in a causal clause (*quod*), claims unity between them and Cicero and the *boni* because of (shared devotion to) the state.

mea ... si quid possumus ...: as at 12.6, and in a similar context (explanation of whatever power Cicero has in the state, there *potentia*, here *possumus*), this sentence combines singular and plural first-person references. There has been a focus on Cicero's political situation since *amicos meos* at 21.4. Perhaps the plural *possumus* is climactic (*cf.* the reading suggested for 20.3); although the argument does not close until 21.7 (which contains a *mei*), this is its high point. That the first-person plural is 'editorial' here may be confirmed by the fact that its most recent use (20.3) seems likely to refer to Cicero alone, whereas at 12.6 the most recent *nos* could be plausibly taken as referring to Milo's

defenders in the plural (12.3). But 20.3 is not, perhaps, so very close – and a parallel to the plural entity exploiting Cicero’s political assets, in the alternative interpretation (12.6n), might be extrapolated from *familiaritatibus* earlier in the sentence. Since the referent of the first-person plural is ambiguous, this sentence could provide an example of the combination of actual singular and editorial plural in the same sentence.

21.7. Ex quibus ille cum optimos uiros legeret
idque maxime ad fidem suam pertinere
arbitraretur,
non potuit legere non studiosos mei.

principal clauses – 1

subordinate clauses – 3: *cum ... -que*, acc.-inf. (*id ... pertinere*)

opening clauses – principal clause/*cum*-clause (connecting relative: *ex quibus*; shared nominative: *ille*)

levels of subordination – 2 (*id maxime ad fidem suam pertinere*)

21.7 sums up the selection issue by concluding that, in selecting the best possible *iudices*, Pompeius could not avoid selecting Cicero’s supporters. The reference to the *boni* at the end of 21.6 is picked up twice, first in the connecting relative (*ex quibus*), and then in the reference to *optimos uiros*. The connecting relative and the subject, *ille*, can be taken as belonging to both the temporal-causal clause (*cum*), which immediately follows, and the subsequent principal clause. The *cum*-clause is double, with a second element added by *-que*: the first specifies the goal of selecting the best possible *iudices*, the second Pompeius’ thought-processes at the time (*arbitraretur* + embedded accusative-infinitive construction). The principal clause restates the result: Pompeius’ inability not to choose (double negative) Cicero’s supporters (whose relationship with the speaker is now defined as *studium*).

22.1. Quod uero
te, L. Domiti, huic quaestioni praeesse maxime
uoluit,
nihil quaesiuit aliud nisi iustitiam, grauitatem, humanitatem, fidem.

principal clauses – 1

subordinate clauses – 2: *quod*, acc.-inf. (*te ... praeesse*)

opening clause – *quod*-clause (sentence-particle: *uero*)

levels of subordination – 1

22.1 shifts focus from the *iudices* to the selection of L. Domitius Ahenobarbus to oversee the trial, claiming that he was chosen for his outstanding qualities. The sentence opens with a noun-clause (*quod* = ‘as for the fact that’) expressing one of Pompeius’ wishes (*uoluit*) in an embedded accusative-infinitive construction referring to the appointment (and addressing Domitius directly). The principal clause then explains his reasoning: his desire for four positive qualities which, it is implied, Domitius embodies.

quod uero te, L. Domiti: the early positioning of the second-person singular and the vocative immediately makes clear the shift in addressee.

nisi iustitiam etc.: here *nisi* introduces not a conditional clause or a far-fetched idea (cf. 8.2n.), but an exception to the preceding negative, *nihil*, and it means simply ‘except’ (OLD s.v. *nisi*, 6). There are twelve or perhaps thirteen examples of this usage in this speech (cf. 83.3n.); the excepted items include words (22.1, 46.2, 64.2, 96.2-97.0), phrases (55.2, 104.3), and noun-clauses (23.1, 31.6, 55.3, 81.1, 92.1, 100.3). All are introduced by negative expressions or questions with implied negative answers. The form of expression, a kind of double negative, is emphatic: *nihil nisi* = ‘only’.

22.2. Tulit

ut

consularem

necesse esset,

credo,

quod

principum munus esse

ducebat

resistere et leuitati multitudinis et perditorum temeritati.

principal clauses – 1

subordinate clauses – 3: *ut*, acc.-inf. (*consularem*), *quod*, acc.-inf. (*principum munus esse ... temeritati*)

parentheses – 1 (*credo*)

opening clause – principal clause

levels of subordination – 2 (*consularem*; *principum munus esse ... resistere ... temeritati*)

22.2 develops the issue of Domitius’ selection by interpreting Pompeius’ legislation as indicating that an ex-consul was required in order to resist disruptive elements in the state. The opening, one-word principal clause (*tulit*), with its object noun-clause (*ut*; indirect command), returns explicitly to the question of Pompeius’ legislation, specifying his requirement that the appointee be of consular status; *consularem* is best taken as an elliptical accusative-infinitive construction, subject of *necesse esset* (cf. the same construction at 14.5, 46.2, and see further note on word). The word *credo* in parenthesis may express a kind of apology for the mind-reading that follows, which involves a small element of complexity; the requirement is interpreted as being due to a belief of Pompeius, expressed in a causal clause (*quod*) referring to Pompeius’ thoughts (*ducebat*), which then follow in an accusative-infinitive construction interlaced with the two words of the causal clause itself: the need for a man who would resist the threat of the mob.

credo: the parenthetical use of this first-person verb is often ironic (cf. 36.4, 88.4), but here it is not; cf. also 86.3. On the surface, it acknowledges that the explanation which follows is only the speaker’s, *i.e.*, that he has no certainty that this was Pompeius’ motivation. But it seems likely that the explanation is supposed to be accepted by the audience, and it is possible that the first-person singular is not apologizing for lack of certainty but invoking the value of *this* speaker’s opinion (cf. 14.3).

consularem necesse esset: *esse* must be understood with the accusative here, forming an indirect statement dependent on *necesse esset*.

- 22.3. Ex consularibus te creavit potissimum;
 dederas enim
 quam contemneres popularis insanias
 iam ab adulescentia documenta maxima.

principal clauses – 2, in 2 units (*enim*)

subordinate clauses – 0/1: indir. qu. (*quam*)

opening clauses – principal clause; principal clause

22.3 concludes the issue of Domitius' appointment by attributing it to the fact that he has resisted disruptive elements since he was young. The opening principal clause restates Pompeius' appointment of Domitius, and once again addresses him directly; another explanatory coordinate principal clause (*enim*) explains this selection by referring to his early and consistent demonstration of resistance to the mob (*documenta maxima* + embedded indirect question, *quam*, expressing what the 'examples' show).

23 Transition

An explicit statement that the real business of the trial can now be addressed is followed by a summary of the Preliminary Arguments (23.1) and a clearly marked introduction to the *narratio* (23.2). This passage is too short to generate meaningful statistics on its own, consisting of only 86 words and three units (counting the parenthetical *credo* in 23.2 as a separate unit). It is perhaps interesting to compare the vocabulary distribution statistics for 15-22 with those for 15-23, to see if including the transition in the third preliminary argument makes any difference to the vocabulary distribution. There are some changes: *iudex/iudicium/iudicare* occurs three more times, giving an overall frequency of 1.6 per hundred words (in contrast to 1.3 in the argument taken alone), while *quaestio/quaerere* occurs twice more, raising its overall frequency from 1.4 to 1.5. A noun derived from the supine of *ferre, lator*, is used in reference to Pompeius' legislation, maintaining the overall frequency of the word-group at 1.1. Other words, such as *res, uir*, and *Clodius*, do not recur in 23.1-2, and the two sentences together add enough word-count that the frequency of these groups in the passage as a whole drops as a consequence.

The short, transitional passage contains two first-person singular, four first-person plural, and seven second-person plural references. The frequency of second-person plurals is particularly noticeable when compared with the relative sparsity of these in 15-22 and, especially, 24-29; they will return in the transitional passage at the end of the *narratio*, 30-31. In terms of length and syntactic complexity, 23.1 is markedly different from what precedes. The sentence is one of the longest in the speech so far at 71 words, exceeding the opening sentence (56 words) and exceeded only by 4.2 (83 words). It contains twelve subordinate clauses, the largest number in the speech so far, although it only achieves two or three levels of subordination (depending on whether *cum esset controuersia nulla facti* is taken as qualifying *uoluit* or *esse*), and is thus less complex in this sense than some shorter sentences (most recently, the compact and complex 16.5). Its function gives a point both to the length of the sentence and to the difference this length creates between it and the material immediately preceding it; as a summary of the Preliminary Arguments as a whole, this sentence reaches beyond the third preliminary argument to earlier passages.

- 23.1. Quam ob rem, iudices,
 ut aliquando ad causam crimenque ueniamus,
 si neque omnis confessio facti est inusitata,
 neque de causa nostra quicquam
 aliter ac nos uellemus
 a senatu iudicatum est,
 et lator ipse legis,
 cum esset controuersia nulla facti,
 iuris tamen disceptationem esse
 uoluit,
 et ei lecti iudices,
 isque praepositus est quaestioni
 qui haec iuste sapienterque disceptet,
 reliquum est, iudices,
 ut nihil iam quaerere aliud debeatis
 nisi uter utri insidias fecerit.

principal clauses – 1

subordinate clauses – 12: *ut, si neque ... neque ... et ... et ... -que, aliter ac, cum, acc.-inf.*

(*iuris tamen disceptationem esse*), *qui, ut*, indir. qu. (*uter*)

opening clause – principal clause (connecting relative: *quam ob rem*)

levels of subordination – 3 (*cum esset controuersia nulla facti*)

23.1 indicates that the Preliminary Arguments are over by a) claiming that the real business of the trial can now be addressed, b) summing up the arguments presented since 7.1 (self-defence, the views of the senate and Pompeius, the selection of the *iudices* and Domitius), and c) explicitly identifying the issue to be decided as which of the two men set an ambush for the other. The sentence opens with the connecting relative phrase, *quam ob rem*, indicating clearly that the principal clause is supposed to be a conclusion, and a vocative; the subordinate clauses which follow feel like interruptions, and the sentence here has been analyzed as beginning with the principal clause. A final clause (*ut*) marks the end of the Preliminary Arguments by announcing the discussion of the *causam crimenque*, i.e., the real issue to be decided by the trial. The principal clause is then further postponed; the construction is conditional, with the quintuple protasis (*si neque ..., neque ..., et ..., et ... -que*) placed before the apodosis. The conditional clauses, which provide the reasons for drawing the conclusion, sum up the three Preliminary Arguments, the third of which is divided into two parts dealing with Pompeius' opinion and the selection/appointment of the trial personnel. (This fourth element is again subdivided, mentioning the selection of both the *iudices* and Domitius: *ei lecti [sunt] iudices, isque praepositus est.*) Several of the conditional clauses have further subordinate clauses attached: a comparative clause (*aliter ac*) comparing the judgement of the senate with what the defence would wish; an accusative-infinitive construction with preceding concessive clause (*cum*) expressing Pompeius' opinion; and a final relative clause (*qui* + subjunctive verb) stating the function of the trial personnel. The conditional construction is open (indicative verbs), implying that the summaries presented as conditions, and therefore the conclusion drawn in the apodosis, are true. The apodosis and the following noun-clause (*ut*; subject of *reliquum est*) claim that

there is only one thing left to investigate, expressed in an indirect question (*uter utri*) which closes the sentence. The combination of *reliquum est* after the long ‘priamel’ and the phrase *nihil ... aliud ... nisi* (*nisi* = ‘except’, cf. 22.1n.), which introduces the indirect question, gives the latter a powerful build-up; its isolation at the end of the sentence reflects the supposed status of the question as the *only* issue which matters in the trial. The return is clearly marked close to the beginning of 23.1.

iudices: the vocative early in the sentence immediately indicates the return to the standard communication-situation: the addressee is no longer Domitius but the *iudices*.

ueniamus: this first-person plural seems to unite the speaker with the *iudices* (who have just been addressed); those later in the sentence (*de causa nostra, aliter ac nos uellemus*) refer to Cicero and Milo/the defence-team. Although the sentence is a long one and the different uses appear in different clauses, it provides another example of the referent of the first-person plural changing in mid-sentence; cf. 12.6, 21.6.

23.2. Quod quo facilius argumentis perspicere possitis,
 rem gestam uobis dum breuiter expono,
 quaeso,
 diligenter attendite.

principal clauses – 1

subordinate clauses – 2: *quo, dum*

opening clause – final relative clause (connecting relative: *quod*)

parentheses – 1 (*quaeso*)

levels of subordination – 2 (*quod quo facilius ... possitis*)

23.2 indicates that the argument on the question of who set the ambush will be further postponed, by inviting the *iudices* to pay attention to an account of what happened. For similar suggestions preceding the *narratio*, cf. *Quinct.* 11, *Rosc. Am.* 14, *Tull.* 13, *Clu.* 11. The opening clause is a final relative of the ‘*quo* + comparative adjective’-type (*quod* is a connecting relative, referring back to the question at the end of 23.1, *uter utri insidias fecerit*), expressing the goal of the *narratio*: the *iudices*’ better understanding (in the *tractatio*) of who set an ambush for whom. A temporal clause (*dum*) describing the act of narrating then precedes the principal-clause imperative urging the *iudices* to pay attention; in between these two clauses, *quaeso* in parentheses turns what is formally a command into a request.

24-31: The Defence Account of What Happened

The careful marking of the transitions from one topic/argument/*pars orationis* to another, so visible in the Introductory Material, is at least as prominent as the orator returns to what he has declared to be the real business of the trial. This has already been seen in the summary of the Preliminary Arguments and the announcement of the *narratio* in 23.1-2, comparable to the flagging of the end of the *exordium* and start of the ‘digression’ in 6.2-7.1. This is matched by an even longer passage marking the end of the *narratio* and signalling the beginning of the *tractatio* at 30-31. This clear demarcation of the defence account of events combines with the internal presentation of the *narratio* and its carefully developed

relationship with the following *tractatio* to create the impression that this is a typical or even classic *narratio* – that the orator is, as it were, following the ‘rules’. The fact that Cicero did not bother with a separate *narratio* in many of his speeches in the 50s, however, demonstrates that he followed the ‘rules’ only when it suited him to do so, as does the elaborately signalled departure from the ‘rules’ constituted by the Preliminary Arguments themselves.

This departure could be seen as one of the reasons for signalling the ‘return’ to the *partes orationis* sequence so clearly at 23.2; this interpretation assumes that the audience would be expecting the orator to follow this sequence in the first place (see Approach 2.2 and note on 1-23). 23.2 can also be seen as the first point in the speech where it is clear (to a first-time audience) that there will be a *narratio* at all. In a sense, the *narratio* postpones further what has been promised since 6.2: a demonstration of the claim that Clodius set an ambush for Milo; the repetition of the central question *uter utri insidias fecerit* in the two transitional passages that frame the *narratio* (23.1, 31.6) may suggest that the *iudices* are in roughly the same position at the end of this passage as they were at the beginning. If this is the impression desired, it is misleading: not only has the presentation of events in the *narratio* carefully laid the ground for the demonstration that Clodius was the ambusher, but the repetition itself has its own effect – a second (or third or fourth) statement of a point is not the same as the first, and it is important to the defence to reinforce the view that this is the only question that matters. But it is not simply a matter of the *narratio*-frame providing the opportunity for a repetition. The desired answer, already expressed in 6.2-3, has a different status after the *narratio* has presented the defence version of what happened; it begins to look less like a claim and more like something that has been demonstrated.

The internal structure of the *narratio* itself contributes to the establishment of ‘what matters’. The account starts well before the skirmish on the *uia Appia* (24.1) but does not progress one step beyond the death of Clodius (end of 29.3), omitting any reference to what happened afterwards – 30.2 may even draw attention to this omission, which will to some extent be rectified in the *tractatio* at 57-71. The early starting-point of the account of events emphasizes the importance of establishing a motive for the *insidiae* (to be further discussed in 32-35); the abrupt and emphatic ending, on the other hand, makes it clear that nothing that happened after the skirmish is supposed to matter, at least to the demonstration of Milo’s innocence. At the same time, drawing attention to the omission provides an opportunity for putting a particular slant on the consequences of Clodius’ death. Whether the audience notices these effects of choosing to begin and end the *narratio* in a particular way, or whether the effect operates below the level of consciousness, is unimportant. But the starting- and end-points of a *narratio* can only be put to use in this way if there is a *narratio* in the first place, and the effect is strengthened by marking it out clearly from what precedes and follows.

It is not necessary to choose among these different possible reasons for the exceptionally well-developed way in which the *narratio* is marked out from the Preliminary Arguments and from the *tractatio*; they co-exist quite happily, just as the transitional passages serve both to separate and to connect. The clear signalling also continues to create the impression that this orator is doing his best to make everything clear to his audience, now reinforced by his apparent desire to follow the *ordo naturalis* (this may have been hinted at in 7.1, but is finally confirmed by 23.2). Further differentiation of the *narratio* from its surroundings is

evident within the passage itself: most strikingly, in the complete absence of self-referentiality, but also perhaps in the vocabulary-frequency figures (*cf.* 24-29n.). For a comparison with *narratio*-introductions in other speeches, see above pp.27, 172, 195; and a number of features of the account itself can also be paralleled elsewhere: for example, the narrative starts well before the principal event in *Quinct.*, *Caecin.*, *Cluent.* (the introductions to these even draw attention to this movement backwards in time); it opens with a name in these speeches, *Tull.* and (more recently in Cicero's career) *Sest.*

As with other aspects of the orator's self-presentation, the appearance of openness and clarity created by this marking of the *narratio* is at least in part misleading. The omission from the defence account of anything that happened after the death of Clodius is clear in comparison with the *tractatio* of the speech itself; Asconius informs us of other events and issues which are not dealt with anywhere in the speech. The single-minded focus of the *narratio*, including its frame, can be linked to the very difficult position of the defence at this trial, faced by vocal opposition and hostile evidence, and perhaps by widespread negative public opinion. In response, at least in the extant text, the defence adopts attack as the best form of defence: attack on the opposition in the Preliminary Arguments, attack on the dead man in the *narratio*. The real business of the trial is (re)defined in terms favourable to the defence, and even apparent responses to opposition attack are used to serve a defence agenda. The defence-speech never grants a single point to the opposition position, even if that means ignoring it. Neither the degree to which Cicero is lying nor the degree to which his strategy was unsuccessful makes much of a difference to this interpretation of what he was trying to do.

24-29: *Narratio*

The defence account of events leading up to the skirmish begins by explaining Clodius' electoral ambitions and activities, which, it is claimed, led to his openly stated decision to kill Milo (24.1-26.3). After his preparations for an ambush are described and contrasted with Milo's apparently innocent behaviour (27.1-28.1), the encounter itself is narrated, culminating in Clodius' death at the hands of Milo's slaves, who believe their master to have been killed (28.2-29.3). Internal transitions are not strongly marked; the sequence of events appears to develop naturally. The striking euphemism at the end of 29.3 can be seen as climactic, thus creating closure.

The *narratio* as a whole focuses on the actions of Clodius, although Milo appears frequently as the object of Clodius' thoughts (*e.g.*, 25.1, 25.2, 27.1); the defence here depends very much on attack. The paragraphing printed marks a fairly natural division of the *narratio* into two halves, with 24.1-26.3 narrating the political background and 27.1-29.3 the preparations for the skirmish and the skirmish itself; the anecdote about Favonius in 26.3 brings the chronology very close to the skirmish (at least implicitly), but is closely linked thematically to the preceding sentences (contrast the positioning of the Favonius anecdote at 44.2-4). Each of the two halves is here further subdivided into two paragraphs: the first and third paragraphs set the scene for the activity narrated in the second and fourth. Alternatively, the first half could be divided between Clodius' initial electoral activity and the escalation starting at 25.4. More than three breaks might give a false impression that the narrative is somewhat choppy; it is instead, even in the second half – despite several shifts of focus between Clodius and Milo (and then their slaves) – compact and efficient.

The supposed facts presented in the *narratio* are interspersed, if not with actual argument, at least with appeals to evidence: the evidence of the *iudices*' own eyes (26.1); the report of Favonius to Cato (26.3); the widespread knowledge of Milo's travel plans and the deduction of Clodius' purpose from the result, as well as from the supposedly unusual aspects of his behaviour (all 27.1). The repeated emphasis on Clodius' open declaration of murderous intent (25.5, 26.2-3; *cf.* also *ex ipso Clodio audirent*, 29.3) seems designed to contribute to this impression that the defence view of events can be easily deduced from what everybody knows because Clodius made no secret of it.

Word-group	Frequency	Occurrences
<i>Milo</i>	2.0%	11
<i>Clodius</i> *	1.3%	7
? <i>facere/difficilis/facinus</i>	1.5%	8 (5/1/2)
? <i>res</i> *	1.3%	7
<i>dicere/dictitare</i> *	1.1%	6 (4/2)
<i>populus/publicus</i> *	1.1%	6 (2/4)
<i>raeda</i>	1.1%	6 (5/1)
		(549 words)

The *narratio* is announced in 23.1, but the shift in subject-matter could be said to take place only in the first sentence of the *narratio* itself, 24.1. This sentence contains three of the 'interesting' words from the table: *Clodius*, *publicus* (x3), and *dicere*; also *res* (x3) – in contrast, only *res* occurs in 23.1. 23.1, however, has the monopoly on self-reference: the two sentences can perhaps be seen as sharing elements of the topic-sentence. Most of the frequent word-groups are in any case not particularly informative as to topic, given that we already know that Milo and Clodius will be important; the first sentence makes it very clear where the defence will locate any blame for what has happened by focusing so entirely on Clodius.

The passage is marginally less repetitious overall than any examined so far, with seven frequent word-groups (five 'interesting') making up 9.3% of the argument (6.6% 'interesting' only). The actions narrated in Cicero's version of events are perhaps too various to allow more repetitiousness than this; compare also note on 36-43. On the other hand, the frequency of *Milo* is greater than that of anything in the third preliminary argument. That he is named more often than Clodius is interesting in view of the fact that the first half of the *narratio* at least is primarily about Clodius' actions: the greater frequency of *Milo* may represent Milo's importance as a motivating factor for Clodius in the defence account; *cf.* for example 27.1 (1x *Clodius*, 3x *Milo*). As noted in relation to Pompeius in the third preliminary argument, an individual does not need to be named in order to be present, or to make his presence felt. Clodius is referred to as *ille* (2.54), *homo ad omne facinus paratissimus* (25.5), and is the unnamed subject of numerous verbs (*uidebat*, 25.1; *contulit*, *gubernaret*, *dictitabat*, and *sustineret*, 25.2; *etc.*); Milo is referred to as *hic* (25.4, 29.3); *fortissimum uirum etc.* (25.5), *hic insidiator* (ironcially, 26.2), but despite the frequency of his name, he is the subject of far fewer verbs than Clodius over the course of the passage as a whole.

The frequency of *publicus/populus* reflects the political background of the events and launches the attempt to claim that the Roman people were on Milo's side. Emphasis on the

res publica/populus Romanus is concentrated in the first half of the *narratio* (notes on 24.1, *suffragiis* ... 25.5, *situas* ... 26.1, *populus* ... 34.8), which focuses on the political background; *ciuis* occurs in 24.1 and 25.3. There are two occurrences of *Roma* in 27.1-28.1, but the emphasis here is as much on geography as politics. Five of the six occurrences of *dicere/dicere* are references to things said by Clodius (*cf.* notes *ad locc.*); *raeda(rius)* reflects the emphasis on the two protagonists' varied mode of travel. To continue our consideration of other themes over the course of the speech, neither *iudex, etc.* nor *ius, etc.* occurs in the *narratio*; there is one passing occurrence of *legitima* (27.1), and the verb *quaerere* appears twice, in each case referring to a personal desire or inquiry rather than an official investigation. The absence of these terms, and the corresponding paucity of references to the trial-situation – even the vocative *iudices* disappears – separate the *narratio* from its surroundings, contributing to an impression of detachment from the trial-situation and perhaps of objectivity.

1st sing.	0.2%
1st plur.	none
2nd sing.	none
2nd plur.	0.2%

References to the communication-situation drop to a minimum in the *narratio*; this may be intended to contribute to an impression of detachment/objectivity. There are no vocative *iudices*; even more strikingly, since the vocative also disappeared between 11.3 and 20.1, there are no occurrences of *iudex/iudicium/iudicare* at all. There are no questions to draw attention to the fact that there is a specific speaker and addressee, and there are few personal references: one second-person plural verb (*uidebatis*, 26.1), and one first-person plural verb (*dicam*, 29.3). The former comes rather before halfway through the *narratio*, and invokes the personal knowledge of the addressees in support of the claim just made; the latter, which draws attention to the final event narrated and asserts the truth of the account, comes towards the very end of the passage, and perhaps anticipates the return of the speaker as a more prominent feature of the speech in 30.1-3. Nevertheless the speaker is not wholly absent from the *narratio*, for the narrative of events is punctuated by interrupting parentheses and parenthetical subordinate clauses. The former in particular indicates the presence of the speaker by drawing attention to the fact that he is interrupting himself. *Cf.* note on *ad praetoram...* (24.1), *neque enim...* (27.1), *dicam enim aperte* (29.3). The most common form of interrupting subordinate clause in this passage is the short comparative clause introduced by *ut*, especially *ut fit/ut solebat*: 24.1 x2, 25.2, 28.1, 28.2. This is a relatively high concentration of the construction *ut* + indicative, of which there are only ten or eleven more in the rest of the speech; the increase may be related to the avoidance of more explicit indications of the speaker's presence in the *narratio*.

Syntactically, the *narratio* is as varied as the *exordium* or more so, alternating a majority of not particularly long and fairly simple units with a handful of very long, relatively complex ones, especially its first and last sentences; the closing sentence is the longest unit in the speech so far.

- 24.1. P. Clodius, cum statuisset omni scelere in praetura uexare rem publicam, uideretque
 ita tracta esse comitia anno superiore
 ut non multos mensis praeturam gerere posset,
 qui non honoris gradum spectaret,
 ut ceteri,
 sed et L. Paulum conlegam effugere uellet, singulari uirtute ciuem,
 et annum integrum ad dilacerandam rem publicam quaereret,
 subito reliquit annum suum
 seseque in proximum transtulit,
 non,
 ut fit,
 religione aliqua,
 sed ut haberet,
 quod ipse dicebat,
 ad praeturam gerendam
 (hoc est ad euertendam rem publicam)
 plenum annum atque integrum.

principal clauses – 2, in 2 units (*-que*)

subordinate clauses – 8/3: *cum ... -que*, acc.-inf. (*ita tracta esse ... superiore*), *ut*, *qui ... sed et ... et, ut, sed ut, ut, quod*

parentheses – 1 (*hoc est ad euertendam rem publicam*)

opening clause – principal clause/*cum*-clause (shared nominative, *P. Clodius*); principal clause

levels of subordination – 3 (*ut non multos mensis praeturam gerere posset*)

24.1 sets the scene with a focus on Clodius, explaining his desire to harass the state during his praetorship, and narrating how he postponed his candidacy, not running for the office in the first year permitted by law. The focus on Clodius' actions is made clear by the opening words, *P. Clodius*, which can be taken as subject of both the temporal-causal clause (*cum*) which immediately follows, and the long postponed principal clause (*subito reliquit ...*). The *cum*-clause narrates the circumstances which led to Clodius' action: a decision (*statuisset*) and an observation (*uideretque*, with dependent accusative-infinitive construction and result clause, *ita ... ut*). The principal clause is then further postponed by a relative clause-complex with three elements, the first set against the last two (*qui non ... sed et ... et*; the first element contains an embedded – and elliptical – comparative clause, *ut*). At this point, over halfway through the sentence, the principal clause is completed, and Clodius' actual action described. A second, coordinate principal clause, added by *-que* and effectively a paraphrase of the first, is followed by a further explanation of Clodius' reasons for acting in this way. This takes the form of an antithesis similar to the one in the relative clause, in which a causal ablative is set against a final clause (*non ... sed ut*). The rejected reason, like that above, is qualified by a short comparative clause (*ut* + indicative); the purpose which is asserted to be the actual one is interrupted first by a relative clause (*quod*), then by a parenthesis (*hoc est*).

L. Paulum conlegam effugere: *conlegam* is predicative (cf. 2.2n.): 'avoid having L. Paulus as a colleague'.

ad praeturam gerendam (hoc est ad euertendam rem publicam): the first phrase is supposed to be Clodius' own words (it is preceded by *quod ipse dicebat*); the clause in brackets, which reinterprets Clodius' description, is an intervention by the speaker, who thereby claims to be able to see through Clodius' declaration.

- 25.1. Occurrebat ei
 mancam ac debilem praeturam futuram suam
 consule Milone;
 eum porro summo consensu populi Romani consulem fieri
 uidebat.

principal clauses – 2, in 2 units (*porro*)

subordinate clauses – 2/1: acc.-inf. (*mancam ... suam*) , abl. abs. (*consule Milone*), acc.-inf. (*eum ... fieri*)

opening clauses – principal clause; accusative-infinitive (sentence-adverb: *porro*)

levels of subordination – 2 (*consule Milone*)

25.1 introduces Milo as a factor in Clodius' plans for his praetorship, claiming that which he would be prevented from carrying out if Milo were elected consul for the same year, and making Clodius himself a witness to the probability of Milo's election. Two far shorter coordinate principal clauses describe Clodius' thoughts, expressed in dependent accusative-infinitive constructions; Milo is referred to by name in an ablative absolute embedded in the first, and is the subject, as *eum*, of the second.

- 25.2. Contulit se ad eius competitores,
 sed ita
 totam ut petitionem ipse solus, etiam inuitis illis, gubernaret,
 tota ut comitia suis,
 ut dictitabat,
 umeris sustineret.

principal clauses – 2, in 2 units (*sed*)

subordinate clauses – 4: *ut*, abl. abs. (*inuitis illis*) *ut*, *ut*

opening clauses – principal clause; principal clause

levels of subordination – 2 (*ut dictitabat*)

25.2 narrates the result of Clodius' thoughts described in the preceding sentence: his decision to support Milo's competitors for the consulship, to such an extent that he effectively took over their campaign. The opening principal clause expresses Clodius' next act; after its sense is complete, an *ita* is added to it by the conjunction *sed*. The anticipated consecutive clause is double (*ut*, postponed *ut*); it describes the result of Clodius' pact with Milo's competitors to the consulship. Each half is interrupted, the first by an ablative absolute suggesting that the competitors may not have been entirely happy with the situation, the second by a comparative clause (*ut* + indicative) invoking Clodius' own words as evidence for what is being claimed.

25.3. Conuocabat tribus;
 se interponebat;
 Collinam nouam dilectu perditissimorum ciuium conscribebat.

principal clauses – 3, in 3 units (asyndeton x2)
 subordinate clauses – 0

25.3 continues narrating Clodius' preparations for the elections, listing a number of his activities in three coordinate principal clauses.

25.4. Quanto ille plura miscebat,
 tanto hic magis in dies conualescebat.

principal clauses – 1
 subordinate clauses – 1 (*quanto*)
 opening clause – relative clause

25.4 moves the narrative on to the next phase by claiming that the result of Clodius' electoral activity was an increasing certainty that Milo would be elected (*i.e.*, to oppose him). The claim is made in a correlative construction (*quanto ... , tanto ...*), the opening relative clause referring to Clodius' activities, the following principal clause to the effect on Milo's campaign.

25.5. Vbi uidit homo ad omne facinus paratissimus
 fortissimum uirum, inimicissimum suum, certissimum consulem,
 idque intellexit
 non solum sermonibus,
 sed etiam suffragiis populi Romani saepe esse declaratum,
 palam agere coepit et aperte dicere
 occidendum Milonem.

principal clauses – 1
 subordinate clauses – 5: *ubi ... -que*, acc.-inf. x3 (*fortissimum ... consulem; id ... declaratum; occidendum Milonem*)
 opening clause – temporal clause
 levels of subordination – 2 (*fortissimum uirum ... consulem; id ... non solum sermonibus ... declaratum*)

25.5 explains the effect of this certainty on Clodius' plans, claiming that he openly threatened Milo's life. The opening temporal clause-complex (*ubi* + two verbs, each completed by an accusative-infinitive construction) expresses Clodius' realization of the situation; the following principal clause expresses the result in terms of both action and speech. This pattern of thought followed by action was also expressed in 24.1 by a temporal clause followed (after an interval) by a principal clause; in 25.1-2 by a sequence of principal clauses in parataxis. The orator here returns to the first mode of expression, although the temporal clause is expressed by *ubi* + indicative (*uidit*) rather than by *cum* + subjunctive (*uideret*).

26.1. Seruos agrestis et barbaros,
 quibus siluas publicas depopulatus erat
 Etruriamque uexarat,
 ex Appennino deduxerat,
 quos uidebatis;
 res erat minime obscura.

principal clauses – 2, in 2 units (asyndeton)
 subordinate clauses – 3/0: *quibus* ... *-que*, *quos*
 opening clauses – principal clause; principal clause
 levels of subordination – 1

26.1 narrates Clodius' next action: he brought to the city slaves he had earlier used to harass Etruria (a sign of escalation?), and appealing to the audience as witnesses. The principal clause is qualified by two relative clauses, the first (*quibus*) identifying the slaves, the second (*quos*) making the claim that the audience saw this event. For sequential relative clauses with similarly varied purposes, *cf.* 3.3n. A short second unit reiterates the openness of Clodius' actions.

quibus: the grammars tell us that agency of person is expressed by *ab*, instrumentality of objects by the bare abl.; the slaves are here treated not as persons acting by their own agency but as instruments in the hands of Clodius (*cf.* W.44).

quos uidebatis: this second-person plural is one of the very few reminders of the communication-situation in the *narratio*; the relative clause in which it occurs is tacked on to the end of the unit, rather than interrupting it. In a way this appeal to the *iudices* treats them as witness, but it is also one of several claims, both implicit and explicit but not otherwise involving the second person, that the version of events presented here is known to all (*cf.* *res erat minime obscura* at 26.1 and the frequentative *dictitabat* at 25.2 and 26.2).

26.2. Etenim dictitabat palam
 consulatum Miloni eripi non posse,
 uitam posse.

principal clauses – 1
 subordinate clauses – 2: acc.-inf. x2 (*consulatum* ... *non posse*; *uitam posse*)
 opening clause – principal clause
 levels of subordination – 1

26.2 repeats the claim made in 25.5 that Clodius openly threatened Milo's life, reporting a neat epigram which again signifies that Clodius himself believed Milo's election to be a sure thing. The principal verb, *dictitabat*, intensifies the claim made in 25.5, which used the basic form of the verb, *dicere*. Clodius' comments are then – supposedly – reported in a double accusative-infinitive construction (... *non posse*, ... *posse*) suggesting that it would be easier to kill Milo than prevent his election.

- 26.3. Significauit hoc saepe in senatu,
 dixit in contione,
 quin etiam M. Fauonio, fortissimo uiro,
 quaerenti ex eo
 qua spe fureret
 Milone uiuo,
 respondit
 triduo illum aut summum quadriduo esse periturum,
 quam uocem eius ad hunc M. Catonem statim Fauonius detulit.

principal clauses – 3, in 3 units (asyndeton, *quin etiam*)

subordinate clauses – 0/0/4: indir. qu. (*qua spe fureret*), abl. abs. (*Milone uiuo*), acc.-inf. (*triduo ... periturum*), *quam*

participial phrases – 1: *quaerenti ex eo*

opening clause – principal clause; principal clause; principal clause

levels of subordination – 2 (*Milone uiuo*; *quam uocem ... detulit*)

26.3 repeats the claim that Clodius threatened Milo's life, supporting it with an anecdote about a conversation between Clodius and Favonius which appears to bring the narrative up to a few days before the skirmish. Three coordinate principal clauses describe three different contexts in which Clodius apparently made this threat; the third is considerably expanded because of its importance to the defence-case, and emphasized by *quin etiam* whereas the first two have no introductory particles or adverbs. The first person introduced is Marcus Favonius, in a form that could be dative or ablative; his action is described in a participial phrase with dependent indirect question (*qua*): he apparently suggested to Clodius that the thought of Milo should curb his activities. The principal verb then indicates that Clodius replied, confirming that *Fauonio* is dative of the person replied to; the accusative-infinitive expressing that reply implies that Clodius has plans for killing Milo. The sentence could end here, but the next point is added immediately in a relative clause; *quam uocem* refers to Clodius' reply. The assertion that Favonius told Cato is presumably supposed to confirm the anecdote.

triduo ... aut summum quadriduo: the inclusion of this anecdote here prepares for its use later (44.3-4), where the orator makes a claim that he does not make here (that the skirmish did take place three days later), and draws the conclusion explicitly. At that point in the speech, however, he omits the words *aut summum quadriduo*; the greater precision of the second occurrence is perhaps suspicious. It is possible that – assuming there is much basis to the anecdote at all – the vaguer expression here is closer to Clodius' actual words (something along the lines of 'Milo is such a violent man, he could die in a brawl any day now?'). Introducing a point in vaguer, less easy-to-dispute terms facilitates its more contentious restatement later.

- 27.1. Interim cum sciret Clodius
 (neque enim erat id difficile scire a Lanuunis)
 iter sollemne, legitimum, necessarium a.d. XIII Kalendas Februarias
 Miloni esse Lanuuium ad flaminem prodendum,
 quod erat dictator Lanuui Milo,

Roma subito ipse profectus pridie est
 ut ante suum fundum,
 quod re intellectum est,
 Miloni insidias conlocaret;
 atque ita profectus est
 ut contionem turbulentam,
 in qua eius furor desideratus est,
 quae illo ipso die habita est,
 relinqueret,
 quam,
 nisi obire facinoris locum tempusque uoluisset,
 numquam reliquisset.

principal clauses – 2, in 2 units (*atque*)

subordinate clauses – 5/5: *cum*, acc.-inf. (*iter ... prodendeum*), *quod*, *ut*, *quod*, *ut*, *in qua*,
quae, *quam*, *nisi*

parentheses – 1 (*neque enim erat id difficile scire a Lanuvinis*)

opening clause – *cum*-clause (sentence-adverb: *interim*); principal clause

levels of subordination – 3 (*quod erat dictator Lanuui Milo*; *nisi obire facinoris locum tempusque uoluisset*)

27.1 moves the narrative on to the period immediately before the skirmish, asserting that it would have been easy for Clodius to know Milo's plans, and that he left Rome in order to lay an ambush for Milo outside his estate, then attempting to support this interpretation of subsequent events by pointing out that Clodius' departure from Rome prevented him from attending a *contio* he would have been expected to attend. Clodius' knowledge of Milo's plans is asserted in a temporal-causal clause (*cum*) placed before the action which that knowledge preceded/caused (*Roma subito ... profectus*). The focus on this knowledge is emphasized by an interrupting parenthesis which comes between the assertion that he knew (*cum sciret*) and the description of what he knew (accusative-infinitive construction with dependent causal clause, *quod*); the parenthesis claims that it would have been easy for him to know. After the indirect speech is complete, the principal clause narrates his action; a final clause (*ut*) then makes a suggestion as to his purpose, supported by a relative clause (*quod*) which identifies what happened later as evidence for this interpretation. The principal clause is then effectively repeated (*atque*), this time with an added *ita* which anticipates a consecutive clause (*ut*). This is the construction which introduces the missed *contio*; it is accompanied by three relative clauses (two embedded, one following), similar to those in 3.3 in that they serve somewhat different functions: the first suggests that Clodius should have attended the *contio*; the second simply specifies when it occurred; the third is the apodosis of conditional construction arguing that his missing the *contio* indicates his wicked purpose: 'if not X, not Y' → 'X, therefore Y'.

neque enim...: this interruption by the speaker reinforces the credibility of the claim implied in the *cum*-clause, and is thus the closest the speaker comes to admitting that it is only a claim, not an accepted fact.

scire a Lanuuinis: the source of information is usually expressed by *e(x)* + abl. (inc. with *scire*, 46.3, in precisely the same context), but *cf. a nostris patribus accepimus*, 16.4.

a.d. XIII. Kalendas Februarias: *ante diem tertium decimum*; K.499n.1 explains *diem* as the result of attraction into the accusative (from an original abl. of Measure of Difference, ‘before by thirteen days’) when the phrase is placed between *ante* and *Kalendas*. *Cf. post diem tertium*, 44.3n.

28.1. Milo autem cum in senatu fuisset eo die
 quoad senatus est dimissus,
 domum uenit;
 calceos et uestimenta mutauit;
 paulisper,
 dum se uxor,
 ut fit,
 comparat,
 commoratus est;
 dein profectus id temporis
 cum iam Clodius,
 si quidem eo die Romam uenturus erat,
 redire potuisset.

principal clauses – 4, in 4 units (asyndeton x2, *dein*)

subordinate clauses – 2/0/2/2 (*cum*, *quoad*, *dum*, *ut*, *cum*, *si*)

opening clause – principal clause/*cum*-clause (sentence-particle: *autem*; shared nominative: *Milo*); principal clause; principal clause; principal clause

levels of subordination – 2 (*quoad senatus est dimissus*; *ut fit*; *si quidem eo die Romam uenturus erat*)

28.1 turns attention from Clodius to Milo, narrating his departure from Rome in such a way as to create a contrast with Clodius’ departure: Milo was in no hurry and behaving normally. The shift in focus to Milo’s actions is made clear by the opening words, *Milo autem*; the noun can be taken as subject of most of what follows, which narrates events in a mixture of principal and temporal clauses: attendance at the senate (*cum*), close of senate meeting (*quoad*), return home, change of clothes, waiting – another embedded temporal clause (*dum*) with further subordination briefly shifts the subject to Fausta – and departure. The time is specified by *id temporis* and another temporal clause (*cum*) with a different subject which is also the apodosis of a conditional construction (with embedded protasis): it is the time Clodius could have been expected to be back in Rome.

28.2. Obuiam fit ei Clodius, expeditus, in equo,
 nulla raeda, nullis impedimentis, nullis Graecis comitibus,
 ut solebat,
 sine uxore,
 quod numquam fere,
 cum hic insidiator,
 qui iter illud ad caedem faciendam apparasset,

cum uxore ueheretur in raeda, paenulatus,
magno et impedito et muliebri ac delicato ancillarum puerorumque comitatu.

principal clauses – 1

subordinate clauses – 4: *ut, quod, cum, qui*

opening clause – principal clause

levels of subordination – 1

28.2 narrates the encounter between Clodius and Milo and describes the contrasting entourages of the two men in such a way as to imply that Clodius was better equipped for a skirmish. The fact of the encounter is stated in the opening principal clause, which has Clodius as its subject, described by a participle as without encumbrances; his mode of transport is further described in a sequence of prepositional phrases and ablatives of accompaniment, with two further subordinate clauses (*ut, quod*) emphasizing how unusual this was for him. A temporal clause (*cum*) then focuses on Milo, described sarcastically as *insidiator* – this ironic accusation is repeated in an interrupting relative clause (*qui* + subjunctive) which can be seen either as final or as generic. The temporal clause and the sentence could end with the phrase *in raeda*, describing Milo's mode of transport, but a participle and an extended ablative of accompaniment are added to complete the contrast with Clodius.

nulla raeda, etc. ..., magno ... comitatu: omission of the preposition *cum* is permissible (though not required, *cf.* 89.3) when the abl. expressing accompaniment is qualified by an adjective.

29.1. Fit obuiam Clodio ante fundum eius hora fere undecima aut non multo secus.

principal clauses – 1

subordinate clauses – 0

29.1 draws attention to the location of the skirmish outside Clodius' estate and identifies the time as being around the eleventh hour in a simple sentence which begins with a variation on the opening principal clause of 28.2.

ante fundum eius: the proximity of the skirmish to Clodius' Alban estate will be a key factor in the defence at 53.3; Cicero may be exaggerating this proximity because it makes Milo a less likely aggressor. Asconius locates the encounter between the two men and their entourages *paulo ultra Bouillas, ... prope eum locum in quo Bonae Deae sacellum est* (31C); he mentions Clodius' *Albanum* later, in relation to an accusation made by Metellus Scipio against Milo (35C). The opposition account involved the wounded Clodius being taken to a *taberna* near Bovillae; if this is true, his estate may not have been as near as Cicero makes out, or Milo and his men may have been between Clodius and the estate by this time. Asconius appears to be following the opposition account (see pp.9-10), although the point about the *Bonae Deae sacellum* may be from Cicero (see note on *ante ipsum sacrarium Bonae Deae* in 86.1).

- 29.2.** Statim complures cum telis in hunc faciunt de loco superiore impetum;
aduersi raedarium occidunt.

principal clauses – 2, in 2 units (asyndeton)
subordinate clauses – 0

29.2 narrates the initial attack on Milo's entourage and the killing of the carriage-driver in two more coordinate principal clauses.

- 29.3.** Cum autem hic de raeda,
reiecta paenula,
desiluisset
seque acri animo defenderet,
illi
qui erant cum Clodio,
gladiis eductis,
partim recurrere ad raedam
ut a tergo Milonem adorirentur,
partim,
quod
hunc iam interfectum
putarent,
caedere incipiunt eius seruos
qui post erant,
ex quibus,
qui animo fideli in dominum et praesenti fuerunt,
partim occisi sunt,
partim,
cum
ad raedam pugnari
uiderent,
domino succurrere prohiberentur,
Milonem occisum
et ex ipso Clodio audirent
et re uera putarent,
fecerunt id serui Milonis
(dicam enim aperte non deriuandi criminis causa,
sed ut factum est),
nec imperante nec sciente nec praesente domino,
quod
suos quisque seruos in tali re facere
uoluisset.

principal clauses – 1

subordinate clauses – 21: *cum* ... -que, abl. abs. (*reiecta paenula*), *qui*, abl. abs. (*gladiis eductis*), *ut*, *quod*, acc.-inf. (*hunc ... interfectum*), *qui*, *ex quibus ... partim ... partim*, *qui*, *cum* [2 clauses in asyndeton] ... *et ... et*, acc.-inf. x2 (*ad raedam pugnari*; *Milonem*)

occisum), abl. abs. (*nec imperante ... domino* [3 pples.]), *quod*, acc.-inf. (*suos ... seruos ... facere*)

parentheses – 1 (*dicam ... factum est*)

subordinate clauses – 1 (*ut*)

opening clause – principal clause

opening clause – *cum*-clause (sentence-particle: *autem*)

levels of subordination – 4 (*ad raedam pugnari; Milonem occisum; suos quisque ... facere*)

29.3 narrates the remainder of the encounter at length, describing Milo's valiant self-defence, the actions of Clodius' slaves, and, in a striking euphemism, the actions of Milo's slaves when they believed that their master had been killed. Milo's self-defence (after leaping down from the carriage) is narrated in the opening temporal clause (*cum*; embedded ablative absolute; second action added by *-que*). The principal clause, in which are embedded a number of subordinate clauses, focuses on Clodius' followers, identified in a relative clause (*qui*) and treated as two groups (*partim ... partim ...*), whose actions are expressed by infinitives (each with further subordinate clause(s) attached) dependent on *incipiunt*, which follows them. The second group's action is to kill the slaves at the tail end of Milo's entourage, a sub-group of whom (the loyal ones) is likewise divided into two groups (*partim ... partim ...*) – all this is expressed in a series of relative clauses (*qui; ex quibus; qui*). Again, it is the second group's action which is interesting. A temporal-causal clause (or clauses) narrates the circumstances which led to their action (*cum* with four separate verbs, at first following one another in asyndeton, the last two structured by *et ... et ...*), most of which involve their perceptions of aspects of the situation, expressed in embedded accusative-infinitive constructions. Finally the action itself is reached (*fecerunt*) – or appears to be: it is described only as *id*, and before this can be explained the speaker interrupts himself with a comment on his own discourse in parenthesis, then further postpones matters with a long ablative absolute stressing Milo's non-involvement, and finally produces a remarkable euphemism in the form of a relative clause (*quod*) claiming that what the slaves did was what anyone would have wished his slaves to do.

It is not surprising that a sentence this long reaches four levels of subordination, one of the highest levels reached in the speech (cf. 1.1, 16.5, 32.4, 70.1). But the complexity of the sentence is largely due to the number of different groups whose actions are narrated, to the number of relative clauses flying around, and to the repeated interruptions, than to the high level of subordination *per se*. All three clauses at level 4 are accusative-infinitive constructions, two expressing what Milo's slaves saw and heard, the third expressing what anyone would want his slaves to do.

a tergo: cf. on *ab abiecto*, 56.3.

dicam enim aperte: this is the most explicit first-person intrusion in the *narratio* (cf. *ad praeturam...*, 24.1 and *neque enim...*, 27.1). This use of the first person to underline a claim to honesty (and as the speaker nears the end of this already long sentence, to create suspense) is not dependent on the identity of the speaker: on the surface it is not a reference to Cicero as politician, although it does not take much effort to determine how his political stance might be affecting what he is saying.

30-31: Transition

A summary of the story that has been told (30.1) and an emphatic statement that it will not proceed to the aftermath of Clodius' death (30.2) indicate clearly that the *narratio* is over (30.1-2). What follows is essentially a reiteration of the points argued before the *narratio*: the allowability of self-defence (30.3-31.1); the claim that the object of investigation is the question who set an ambush for whom (31.2-6). This repetition constitutes a lengthy transition to the *tractatio* (cf. the elaborate summary of the Preliminary Arguments in 23.1). Apart from the references to the *res publica* in 30.2, the transition concentrates on what has been identified earlier (6.2-3, 23.1) as the defence's main line of argument, that Milo was acting in self-defence, against an *insidiator* (30.1), *latrones* (30.4), and an aggressive personal enemy (31.1); the *iure an iniuria* distinction is recapitulated at 31.2, and there is heavy emphasis on the ambush-issue in 31.3-6.

Personal references return emphatically in the first sentence of this passage (*sicuti exposui ... iudices*). The relatively short passage contains four first-person singulars, three first-person plurals and seven second-person plurals; and the inclusion of one or another or both of the transitional passages in the figures for the *narratio* would result in a far less unusual set of frequencies for these grammatical features, but those frequencies show the very different way in which the communication-situation is handled there. Here self-reference returns with a vengeance. A relative dip in personal references in the first few sentences of the *tractatio* means that those here may perhaps be seen as markers of the transition itself. The first-person singular references are concentrated in 30.1-3 at the start of the transition; towards the end these are replaced by first-person plurals which can be taken as referring to the defence-team (*fatemur*, 31.2) – although the last two show a remarkable level of identification between the defendant and his advocate (*tum nos scelere soluamur*; cf. note *ad loc.*). Syntactically, this short passage consists largely of relatively short units, some of them compact and complex; there is nothing to rival the length of 24.1 and 29.3 in the *narratio*.

30.1. Haec sicuti exposui
ita gesta sunt, iudices:
insidiator superatus est,
ui uicta uis, uel potius oppressa uirtute audacia est.

principal clauses – 3, in 3 units (introduction, asyndeton) [in third: 2 pples., 1x *est*]

subordinate clauses – 1/0/0: *sicuti*

opening clauses – principal clause/comparative clause (shared nominative/accusative: *haec*);

principal clause; principal clause

30.1 signals that the *narratio* is over by giving multiple summaries of it and its end result. The opening pronoun, *haec*, refers generally to what has preceded; the first summary is an assertion of the truth of the defence-account (referred to in an embedded comparative clause); three further summaries follow, providing three different ways of expressing the end result of the events narrated.

sicuti exposui..., **iudices**: the return of both the first-person singular and the second-person plural brings back an explicit focus on the communication-situation; given the lack of such

personal references within the *narratio* itself, these linguistic features underline the fact that it has ended. First-person verbs continue to occur in 30.2-3 (*dico, habeo, defendam*); the reference is formally to the speaker, but the context is not without its political overtones. The remarks are addressed to the *iudices* rather than to the audience in the forum more widely (*iudicetis* 30.4, *iugulari a uobis* 31.1).

30.2. Nihil dico
 quid res publica consecuta sit,
 nihil
 quid uos,
 nihil
 quid omnes boni;
 nihil sane id prosit Miloni,
 qui hoc fato natus est
 ut ne se quidem seruare potuerit,
 quin una rem publicam uosque seruaret.

principal clauses – 4, in 4 units (asyndeton x4)

subordinate clauses – 1/1/1/3: indir. qu. x3 (*quid* x3), *qui, ut, quin*

opening clauses – principal clause; principal clause; principal clause; principal clause

levels of subordination – 3 (*quin ... seruaret*)

30.2 confirms that the *narratio* is over by abjuring any account of what happened next, while still managing to claim that Milo's actions preserved not only his own life but the state. The opening principal clause clearly announces the *praeteritio*; what it is that is not going to be discussed is expressed in a following indirect question (*quid*). The point is then reiterated by elliptical repetitions, with different subjects for the indirect questions, extending the number of people affected by what happened. Another coordinate principal clause has a jussive subjunctive verb, abjuring any benefit to Milo from a consideration of the consequences of his action, which is then expressed in a subordinate clause-complex. A relative clause (*qui*) implying that Milo's action was fated contains the 'introducing' phrase *hoc fato*, which is then elaborated on in a noun-clause (*ut*) and a further *quin*-clause, referring respectively to Milo's saving himself and his saving the state – the sentence thus ends with a description of the positive consequences which were supposedly not going to be discussed.

nihil ... prosit: *nihil* is either adverbial, 'in no respect', or an internal accusative, *cf.* old-fashioned English 'it profits me nothing' (*e.g., First Corinthians* 13.3). *Cf.* 34.12, 77.2 (*prodesse*, with *nihil/plurimum*), 34.1, 34.2, 56.2 (*interesse*, with *quantum/quid*).

uos ... omnes boni: the use of *omnes boni* alongside *uos* (they are associated rather than contrasted) ensures that the universalizing implications of the defence-claim here are not left to chance – the universal effect of Milo's deed is not just a *possible* interpretation of the second-person plural; compare *una rem publicam uosque* below. The explicitness may be necessary here because in the context, here at a transitional point, *uos* might be most readily taken as referring to the *iudices*, and in 30.4, 31.1, and (less certainly) 31.2 the content, which deals explicitly with the role of the *iudices* in the trial, makes this certain.

- 30.3.** Si id iure fieri non potuit,
nihil habeo
quod defendam.

principal clauses – 1
subordinate clauses – 2: *si, quod*
opening clause – conditional clause
levels of subordination – 1

30.3 comments on the implications of the *narratio*, asserting that the defence case depends on Milo's actions as narrated being justifiable (cf. 7.2-3, 11.3). The construction is a conditional (with opening protasis, *si*); although formally open, with indicative verbs, it nevertheless invites a negative response.

- 30.4.** Sin hoc et ratio doctis et necessitas barbaris et mos gentibus et feris natura ipsa
praescipit,
ut omnem semper uim
quacumque ope possent
a corpore, a capite, a uita sua propulsarent,
non potestis hoc facinus improbum iudicare,
quin simul iudicetis
omnibus
qui in latrones inciderint
aut illorum telis aut uestris sententiis esse pereundum.

principal clauses – 1
subordinate clauses – 6: *sin, ut, quaecumque, quin, acc.-inf. (omnibus ... esse pereundum), qui*
opening clause – conditional clause
levels of subordination – 3 (*quacumque ope possent; qui in latrones inciderint*)

30.4 develops the theme of justifiability by claiming that there is a universal law permitting self-defence, and puts pressure on the *iudices* to acquit by arguing that condemnation of Milo would amount to condemning to death all men attacked by bandits (echo of 11.1). The opening conjunction, *sin*, introduces an alternative condition to the preceding sentence, much more elaborately expressed (quadruple subject; dependent noun-clause, *ut* (indirect command after *praescipit*)). The principal clause addresses the *iudices* directly; the negative expression *non potestis ... iudicare* sets up the following *quin*-clause, *quin simul iudicetis* (+ accusative-infinitive). The nature of the judgement in question is thus defined.

- 31.1.** Quod si ita putasset,
certe optabilis Miloni fuit dare iugulum P. Clodio,
non semel ab illo neque tum primum petitum,
quam iugulari a uobis
quia se non iugulandum illi tradidisset.

principal clauses – 1
subordinate clauses – 2: *si, quia*
participial phrases – 1: *non semel ab illo neque tum primum petitum*

opening clause – conditional clause (sentence-particle: *quod*)
 levels of subordination – 1

31.1 maintains focus on the verdict, claiming that it would have been better for Milo to have died at Clodius' hands in the skirmish than in court at the hands of the *iudices*. The principal clause expressing this comparison is preceded by a conditional protasis (*si ita putasset*), which may suggest that the apodosis too is reporting Milo's own thoughts. An embedded participial phrase supports the defence view of events by claiming that Clodius had sought to kill Milo in the past; the closing causal clause (*quia*) expresses the supposed reasoning behind a condemnation of Milo, which is made equivalent to his murder on the highway by the repetition of the word *iugulare*.

31.2. Sin hoc nemo uestrum ita sentit,
 illud iam in iudicium uenit:
 non occisusne sit,
 quod fatemur,
 sed iure an iniuria,
 quod multis in causis saepe quaesitum est.

principal clauses – 1

subordinate clauses – 5: *sin*, indir. qu. (*-ne*), *quod*, indir. qu. (*an*), *quod*

opening clause – conditional clause

levels of subordination – 2 (*quod fatemur*; *quod ... quaesitum est*)

31.2 returns to the contrast between the question of whether Clodius was killed, effectively by Milo, which the defence admit, and the question, presented as the real business of the trial, of whether the killing can be justified (echo of 8.1, 15.4). The sentence opens with another alternate conditional clause (*sin*), focusing on the *iudices*; this conditional, although formally open, invites agreement rather than denial as at 30.3. The principal clause introduces the real business of the trial, *illud*, expressed in two contrasting indirect questions (*-ne*, ... *an* ...), each followed by a relative clause (*quod* x2). The first represents the issue of fact; the second, which is elliptical (supply *occisusne sit* from the first), represents the issue of quality.

quod fatemur: cf. on *nos fateri*, 15.4, and *nos scelere soluamur*, 31.6.

31.3. Insidias factas esse
 constat,
 et id est
 quod senatus
 contra rem publicam factum
 iudicauit.

principal clauses – 2, in 2 units (*et*)

subordinate clauses – 1/2: acc.-inf. (*insidias ... esse*), *quod*, acc.-inf. (*contra ... factum*)

opening clauses – acc.-inf.; principal clause

levels of subordination – 2 (*contra rem publicam factum*)

31.3 supports the identification of the ambush issue as the real business of the trial by claiming that everyone agrees that an ambush took place, and that that is what the senate has condemned as *contra rem publicam* (echo of 14.3 and preliminary argument 2 in general). This compact sentence consists of two coordinate principal clauses joined by *et*: the first asserts universal agreement as to the fact of the ambush, expressed in the preceding accusative-infinitive; the second introduces a relative clause-complex (*qui* + accusative-infinitive) asserting the senate's view.

31.4. Ab utro factae sint
 incertum est;
 de hoc igitur latum est
 ut quaereretur.

principal clauses – 2, in 2 units (*igitur*)
subordinate clauses – 1/1: indir. qu. (*ab utro*), *ut*
opening clauses – indir. qu.; principal clause
levels of subordination – 1

31.4 continues this line of argument by asserting that the only uncertainty surrounds who set the ambush, and that settling that issue is the reason a *quaestio* has been created. Two units have here again been punctuated as a single compound sentence, even shorter than the preceding but following the same chiasmic sequence (subordinate-principal; principal-subordinate).

31.5. Ita et senatus rem, non hominem notauit,
 et Pompeius de iure, non de facto quaestionem tulit.

principal clauses – 2, in 1 unit (*et ... et ...*)
subordinate clauses – 0

31.5 reiterates the points made in the preceding sentences, providing another summary of preliminary arguments 2-3 (*cf.* the transitional 23.1). Two more coordinate principal clauses, this time with no subordination, describe the views of the senate and Pompeius in short antitheses (*..., non ... x2*).

31.6. Num quid igitur aliud in iudicium uenit
 nisi uter utri insidias fecerit?
 profecto nihil;
 si hic illi,
 ut ne sit impune;
 si ille huic,
 tum nos scelere soluamur.

principal clauses – 4, in 4 units (question-answer; introduction; asyndeton)
subordinate clauses – 1/0/1/1: indir. qu. (*uter*), *si*, *si*
opening clauses – principal clause; conditional clause; conditional clause
levels of subordination – 1

31.6 concludes these summaries and brings the speech back to the point reached at 23.1 (and 6.3, 11.3) by re-identifying the business of the trial as answering the question ‘who ambushed whom?’, then specifying the result which should follow each of the two possible answers. The opening rhetorical question is of the ‘what else?’-type; *num* expects the answer ‘no’, or in this case ‘nothing’. This identifies the content of the following indirect question (*uter*) as the real business of the trial. The answer to *num quid aliud* is then actually expressed (*nihil*; the rest of the syntax must be supplied from the question). Four clauses follow: the first and third are introduced by *si* and lack verbs (the action, *insidias fecerit*, must be supplied from the indirect question); the second clause is introduced by *ut ne*, the fourth by *tum*, and the verbs in these are subjunctive. There is a debate in the commentaries as to whether the *ut ne*-clause is final (Poynton) or consecutive (Reid, Clark). Presumably they are viewing these clauses as dependent on *nihil (aliud in iudicium uenit)*, in which case consecutive seems to be a better description, and Clark’s *Fin.* 2.24 provides a parallel (consecutive noun-clause dependent on *efficitur*). But an alternative is to view *ut ne sit impune* and *tum nos scelere soluamur*, the apodoses to the *si*-clauses, as principal clauses introduced by, rather than subordinate clauses dependent on, what precedes.¹ The question is therefore whether *ut ne* can introduce an optative subjunctive, and whether an optative rather than a jussive (not normally accompanied by *ut*) would be preferable here. Clark quotes Reisig-Hasse to the effect that the combination is more ‘sonorous’ and ‘archaic’ than *ne* alone, and if it can be used with (subordinate) final or consecutive clauses, why not with an optative? W.116-7 gives two examples of *utinam ... ne* (as well as one with *non* and one with *nec*). A solemn, archaic tone would seem appropriate to the context, and the use of the optative rather than the jussive could have a similar effect: if Milo is guilty, Cicero not only concedes that he should be punished (jussive), he wishes for it, even prays for it (optative). If this explanation does not pass muster, there remains the option of emendation. Clark’s apparatus indicates that Lambinus tentatively suggested *tum ut nos* for the fourth clause, to create greater parallelism with the second, but that nobody has suggested simply deleting the first *ut*, perhaps on the grounds that *difficilior potior*.

nos scelere soluamur: strictly, only Milo stands accused of any *scelus* (Cicero’s possible involvement in the killing of Clodius is dealt with briefly at 47.3-5, but if this passing use of the first-person plural anticipates that argument at all, it does so only vaguely). Just as the association between the defence-team and the advocate delivering the speech allows slippage between first-person singular and plural at the end of the *exordium*, here the speaker himself or the defence-team are equated with the defendant.

¹ Although in a sense the apodosis of a conditional is the result of the conditional’s being fulfilled, it seems unlikely that all three commentators understand (but do not use) ‘independent’ before ‘final/consecutive’ (Austin 1960 *ad Cael.* 8 uses the term ‘independent final clause’ – but see also revised note, p.163). *Fin.* 2.24 is certainly subordinate; *Sull.* 27 could perhaps be seen as a principal clause in parenthesis rather than a subordinate clause. The latter is described by Berry 1996 *ad loc.* as ‘stipulative’, the subjunctive as ‘jussive’.

32-91: *Tractatio*

The transition from *narratio* to *tractatio* has heavily emphasized the argument that Milo was acting in self-defence, identified as the main line of defence at 6.2-3 and 23.1, with noticeable repetitions of the encapsulation ‘who set an ambush for whom?’ at 31.3-4 and 31.6. What follows is what this emphasis leads the audience to expect: an attempt to demonstrate that Clodius set an ambush for Milo; Milo did not set an ambush for Clodius. Labelling this material the ‘Self-Defence Argument’ is a retrospective act of analysis which implies that there is another, equally important argument included in the *tractatio*. A first-time audience, however, will not necessarily have been expecting such a thing, since 6.2-3 could be read as hinting at the inclusion of certain political claims or arguments within the *peroratio*. In fact the orator almost nowhere entirely eschews political arguments. In the transition to the *tractatio*, there were references to the *res publica* (30.2), and the early sections of (what we will call) the Self-Defence Argument are peppered with references to the threat Clodius posed to the state (e.g., 33.1, 34.6-8, 35.5, 36.5, 37.3-38.6) and even a few comments hinting at the desirability of his death (39.3, 41.1). The focus then narrows for a while from the political context to the skirmish itself; the next references to the state come at 61.2, with arguments against the suggestion that Milo constitutes a threat to the *patria* from 63.2 on.

Retrospectively, 30.2 can be seen as anticipating the Public-Good Argument, and the later references to the state viewed as part of the extended transition between Self-Defence and Public Good. For a first-time audience, on the other hand, the return of political references may have contributed to a sense of ring composition, and the shift in focus at 67.1 (*non iam hoc Clodianum crimen timemus* and a direct address to Pompeius rather than to the *iudices*) may have felt like the end of the *tractatio*. The introduction of an extended political argument *before* the *peroratio* may have come – and may have been intended to come – as a surprise. In a sense the principal argument of the speech *has* ended by 67.1, far less by 72.1 where the Public-Good Argument is usually reckoned to begin in earnest; just as the Preliminary Arguments have exordial elements, the Public-Good Argument has aspects of a *peroratio*. The summing up at 70.2-71.1 echoes preliminary argument 3 (15.4-6) and the *exordium* (2.2), creating a strong sense of ring composition. Our reluctance to treat it as *part* of the *peroratio* is due in part to its length, in part to the clarity with which the *peroratio* proper is announced at 92.1.

That announcement contains a characterization of what has gone before as *satis multa de causa, extra causam nimis fortasse multa* (92.1), while the orator has already set the Self-Defence and Public-Good Arguments against one another at 72.1: *si iam nollem ita diluere crimen ut dilui* both asserts that Milo’s innocence has been proven, and suggests that what follows works as an alternative to that proof. In fact, there are many problems with the proof, and what follows would certainly not be a convincing alternative if it were really to be presented as such. Its actual separateness from the Self-Defence Argument can perhaps also be questioned, and not only because the orator repeatedly reminds his audience both of the counterfactual status of the Public-Good Argument (77.1, 81.1) and of the interpretation of events presented in the Self-Defence Argument (81.1, 84.3). The references to politics in 33.1-41.1 and 61.2-66.7 not only create a surface unity between the two main Arguments; on reflection, they also point to an underlying unity of substance. This unity can be best understood through the presentation of the character of Clodius, as the kind of person who

would lay an ambush for Milo (Self-Defence), which is exactly the same thing – from the standpoint adopted in the speech – as the kind of person whose deliberate removal, had it been performed, would deserve praise rather than censure (Public-Good).

It is easy to imagine a different treatment of the same material found in the extant text of the *Pro Milone*, in which the Self-Defence and Public-Good Arguments would not be so carefully separated one from the other. Just so, the Preliminary Arguments could have been incorporated in a longer *exordium*, or the different phases of the *narratio* and the arguments based on them could have been intertwined rather than carefully and elaborately distinguished. The various claims presented in 72-91 could have been interspersed with the argument presented in 32-67. The counterfactual argument that Milo could boast of having deliberately killed Clodius (72.3-75.3) could have been appended to the list of occasions on which he could have killed his enemy but refrained from doing so (38.2-41.1), for example, and the lament on the burning of the *curia* at 90.1-91.3 combined with the attack on Cloelius at 33.4-7. Other elements could have been placed as digressions from the more serious and legalistic discussions at various points, creating the impression of an orator repeatedly carried away by his emotions and repeatedly dragging himself back to the main business at hand. Instead the orator chose to separate the two Arguments and to mark the separation when and after it occurred (67.1, 72.1-2, 92.1) – as well as hinting at it in advance (6.2-3) –, while also using shared themes to prevent the two Arguments from seeming as if they belong to two entirely different speeches. Why might he have done so? Could the reason for separating out the *most* political, the most strident aspects of the defence case have been, at least in part, a desire to distract attention from the extent to which the supposedly factual and legal Self-Defence Argument itself depends on a biased and emotive political stance?

32-71: The Self-Defence Argument

The heavy emphasis on the ambush-issue in 31.3-6 confirms the identification of the defence's main line of argument at 6.2-3 and 23.1: that Milo killed Clodius in self-defence. The *tractatio* itself begins by closely mirroring the themes presented in the *narratio*: an initial focus on the elections (32.4, 34.3-12, 42.0-43.1) and Clodius' use of violence (33.1, 35.4, 36.1-41.1, 43.2, 43.4) is followed by a careful analysis of the events leading up to and during the skirmish itself (44.3-56.3). Early on, the shifts from one topic to another are marked as carefully as they were in 1-31, while subdivisions of the individual topics are even more carefully marked than in the Preliminary Arguments and the *narratio*, for example at points where attention is switched from Clodius to Milo (e.g., 34.1, 38.1; cf. also 45.6). Both the close relationship with the *narratio* and the careful articulation continue to emphasize the organized and systematic way in which the orator is handling his material; frequent markers of topic-shift, resulting from the notice taken of subdivisions as well as major divisions, also convey an impression that the arguments in favour of the defence are piling up. This impression of accumulation may be reinforced by the stylistic variations – including in variations in the frequency and type of transition-markers used – among the different arguments.

The passage corresponding to the 'political background' half of the *narratio* (24-26) is divided into discussions of a) motive or *causa* (32-35) and b) tendency towards the use of violence (36-43). In both, it is apparently shown that the argument from probability points towards Clodius as ambusher rather than Milo; in both, the arguments in fact leave a great

deal to be desired. The passage (36-57) corresponding to the ‘preparations and skirmish’ half of the *narratio* (27-29) is divided rather artificially by a dramatic interruption and summary of the arguments so far at 52.1, probably designed to draw attention to the following argument, that the location of the ambush points to Clodius as the ambusher (53.1). 36-51 have covered a variety of aspects of the period before the skirmish, while 53-56 focus on the skirmish itself, dealing with location and other aspects. These passages are not as clearly organized as the arguments about motive and violence: topic-identifiers are either missing, misleading, or cover only part of what follows; the distinction between major division and subdivision is not always clear.

At 57.1 the argument moves past the point reached at the end of the *narratio* and deals with various aspects of the aftermath of the skirmish: Milo’s manumission of his slaves (57-58), the interrogation of Clodius’ slaves (59-60), Milo’s demeanour on his return to Rome (61.1-63.1), the rumours attacking him (62.2-66.7), with Pompeius’ response to the rumours/Milo gradually taking over from 65.1 on. The transition to events after the skirmish is clear, but not very strongly marked; like the last topic in the discussion of the skirmish, introduced at 55.4, it is added by a pseudo-quotation rather than by explicit reference to the speaker, addressees, speech, or trial. This introduction of possible objections which are apparently quickly and comprehensively answered may invoke once again the picture of the carping opposition, raising pointless claims, created in the Preliminary Arguments. If so, the implication of ending the *narratio* with the death of Clodius is reinforced: there are no further arguments really worth pursuing – although the defence will deal with such attempts at argument as have been put forward.

When the orator returns to explicit self-reference as a signal of topic-shift at 61.1, he also suggests strongly that the defence case has essentially already been demonstrated. From 63.2 the focus of Milo’s defence shifts (without much attention being drawn to the shift): the interpretation of the skirmish is replaced by responses to attacks based on his potential future behaviour. A more explicit claim that the *crimen* is no longer an issue introduces an address to Pompeius at 67.1; 67-71 could therefore be seen as not belonging to the Self-Defence Argument, although the passage does not yet clearly express the Public-Good Argument (see further 67-71n.). It is treated here as a transitional passage between the two Arguments, and like other transitions (23, 30-31), it is grouped, for the purposes of printing the ‘table-of-contents’ type analysis and organizing the commentary, with what precedes rather than with what follows.

The following figures may or may not be considered relevant to the issue of how to classify 67-71. If these sections are taken with the arguments about the aftermath of the skirmish, the word-count of this part of the Self-Defence Argument goes up from 956 to 1,430, which is closer in length to the arguments about the period before the skirmish (32-43: 1,353 words; this count depends on treating 30-31 with what precedes it rather than what follows). This would mean that the arguments about the preparations for the skirmish and the skirmish itself (44-56: 1,166 words) would be positioned in the core of the Self-Defence Argument in terms of its temporal progression, as well as being its core in terms of strength of arguments, as suggested at Approach 1.1. An original audience could not have known that this passage was the centre of the Self-Defence Argument, since even if they were watching the water-clock and remembering the time-restriction the defence was under, they could not guess the likely length of the *peroratio* or, if they had anticipated it, the Public-Good

Argument. But the importance of the central position in works of classical literature is so well-attested that it would be foolish to ignore entirely the possibility that it is significant here. From a different perspective, the argument about location is positioned almost exactly halfway through the speech. In any case, the summary of the arguments-so-far at 52.1 itself draws attention to these seemingly strong arguments, by repeating those preceding it and forcing a pause before those following.

Within the individual topics the speech does not maintain the forward chronological movement that characterizes the Self-Defence Argument as a whole (before skirmish – skirmish – after skirmish): within the large movement there are a number of smaller movements. For example, the reference to the burning of Clodius' body (along with the *curia*) at 33.4-7 focuses for a moment on the period after Clodius' death, in the midst of the argument about motive which is necessarily generally focused on the period before (e.g., 33.1, 34.5-8, 35.3-5). The argument about violence appears to contain its own forward movement from Cicero's exile (36.2-37.1) to his recall (38.3-39.3) and subsequent events (40.1-41.1), but this pattern too is interrupted at 37.3 by another list of Clodius' violent actions which apparently reaches the recent past (*nuper*), well after the recall which is yet to be described. After the skirmish, the discussion of slave-interrogation incorporates references to a recent *contio* (58.1) and interrogations described as going on now (*nunc*, 59.1); both of these must have taken place *after* Milo's return to Rome, which is itself described in the following topic at 61.1. 62.2 then jumps back to the period before that return, starting its own forward chronological movement of rumours from different time-periods (culminating once again in *nuper*, 66.5).

Any attempt to trace the chronological movement of the argument is further complicated by references to futures imagined – in the past – by Clodius or the citizens of Rome, now averted (32.4, 34.6, 43.2), and by discussions of false and hypothetical versions of past events (47.2-51.3). The three broad chronological periods are nevertheless kept largely separate in these three major subdivisions of the Self-Defence Argument; the return to events (long) before the skirmish in Milo's testimony to Pompeius at 68.2 can be seen as anticipating the more wide-ranging chronological scope of the Public-Good Argument in what is essentially a transitional passage. In returning here to the question of what Pompeius thinks, the defence still entirely eschews any discussion of his possible views on the consular elections before the skirmish put a final end to the electoral process for that year, focusing instead on what he thinks Milo might be up to *now*.

Through most of the Self-Defence Argument, the defence concentrates on attack. This is a not uncommon feature of Cicero's defence-speeches, but in this trial it may have been a particularly necessary strategy, especially if Asconius is right that the skirmish took place entirely by accident. This would mean that the opposing versions of the prosecution, who argued that Milo set an ambush for Clodius, and the defence, who argued that Clodius set an ambush for Milo, were both untrue. An attack on the prosecution version may therefore have been, in terms of fact as well as in terms of Cicero's preferences in handling a defence, stronger than constructing the defence version.

In terms of the signalling of topics and topic-shifts, the Self-Defence Argument moves from similarity to what precedes, the Preliminary Arguments and the elaborately marked *narratio*, to similarity to what follows, the less carefully structured, emotional Public-Good

Argument. In terms of correspondence to the *narratio*, it changes starkly at 57.1, but relatively little attention is drawn to this change.

32-35: Before the Skirmish – Motive

32-35: After a transitional comment introducing the *tractatio*/Self-Defence Argument as a whole (32.1), the first topic to be considered is explicitly identified as motive (32.2), after which it is argued first that Clodius had a motive (32.3-34.1), then that Milo did not (34.1-35.3), and finally, again, that Clodius did (35.2, 35.4-5). The amount of argument devoted to this topic (32.2-34.12, with a digression at 33.2-7) means that 32.2 can, retrospectively, be evaluated as a generally accurate label for the first argument of the *tractatio*. The first motives discussed are related to the recent electoral campaigning; there is a brief discussion of the alternative motive of personal enmity. The shifts from Clodius to Milo (34.1-3), and to the personal enmity motive (35.1), are clearly indicated, the first by an appeal to the *iudices*, announcement of topic and pseudo-quotation, the second only by a pseudo-quotation; these explicitly marked subdivisions create a strong impression that the orator has organized his material well and is taking even more pains than before to display the workings of his argument to his audience; the new topic at 36.1 is also explicitly marked. The sentences before these topic-sentences tend to include antitheses which can be seen as contributing a closural/climactic feel (*laudare non possum, irasci certe non debeo*, 33.7; *non modo igitur nihil prodest sed obest etiam*, 34.12; *in homine iniusto quam etiam iustum*, 35.5); but since such comments do not always coincide with topic-closure, they can only hint at what is then confirmed by the topic-sentence itself.

The clear markers at 34.1 and 35.1 make paragraphing decisions easy – although because 34.1 is an antithesis, looking both forward and back, the break could in theory be placed either before or after it. The first argument about Clodius' motive could have been treated as a single paragraph; breaking before 33.1 emphasizes the introduction of what looks like an important supporting argument, which, however, then leads to a digression. No break is possible between sentences after 33.1, where new elements are introduced by association of ideas rather than abrupt shift of attention. The fact that the major shift from Clodius to Milo comes roughly halfway through the argument as a whole may create the impression that the orator is giving balanced treatment to the two protagonists, especially if the subdivision-markers can distract the audience from the content: much of the first half is taken up with an issue which has nothing to do with Clodius' motive; in the second half, the topic-sentence announcing personal enmity issue focuses on Milo, but its content returns attention to Clodius.

The argument depends heavily on the black-and-white picture of Roman politics painted throughout the speech, especially on the account of the election given in the *narratio*; several of the claims made there are repeated (esp. 34.3-8 *cf.* 25.4-5). The addition of information new to the speech – a reference to Clodius' plans for his praetorship (33.1), Cicero's memories of the election campaign (34.5-8), a biased description of earlier interactions between Clodius and Milo (35.4) – creates the impression that the defence case is being expanded and strengthened, but none of the information constitutes evidence of Clodius' murderous intent or Milo's innocence. Clodius' electoral motive is particularly thinly supported, with much of 33.2-7 being a 'digression' on Clodius' cremation; like the digression on Papirius and the *uia Appia* (18.1-2), this digression is in fact important to the

defence. Nevertheless, the suggestion at 34.1 that this motive has been demonstrated is an exaggeration at best.

Word-group	Frequency	Occurrences
<i>Clodius/Clodianus</i> *	2.7%	16 (15/1)
<i>Milo</i> *	2.7%	16
? <i>posse</i> *	1.5%	9
? <i>magnus/magis/maior/maximus</i> *	1.2%	7 (3/1/1/2)
<i>consul/consulatus</i>	1.0%	6 (3/3)
<i>odium/odisse</i>	1.0%	6 (3/3)
? <i>res</i>	1.0%	6
		(591 words)

As at 7.1-2, there is a pair of sentences introducing the motive argument, of which 32.1 can be seen, along with the last part of the transitional passage, as introducing the *tractatio* as a whole. It contains the names of both protagonists, which are even more frequent in this argument than in the *narratio*; one or the other or both will appear in the table for all individual sub-divisions in the Self-Defence Argument, and *Milo* is particularly frequent in the first half of the Argument. Only *Milo* appears in 32.2, where Clodius is referred to as *tam audaci, tam nefaria belua*. The other ‘frequent’ words to appear in these two sentences are relatively ‘colourless’: *posse* in 32.1 and *magnus* (x3) in 32.2 – but *cf.* note on 35.2 for the latter. As in 7.1, the communication of what is to come is here achieved less through anticipatory vocabulary than through explicit statement. So 32.1 repeats the issue (who ambushed whom?) and asks how the correct answer will be proven: *probari* refers directly to the purpose of the speech. Similarly *refutanda* in 7.1 identified what was to follow as arguments, but the word was not used frequently, or at all, in those arguments. 32.2 provides an answer to 32.1 and thus identifies the first topic of the *tractatio* as motive, expressed in the words *causam, spem, and utilitates*: Clodius had something to gain. But ‘motive’ is an abstract label for the ‘something to gain’, which will be expressed in more concrete ways in the actual arguments to follow, and *causa* does not re-appear until 36.3 in the violence argument.

The motive argument itself is more repetitious in terms of the percentage of text taken up by the ‘frequent’ word-groups (11.2%/7.4%) than the third preliminary argument (10.3%/6.8%) and the *narratio* (9.3%/6.6%), and is comparable to the *exordium* (11.3%/7.5%), but it achieves this percentage through the high frequencies of slightly fewer words: as already suggested, both *Milo* and *Clodius* achieve a remarkable frequency in this passage. The two other ‘interesting’ words reflect the actual motives to be discussed – demonstrated for Clodius, denied for Milo; these appear in what might be called the minor topic-sentences which mark the sub-divisions of the argument, *consul* first (twice) in 32.4 and again in 34.3, *odium* in 35.1. The other occurrences of *consul* come before 35.1, the remaining occurrences of *odium* after; the fact that passages dealing with the two motives have different frequent vocabulary contributes to the sense of clear division and organization at the outset of the Self-Defence Argument.

Of the six occurrences of *res*, three are *res publica*, and one *res nouae*. To the references to the state can be added one of *populus Romanus* (34.8n.), one more of *publicus*, four of *ciui(ta)s/ciuilis*, and two of *urbs* in 33.1 (*cf.* note on *faces* ...). The topic is political, but the political vocabulary is varied. The semantic field represented by *iudex-ius-lex* is neither

conspicuous in this argument, nor completely absent. There are three vocative *iudices* and no other occurrences of this root; three occurrences of *leges* in the address to Cloelius and a fourth in 35.4; three occurrences of *ius*, etc. (*iniuria* and *(in)iustus*) in 35. None of these words refers to the current trial-situation; the nature of the focus on law has shifted now that the introduction is over and the situation established.

1st sing.	2.5%
1st plur.	0.5%
2nd sing.	3.6%
2nd plur.	3.2%

After a brief lull in 32.1-4, first- and especially second-person references are frequent in this opening discussion of the Self-Defence Argument. There are also several shifts of speaker/addressee: a direct quotation of a jurist from a previous generation at 32.3, pseudo-quotations introducing new sub-topics at 34.3 and 35.1, and most strikingly of all, a substantial address to an individual, Sex. Cloelius, accompanying the digression on the burning of the *curia* (33.2-7). Second-person plurals are less concentrated but return to the fore in 34.1-35.5, emphasizing the contrast between the radically different addressees Cloelius and the *iudices*/Roman people (ambiguous reference at 34.7 [*uidebatis*], 34.10 [*uos*]; also 33.1 [*nobis*]). The address to Cloelius also contains a number of first-person references in which Cicero's political stance (his enmity towards Clodius) is significant; similarly, in 34.2-5 and again at 35.2 and 35.4, his political association with Milo and opposition to Clodius are both stressed. (Possible exceptions: *quaeso* 33.4, *non dicam* 34.2, *non dico* 35.2; cf. notes *ad locc.*) First-person plurals are universalizing.

After a couple of long and complex sentences reading Clodius' mind and describing Cloelius' actions (32.4, 33.2), the average length of units and amount of subordination drops in the argument about motive as a whole, which in some respects resembles the third preliminary argument. There are a number of questions and exclamations, although nothing quite like the sequence of questions and responses at 15.2-3. Some of these are used to introduce arguments, others reflect the speaker's emotion.

32.1. Quonam igitur pacto probari potest
insidias Miloni fecisse Clodium?

principal clauses – 1

subordinate clauses – 1: acc.-inf. (*insidias ... Clodium*)

opening clause – principal clause

32.1 clearly signals that the *tractatio* is beginning by focusing on *how* the issue identified in the preceding sentences can be settled; the phrasing anticipates a conclusion in the defence's favour. The principal clause asks how something can be proved; an accusative-infinitive expresses the thing to be proved: that Clodius ambushed Milo. The question-answer format of this sentence and the next may keep the *iudices* involved here despite the lack of a second-person plural.

- 32.2. Satis est in illa quidem tam audaci, tam nefaria belua docere,
 magnam ei causam, magnam spem in Milonis morte propositam,
 magnas utilitates fuisse.

principal clauses – 1

subordinate clauses – 1: acc.-inf. (*magnam ... fuisse*)

opening clause – principal clause

32.2 identifies the first topic of the *tractatio* by claiming that motive provides a sufficient argument for believing that Clodius intended to kill Milo. The sentence follows the same syntactic pattern as 32.1, to which it provides an answer: the principal clause, expanded by negative description of Clodius which is also explanatory, asserts that something constitutes adequate proof; an accusative-infinitive expresses what that something is.

magnam ... fuisse: this triplet is interestingly constructed in that the central item is longest. Each item contains an element which is presumably to be shared with the other two: the first contains the dative *ei*, the second the participial phrase *in Milonis morte propositam*, the third the perfect infinitive of *esse*. The perfect passive infinitive would be *propositam esse*; *propositam fuisse* predicates the establishment of these advantages for Clodius, rather than describing their being established, as something which existed in the past but does no longer. The separation of participle and infinitive, especially by a plural noun with which the participle does not technically agree, emphasizes this meaning. The construction of the triplet as a whole is presumably intended to draw attention to the statement; there is no precise parallel elsewhere in the speech.

- 32.3. Itaque illud Cassianum
 ‘cui bono fuerit?’
 in his personis ualeat,
 etsi boni nullo emolumento impelluntur in fraudem,
 improbi saepe paruo.

principal clauses – 1

subordinate clauses – 2: *etsi* [2 clauses in asyndeton]

embedded *oratio recta*: 1 (*cui bono fuerit*)

opening clause – principal clause

levels of subordination – 1

32.3 develops the theme of motive, citing the classic formulation of the general principle by Cassius but noting that, to be convincing, motive must be combined with bad character (already established for Clodius). A principal clause introducing Cassius’ famous formulation of the motive issue (referred to by the ‘introducing’ phrase, *illud Cassianum*, then given full expression in a direct quotation) urges that his principle should be applied in the current case (jussive subjunctive verb); a concessive clause (*etsi*) then acknowledges certain limitations of the principle. The difference made here between the *boni* and the *improbi* implies that motive might not be a sufficient argument to demonstrate Milo’s guilt, but Clodius’ character has been established (*e.g.*, 32.2).

32.4.

Atqui Milone interfecto

Clodius haec adsequebatur:

non modo ut praetor esset non eo consule

quo sceleris facere nihil posset,

sed etiam ut eis consulibus praetor esset

quibus,

si non adiuuantibus, at coniuventibus certe,

speraret

se posse eludere in illis suis cogitatis furoribus,

cuius illi conatus,

ut ipse ratiocinabatur,

nec cuperent reprimere,

si possent,

cum

tantum beneficium ei se debere

arbitrarentur,

et,

si uellent,

fortasse uix possent frangere hominis sceleratissimi

conroboratam iam uetustate

audaciam.

principal clauses – 1

subordinate clauses – 14: abl. abs. (*Milone interfecto*), *ut*, *quo*, *ut*, *quibus*, abl. abs. (*quibus si non ... coniuventibus certe*), acc.-inf. (*se ... furoribus*), *cuius ... nec ... et*, *ut*, *si*, *cum*, acc.-inf. (*tantum ... debere*), *si*

participial phrases – 1: *conroboratam iam uetustate*

opening clause – ablative absolute (sentence-conjunction: *atqui*)

levels of subordination – 4 (*tantum beneficium ... debere*)

32.4 particularizes the abstract issue by narrowing the focus of discussion to Clodius' motive for killing Milo: he wanted to be free of someone who would prevent him from harassing the state. A long and syntactically complex sentence unfolds Clodius' motivation. The first element is an ablative absolute, setting up the condition which underlay his plans. The short principal clause, *Clodius haec adsequebatur*, announces a further explanation of what he hoped to achieve (conative imperfect), and is followed by a double noun-clause (*non modo ut ... sed etiam ut ...*) giving full expression to what was first referred to by the 'introducing pronoun' *haec*. Either consecutive or final overtones can be read into the *ut*-clauses. Each clause is complicated by further levels of subordination, which initially parallel one another. The sequence lays out the consequences for Clodius' praetorship of Milo's becoming consul (which will not happen if he is killed), and of his rivals' becoming consuls (if he is killed): restraint on Clodius' activities in the first case, unlimited licence in the second. The train of thought can be considered at an end in the words *in illis suis cogitatis furoribus*, but a relative clause follows, adding a repetition/expansion of the point made about the situation should Milo's rivals achieve the consulship. This new construction is also double (*nec cuperent ... et ... possent*), and also complicated by further levels of subordination (parallel

conditionals; a temporal-causal *cum*-clause – with embedded accusative-infinitive construction (fourth level of subordination) – answered by explanatory adjectives in the closing clause (*sceleratissimi, conroboratam iam uetustate*). It all adds up to two separate reasons why these consuls would not restrain Clodius: they would neither wish to nor be able to.

The focus throughout is on reading Clodius' mind, and as elsewhere in the speech this is accompanied by a high level of subordination combined with multiple antitheses and some embedding/interlacing of clauses. The principal verb, *adsequatur*, can be seen as describing either what Clodius was trying to 'achieve' (conative), *i.e.*, his intentions, or his developing thought-process as he 'follows' the consequences of Milo's death (expressed in a preceding ablative absolute) in his mind. Reminders that what is being discussed constitutes Clodius' thoughts come towards the end of the *non modo ... sed etiam ...* clause-complex, where the effect of having a particular set of consuls is expressed by *speraret* followed by an accusative-infinitive construction, and again in a parenthetical clause, *ut ipse ratiocinabatur*, positioned early in the clause-complex introduced by *cuius*.

There are a number of syntactic ambiguities in the sentence. It hardly matters whether the double *ut*-clause, which follows, is taken as final (reading Clodius' thoughts/intentions, perhaps from the point of view of the orator) or consecutive (considering the results of events, perhaps from the point of view of Clodius). In the ablative phrases followed by correlative clauses (*non eo consule quo ..., eis consulibus ... quibus ...*), the ablatives can be considered either absolute or simply circumstantial; the choice makes no difference to the meaning, but does affect the level of syntactic complexity the sentence is described as reaching. The second relative is accompanied by two contrasting present participles, which contribute (along with the accusative-infinitive after *speraret*) to the increased length and complexity of this second element in the contrast. A full-stop or semi-colon could have been placed after *furoribus*, with the following *cuius* treated as a merely connecting relative; as punctuated here, the relative clause involves a substantial shift of subject, from Clodius (*cuius*) to the hypothetical consuls (*illi*). The present punctuation chooses to emphasize the continuity of the focus on Clodius' thought-processes, signalled almost immediately by *ut ipse ratiocinabatur*; its antecedent could be *Clodius* at the beginning of the sentence, or possibly the nearer *se*. Since this is a matter of syntactic description/punctuation, it could be argued that it is not relevant to the original context, which either involves or evokes an oral delivery, and at any rate predates modern syntactic analysis and punctuation conventions. But it is worth considering the possible effects on an original audience of the phenomena which create difficulties for a modern editor. Here I would argue that the high level of subordination, the multiple use of contrasting pairs, the clauses being piled up one on top of the other in a run-on fashion, all combine to reflect the fevered imagination of Clodius, or the difficulty of communicating another person's thoughts. The parenthetical *ut*-clause in particular suggests the need to remind the audience that these thoughts are not the speaker's own.

- 33.1.** An uero, iudices, uos soli ignoratis –
 uos hospites in hac urbe uersamini,
 uestrae peregrinantur aures
 neque in hoc peruagato ciuitatis sermone uersantur –
 quas ille leges,

33.2 suddenly shifts focus to Clodius' *scriba*, Cloelius (who presumably drafted the laws mentioned in the preceding sentence), and who is said here to have acquired custody of the drafts in the turmoil following Clodius' death. The sentence initially maintains its focus on the laws by asking Cloelius to produce the drafts in the present (*exhibe, exhibe*); a relative clause then shifts the focus to past events involving the draft laws. That the events are rumoured/reported (*aiunt* + accusative-infinitive) rather than personally vouched for by the speaker is probably not intended to suggest any doubt that they happened, but rather to emphasize the suggestion made in 33.1 that they are widely known. The sense is complete at *tamquam Palladium sustulisse*, but a final clause (*ut*) is then attached, expressing Cloelius' intentions, and embracing two further subordinate clauses (*si, qui*).

exhibe, exhibe, ...: the shift to a singular addressee is immediately flagged in the sentence-opening imperative (*cf. te, 22.1*), then emphasized by *geminatio*, a vocative, two further second-person singular verbs, one pronoun and two possessives. Coming immediately after the concentration of plurals in 33.1, this introduces Cloelius, who has been selected here as a representative of the *Clodiani* (*cf. on uestrarum*). More singulars follow in 33.5-7, in one of the most striking concentrations of person-references in the speech.

Sex. Cloeli: the standard reading is *Clodi*, but the mss. apparently provide support for *Cloeli* (Shackleton Bailey 1960); I take this man's name to be Cloelius. For a counter-argument, see Łoposzko 1989 (with further bibliography). The change to Clark's text alters the frequency-percentages for this argument by at most 0.2%.

quaeso: parenthetical *quaeso* hardly evokes Cicero's political status in itself, but the juxtaposition of the second- and first-person verbs foreshadows the explicit setting of Cicero and Cloelius against one another in 33.5-7 (*tu me tibi iratum*).

uestrarum: the second-person plural referred to here is the *Clodiani*. His actions here are discussed again in the Public-Good Argument (90.1, 90.3).

si nactus esses, qui ... gereret: the conditional clause and final relative clause (4) both modify *ad aliquem deferre* in the surrounding final clause (3), which modifies *eripuisse/sustulisse* in the preceding accusative-infinitive (2), object of *aiunt* in the preceding relative clause (1), which qualifies *librarium* in the principal clause (P). This high level of subordination is reached in a sentence which combines mini-narrative (*cf. 7.3, 8.2*) and mind-reading (*cf. 32.4*), the mind-reading starting with the final clause.

e domo: the grammars tell us that *domus* does not require a preposition when expressing place at/from/to which; here the desire for parallelism with *ex mediis armis* may have suggested using *e* (although the two prepositional phrases modify different infinitives) or some explanation similar to that given for *in domum* at 75.1 may apply (*i.e.*, there is some emphasis on the fact that the laws were taken not so much 'from Clodius' home' as 'out of Clodius' house'). Contrast *ieicisti domo*, 33.6.

- 33.3.** Et aspexit me illis quidem oculis
 quibus tum solebat
 cum omnibus omnia minabatur.

principal clauses – 1
 subordinate clauses – 2: *quibus, cum*
 opening clause – principal clause
 levels of subordination – 2

33.3 maintains the focus on Cloelius, commenting on his demeanour. The opening words, *et aspexit*, indicate immediately that Cloelius is now being referred to in the third person; a correlative construction (*illis ... quibus ...*) compares the specific occasion (*aspexit*) to a generalized past (*tum solebat [aspicere]*), aspects of which are specified in a temporal clause (*cum*) which closes the short sentence.

aspexit me: another anticipation of the direct clash between Cicero and Cloelius' stand-points in what follows. The third-person here does not feel like a distanced reference to the addressee (*cf.* on *Cn. Pompeium*, 70.1); Cicero has actually turned away from Cloelius – only for a moment, as it transpires, though a first-time audience could not have known that for certain. If this is to be read as being addressed to the *iudices*, the rapid chopping-and-changing of addressee fits the highly emotional tone of this passage. The addressee is not specified, and hardly needs to be: if the shift to, away from, and back to Cloelius again over 33.1-5 has any effect, it operates without the need for the intervening addressee to be identified.

- 33.4.** Mouet me quippe lumen curiae!

principal clauses – 1
 subordinate clauses – 0

33.4 indicates the orator's emotional reaction to his subject-matter with a short exclamation (*quippe*) which refers to the burning of the *curia*.

lumen curiae: this phrase is often interpreted as a sarcastic reference to Cloelius as a political 'leading light' (the metaphor also works in English); *lumen* is also used in this way in 21.4 and 37.1. Given Cloelius' role in Clodius' cremation, however, this also anticipates the focus on that event in what follows, and for a contemporary audience the alternative possible reading of *lumen* as 'blaze' will have been immediately apparent.

- 33.5.** Quid? tu
 me tibi iratum,
 Sexte, putas,
 cuius tu inimicissimum multo crudelius etiam punitus es
 quam erat humanitatis meae postulare?

principal clauses – 1
 subordinate clauses – 3: acc.-inf. (*me ... iratum*), *cuius, quam*
 opening clause – principal clause
 levels of subordination – 3 (*quam erat ... postulare*)

33.5 maintains the focus on Cloelius, suggesting ironically that he may fear Cicero's anger as a result of having ill-treated Cicero's enemy (presumably on the night of the burning of the *curia*). The suggestion is made in a question directed to Cloelius (*putas* + accusative-infinitive). A possible reason for Cicero's anger is then provided in a relative clause (*cuius*; antecedent *me*), but returning the focus immediately to Cloelius again (*tu inimicissimum*) before returning it to Cicero (*meae*) in a comparative clause (*crudelius ... quam*).

tu me tibi iratum: the interlacing of the pronouns reflects the content, with its layers of view-point: Cicero discussing Cloelius' possible opinion of Cicero's possible opinion.

inimicissimum: Cicero is open about the enmity between himself and Clodius, first mentioned explicitly at 20.1.

33.6. Tu P. Clodi cruentum cadauer eiecisti domo,
tu in publicum abiecisti,
tu
 spoliatum imaginibus, exsequiis, pompa, laudatione,
 infelicissimis lignis semiustilatum,
 nocturnis canibus dilaniandum
reliquisti.

principal clauses – 3, in 3 units (asyndeton)

subordinate clauses – 0

33.6 confirms that the ill-treatment of Cicero's enemy mentioned in the preceding sentence refers to the impromptu cremation of Clodius' corpse, described as a travesty of a standard funeral. The sentence consists of three coordinate principal clauses, focusing on the lack of proper ceremony: Clodius' impromptu cremation is represented as a flinging of his corpse on to the street. Anaphora of *tu*, the jingling ending of the second-person perfect active indicatives, the ellipse of *cadauer*, the tricolon crescendo created by the dramatic expansion of the third unit with various different kinds of ablative, all create a *tour de force* of emotive description, achieved without any complexity in terms of subordination.

33.7. Qua re, etsi nefarie fecisti,
tamen,
 quoniam in meo inimico crudelitatem exprompsisti tuam,
 laudare non possum,
 irasci certe non debeo.

principal clauses – 2, in 2 units (asyndeton/*certe*)

subordinate clauses – 2/0: *etsi*, *quoniam*

opening clauses – concessive clause (connecting relative: *qua re*); principal clause
levels of subordination – 1

33.7 responds to the suggestion made in 33.5, concluding that Cicero has no anger against Cloelius. A concluding tone is established by *qua re*; the conclusion is postponed by a concessive clause (*etsi*) and an explanatory clause (*quoniam*), which contrast the wickedness of Cloelius' deed with the fact that it was aimed at Cicero's enemy (the vocabulary echoes

33.5 closely). The principal clause also embodies an antithesis, contrasting two possible reactions, both of which Cicero denies: praise and anger.

- 34.1.** Audistis, iudices,
 quantum Clodi interfuerit
 occidi Milonem;
 conuertite animos nunc uicissim ad Milonem.

principal clauses – 2, in 2 units (asyndeton)

subordinate clauses – 2/0: indir. qu. (*quantum*), acc.-inf. (*occidi Milonem*)

opening clauses – principal clause; principal clause

levels of subordination – 2 (*occidi Milonem*)

34.1 sums up the argument (such as it is) that Clodius had a motive, and turns attention to Milo. The second-person plural, *audistis*, apart from immediately signalling the return to the basic communication-situation, invites the *iudices* to assent to the (rather weak) claim that Clodius' motive has been proved, expressed in an indirect question (*quantum*, with dependent accusative-infinitive construction); this perfect indicative (*audistis*), pointing backwards, is then contrasted with a present imperative (*conuertite*), pointing forwards, in a second, coordinate principal clause.

quantum Clodi interfuerit: *quantum* is either adverbial, 'to what extent', or an internal accusative; cf. *nihil prosit*, 30.2n.

- 34.2.** Quid Milonis intererat
 interfici Clodium?
 quid erat
 cur Milo non, dicam, admitteret,
 sed optaret?

principal clauses – 2, in 2 units (asyndeton)

subordinate clauses – 1/2: acc.-inf. (*interfici Clodium*), indir. qu. x2 (*cur ... non ... sed*)

parentheses – 1 (*non dicam*)

opening clause – principal clause; principal clause

levels of subordination – 1

34.2 confirms the shift in focus from Clodius to Milo by asking 'what was Milo's motive?', expanding *ad Milonem* (34.1) by turning the preceding indirect question from the previous sentence into a rhetorical direct question (*quantum Clodi interfuerit* → *quid Milonis intererat*; *occidi Milonem* → *interfici Clodium*). A second, coordinate question then expands the first, itself containing an indirect question. The implied answer to both *quid Milonis intererat* and *quid erat cur...* is that Milo had no reason to seek Clodius' death (and therefore did not). The indirect question introduced by *cur* contains two verbs, one of which is rejected in favour of the other by the use of the phrase *non dicam ... sed*; like *non dico* in 35.2, *non dicam* can be explained syntactically as a parenthesis.

non dicam: this first-person singular may carry a little more sense of the speaker's presence than *nescio quo* in 14.5. If so, it is the kind of first-person verb which can be used by any

speaker without reference to his political position. In what follows, however, the first-person singular references *do* invoke Cicero's political position, and his close political relationship with Milo is emphasized (*me suffragatore* 34.4, *Milonis erga me ... meritorum* 34.4); there is perhaps a hint of this already in what it is that the speaker is represented as saying here.

34.3. 'Obstabat in spe consulatus Miloni Clodius.'

principal clauses – 1

subordinate clauses – 0

34.3 develops the issue of Milo's motive by supplying a possible opposition suggestion: Clodius blocked Milo's election to the consulship. The sentence is short and stark (*cf.* other pseudo-quotations introducing topics at 55.4 and 57.1, but contrast 15.1).

34.4. At eo repugnante

fiabat,

immo uero eo fiabat magis,

nec me suffragatore meliore utebatur quam Clodio.

principal clauses – 3, in 3 units (*immo uero, nec*)

subordinate clauses – 1/0/0: abl. abs. (*eo repugnante*)

opening clause – ablative absolute (sentence-conjunction, *at*); principal clause; principal clause

34.4 responds to this suggestion by repeating the *narratio* claim (25.4) that the threat Clodius posed to the people actually benefited Milo's electoral campaign. Three coordinate principal clauses respond to the opposition suggestion: the first denies it; the second restates and intensifies the denial (*immo uero ... magis*); the third rephrases the point, introduced in the first clause, that Clodius' opposition was a boon to Milo's campaign, by contrasting Clodius' help with Cicero's own (*suffragatore meliore ... quam*).

34.5. Valebat apud uos, iudices, Milonis erga me remque publicam meritorum memoria, ualebant preces et lacrimae nostrae,

quibus ego tum

uos mirifice moueri

sentiebam,

sed plus multo ualebat periculorum impendentium timor.

principal clauses – 3, in 3 units (asyndeton, *sed*)

subordinate clauses – 0/2/0: *quibus*, acc.-inf. (*uos mirifice moueri*)

opening clauses – principal clause; principal clause; principal clause

levels of subordination – 2 (*uos mirifice moueri*)

34.5 attempts to support the claim that the threat of Clodius benefited Milo's electoral campaign by recalling details of the campaign itself, to which the orator himself is a witness. Another three coordinate principal clauses, with repetition/polyptoton of the principal verb *ualeba(n)t* (in initial or near-initial position), reiterate that claim by again contrasting various elements which supported Milo's bid for the consulship: memory of Milo's good deeds;

Cicero's own endorsement (if *nostrae* is taken as 'editorial'); and, more important than either of these things (*plus multo*), fear of Clodius.

ualebat apud uos, iudices: the vocative suggests that formally *uos* refers to the *iudices* alone here.

preces et lacrimae nostrae: whether his tough-guy stance at his trial was his natural attitude or carefully planned by the defence-team as a whole, it seems unlikely that Milo wept while campaigning for election; *nostrae* here may be 'editorial', referring to Cicero alone, or may encompass other supporters of Milo's campaign (*cf.* 21.6 for a possible example of singular and 'editorial' plural appearing in the same sentence).

plus multo ualebat: *plus* can be taken as adverbial (accusative), but *ualere* can also take an internal accusative (*OLD* s.v. *ualeo* 6). *Cf.* 53.4n.

34.6. Quis enim erat ciuium
qui sibi solutam P. Clodi praeturam
sine maximo rerum nouarum metu proponeret?

principal clauses – 1

subordinate clauses – 1: *qui*

opening clause – principal clause

34.6 develops the account of the electoral campaign, describing universal fear of what would happen if Clodius was elected praetor without any external restraint. The universalizing rhetorical question, 'who did?' = 'nobody did', is emphasized by being expanded into 'who was there who did?' (*cf.* 9.1); the relative clause pictures the citizens unable to imagine Clodius' praetorship as *solutam* without feeling fear (*sine ... metu*).

ciuium: the reference to the citizen-body as a whole is universalizing, and may have an impact on how the subsequent second-person plurals are understood.

34.7. Solutam autem fore
uidebatis,
nisi esset is consul
qui eam auderet possetque constringere.

principal clauses – 1

subordinate clauses – 3: acc.-inf. (*solutam ... fore*), *nisi*, *qui*

opening clause – acc.-inf. (sentence-particle: *autem*)

levels of subordination – 3 (*qui ... constringere*)

34.7 provides the next step in the argument about fear of Clodius, claiming that the only possible restraint was to elect a strong consul. The point takes the form of a conditional with the apodosis placed first. It is interlaced with an accusative-infinitive construction expressing what everybody saw, which picks up on the vocabulary of the preceding sentence (*solutam*, understand *praeturam*). The conditional clause (*nisi*) introduces the only circumstance under which Clodius' praetorship could have been kept under control: with a consul elected who could control him (relative clause). Milo is not yet named.

uidebatis: the second-person plural here may perhaps be understood as the electorate/Roman people more generally, rather than only the *iudices*. The fact that the *iudices* are part of, and in a sense representative of, the Roman people makes this slippage all the easier.

34.8. Eum Milonem unum esse
cum sentiret uniuersus populus Romanus,
quis dubitaret suffragio suo se metu, periculo rem publicam liberare?

principal clauses – 1
subordinate clauses – 2: acc.-inf. (*eum ... esse*), *cum*
opening clause – accusative-infinitive
levels of subordination – 2 (*eum ... esse*)

34.8 concludes the point introduced in 34.6-7 by asserting that only Milo as consul could have restrained Clodius, and deducing that everyone would therefore have voted for Milo. Milo's uniqueness is asserted in the opening accusative-infinitive construction, the object of *sentiret* in the subsequent temporal-causal clause (*cum*) which explicitly universalizes belief in this uniqueness and provides the reason for making the following assertion. This is expressed in a universalizing rhetorical question: 'who would hesitate?' = 'nobody would hesitate'; electing Milo is described obliquely in an infinitive phrase.

34.9. At nunc Clodio remoto,
usitatis iam rebus enitendum est Miloni
ut tueatur dignitatem suam;
singularis illa et huic uni concessa gloria,
quae cotidie augebatur frangendis furoribus Clodianis,
iam Clodi morte cecidit.

principal clauses – 2, in 2 units (asyndeton)
subordinate clauses – 2/1: abl. abs. (*Clodio remoto*), *ut*, *quae*
opening clause – ablative absolute (sentence-conjunction and adverb: *at nunc*); principal clause
levels of subordination – 1

34.9 shifts focus to Milo's current political position now that Clodius is dead, claiming that he no longer benefits from being seen as the only possible restraint on Clodius. The words *at nunc* immediately shift the focus to the present; an ablative absolute, *Clodio remoto*, describes the element of the current situation which contrasts with the past; then the principal clause claims that Milo's only resource now is *usitatis rebus*; a final clause (*ut*) expresses the goal for which the resource is to be used, expressed not directly as aiming at the consulship but as preserving his *dignitas*. A second principal clause is added to explain *usitatis rebus* by explaining what resource it is that Milo has lost (*iam Clodi morte cecidit*): the unique glory of being able to restrain Clodius; an embedded relative clause claims that until Clodius' death this glory increased daily.

Clodi morte cecidit: the collapse of Milo's hopes is brought about 'by' the death of Clodius; the ablative is almost causal (*cf. quo* 86.1, *morte* 102.2, and W.45).

34.10. Vos adepti estis
 ne quem ciuem metueretis;
 hic exercitationem uirtutis, suffragationem consulatus,
 fontem perennem gloriae suae
 perdidit.

principal clauses – 2, in 2 units (asyndeton)

subordinate clauses – 1/0: *ne*

opening clauses – principal clause; principal clause

34.10 contrasts the position of the audience, who are better off after the death of Clodius, in order to repeat the claim that Milo is worse off. The antithesis is expressed in two coordinate principal clauses, of which the first focuses on the audience (*uos*), the second on Milo (*hic*). What the audience has gained is expressed in a noun-clause with indefinite object (*ne quem*); what Milo has lost is expressed by three noun-phrases in apposition.

34.11. Itaque Milonis consulatus,
 qui
 uiuo Clodio
 labefactari non poterat,
 mortuo denique
 temptari coeptus est.

principal clauses – 1

subordinate clauses – 3: *qui*, abl. abs. x2 (*uiuo Clodio*; *mortuo*)

opening clause – principal clause

levels of subordination – 2 (*uiuo Clodio*; *mortuo*)

34.11 repeats the claim that Milo is now worse off in terms of the effect on his current electoral chances. The contrast between the present and the past from 34.9 is repeated, with the past referred to in the interrupting relative clause and the present in the principal clause. The contrasting circumstances are expressed in ablative absolutes, the second elliptical.

34.12. Non modo igitur nihil prodest
 sed obest etiam Clodi mors Miloni.

principal clauses – 2, in 1 unit (*non modo ... sed ... etiam*)

subordinate clauses – 0

34.12 repeats the claim as a conclusion answering the initial allegation made at 34.3. The sentence again expresses a contrast, this time between two ways of looking at the current situation, one of which is inadequate (*non modo ... nihil ... sed etiam*): the contrast is between a pair of verbs, *prodest* and *obest*; the final three words of the sentence, *Clodi mors Miloni*, go with both.

nihil prodest: cf. *nihil prosit*, 30.2n.

35.1. ‘At ualuit odium,
fecit iratus,
fecit inimicus,
fuit ultor iniuriae, punitor doloris sui.’

principal clauses – 4, in 4 units (asyndeton)

subordinate clauses – 0

35.1 introduces another possible motive, the personal enmity between Clodius and Milo, by stating the opposition viewpoint. The point is expressed in four short and more or less synonymous coordinate principal clauses, of which the fourth is the longest at six words.

35.2. Quid? si haec non, dico, maiora fuerunt in Clodio quam in Milone,
 sed in illo maxima, nulla in hoc,
 quid uoltis amplius?

principal clauses – 1

subordinate clauses – 2: *si ... sed*

parentheses – 1 (*dico*)

opening clause – conditional clause (question-indicator: *quid?*)

35.2 responds indignantly by claiming that the new alleged motive applies more to Clodius than to Milo, in a rhetorical question of conditional construction. The opening protasis (*si*) contrasts *maiora fuerunt in Clodio quam in Milone* with *in illo maxima, nulla in hoc* by means of a *non dico ... sed ...* sequence (*cf.* on *non dicam*, 34.2); of these two different ways of making the claim, the latter, more emphatic (or exaggerated), is presented as preferable. The closing apodosis suggests that this denial of the charge made in 35.1 is quite adequate. The parenthetical *dico* embedded in the first part of the protasis – together with *uoltis* later – gives the sentence a self-referential element.

35.3. Quid enim odisset Clodium Milo, segetem ac materiam suae gloriae,
 praeter hoc ciuile odium
 quo omnis improbos odimus?

principal clauses – 1

subordinate clauses – 1: *quo*

opening clause – principal clause

35.3 supports the claim that Milo had no personal enmity or grudge by echoing the preceding argument that the threat of Clodius benefited Milo’s electoral campaign (34.4-12), and assimilating whatever negative feelings Milo might have had against Clodius with the universal hatred felt towards the wicked. This is all conveyed in a short rhetorical question equivalent to asserting that Milo had no reason (*quid* = ‘why?’) to hate Clodius – and therefore did not: a noun-phrase in apposition to *Clodium* provides justification for the suggestion by describing the latter again as the source of Milo’s *gloria*; a prepositional phrase followed by a relative clause (*qui*) introduces the universal hatred which was the only kind Milo felt.

omnis improbos odimus: whether *omnis* is taken as nominative or accusative, the first-person plural *odimus* is universalizing here.

- 35.4. Illi erat
 ut odisset primum defensorem salutis meae,
 deinde uexatorem furoris, domitorem armorum suorum,
 postremo etiam accusatorem suum;
 reus enim Milonis lege Plotia fuit Clodius
 quoad uixit.

principal clauses – 2, in 2 units (*enim*)

subordinate clauses – 1/1: *ut, quoad*

opening clauses – principal clause; principal clause

35.4 attempts to turn the tables with a counter-claim that Clodius did have a grudge against Milo, and supports it by listing actions of Milo's which would have created such a feeling in Clodius. The shift to focus on Clodius is made clear in the opening demonstrative pronoun *illi* (see note on word) in an impersonal phrase introducing a noun-clause (*ut*); the periphrasis (for straightforward *ille odit/oderat*) is presumably emphatic. As in 35.3, the reasons for Clodius' (real) hatred are expressed by noun-phrases describing Milo's relationship with him; Milo is not explicitly named but the referent is obvious. An explanatory comment on the last description, *accusatorem suum*, is added in a coordinate principal clause (*enim*) with temporal clause following (*quoad*): Milo was suing Clodius at the time of his death.

illi: The mss. have *ille*, which is variously explained by Reid and Colson, but Clark proposes emending to *illi*, presumably to create a kind of 'ours not to reason why' construction: 'his it was to hate...' Poynton prints C.'s text, but hedges in his note.

salutis meae: as in 34.5, the first-person singular here refers to Cicero-as-politician.

- 35.5. Quo tandem animo hoc tyrannum illum tulisse
 creditis?
 quantum odium illius, et in homine iniusto quam etiam iustum, fuisse?

principal clauses – 1

subordinate clauses – 2: acc.-inf. x2 (*quo ... tulisse; quantum ... fuisse*)

opening clause – accusative-infinitive (sentence-adverb: *tandem*)

levels of subordination – 1

35.5 develops the last item listed in the preceding sentence, Milo's prosecution of Clodius, claiming that Clodius would have borne this particularly badly, and was the kind of man who would have thought himself justified in doing so. A question addressed to the *iudices* (*credit*), inviting them to share the speaker's judgement, is sandwiched within two interrogative accusative-infinitive constructions which imply that judgement (*quo animo; quantum ... quam*). Compare, for the question within a question, *an ignoratis* + indirect question at 33.1; for the interrogative accusative-infinitive constructions, cf. 16.4, 79.3. The primary focus is on the subordinate construction; the purpose of the frame is to create interaction with the *iudices*. The answer to the first subordinate question about Clodius' attitude is reasonably obvious, but is also explicitly provided in the second (*odium*). For the almost parenthetical use of *credo*, cf. 86.3n.

36-43: Before the skirmish – violence

A combination of explicit self-reference and a pseudo-quotation clearly indicates the shift to focus on the character and behaviour of the two antagonists, specifically their use of violence (36.1). The use of pseudo-quotation echoes 34.3 and 35.1, but whereas those introduced aspects of motive, the use of violence is a new topic, discussed at some length. Clodius' use of violence is discussed first (36.2-37.3), then, at least apparently (see below), Milo's (38.1-43.1); this sequence repeats that used in the motive argument. The shift from Clodius to Milo is unmarked by explicit comment (38.1n.), but is nevertheless clear; in what follows the clear labelling of subdivisions present in 32-35 disappears: an apparent shift at 40.1 turns out to be more apparent than real; a new supporting argument, not heavily marked, is introduced in the middle of what is here punctuated as a single sentence, 41.2-42.0, with another argument following briefly at 43.3-4.

The shift from Clodius to Milo at 38.1 strongly suggests a paragraph-break. But since Milo uses violence only reactively, against Clodius, examples of Clodius' violence continue to be frequently mentioned, and thus dominate the argument as a whole. The actions of the two protagonists are thoroughly intertwined. 38.3-7 provide examples illustrating a claim made at 38.2, with the last expanded in 39.1-3; 40.1 indicates a chronological progression, but 40.2 then picks up the theme and tone of the 38.2-39.3, although not the patterned wording, as if 39.1-40.1 were just an interruption. Not paragraphing at 40.1 would result in a very long paragraph, and the sense of a 'new start' at 40.1 is supported by the climactic tone of the preceding claim (39.3). The paragraphing printed here reflects the speaker's presentation of the material rather than the commentator's analysis that nothing much has changed. 41.1 also has a climactic tone, with its similar remarkable claim about possible reactions to Milo's killing Clodius; this may support placing a break before 41.2-42.0 despite the fact that it sums up the preceding sentences (see further 41.2-42.0n.). 43.2-4 return to Clodius – or rather, to a direct comparison between Clodius and Milo – as 35.3-5 did at the end of the argument about motive.

In arguing that Clodius was more likely to use violence than Milo, the case against Clodius is strengthened in the same way as the first preliminary argument, by being presented as the response to a hyperbolic opposition claim. The orator may not be reflecting an actual opposition claim that Clodius was never violent (36.1), but giving a twisted summary of a speech in which Milo's violence was discussed at length, Clodius' as little as possible. The case in favour of Milo is structured as an argument from probability: since Milo has frequently refrained from killing Clodius on occasions when Clodius had given him the opportunity to do so, it is unlikely that he would manufacture one (38.2, 41.2). The early examples of Clodian violence involve the period of Cicero's exile, from his being driven into exile in 58 (36.2-37.1) to his recall in 57 (38.7-39.2). This is not just the result of Cicero's egomania, but presents essential background to the fatal skirmish, and incorporates an important statement of the defence's black-and-white politics: 36.2 argues, as if incidentally, that the fact Cicero was recalled makes his exile unjust (36.3). If this is accepted, not only is Clodius' use of violence against Cicero seen as wrong, but Milo's use of it in support of Cicero or against Clodius is justified. The argument as a whole paints a picture consistent with what has gone before, but still adds little in the way of evidence; the supporting arguments at the end are dependent primarily on generalizations and on restating the defence view of Clodius.

Word-group	Frequency	Occurrences
<i>Milo</i> *	1.6%	12
? <i>facere/facinus/facinosus</i> ?	1.3%	10 (8/1/1)
<i>iudex/iudicium</i>	1.2%	9 (3/6)
? <i>omnis</i> *	1.2%	9
? <i>posse/potestas</i>	1.0%	8 (7/1)
		(762 words)

The topic-sentence for this new topic is marked by explicit reference to progress through the argument (*reliquum est, defendat, coarguant*), but this reference is rather less extensive than that at 34.1-3, which like 36.1 ended in a pseudo-quotation. The frequency of topic-sentences over this stretch of text, and their formal similarities, contributes to continuity between the motive and violence arguments. The topic is obviously shifting, but the shift is not heavily emphasized; the progression is supposed to feel ‘natural’. 36.1 again contrasts Milo and Clodius; it contains the frequent words *Milo* and *omnis*, both in the pseudo-quotation, where *fecit* could easily be understood as well, in the ellipse of the verb. None of this is particularly informative as to the topic of this argument as distinct from any of the others, and nor are the other ‘frequent’ word-groups in what is in any case one of the least repetitious passages in the speech, with a mere five frequent word-groups (only two ‘interesting’) making up 6.3% of the argument (2.8% ‘interesting’ only). The orator emphasizes the variety of different violent actions performed by Clodius, which can be discussed without repetition of the word *uis*, by words and phrases such as *oppugnare* (x2), *uolnerare, pellerere, and caedem facere* (all in 38.3-6). Compare, on the one hand, the absence of the abstract term *causa* from the motive argument after the topic has been introduced, and, on the other, the relative lack of repetition in the great *prosopopoiia*, which emphasizes the wide variety of Clodius’ crimes; also perhaps the *narratio*, with its variety of events.

As in the *narratio*, Milo’s name appears more frequently (Clodius is named only seven times) despite the focus on Clodius’ violence. Some of the uses of *omnis* are universalizing (39.2 x2, 40.3, 41.1, 41.2-42.0). Of the eight occurrences of *posse*, five are in a striking anaphoric sequence of repetitions of *potuitne* in 38.3-7, where occasions on which Milo *could have* killed Clodius with impunity are listed. The *iudic-* group regains a frequency of over 1.0% (only two of the nine occurrences are vocatives), and it is accompanied by five occurrences of *ius, etc.* and three occurrences of *lex*. As in the motive argument, however, the current trial-situation is not explicitly discussed. One important theme to emerge here is Clodius’ disdain for the courts and for law in general (38.1, 40.1, 40.3, 43.4). References to *res publica-populus Romanus, etc.* drop: there are three in the discussion of Cicero’s exile and recall (37.1, 39.2 x2; cf. also notes on *urbe* in 36.2, *Roma* 39.2), two more in the list of missed opportunities (40.2-3); to these add seven occurrences of *ciui(ta)s*.

1st sing.	3.9%
1st plur.	0.7%
2nd sing.	none
2nd plur.	1.3%

The topic of violence is introduced in a pseudo-quotation, as sub-topics of motive were introduced at 34.3 and 35.1; thereafter, however, the speaker remains Cicero. No addressee other than the *iudices* is explicitly identified, although a number of the second-person plurals

might be read as encompassing a larger group alone (36.2, 36.4, 37.3, *etc.*). The most noticeable aspect of this argument in terms of personal references is the very high frequency of first-person singulars – the highest in the speech so far. Most refer to Cicero as politician, and are concentrated in the highly emotional passages dealing with his exile and recall (36.2-37.3, 38.5-39.3), some of which verge on digression from the actual argument. Although this was anticipated by references to Cicero as politician (including his enmity with Clodius) in the motive argument, the increased concentration and shift in focus (to the past) help characterize this argument as different from what precedes. A small group of first-person plural references in this and the following sentences expands the focus to Cicero-and-others-like him.

Overall, the units in the argument about violence are longer and more complex than those in the argument about motive, but the previous trend is reversed with more the longer and more complex coming later in the argument: six subordinate clauses or more in 37.1, 38.7, 39.2, 41.1, and 43.4. Several of these units (which are here all punctuated as sentences) coincide with climactic points in the argument. But the longest and most elaborate sentence in the argument – at least as punctuated here – is 41.2-42.0.

36.1. Reliquum est

ut iam illum natura ipsius consuetudoque defendat,
hunc autem haec eadem coarguant:
'nihil per uim umquam Clodius,
omnia per uim Milo.'

principal clauses – 3, in 3 units (introduction, asyndeton)

subordinate clauses – 2/0/0: *ut* [2 clauses in asyndeton]

opening clauses – principal clause; principal clause; principal clause

levels of subordination – 1

36.1 states explicitly that another argument can be made, identifying the new topic as a comparison of the character and way of life of the two antagonists, and giving an opposition version of this argument. The sentence opens with a reasonably clear marker of transition to a new topic, *reliquum est*; the theme of character and way of life is expressed as the subject of a double noun-clause (*ut*), opposing Clodius (*illum*) and Milo (*hunc*). As a typical transition-marker, the principal clause seems to belong in the mouth of the actual speaker, but the *ut*-clause is expressed in the terms of the opposition; the unit is therefore read here as a sarcastic comment by the speaker rather than a pseudo-quotation. The opposition view is then reiterated in an elliptical antithesis (understand *fecit* with both *Clodius* and *Milo*), here treated as a pseudo-quotation introduced by the ironic topic-introduction.

36.2. Quid? ego, iudices, cum

maerentibus uobis
urbe cessi,
iudiciumne timui, non seruos, non arma, non uim?

principal clauses – 1

subordinate clauses – 2: *cum*, abl. abs. (*maerentibus uobis*)

opening clause – principal clause/*cum*-clause (question-indicator: *quid?*; shared nominative: *ego*)

levels of subordination – 2 (*maerentibus uobis*)

36.2 responds indignantly to the opposition's supposed assertion (that Clodius never used violence) by providing as an example of his violent actions the driving of Cicero himself into exile six years before. The principal clause is a rhetorical question (with indignant initial marker, *quid*), of the format 'X, not Y?' (implying 'Y, not X'), making a strong assertion about Clodius' violence; it is interrupted by a temporal clause (*cum*) identifying the occasion being discussed; an embedded ablative absolute claims the sympathy of the *iudices* for Cicero himself, already made clear by the pronoun *ego* which can be taken as the subject of both principal and temporal. All of this (with an emphatic anaphora in the antithesis) is achieved in sixteen words.

ego, iudices: this emphatic use of *ego* is appropriately the first sign of the extraordinary focus on Cicero (as politician) in this argument; the juxtaposition with the vocative invites the *iudices*' sympathy/agreement.

maerentibus uobis: even if it is the *iudices* alone who are being addressed here, it is in their role as representatives of the Roman citizen body as a whole.

36.3. Quae fuisset igitur iusta causa restituendi mei,
nisi fuisset iniusta eiciendi?

principal clauses – 1

subordinate clauses – 1: *nisi*

opening clause – principal clause

36.3 maintains the focus on Cicero's exile, arguing that the fact that he was later recalled demonstrates that the act of exiling him was unjust. The argument has a counterfactual conditional structure ('if X, then Y'), cast as a rhetorical question. The apodosis, which comes first, focuses on the later event (Cicero's recall), which is assumed to be just (*iusta causa*); the pluperfect tense of the subjunctive suggests that the question of whether or not it was *iustum* is closed. The elliptical protasis (*nisi*) indicates that the exile was *iniusta causa*.

36.4. Diem mihi,
credo,
dixerat,
multam inrogat,
actionem perduellionis intenderat,
et mihi uidelicet in causa aut mala aut mea, non et praeclarissima et uestra,
iudicium timendum fuit?

principal clauses – 4, in 4 units (asyndeton x2, *et*)

subordinate clauses – 0

parentheses – 1 (*credo*)

36.4 develops the theme of Clodius' use of violence by giving more details of the period when Cicero was being driven into exile. Four coordinate principal clauses assert what Clodius did not do (by asking whether he did); all refer to legal procedures (*diem ... dixerat, multam, actionem, iudicium*). The fourth and longest equates Cicero's *causa* with that of the

37.2. Itaque quando illius postea sica illa
quam a Catilina acceperat
conquieuit?

principal clauses – 1

subordinate clauses – 1: *quam*

opening clause – principal clause

37.2 moves on chronologically, focusing on Clodius' later use of violence. The rhetorical question ('when?' implies 'never') refers to the continuous activity of Clodius' dagger (*sica*) in a later period (*postea*); an embedded relative clause (*quam*) identifies this dagger as having previously belonged to Catilina, thus representing Clodius as the conspirator's political heir.

37.3. Haec intenta nobis est,
huic ego
uos obici pro me
non sum passus,
haec insidiata Pompeio est,
haec uiam Appiam, monumentum sui nominis, nece Papiri cruentauit,
haec eadem longo interuallo conuersa rursus est in me;
nuper quidem,
ut scitis,
me ad regiam paene confecit.

principal clauses – 6, in 6 units (asyndeton x4, *quidem*)

subordinate clauses – 0/1/0/0/0/1: acc.-inf. (*uos obici pro me*), *ut*

opening clause – principal clause

37.3 reiterates Clodius' continual use of violence by listing other examples from the period of Cicero's exile and later. The list takes the form of five coordinate principal clauses with anaphora/polyptoton of *haec/huic*, referring to the dagger, followed by a sixth comment which explains the fifth item in the list. There is little subordination, only a short accusative-infinitive in the second item and a parenthetical *ut*-clause in the explanatory last comment. The dagger is aimed at Cicero, at the audience (*uos*), at Pompeius, at Papirius (*cf.* 18.1-3), then again at Cicero; the second item is made slightly more complex by repeating the point made in 36.5, that Cicero protected the populace from the dagger (by going into exile voluntarily).

nobis: this first-person plural could be either 'editorial' or universalizing; if the shifts between actual singular and editorial plural in 12.6 and 21.6 are accepted, the use of *ego* and *me* later in the sentence cannot settle the matter one way or another.

ego uos obici pro me non sum passus: the echo of *meos ciuis ... pro me obici nolui* (36.4) suggests that the second-person plural here is the Roman people as a whole.

ut scitis, me: the juxtaposition of second-person plural and first-person singular here suggests a separation between speaker and audience, but the content unites them: the *iudices* know everything that happens to Cicero.

- 38.1.** Quid simile Milonis?
 cuius uis omnis haec semper fuit:
 ne P. Clodius,
 cum in iudicium detrahi non posset,
 ui oppressam ciuitatem teneret.

principal clauses – 1
 subordinate clauses – 3: *cuius, ne, cum*
 opening clause – principal clause
 levels of subordination – 3 (*cum ... posset*)

38.1 turns attention from Clodius to Milo, picking up the promise of comparison at 36.1, and asserting that he only ever used violence in response to Clodius' violence, when attempts to deal with Clodius through the judicial system had failed to work. An elliptical rhetorical question shifts the focus and emphasizes the difference between the two men; the following relative clause (*cuius*) makes the claim that Milo's use of violence was restricted to a single purpose (*omnis haec*), given full expression in a following final clause (*ne*): to keep Clodius in check; an embedded causal clause (*cum*) explains that he could not be dealt with by the courts.

- 38.2.** Quem si interficere uoluisset,
 quantae quotiens occasiones, quam praeclarae fuerunt!

principal clauses – 1
 subordinate clauses – 1: *si*
 opening clause – conditional clause (connecting relative: *quem*)

38.2 supports the underlying claim that Milo is not a characteristically violent man by arguing that if he had wished to push his violence against Clodius to its logical conclusion by killing him, he had many opportunities to do so in the past. The point is expressed in a mixed conditional with opening protasis (*si*), which posits the possibility of Milo wishing to kill Clodius; the apodosis takes the form of an exclamation (it could equally be punctuated as a question) drawing attention to the number (*quantae*), frequency (*quotiens*), and distinguished nature (*quam praeclarae*) of the opportunities Milo had. The protasis is false (subjunctive *uoluisset*), the apodosis true (indicative *fuerunt*): Milo did not wish to kill Clodius, but he did have opportunities to do so.

- 38.3.** Potuitne,
 cum domum ac deos penatis suos
 illo oppugnante
 defenderet,
 iure se ulcisci?

principal clauses – 1
 subordinate clauses – 2: *cum*, abl. abs. (*illo oppugnante*)
 opening clause – principal clause
 levels of subordination – 2 (*illo oppugnante*)

38.3 supports this argument by giving an example of an opportunity Milo had to kill Clodius (that he chose not to exploit). The enclitic *-ne* attached to the opening word indicates a rhetorical question, equivalent to an assertion of what Milo could have done, expressed as seeking just revenge (for an attack upon himself). An embedded temporal clause (*cum*; with causal overtones) identifies the opportunity.

38.4. Potuitne

ciui egregio et uiro fortissimo, P. Sestio, conlega suo, uolnerato?

principal clauses – 1

subordinate clauses – 1: abl. abs. (*ciui ... uolnerato*)

opening clause – principal clause

38.4 gives another example. A second *potuitne* introduces a second opportunity, expressed in an ablative absolute; the infinitive phrase completing the sense of *potuit* must be supplied from the preceding sentence.

38.5. Potuitne

Q. Fabricio, uiro optimo,
cum de reditu meo legem ferret,
pulso,
crudelissima in foro caede facta?

principal clauses – 1

subordinate clauses – 3: abl. abs. (*Q. Fabricio ... pulso*), *cum*, abl. abs. (*crudelissima ... facta*)

opening clause – principal clause

levels of subordination – 2 (*cum ... ferret*)

38.5 gives another example. A third elliptical *potuitne* is followed by two ablative absolutes, the first interrupted by a temporal clause (*cum*) giving further details of the time in question, when Milo and others were working to recall Cicero from exile.

38.6. Potuitne

L. Caecili, iustissimi fortissimique praetoris, oppugnata domo?

principal clauses – 1

subordinate clauses – 1: abl. abs. (*L. Caecili ... domo*)

opening clause – principal clause

38.6 gives another example with a fourth *potuitne* followed by another ablative absolute.

38.7. Potuitne illo die

quo est lata lex de me,
cum totius Italiae concursus,
quem mea salus concitarat,
facti illius gloriam libens agnouisset,
ut,
etiam si id Milo fecisset,
cuncta ciuitas eam laudem pro sua uindicaret?

principal clauses – 1
 subordinate clauses – 5: *quo, cum, quem, ut, etiam si*
 opening clause – principal clause
 levels of subordination – 3 (*etiam si ... fecisset*)

38.7 develops another example (fifth *potuitne*) of an occasion when Milo could have killed Clodius, by giving details of the day when the law recalling Cicero from exile was passed and closing with the claim that, if Milo had killed Clodius at that time, the whole populace would have taken credit for the deed. The occasion is specified as *illo die* and then explained by a relative clause (*quo*), picking up the theme of Cicero's recall from exile introduced at 38.5. Further subordination follows: more details of what was happening at the time are described in a temporal clause (*cum*) with embedded relative clause (*quem*), which together describe widespread Italian support for Cicero; a consecutive clause (*ut*) with embedded conditional (*si*) then makes the remarkable claim about the impunity Clodius' killer would have faced.

cuncta ciuitas: this phrase lends a universalizing tinge to all the second-person plurals in its vicinity.

39.1. At quod erat tempus!

principal clauses – 1
 subordinate clauses – 0

39.1 maintains focus on the last example, reminiscing about the time in question in a brief exclamation/question (*quod*), which, together with the lengthy list that follows, may create the impression that the speaker is carried away by a flood of memories.

39.2. Clarissimus et fortissimus uir consul,
 inimicus Clodio, P. Lentulus, ultor sceleris illius,
 propugnator senatus, defensor uestrae uoluntatis,
 patronus publici consensus, restitutor salutis meae;
 septem praetores;
 octo tribuni plebei illius aduersarii, defensores mei;
 Cn. Pompeius, auctor et dux mei reditus, illius hostis,
 cuius sententiam senatus omnis
 de salute mea grauissimam et ornatissimam
 secutus est,
 qui populum Romanum est cohortatus,
 qui
 cum decretum de me Capuae fecisset,
 ipse cunctae Italiae
 cupienti et eius fidem imploranti
 signum dedit
 ut ad me restituendum Romam concurreret;
 omnium denique in illum odia ciuium ardebant desiderio mei.

principal clauses – 1

subordinate clauses – 5: *cuius, qui, qui, cum, ut*

participial phrases – 1: *cupienti et eius fidem imploranti* [2 pples.]

opening clause – principal clause

levels of subordination – 2 (*cum decretum ... fecisset; ut ... Romam concurreret*)

39.2 continues to develop the last example by listing all the people who supported Cicero, and therefore hated Clodius; in the end, this group encompasses the entire population. The bulk of the sentence is taken up with a long series of nominatives, some in apposition to one another, others adding to the list of supporters: the consul of 57, Publius Lentulus (seven descriptive noun-phrases in addition to his name); seven praetors; eight tribunes of the plebs (two further descriptive noun-phrases, possibly qualifying both the praetors and the tribunes); and Pompeius, qualified by two descriptive noun-phrases and then three relative clauses (*cuius ... , qui ... , qui ...*) describing the actions taken to bring about Cicero's recall. Further subordinate clauses and participles attached to the third relative indicate that the entirety of Italy supported Cicero's recall. The climax is reached in a claim about *omnium ... civium*, which can be taken as incorporating the individuals listed earlier in the sentence; the subject becomes the abstract *odia*, but the verb *ardebant* could also be taken with the personal subjects which precede, if a syntactic function for all those nominatives is required. An alternative is to take the syntax as simply suspended, as the speaker gets lost in his reminiscence; by the time he reaches the third relative clause describing Pompeius, with its two further dependent clauses, he may have forgotten how the 'sentence' started.

Opposition to Clodius and support of Cicero are expressed separately in a number of the descriptive noun-phrases which qualify the nominatives in the list; their relationship is made explicit in the predicate which finally completes the sentence, of which hatred for Clodius is the subject and desire for Cicero's return the agent (*desiderio*).

restitutor salutis meae: there is a total of seven first-person singular pronouns and possessives in this sentence, a remarkable concentration on Cicero and on the widespread support he enjoyed at the time of his recall.

39.3. *Quem qui tum interemisset,*
 non de impunitate eius, sed de praemiis cogitaretur.

principal clauses – 1

subordinate clauses – 1: *qui*

opening clause – relative clause (connecting relative: *quem*)

39.3 concludes (from the preceding reference to universal hatred for Clodius) that anyone who killed Clodius at that time would have been rewarded rather than having to be pardoned. The sentence opens with the juxtaposed relative pronouns *quem qui*, of which the first is connecting, referring to Clodius (it is the object of *interemisset* in the *qui*-clause, but has no function in the superordinate), the second introduces a relative clause describing a hypothetical person who might have killed Clodius at this time (*tum*); Milo is not explicitly named. The principal clause, in the potential subjunctive, claims that such a man would have been rewarded, not (only) spared punishment; the point is expressed in terms of what reaction would have been thought about (*cogitaretur*).

- 40.1.** Tum se Milo continuit
et P. Clodium in iudicium bis, ad uim numquam uocauit.

principal clauses – 2, in 2 units (*et*)
subordinate clauses – 0

40.1 moves on chronologically to actions in the period following Cicero's recall from exile, claiming that Milo preferred to use the courts against Clodius rather than violence. The point is expressed in two short coordinate principal clauses, the first indicating that the speaker is moving on to Milo's next action, the second explaining what that was; the second contains the antithesis *in iudicium bis, ad uim numquam*, describing actions/non-actions which are supposed to stand as evidence for Milo's non-violent character/habits.

- 40.2.** Quid? priuato Milone et reo ad populum,
accusante P. Clodio,
cum in Cn. Pompeium
pro Milone dicentem
impetus factus est,
quae tum non modo occasio sed etiam causa illius opprimendi fuit?

principal clauses – 1
subordinate clauses – 3: abl. abs. x2 (*priuato ... ad populum; accusante P. Clodio*), *cum*
participial phrases – 1: *pro Milone dicentem*
opening clause – abl. abs. (question-indicator: *quid?*)
levels of subordination – 2 (*priuato Milone et reo ad populum; accusante P. Clodio*)

40.2 resumes the tactic of 38.2-7, giving another example of an opportunity to 'extinguish' Clodius with impunity, which Milo let pass. The sentence opens with *quid?*; what follows could also be seen as either a question or an exclamation. An ablative absolute and temporal clause (*cum*) set the scene; the principal clause makes it clear that the theme of opportunities (*occasio*) for killing Clodius has returned.

- 40.3.** Nuper uero cum M. Antonius bonis omnibus attulisset,
grauissimamque adulescens nobilissimus rei publicae partem
fortissime suscepisset,
atque illam beluam,
iudici laqueos declinantem,
iam inretitam teneret,
qui locus, quod tempus illud, di immortales, fuit?

principal clauses – 1
subordinate clauses – 3: *cum ... -que ... atque*
participial phrases – 1: *iudici laqueos declinantem*
opening clause – principal clause/*cum*-clause (sentence-adverb & particle: *nuper uero*)
levels of subordination – 1

40.3 gives another example, mentioning Marcus Antonius (one of the prosecutors) as an opponent of Clodius. The recentness of the opportunity is expressed first, with details of the

occasion given in a triple temporal clause (*cum M. Antonius ... attulisset, ... suscepisset, ... teneret*). The following principal clause is very similar to that in the preceding sentence; Milo is not yet named. The reference to Antonius might seem odd if we did not know that he was one of the prosecutors; this is presumably an attempt to embarrass him.

di immortales: the invocation of the gods increases the emotional tone, but it does not alter the communication-situation: it is more important that the audience observe Cicero invoking the gods than that the gods do.

40.4. Cum se ille fugiens in scalarum tenebras abdidisset,
magnum Miloni fuit conficere illam pestem
nulla sua invidia, M. uero Antoni maxima gloria!

principal clauses – 1
subordinate clauses – 1: *cum*
participles – 1: *fugiens*
opening clause – *cum*-clause

40.4 gives more details about the latest example. The syntactic pattern of 40.2-3 (temporal clause (*cum*) followed by principal clause) is again repeated; Milo is reintroduced into the picture, but his dispatching of Clodius is described as bringing glory to Antonius. The sentence has a climactic feel, and has been punctuated as an exclamatory claim rather than a question.

invidia ... gloria: the abl. of ‘Attendant Circumstances’ here must refer to the (potential) result of ‘disposing of’ Clodius (*OLD* s.v. *conficio* 9b) at this time; see W.43(5.ii).

41.1. Quid? comitiis in campo quotiens potestas fuit,
cum ille in saepta inrupisset,
gladios destringendos lapides iaciendos curasset,
dein subito
uoltu Milonis perterritus
fugeret ad Tiberim,
uos et omnes boni uota faceretis
ut Miloni uti uirtute sua liberet!

principal clauses – 1
subordinate clauses – 5 (*cum* [2 clauses in asyndeton] ... *dein* [2 clauses in asyndeton], *ut*)
participial phrases – 1: *uoltu Milonis perterritus*
opening clause – principal clause
levels of subordination – 2 (*ut Miloni uti uirtute sua liberet*)

41.1 gives another example, ending with the claim for universal support for Milo on that occasion. The sentence opens with *quid?*, echoing 40.2, then reverses the syntactic pattern of the preceding sentences by positioning the principal clause first; the occasion is specified as the elections (*comitiis in campis*), and *quotiens* indicates that this context provided multiple opportunities. The temporal clause identifying the occasion (*cum*) is in four parts (... *inrupisset, ... curasset, ... fugeret ..., ... faceretis*): the first three narrate Clodius’

positive results; the principal clauses, which take the form of rhetorical questions, focus on the negative aspects of the occasion on which Milo is now accused of having set out to kill Clodius. There is no explicitly interrogative expression; the content is simply expressed so as to seem implausible (*cf.* 36.4n.). The repetition, and especially the insistent anaphora of *quem* with a series of ablatives (and one adverb) in the second relative clause, may invoke not only the variety of positive aspects of the preceding occasions listed, but also their number: Milo has foregone a better opportunity more than once. The infinitive *occidere* is postponed until the end and goes with all four preceding finite verbs (*quem ... noluit, hunc uoluit ...*, *quem ... non est ausus, hunc ... non dubitauit*). The following temporal-causal clause (*praesertim ... cum*) is intended to reinforce the implied negative answer to the rhetorical question, ‘of course Milo did not intend this’, by adding another reason why the *timing* of the latest encounter between the two men was not likely to encourage Milo to plan murder. This clause, together with the further subordinate clauses which follow, could be treated as a separate sentence, despite the fact that the whole is governed by the subordinating conjunction *cum*; this alternative punctuation would emphasize the fact that a new point is here added. The punctuation chosen here emphasizes, instead, the way the new idea is ‘tacked on’ to the preceding one, as if it were an afterthought. (That the impression of an afterthought is given does not mean that the impression was not carefully planned in advance.) The suggestion that the run-up to the election was an inappropriate time for such an action is justified in a relative clause in three parts (*quo tempore ... timemus, ... perhorrescimus, ... intuemur*) which stress the nervousness of electoral candidates, which, it is implied, would ensure that Milo would be on his best behaviour. A parenthesis (*scio enim* + indirect questions) implicitly invokes Cicero’s own political experience (he too has been a consular candidate) in support of his claims about candidate behaviour.

scio is not identity-neutral here: Cicero’s knowledge (which is based on his own political experience) is presented once more as being worth paying attention to (*cf.* 14.3).

timemus ...: the first-persons plural in this and the following sentence is universalizing in a small way, referring to all those who campaign for election. The sequence provides an interesting example of how a shift in the referent of *nos* can be clear from content without any need to draw attention to it.

42.1. Nihil est enim tam molle, tam tenerum, tam aut fragile aut flexibile
quam uoluntas erga nos sensusque ciuium,
qui non modo improbitati irascuntur candidatorum,
sed etiam in recte factis saepe fastidiunt.

principal clauses – 1

subordinate clauses – 2: *qui non modo ... sed etiam*

opening clause – principal clause

levels of subordination – 1

42.1 reinforces the claim made in the preceding sentence, that Milo would have been particularly careful about behaving well in the run-up to the elections, by generalizing about the difficulty consular candidates experience in keeping the electorate on their side. The focus shifts from the candidates to the electorate; the subject is *uoluntas erga nos sensusque*

ciuium. The opening assertion, that the will of the electorate is fickle, is justified in a subsequent relative clause which describes the behaviour of the *ciues* (*qui*); their suspicion is emphasized in a *non modo ... sed etiam ...* construction which claims that even good behaviour is not always rewarded.

43.1. Hunc igitur diem campi speratum atque exoptatum sibi proponens
Milo,
cruentis manibus scelus et facinus prae se ferens et confitens,
ad illa augusta centuriarum auspicia ueniebat?

principal clauses – 1

subordinate clauses – 0

participial phrases – 2: *hunc ... proponens, cruentis ... ferens et confitens* [2 pples.]

43.1 concludes the argument by spelling out the conclusion that it is unlikely Milo would have willingly presented himself to the electorate with Clodius' deliberately sought blood on his hands. The sentence contains no subordinate clause, but is lengthened by two substantial participial phrases describing Milo's position in relation to the election and the (hypothetical) assassination (*hunc ... proponens, cruentis manibus ... ferens et confitens*). The two points are supposed to be incompatible. As in 41.2-42.0, the implausibility of the scenario described creates the effect of an ironic question.

43.2. Quam hoc non credibile est in hoc,
quam idem in Clodio non dubitandum,
qui
se ipse,
interfecto Milone,
regnaturum
putaret!

principal clauses – 2, in 2 units (asyndeton)

subordinate clauses – 0/3: *qui*, acc.-inf. (*se ... regnaturum*), abl. abs. (*interfecto Milone*)

opening clause – principal clause; principal clause

levels of subordination – 3 (*interfecto Milone*)

43.2 contrasts the improbability of Milo's behaving in the way described with the probability that Clodius would do precisely that, since he expected by killing Milo to do away with the last restraint on his behaviour. The point takes the form of a double exclamation (or alternatively, question: *quam ... , quam ...*) which opposes Milo (*hoc*) with Clodius; the verb *est* must be taken with both *credibile* and *dubitandum*. A relative clause describing Clodius (*qui*), interlaced with an accusative-infinitive construction detailing his thoughts, justifies the claim that the behaviour incredible in Milo is indubitable in Clodius; the subjunctive verb can be seen as either generic (Clodius was 'the sort of person who') or as making the relative causal.

qui se ipse: the nominative *ipse* should qualify the relative *qui*: 'who himself thought (=who actually thought?) that he ...'. See W.37.i., however, on the use of *ipse* where *ipsum* would be more logical; this could therefore mean 'who thought that he himself ...'.

- 43.3.** Quid? quod caput est audaciae, iudices,
 quis ignorat
 maximam inlecebram esse peccandi impunitatis spem?

principal clauses – 1

subordinate clauses – 2: *quod*, acc.-inf. (*maximam ... spem*)

opening clause – relative clause (question-indicator: *quid?*)

levels of subordination – 1

43.3 makes explicit the theme of ‘daring’, implicit in 43.1-2, by generalizing about the hope of escaping the consequences as a motivation for wicked deeds. The generalization, introduced by a rhetorical question of the universalizing ‘who does not know?’-type (*quis ignorat* + accusative-infinitive), is postponed by a relative clause indicating that the subject-matter is the identification of what causes *audacia*.

- 43.4.** In utro igitur haec fuit?
 in Milone,
 qui etiam nunc reus est facti aut praeclari aut certe necessarii,
 an in Clodio,
 qui ita iudicia poenamque contempserat
 ut eum nihil delectaret
 quod aut per naturam fas esset
 aut per leges liceret?

principal clauses – 1

subordinate clauses – 5: *qui*, *qui*, *ut*, *quod aut ... aut*)

opening clause – principal clause

levels of subordination – 3 (*quod aut per naturam fas esset aut per leges liceret*)

43.4 particularizes the preceding generalization, claiming that Milo, who is facing his accusers in public, is not hoping to avoid the consequences of his actions, while Clodius’ character and past behaviour shows that he was exactly the kind of person to be motivated by such a hope. The opening rhetorical question, *in utro ...?* is then expanded into *in Milone ... an in Clodio ...*; the sentence could be treated as three units rather than one. Each name is followed by a relative clause (*qui*, *qui*) giving a description of the man in question which provides an argument for the desired answers: Milo did not hope to escape punishment, Clodius did. The first provides an opportunity to describe the action for which Milo is being tried in positive terms; the second claims that Clodius despised all forms of legal punishment to such an extent (*ita*) that (*ut*) he took no pleasure in anything natural or legal (described in a double relative clause, *quod aut ... aut ...*).

44-51: The skirmish – preparations

A marked shift away from the preceding topic is achieved here without the new topic being clearly identified (44.1-2) – a very different procedure from the clear topic-identifications at 32.2 and 36.1. The first issue identified (44.3) is the report of Clodius’ prediction that Milo would die in a few days; frequent shifts of focus occur immediately afterwards (45.1, 45.4, 45.6), until the argument settles down into the question of whether Milo could have known

Clodius' travel plans (45.6/46.4-47.5). An attack on the prosecution account of Clodius' actions is explicitly marked (48.1); the shift to their account of Milo's actions is less so (49.4). A new view of what Milo's actions might have been is introduced without much fanfare at 51.3; this is so little elaborated that the lengthy summary of the arguments so far at 52.1, with its suggestion that the preceding argument is now complete, may have come as a surprise.

This part of the Self-Defence Argument is often described as dealing with the topic of time, which is indeed an important theme (note the frequency of references to day and night, for which see below). But to a large extent, time and place cannot logically be separated, and are not: references to place include; *in uia*, 45.6; *in Albano*, 46.7; *e uilla*, 48.2; *ad urbem*, 49.4; *Aricia*, 51.1. Time is treated from a variety of angles: knowledge of the day of Milo's journey, 44.3; the inconvenient timing of Clodius' journey, 45.4; the implausibility of Clodius' leaving his villa so late, 49.1-4; better times (and places) for Milo to have laid an ambush, 49.4-51.3. The effect is different from that of the variety of examples in the violence argument, which are all clearly pressed into the same service; here there is more of a sense that the orator's subject-matter shifts as one idea suggests another (*e.g.*, 45.1, 45.6, 48.1). It could be argued that the passage includes two arguments after a short introduction, that the tendency to take 44-51 as a single argument is overinfluenced by the fact that the markers of topic-shift between 44.1 and 52.1 are less striking. The first of these two arguments compares the protagonists' knowledge of each other's movements (45.1-47.5); the second picks up on an idea suggested at 46.3 and attacks the plausibility of the prosecution account of events (48.1-51.3); both replicate to some extent the sequence used in the arguments about motive and violence, whereby a focus on Clodius is followed by a focus on Milo. There is, however, considerable overlap between the two arguments, and the label 'preparations for the skirmish' covers everything, as well as describing the stage occupied by this passage in the chronological progression from background information (motive and habits of violence, 32-43) to the skirmish itself (53-56).

Whether 44-51 are treated as one argument, two, or several, there is a difference between the presentation of the material before and after 44.1; combined with the interrupting effect of that sentence (which is achieved by the form of the sentence itself rather than the incompleteness of what went before), this may strengthen the impression that the orator is moving on to something new here. The frequent shifts in focus in the opening sequence of arguments contribute to the impression that the points are coming thick and fast. The paragraphing used here emphasizes the number of different arguments introduced by breaking wherever possible; some of the breaks could easily be removed. The notable backtracking at 46.1-3, to an issue already discussed in 45.2, has been dealt with by placing a paragraph-break before 45.6, which appears to turn attention from Clodius to Milo. Breaking after 46.3 would emphasize the continuity of subject-matter from 45.1 on, but might give the impression that 46.1 is a planned anticipation of an issue the speaker has not yet quite reached; the text is more easily read as suggesting that the speaker's initial plan to move on to Milo is interrupted by supplementary thoughts about Clodius (*cf.* 46.2n.).

If this interpretation is accepted, the backtracking at 46.1-3 appears as an extreme case of the tendency for these arguments to develop by association of ideas (*e.g.*, 44.3-45.5, 49.4). Even the passage following the most clearly marked shift (48.1) is still thematically close to what precedes, dealing with the prosecution testimony on Cyrus' death. This almost stream-

of-consciousness sequence of different but related arguments combines with their very density to suggest that a wealth of connected ideas are coming into the orator's mind and then out of his mouth, as if without his control; the suggestion may be reinforced by constant references to and comments on what is being argued (e.g., 45.2, 45.4, 46.1, 46.5), which are not, however, used to mark clear progression through a carefully organized sequence in the way that such self-referential comments do at 32.1-2, 34.1, and 36.1.

After the initial suggestion of topic-shift in 44.1, there are several close repetitions of material from the *narratio* (44.2-3 *cf.* 26.3, 45.2, and 45.4 *cf.* 27.1), which create an impression that the defence-case hangs together closely. Several of the arguments are, or at least seem, stronger than those in 32-43 (see Approach 1.1). The anecdote about Clodius predicting Milo's death could have had a powerful effect, and the claim that he could have known the sacred calendar of Lanuvium is plausible. The seeming strength of an argument, however, is a different question from its validity: neither of these points actually proves anything about his actions. It is interesting that the attack on the prosecution version of events seems stronger than the attempted reinterpretation of Clodius' actions, *i.e.*, than the defence's own version, which may depend on exaggerating the lateness of the hour (49.1-4; *cf.* 29.1n.); if Asconius is correct that neither Clodius nor Milo planned the ambush, then both prosecution and defence accounts were problematic, and an attack on the prosecution version would have been, as well as seeming, firmer ground than the defence's own version. It is perhaps significant that the weaker argument is flanked by two elements of the stronger (46.6-47.5, 49.4-51.3).

Word-group	Frequency	Occurrences
<i>Clodius</i>	2.2%	14
<i>dicere</i>	1.4%	9
<i>dies</i>	1.7%	11
<i>Milo</i>	2.0%	13
<i>nox/noctu/nocturnus</i>	1.1%	7 (3/3/1)
<i>scire</i>	1.1%	7
<i>testis/testimonium/testari/testamentum</i>	1.1%	7 (2/2/1/2)
? <i>facere/facile/facultas/facinus</i>	1.1%	7 (4/1/1/1)
? <i>posse/potius</i>	1.4%	9 (8/1)
		(651 words)

There is no clear identification anywhere in this passage of an over-arching or general topic such as 'motive' in 32.2 and 'violence' in 35.1. The way vocabulary is used changes between the first two arguments of the Self-Defence Argument and what follows 44.1: the individual passages are more repetitious again – perhaps in part because there are fewer 'digressions' than in the motive and violence arguments – but while in this abstract respect they resemble the Introductory Material more than what came in between, there is a change in the repeated vocabulary which separates them from both. After the reference to Cato and Petilius as *iudices* in 44.2, there are no other occurrences of *iudex-ius-lex* (other than vocatives) until the interrogations argument (57-60); the semantic field represented by *res publica-populus Romanus-ciui(ta)s* also disappears until the aftermath argument (61-66). There are eight occurrences of *Roma* and *urbs* in 46-51, with another two in 52; these, however, are geographical rather than political. The disappearance of this political group is

parallel to that in the second half of the *narratio*, to which 44-56 are closely related, while 32-43 were closely related to the first half. The focus on supposed ‘facts’ about the skirmish may also go some way to explaining the absence of *iudex-ius-lex*, although it is not the case that there is no indication of the trial-situation in the preparations argument at least; this is conveyed through interaction between the defence-speaker and the prosecution and witnesses.

As argued at Approach 4.2.1, the frequently used vocabulary in 44-51 suggests that the passage deals not only with time (*dies, nox*) but also with a number of other issues, including witnesses/documents (*testis, etc.*,¹ some of the occurrences of *dicere*) and the protagonists’ knowledge of each other’s movements – a topic which itself involves time (*scire*). The passage as a whole is of middling to high repetitiousness, with nine frequent word-groups (seven ‘interesting’) making up 12.9% of the argument (10.4% ‘interesting’). The concentration of occurrences of *dies* (seven in 45.4-46.2) immediately after what is clearly a topic-shift at 44.1 has probably contributed to the widespread feeling among analysts of the speech that the new topic is ‘time’. Both *dies* and *dicere* occur (the latter twice), along with two occurrences of *Clodius* and one of *Milo*, in 44.3 (for the lack of a clear topic in 44.2, *cf.* note on the sentence), but while this sentence reveals a topic, Clodius’ prediction of Milo’s death, by clarifying why the speaker has turned to address Petilius and Cato, it does not, in contrast to the openings of most of the preceding arguments, explicitly state that *the* topic of what follows is to be X. Clodius’ prediction might perhaps be considered ‘the topic’ down to 46.3, although 45.4 and 45.6 point in other directions and the return to Clodius’ knowledge of Milo’s movements in 46.1-2 is unexpected. The way the different but related sub-topics glide into one another is on the whole very different from the elaborate marking of sub-division in 34.1-3; *cf.* notes on individual sentences 45.1-2, 45.6, 47.1, 48.1.

1st sing.	3.3%
1st plur.	0.7%
2nd sing.	0.5%
2nd plur.	2.0%

The similarity between this argument and the preceding in terms of frequency of first-person singulars (3.9%/3.3%) masks a difference in subject-matter which is revealed if the nature of the first-person references are taken into account: rather than emotional digressions relating Cicero’s political past, the first-person references here are due to a close focus on the process of the trial itself; *ego* is not Cicero the politician, but Cicero the defence advocate. *Cf.* notes on *argumentor ... disputo* (44.1), *dixi equidem modo* (45.2), *etc.* These observations demonstrate the limitations of quantitative analysis based on grammatical or other formal features alone, without contextualization. Cicero the defence advocate cannot be entirely divorced from Cicero the politician, and they are blended in 47.3-5, but elsewhere in this argument, in contrast to the violence argument, there is little to activate awareness of Cicero’s political record. Shifts in addressee also draw attention to the

¹ The total of 7 for *testis, etc.* is due to the inclusion of two references to a will, *testamentum*. Even restoring the relative clause deleted by Clark at 46.7 (see note *ad loc.*), would only bring the count for *testis/testimonium* up to 6 (0.9%). But even leaving this word-group out of the repetitiousness-calculation would not alter the position of the argument in Table 14.

communication-situation: at first two of the *iudices*, Petilius and Cato, are invoked almost as if they were witnesses (44.3); later shifts in addressee apparently pit Cicero directly against the prosecution team (?46.1, 46.5-6). For *age* (49.1), see note *ad loc.*

The frequent changes of theme and addressee in the opening sections of this passage are expressed in short units including frequent question-response sequences, making it resemble the third preliminary argument even more than the argument about motive did, although there is more subordination in short, compact units here (*e.g.*, 44.4). Such units recur throughout the passage, with the principal exceptions being 45.4, 46.7, and 49.4; none of these exceptions, however, exceeds fifty words, and may not far exceed forty (for the text of 46.7, see note *ad loc.*), whereas the argument about violence contained one sentence of ninety words (39.2, an emotional description of Cicero's recall). The overall brevity of the units in this passage makes the lengthy 52.1 all the more striking.

44.1. Sed quid ego argumentor?
quid plura disputo?

principal clauses – 2, in 2 units (asyndeton)
subordinate clauses – 0

44.1 interrupts the flow of the argument with an exclamatory question, hinting that the speaker has suddenly thought of a more important issue. The interruption is emphasized by doubling the question, and by the use of the first-person pronoun *ego* (*cf.* 18.4). This is a more elaborate use of the self-interruption technique used at 18.4: the first-person singular refers to Cicero as speaker, albeit one with a stake in what is being discussed.

quid ego argumentor, quid plura disputo: since *disputo* has *plura* as an object and *argumentor* can be intransitive, *quid* can be taken as adverbial with both verbs, meaning 'why'; *plura* may be either external or internal accusative, 'debate more issues' or 'conduct more debates' (*cf.* 7.3n.), or it can be taken as adverbial 'debate in any further respect', *cf.* 3.3n., 48.4n. (with reference to *quid*).

argumentor ... disputo: unlike the casual parenthetical uses of *credo, dico, quaeso*, which could be used in any genre to bring the speaker momentarily to the fore, these verbs belong to argumentative oratory and herald the strong focus on the judicial communication-situation in what follows. See further on *dixi equidem modo*, 45.2.

44.2. Te, Q. Petili, appello, optimum et fortissimum ciuem;
te, M. Cato, testor,
quos mihi diuina quaedam sors dedit iudices!

principal clauses – 2, in 2 units (asyndeton)
subordinate clauses – 0/1 (*quos*)
opening clauses – principal clause; principal clause

44.2 may indicate the new issue by calling on two of the *iudices*, Petilius and Cato, as witnesses; an alert audience member may recall that Cato was mentioned in the *narratio* (26.3) as the recipient of information about Clodius' intentions. The two addressees are named separately in two parallel principal clauses, then united in a relative clause (*quos*)

which specifies that they are *iudices* at the current trial (attributing this fact to divine intervention).

te, Q. Petili, appello: in this and the following *te, M. Cato, testor*, the juxtaposition of first-person singular verb with second-person singular object and the identifying vocative closely associates the speaker and his addressee.

iudices is in predicative apposition, ‘as judges’.

44.3. Vos ex M. Fauonio audistis
 Clodium sibi dixisse
 – et audistis uiuo Clodio –
 periturum Milonem triduo;
 post diem tertium gesta res est
 quam dixerat.

principal clauses – 2, in 2 units (introduction)

subordinate clauses – 2/1: acc.-inf. x2 (*Clodium ... dixisse; periturum ... triduo*), *post ... quam*

parentheses – 1 (*et audistis uiuo Clodio*)

subordinate clauses – 1: abl. abs. (*uiuo Clodio*)

opening clause – principal clause

opening clauses – principal clause; principal clause

levels of subordination – 2 (*periturum Milonem triduo*)

44.3 identifies (or confirms) the new issue by repeating the Favonius-anecdote from the *narratio*, about Clodius’ prediction that Milo would be dead within three days, then spelling out the fact that the skirmish took place three days later. The principal clause states that Petilius and Cato received information from Favonius; an accusative-infinitive construction indicates that Favonius’ information concerned something that Clodius said (*dixisse*). At this point the syntactic sequence is interrupted by a repetition of the core of the principal clause, to which is attached an ablative absolute stressing that Favonius passed this information on before Clodius’ death; this point counters any possible objection that the information was invented *post factum* in order to make it appear that Clodius predicted the skirmish (*cf. statim* at 26.3). A second accusative-infinitive, dependent on the first, then expresses the real point: what Clodius said to Favonius. A new point (not explicitly mentioned in the *narratio*) is then added in a coordinate principal clause (with following relative): the skirmish took place on the day predicted by Clodius.

uos ... audistis: this second-person plural refers to Petilius and Cato, while *uos potestis dubitare* in 44.4 more probably refers to the *iudices* as a whole (and perhaps the wider audience).

periturum Milonem triduo: see note on *triduo ... aut summum quadriduo* in 26.3 for the differences between the two versions of the anecdote.

post diem tertium ... quam dixerat: the commentators all take *post ... quam* together, rather than seeing *quam* as a relative pronoun with antecedent *res*, so ‘three days after he had said it’, not ‘three days later, the thing which he had mentioned’. (W.217(2): ‘With

postquam the pluperfect is regular, when a definite interval of time is expressed by the ablative.) W.82 cites this passage as an example of *post* as a preposition governing the accusative, meaning the same as adverbial *post* with an ablative of Measure of Difference (*tribus post diebus*). Colson *ad loc.* compares the dating formula, e.g., *ante diem tertium*; for K.'s explanation of the acc. *diem* here, cf. 27.1n.

diem tertium: the reference is more precise than that at 26.3 (see note *ad loc.*).

44.4. Cum ille non dubitarit aperire
quid cogitaret,
uos potestis dubitare
quid fecerit?

principal clauses – 1

subordinate clauses – 3: *cum*, indir. qu. x2 (*quid*, *quid*)

opening clause – *cum*-clause

levels of subordination – 2 (*quid cogitaret*)

44.4 develops the argument, that Clodius' prediction indicated his plans to kill Milo, more explicitly than in the *narratio*. The opening temporal clause (*cum*) turns the prediction into evidence by describing it as an announcement of Clodius' plans; the conclusion is expressed in a variation on the 'do you not know?' type of rhetorical question, implying the impossibility of doubt. The *cum*-clause may have causal overtones in relation to the implication (it cannot be doubted, since he did X), and/or concessive overtones in relation to the question form (can you doubt, even though he did X?). The link between evidence and conclusion is enhanced by a play on the word *dubitare* and a parallel pair of indirect questions (*quid* x2) following *dubitarit* (= 'hesitate') + *aperire* in the *cum*-clause, and *dubitare* (= 'doubt') in the second.

45.1. Quem ad modum igitur eum dies non fefellit?

principal clauses – 1

subordinate clauses – 0

45.1 introduces a different aspect of Clodius' prediction, focusing on how he could have predicted the day so accurately. The point is introduced suddenly in a simple question.

45.2. Dixi equidem modo:
dictatoris Lanuuiini stata sacrificia nosse negoti nihil erat.

principal clauses – 2, in 2 units (introduction)

subordinate clauses – 0

45.2 explains Clodius' ability to predict the day by generalizing about how easy it would have been to know Milo's obligations as *dictator* of Lanuuium. The answer to the question posed in 45.1 is preceded by an introductory comment which points out that this is a repetition of the *narratio* (27.1, parenthesis), and is strongly asserted: such knowledge was easy to acquire.

dixi equidem modo: this kind of cross-reference to an earlier part of the speech (27.1) could be used in any genre, but nevertheless it carries more contextual awareness than e.g., parenthetical *credo*: in a judicial speech, drawing attention to the fact that something has already been pointed out is a claim that the argument is consistent and/or that the point has already been demonstrated. There is another cross-reference just below, in 45.4; for links between this passage and the *narratio*, cf. note on the argument as a whole.

45.3. Vidit

necesse esse Miloni proficisci Lanuuium illo ipso
quo est profectus
die;
itaque anteuertit.

principal clauses – 2, in 2 units (*itaque*)

subordinate clauses – 2/0: acc.-inf. (*necesse esse ... die*), *quo*

opening clause – principal clause; principal clause

levels of subordination – 2 (*quo est profectus*)

45.3 particularizes this claim about general knowledge by asserting positively that Clodius knew Milo's travel plans and anticipated them. The sentence opens with the strongly assertive *uidit*, followed by an accusative-infinitive construction expressing what Clodius knew; knowledge of the day of Milo's departure is emphasized by *illo ipso ... die* with embedded relative clause (*quo*). A brief (two-word) coordinate unit states what Clodius did because of this knowledge.

45.4. At quo die?

quo,
ut ante dixi,
fuit insanissima contio, ab ipsius mercenario tribuno plebis concitata,
quem diem ille, quam contionem, quos clamores,
nisi ad cogitatum facinus approperearet,
numquam reliquisset.

principal clauses – 1:

subordinate clauses – 4: *quo*, *ut*, *quem ... quam ... quos* [1 verb], *nisi*

opening clause – principal clause

levels of subordination – 3 (*nisi ad cogitatum facinus approperearet*)

45.4 introduces another aspect of Clodius' timing, reiterating the claim made in the *narratio* that he would have been expected to do something else on that day (27.1). The sentence takes the form of a question and answer sequence; the sentence is elliptical (supply *anteuertit* from 45.3) and the answer consists of a relative clause describing the day in question, with further subordination. The description is immediately interrupted by a parenthetical *ut*-clause, which, like the introductory clause in 45.2, explicitly points out that this is a repetition of the *narratio* (again 27.1); the day is identified as the day of a *contio* held by an unnamed Clodian tribune. Another clause-complex (relative with embedded conditional, *nisi*) explains that the only possible reason for Clodius not to attend this event

was desire to commit some planned crime elsewhere. Triple polyptoton of the relative pronoun (*quem ... , quam ... , quos ...*), accompanied by three separate objects expressing the attractions of the *contio*, underlines this claim.

fuit ... concitata: the perfect passive indicative would be *concitata est*; this clause does not narrate the summoning of the meeting, but asserts that meeting took place on this day and only then adds the information about who summoned it, in the participial phrase *ab ... tribuno plebis concitata*. Compare, for the perfect participle with perfect of *esse*, 32.2n. and Syntactic Index, 2.2.1.b; for the separation of the participle from existential *esse*, 10.3n.

45.5. Ergo illi ne causa quidem itineris, etiam causa manendi;
Miloni manendi nulla facultas, exeundi non causa solum sed etiam necessitas fuit.

principal clauses – 2, in 2 units (asyndeton)

subordinate clauses – 0

45.5 draws a conclusion in respect of both Clodius and Milo, contrasting the former's surprising (and therefore suspect) actions with the latter's unavoidable (and therefore innocent) journey. The conclusion is drawn by *ergo*. The sentence entirely lacks a verb; supply *fuit* in the construction *esse* + possessive dative (cf. 35.4). Five points are made in a multiple antithesis: Clodius is compared with Milo (*illi ... , Miloni ...*), and each man is considered from the point of view of leaving Rome (*itineris, exeundi*) and staying there (*manendi, manendi*). The order of presentation is chiasmic (Clodius-leave, Clodius-stay, Milo-stay, Milo-leave); the fourth item is split in two by a *non ... solum sed etiam* construction which redefines Milo's relationship with his journey. The five nouns (*causa, causa, facultas, causa, necessitas*) make their own point: Clodius' journey was a matter of choice, Milo's was not.

45.6. Quid si,
ut ille sciuit
Milonem fore eo die in uia,
sic
Clodium
Milo ne suspicari quidem potuit?

principal clauses – 1

subordinate clauses – 3: *ut, acc.-inf. x2 (Milonem ... in uia; Clodium)*

opening clause – principal clause

levels of subordination – 2 (*Milonem fore eo die in uia*)

45.6 repeats the claim about Clodius' knowledge of Milo's travel plans and turns attention to Milo's lack of knowledge of Clodius' plans. The construction is technically an elliptical question: 'what [would your conclusion be] if...?'; the conditional clause has here been taken as the equivalent of a principal clause (cf. 48.2). It contains another comparison between Clodius and Milo (*ut ille ... sic ... Milo*). The comparative clause (*ut*) expresses Clodius' knowledge of Milo's departure (*sciuit* + accusative-infinitive); in the principal clause, the parallel accusative-infinitive construction is elliptical, consisting only of *Clodium*

(supply *fore eo die in uia*), and Milo's utter inability to know his rival's plans is emphasized by *ne ... quidem potuit*.

46.1. Primum quaero

qui id scire potuerit –

quod uos idem in Clodio quaerere non potestis.

principal clauses – 1

subordinate clauses – 2: indir. qu. (*qui*), *quod*

opening clause – principal clause

levels of subordination – 2 (*quod uos idem in Clodio quaerere non potestis*)

46.1 at first maintains the focus introduced in the preceding sentence, on how Milo could have known Clodius' plans, but then moves back to Clodius, reasserting the earlier claim. The question is announced by *primum quaero* (which implies that this is the first of several points will be made), and expressed in an indirect question (*qui* = 'how'). A relative clause (*quod*) then shifts the focus back to Clodius by relating the same question to him.

quaero: this first-person verb, like *dixi equidem modo* (45.2), could be used in a variety of genres, but in the current context it can be read as referring to the communication-situation, a *quaestio*; this is especially true, retrospectively, after the use *quaerere* in reference to the opposition later in the sentence.

uos ... quaerere non potestis: the emphatic *uos* could refer to the *iudices* or an imaginary interlocutor, but more probably this is the first shift to address the prosecution; cf. 46.5-6 below.

46.2. Vt enim neminem alium nisi T. Patinam, familiarissimum suum, rogasset,
scire potuit

illo ipso die Lanuui a dictatore Milone prodi flaminem
necesse esse.

principal clauses – 1

subordinate clauses – 3: *ut*, acc.-inf. x2 (*illo ipso ... flaminem; necesse esse*)

opening clause – *ut*-clause (sentence-particle: *enim*)

levels of subordination – 2 (*illo ipse die Lanuui a dictatore Milone prodi flaminem*)

46.2 attempts to support the earlier claim that Clodius knew Milo's plans (45.2-3) by naming a close associate he could have acquired the information from. Titus Patina is named in an opening *ut*-clause, best taken as concessive ('even if', *OLD* s.v. *ut* 35), which posits that Clodius might have asked him; the principal clause asserts the possibility of Clodius' knowing, and what he knows is expressed in two accusative-infinitive constructions (of which the subordinate precedes the superordinate): the necessity of Milo's trip to Lanuvium.

neminem alium nisi: for *nisi* = 'except' cf. 22.1n. The subjunctive verb, with its counterfactual implication, confirms that the point of the statement is not to assert that Clodius asked only one person; instead the phrasing suggests the ease with which Clodius could have asked Patina, which is then explained by the noun-phrase in apposition

explaining the relationship between the two men. The implication that there were also others he could have asked is spelled out in the next sentence.

- 46.3.** Sed erant permulti alii
 ex quibus id facillime scire posset:
 omnes scilicet Lanuuiini.

principal clauses – 1
 subordinate clauses – 1 (*ex quibus*)
 opening clause – principal clause

46.3 further supports the claim that Clodius knew Milo's plans by asserting that he could have acquired the information from many others. The existence of many informants is expressed in the opening principal clause, and a relative (*ex quibus*) adds their function; an extra nominative added at the end identifies one group who certainly knew Milo's timetable – the people of Lanuvium itself.

- 46.4.** Milo de Clodi reditu unde quaesiuit?

principal clauses – 1
 subordinate clauses – 0

46.4 returns to the issue of Milo's knowledge of Clodius' plans, focusing on who he could have asked about Clodius' movements in a topic-shifting question.

- 46.5.** Quaesierit sane –
 uidete
 quid uobis largiar! –
 seruum etiam,
 ut Q. Arrius, amicus meus, dixit,
 corruerit.

principal clauses – 2, in 2 units (*etiam*)
 subordinate clauses – 0/1: *ut*
 parentheses – 1 (*uidete ... largiar*)
 subordinate clauses – 1: indir. qu. (*quid*)
 opening clauses – principal clause
 opening clause – principal clause

46.5 concedes the possibility that Milo could have known Clodius' plans by specifying a way he could have learned them, attributed to the prosecution witness, Arrius. The concession, expressed by the perfect of the jussive subjunctive (W.112), is at first simply that he asked (somebody – no object expressed). A parenthesis then directly addresses the prosecution (*uobis*) and draws attention to the concession (imperative + indirect question, *quid*), before it is restated with more detail in another unit: an embedded comparative clause (*ut*) identifies one Arrius, presumably a prosecution witness, as having claimed that Milo bribed one of Clodius' slaves in order to learn his plans.

uidete quid uobis largiar: the mixture of first- and second-person references reflects the interaction between prosecution and defence which is being emphasized dramatically here. Notice that, for the reader at least, the addressee must (and can) be identified from context alone, without any vocative being used for explicit identification. Even if imagined in its original forensic context, where a gesture or movement could have been used to identify the addressee, this is a different procedure from the clear signals that the addressee is changing at 22.1 and 23.1, 33.2, and 34.1; in his excitement about the convincingness of his arguments, the speaker becomes less careful about marking transitions verbally.

Q. Arrius, amicus meus: claiming the prosecution witness Arrius as an *amicus* continues the rather patronising tone the defence advocate adopts in his treatment of the prosecution, similar to *uidete quid uobis largiar* above and *legite testimonia testium uestrorum* in 46.6.

46.6. Legite testimonia testium uestrorum!

principal clauses – 1

subordinate clauses – 0

46.6 suddenly draws attention to the prosecution testimony, hinting that it will refute the prosecution argument. The address to the prosecution (*uestrorum*) continues in a simple command; the reference to witnesses contrasts with the immediately preceding reference to Arrius. The suggestion that the prosecution need to pay more attention to their own witness-testimony implies that it is contradictory.

46.7. Dixit C. Causinius Schola, Interamnanus, familiarissimus et idem comes Clodi,
P. Clodium illo die in Albano mansurum fuisse,
sed subito ei esse nuntiatum
Cyrum architectum esse mortuum,
itaque repente Romam constituisse proficisci.

principal clauses – 1

subordinate clauses – 4: acc.-inf. x4 (*P. Clodium ... fuisse; sed ... nuntiatum; Cyrum ... mortuum; itaque ... proficisci*)

opening clause – principal clause

levels of subordination – 2 (*Cyrum architectum esse mortuum*)

46.7 gives details of the testimony mentioned in the preceding sentence, attributed to Causinius: Clodius had intended to spend the night at his Alban villa, but changed his plans on hearing of the death of Cyrus the architect. The emphasis on the witnesses is kept prominent by the opening principal verb, *dixit*; the witness in question is then named as Causinius, and some information about him is given. How much information is given is debated; some manuscripts, but not all, have here a relative clause referring to an event in the past (see below). Causinius' testimony is given in a series of accusative-infinitive constructions which narrate Clodius' intentions, the bringing of news (with further subordinate accusative-infinitive expressing its contents), and the consequent decision.

comes Clodi: after this phrase, two of the three principal manuscripts, T and E, give the clause *cuius iam pridem testimonio Clodius eadem hora Interamna fuerat et Romae*, which

does not appear in either H or Asconius. Clark deletes as a gloss, and Stangl comments ‘male add. Cic. codd.’ But this comment is very allusive for a gloss, and is entirely in keeping with Cicero’s other allusive references to the Bona Dea trial in this speech (13.3, 59.4, 13.3). It may belong in the text after all.

46.8. Dixit hoc item comes P. Clodi, C. Clodius.

principal clauses – 1
subordinate clauses – 0

46.8 emphasizes the prosecution testimony about Clodius’ plans by asserting that the same story was told by another witness, C. Clodius. The short principal clause is designed for maximum reinforcement of the preceding statement: it again begins with *dixit*, and the identity of the testimony is stressed (*hoc item*).

47.1. Videte, iudices,
quantae res his testimoniis sint confectae!

principal clauses – 1
subordinate clauses – 1: indir. qu. (*quantae*)
opening clause – principal clause

47.1 concludes by spelling out what was hinted at 46.6, that this testimony refutes some of the prosecution arguments. The point is addressed to the *iudices*; an imperative, *uidete*, is followed by an indirect question claiming that the refutation extends to several points of the prosecution argument (*quantae*).

uidete, iudices, quantae ... echoes *uidete quid uobis largiar* in 46.5, with shift of addressee (here explicitly identified) and a different indirect question.

47.2. Primum certe liberatur Milo non eo consilio profectus esse
ut insidiaretur in uia Clodio;
quippe, si ille obuius ei futurus omnino non erat!

principal clauses – 1
subordinate clauses – 2: *ut, si* (sentence-particle, *quippe*)
nominative-infinitive – 1: *non eo consilio profectus esse*
opening clause – principal clause
levels of subordination – 1

47.2 explains the conclusion drawn in the preceding sentence by pointing out that Milo could not have plotted to ambush Clodius at the time and place where the skirmish took place, since knowledge of Clodius’ plans would not have predicted his presence in that place at that time. The point is economically conveyed, with no explicit reference to the time of the ambush; the prosecution claim that Milo planned the ambush is assumed to imply that the ambush he planned was for the time and place at which the actual skirmish happened; it is also implicit that Milo’s plans, according to the prosecution, were dependent on knowledge of Clodius’ plans, gained from the bribed slave, the possibility conceded at 46.5. The opening principal clause strongly asserts that Milo is free from suspicion of having such

a plan; the plan is expressed in a final clause (*ut*), and refers to the place of the ambush as *in uia*. This vague expression is enough to disprove the idea of Milo planning an ambush for this place and time, because the testimony of Causinius and C. Clodius asserts that Clodius' plan was to be in his villa rather than on the road at the time the skirmish took place. The addition of a further point is signalled by *quippe*, and expressed in a conditional clause (*si*) stating explicitly that Clodius (according to the plan he is supposed to have had, and Milo might have learned) would not have been there to encounter Milo (*obuius*).

47.3. Deinde

(non enim uideo
 cur non meum quoque agam negotium)
 scitis, iudices,
 fuisse
 qui in hac rogatione suadenda dicerent
 Milonis manu caedem esse factam,
 consilio uero maioris alicuius;
 me uidelicet latronem ac sicarium abiecti homines et perditii describebant.

principal clauses – 2, in 2 units (asyndeton)

subordinate clauses – 4/0: acc.-inf. (*fuisse*), *qui*, acc.-inf. x2 (*Milonis ... factam*; *consilio ... alicuius*)

parentheses – 1 (*non enim ... negotium*)

subordinate clauses – 1: indir. qu. (*cur*)

opening clause – principal clause

opening clauses – principal clause; principal clause

levels of subordination – 3 (*Milonis manu caedem esse factam*; *consilio uero maioris alicuius*)

47.3 introduces a slight diversion, focusing on Cicero himself, since some have accused him rather than Milo of planning the skirmish. The new point is signalled by *deinde* (answering *primum* in 47.2), after which an explanatory parenthesis (*enim*) draws attention to the fact that Cicero himself is now the focus (first-person verb *uideo*, followed by indirect question containing the phrase *meum ... negotium*). The principal clause is addressed to the *iudices*, and invokes their knowledge of the existence (one-word accusative-infinitive, *fuisse* – supply *eos*) of people who have claimed (relative clause, *qui*) that Milo was acting under instructions when he killed Clodius (accusative-infinitive); the last point is expressed in an antithesis between *manu* and *consilio*. The person planning is not yet named, allowing his identification as Cicero to be made as a separate point in an additional, explanatory (*uidelicet*) principal clause, which negatively characterizes those who make this claim. The description of Cicero himself as *latronem ac sicarium* is supposed to be incredible; the words are presumably intended to invoke instead the image of Clodius, with whom *latro* and *sica* have so frequently been associated in the speech.

meum quoque agam negotium: here Cicero-as-politician re-enters the picture, as is clear from the content of the main part of the sentence.

scitis, iudices: although the original audience could not have known it, this is the last second-person address in the argument.

47.4. Iacent suis testibus
 qui
 Clodium
 negant
 eo die Romam,
 nisi de Cyro audisset,
 fuisse rediturum.

principal clauses – 1

subordinate clauses – 3: *qui*, acc.-inf. (*Clodium ... rediturum*), *nisi*

opening clause – principal clause

levels of subordination – 3 (*nisi de Cyro audisset*)

47.4 recounts again the giving of the testimony described at 46.7-8, repeating its contents. The giving of the testimony is expressed in both the opening principal clause (*iacent*) and the subsequent relative (*negant*), which is interlaced with the accusative-infinitive statement expressing the content. The expression is slightly different from that at 46.7, focusing on not returning to Rome rather than staying in the villa; the arrival of the news about Cyrus is expressed in an embedded conditional clause (*nisi*).

47.5. Respiraui,
 liberatus sum;
 non uereor
 ne,
 quod ne suspicari quidem potuerim,
 uidear id cogitasse.

principal clauses – 3, in 3 units (asyndeton)

subordinate clauses – 0/0/2: *ne*, *quod*

nominative-infinitive – 1: *id cogitasse*

opening clause – principal clause

levels of subordination – 2 (*quod ne suspicari quidem potuerim*)

47.5 narrates Cicero's feelings of relief on hearing this testimony, and draws the conclusion that he, like Milo, could not have planned for such an event. The sentence opens with three principal verbs in sequence, all expressing relief. The third is negated *uereor*, followed by a noun-clause of fear (*ne*) which asserts that Cicero cannot be imagined to have planned the sequence of events; an embedded relative clause (*quod*) explains why: he could not have guessed what would happen.

respiraui ...: there are five first-person singular verbs in this sentence, a strong concentration on Cicero, whose role here combines that of politician and defence advocate.

48.1. Nunc persequar cetera,
 nam occurrit illud:

‘igitur ne Clodius quidem de insidiis cogitavit,
quoniam fuit in Albano mansurus.’

principal clauses – 3, in 3 units (*nam*, introduction)

subordinate clauses – 0/0/1: *quoniam*

opening clauses – principal clause; principal clause; principal clause

48.1 states explicitly that the orator is moving on, identifying the new topic as Causinius’ testimony and its apparent corollary: the claim that Clodius had not intended to leave his villa confirms that *he* was not the one planning an ambush. Two coordinate principal clauses indicate that the speaker is moving on (first-person *persequar*), and that the new topic is an opposition point (*occurrit illud*); *illud* is then given full expression in a pseudo-quotations, *i.e.*, *oratio recta*, which first draws the conclusion (*igitur*) that Clodius did not plan the ambush, then provides the premise in a causal clause (*quoniam*) which repeats the claim made in 46.7 (with only the necessary syntactic differences between an accusative-infinitive and a clause with a finite verb).

occurrit illud: in context, this phrase functions to attribute the following pseudo-quotations to the prosecution. Most of the pseudo-quotations used so far have lacked such an introduction, with the shift in speaker calculable only from the content, which it is improbable that Cicero would utter in his own voice (15.1, 34.3, 35.1), but *cf.* perhaps 36.1.

48.2. Si quidem exiturus ad caedem e uilla non fuisset.

principal/subordinate clause – 1

48.2 counters this prosecution argument by positing an alternative interpretation of Clodius’ departure from his villa. What has been punctuated here as a single sentence consists only of a conditional clause.

48.3. Video enim
illum
qui dicatur de Cyri morte nuntiasse,
non id nuntiasse, sed
Milonem appropinquare.

principal clauses – 1

subordinate clauses – 3: acc.-inf. (*illum ... non id nuntiasse sed*), *qui*, acc.-inf. (*Milonem appropinquare*)

nominative-infinitive – 1: *de Cyri morte nuntiasse*

opening clause – principal clause

levels of subordination – 2 (*qui dicatur ... nuntiasse; Milonem appropinquare*)

48.3 develops the speaker’s reinterpretation of Clodius’ departure, suggesting an alternative prompt for his action: not the news of Cyrus’ death, but that of Milo’s approach. The fact that this is a defence (re)interpretation is signalled by the sentence-initial verb, *uideo*; the interpretation is expressed in an accusative-infinitive construction with further subordination: a relative clause containing a nominative-infinitive construction, and a further accusative-infinitive. The interrupting relative clause (*qui*) identifies the subject, *illum*, as the

messenger who supposedly (*dicitur*) brought the news of Cyrus' death (*nuntiasse*; for the nominative-infinitive construction with passive verbs of speaking, *etc.*, see W.33 and 11.2n.). The indirect statement expressing the defence interpretation then resumes, denying (*non*) that Cyrus' death (*id*) was the news that he brought; *nuntiasse* is repeated. The alternative to *id* is expressed in another accusative-infinitive introduced by a *sed* which answers the *non*. For two items set in opposition of which one is an accusative-infinitive and the other is a different word/construction (here *id*), *cf.* 11.2.

48.4. Nam quid de Cyro nuntiaret
 quem Clodius
 Roma proficiscens
 reliquerat morientem?

principal clauses – 1

subordinate clauses – 1: *quem*

participial phrases – 1: *Roma proficiscens*

opening clause – principal clause

48.4 attempts to support this reinterpretation and to imply the improbability of the prosecution account by problematizing the reason for Clodius' being informed of Cyrus' death with a claim that he already knew the architect was dying. The implication of the opening rhetorical question ('there was *no* reason') is supported by a relative clause (*quem*) qualifying *Cyro*, and explaining why Clodius should not have needed news of his death.

quid ... nuntiaret: there are three possible ways of taking *quid* in this sentence: external accusative of *nuntiaret*, 'what would he announce'; internal accusative, 'what announcement would he make'; or adverbial with intransitive *nuntiaret*: 'why would he make an announcement'.

48.5. Testamentum simul obsignavi,
 una fui;
 testamentum autem palam fecerat:
 et illum heredem et me scripserat.

principal clauses – 4, in 4 units (asyndeton, *autem*, asyndeton [taking the first *et* in unit 4 as anticipatory])

subordinate clauses – 0

48.5 corroborates the claim that Clodius knew Cyrus was close to death, offering Cicero's own testimony: both had been witnesses to Cyrus' will (and named as heirs in it). The point is made in a sequence of four coordinate principal clauses; the subject of the first two is Cicero (they are effectively synonymous), of the last two, Cyrus (the second provides further detail about the fact stated in the first). The events narrated are presumably supposed to have taken place just before Clodius left Rome.

48.6. Quem pridie hora tertia animam efflantem reliquisset,
eum mortuum
postridie hora decima denique ei nuntiabatur?

principal clauses – 1
subordinate clauses – 2: *quem*, acc.-inf. (*eum mortuum*)
opening clause – relative clause
levels of subordination – 2 (*quem pridie ... reliquisset*)

48.6 reiterates the claim that Clodius' had no need to be informed so quickly of Cyrus' death. The structure of 48.4 is reversed: the opening (cor)relative clause (*quem*) repeats the earlier claim, specifying the date and time; the principal clause (*eum ...*) is a rhetorical question intended to seem implausible in combination with the preceding information. The news itself is expressed in an accusative-infinitive (*eum mortuum [esse]*).

49.1. Age, sit ita factum;
quae causa fuit
cur Romam properaret,
cur in noctem se coniceret?

principal clauses – 2, in 2 units (asyndeton)
subordinate clauses – 0/2: indir. qu. x2 (*cur, cur*)
opening clauses – principal clause; principal clause
levels of subordination – 1

49.1 apparently concedes Causinius' claim that news was brought of Cyrus' death in order to problematize the next element in his account, Clodius' response to the news: his setting out for Rome immediately, so late in the day. As at 46.5, the concession is expressed by the perfect of the jussive subjunctive; it is followed immediately by the next question: *quae causa fuit* expands the *quid* of 48.4 and is followed by two indirect questions (*cur, cur*), the first emphasizes hurry, the second the late hour. As at 34.2, the obvious answer, that there was no reason for Clodius to do this, implies that he did not do it.

age: this word, although technically a second-person singular, does not necessarily indicative of a shift in addressee (*cf.* 55.1n.).

49.2. Quid adferebat festinationis
quod heres erat?

principal clauses – 1
subordinate clauses – 1: *quod*
opening clause – principal clause

49.2 continues to problematize Clodius' apparent hurry, making the suggestion that it may have been prompted by the fact that he was Cyrus' heir. Principal clause and noun-clause subject (*quod* = 'the fact that') are fitted into six words. The question is rhetorical in that the answer 'nothing' can be anticipated; an answer, however, is given in the following sentence.

- 49.3.** Primum nihil erat
 cur properato opus esset;
 deinde si quid esset,
 quid tandem erat
 quod ea nocte consequi posset,
 amitteret autem
 si postridie Romam mane uenisset?

principal clauses – 2, in 2 units (*deinde*)

subordinate clauses – 1/4: indir. qu. (*cur*), *si*, *quod ... autem*, *si*

opening clauses – principal clause; conditional clause (sentence-adverb, *deinde*)

levels of subordination – 2 (*si postridie Romam mane uenisset*)

49.3 responds to this suggestion by denying both that there was any reason for hurry in general, and that there was any reason for a night journey in particular. The two points are expressed in two coordinate principal clauses introduced by *primum ...*, *deinde ...*; the first is a straightforward denial, the second a rhetorical question. The second principal clause is immediately interrupted by a conditional clause conceding the point denied in the first, in order to present yet another objection. (Whether it really is a different objection could be debated; it is slightly more specific in that it identifies the problem of a night journey, but it can also be seen as a paraphrase of ‘there was no need to rush back’.) The principal clause paraphrases the *quid*-question asked in 49.2 (and answered in the preceding unit); this time the obvious answer, again ‘nothing’, will not be explicitly supplied. A double relative clause (*quod ... consequi posset, amitteret autem*) specifies the nature of the thing that does not exist: it could be obtained that night (*ea nocte*), but not the next day (expressed in a conditional clause, *si*).

- 49.4.** Atqui ut illi nocturnus ad urbem aduentus uitandus potius quam expetendus fuit,
 sic Miloni,
 cum insidiator esset,
 si
 illum ad urbem noctu accessurum
 sciebat,
 subsidendum atque exspectandum fuit.

principal clauses – 1 [2 gerundives, 1x *fuit*]

subordinate clauses – 4: *ut* [2 gerundives, 1x *fuit*], *cum*, *si*, acc.-inf. (*illum ... accessurum*)

opening clause – *ut*-clause (sentence-conjunction: *atqui*)

levels of subordination – 2 (*illum ad urbem noctu accessurum*)

49.4 reiterates the undesirability of a night journey to Rome and turns attention to the (hypothetical) desirability of laying an ambush at night just outside the city, arguing that this is what Milo would have done if he had known Clodius would be on such a journey and wished to ambush him (thus turning attention to the improbability of the prosecution account of Milo’s actions). The implausibility of Clodius’ supposed departure from his villa is reiterated in the opening comparative clause (*ut* + indicative), which itself contains a comparison (*potius quam*) between two gerundives agreeing with the noun *aduentus*,

referring to two ways he should have considered a night return to Rome. The principal clause (*sic*) shifts attention to the implausibility of (the prosecution version of) Milo's plans, by making a claim about what *he* should have done (two more gerundives, complementary rather than contrasting) – if, that is, the circumstances relevant to his intending an ambush had applied. These circumstances – which are, in the defence presentation, false – are expressed in a temporal clause (*cum insidiator esset*) and a relative clause (*si ... sciebat*, in which is embedded an accusative-infinitive construction expressing what is in fact not the prosecution version of Clodius' plans, but what would have actually happened if the skirmish had not taken place).

- 50.1.** Noctu occidisset;
 insidioso et pleno latronum in loco occidisset;
 nemo ei neganti non credidisset,
 quem esse
 omnes
 saluum etiam confitentem
 uolunt.

principal clauses – 3, in 3 units (asyndeton)

subordinate clauses – 0/0/2: *quem*, acc.-inf. (*quem esse ... confitentem*)

participles – 2: *neganti*, *etiam confitentem*

opening clause – principal clause; principal clause; principal clause

levels of subordination – 2 (*esse saluum etiam confitentem*)

50.1 develops the argument that Milo, if he had wanted to ambush Clodius, would have planned a night-attack outside the city, claiming that both darkness and the bad reputation of the locale would have made it easier to carry out the violent act without detection. The advantages are expressed in a sequence of coordinate principal clauses; the pluperfect subjunctive verbs can be taken as potential or, put another way, counterfactual: what is being described is not what took place, nor even what Milo planned, but what he would have planned if he had been planning anything. The first advantage stressed is the night hour; the second the place, identified in the preceding sentence as *ad urbem* but only here explicitly described as one prone to violent action. The implied point, that Milo's responsibility for Clodius' death could have gone unnoticed at such a time and place, is made explicit in the third unit, expressed as a claim that his denial of responsibility would have been believed. A relative clause (*quem*) which follows, interlaced with its dependent accusative-infinitive, attempts to reinforce the claim that Milo's denial would be believed by comparing the present situation, in which, it is claimed, despite his admission of the deed (the present participle *confitentem*, accompanied by *enim*, carries the concessive force), everyone wishes him well, not harm.

- 50.2.** Sustinuisset crimen primum ipse ille latronum occultator et receptor locus;
 tum neque muta solitudo indicasset neque caeca nox ostendisset Milonem;
 deinde multi ab illo uiolati, spoliati, bonis expulsi,
 multi haec etiam timentes in suspicionem caderent;
 tota denique rea citaretur Etruria.

principal clauses – 4 (*tum, deinde, denique*)

subordinate clauses – 0

participial phrases – 2: *ab illo uiolati, spoliati, bonis expulsi* [3 pples.]; *haec etiam timentes*

50.2 reiterates the advantages of a night-ambush just outside the city, adding, as another reason for Milo to feel safe from accusation, that Clodius had many other enemies who would have come under suspicion. The list of counterfactuals continue. The decision to punctuate the fourth as the start of a new sentence is due to the presence of *primum*, which suggests a new start; *tum, deinde, and denique* follow, in sequence. At first the points made in 50.1 are repeated: the bad reputation of the locale; the silent (*i.e.*, because there is nobody there) night hour. The last two points shift the focus to the existence of alternative suspects; the tense of the subjunctive is now imperfect, as the consequences of the action, extending to a hypothetical parallel present, are considered. First, the large number of possible suspects is asserted (*multi ... multi*), and explained by participles expressing what they had suffered from Clodius; finally, the focus narrows (although it remains multiple) to Etruria, mentioned as a particular object of Clodius' deprivations at 26.1.

51.1. Atque illo die certe
Aricia rediens
deuertit Clodius ad se in Albanum.

principal clauses – 1

subordinate clauses – 0

participial phrases – 1: *Aricia rediens*

51.1 changes direction by referring to an earlier stage in Clodius' journey, before he arrived at the Alban villa. The sentence contains no subordinate clauses, though a participial phrase indicates where Clodius was coming from; the indicative verb, in contrast to the preceding run of subjunctives, moves the focus back to what actually happened.

51.2. Quod ut sciret Milo
illum Ariciae fuisse,
suspitari tamen debuit
eum,
etiam si Romam illo die reuertit uellet,
ad uillam suam
quae uiam tangeret
deuersurum.

principal clauses – 1

subordinate clauses – 5: *ut, acc.-inf. x2 (illum Ariciae fuisse; eum ... deuersurum), etiam si, quae*

opening clause – *ut*-clause (sentence-particle: *quod*)

levels of subordination – 2 (*illum Ariciae fuisse; etiam si Romam ... reuertit uellet; quae uiam tangeret*)

51.2 develops the new focus on the earlier stage of Clodius' journey by asserting that Milo could have predicted such a move. The sentence opens with an *ut*-clause which may be

similar to that at 46.2; Poynton describes it as a kind of consecutive, meaning ‘granted that’. This makes the suggestion that Milo could have known about Clodius’ trip to Aricia (*sciret* + accusative-infinitive). The principal clause asserts only that the likelihood of Clodius’ stopping at his villa on the way back (expressed in a twice interrupted accusative-infinitive construction) was one easily guessed. The first interruption is a conditional clause (*etiam si*) which may be intended to make Clodius’ return to Rome that day seem unlikely – and indeed the prosecution have claimed that he did not plan such a return (46.7, 48.1); if so, the probability of Milo coming up with a plan for this contingency is also made to appear less likely. The second interruption is a relative clause which stresses the proximity of the villa to the road.

51.3. Cur nec ante occurrit,
 ne ille in uilla resideret,
 nec eo in loco subsedit
 quo ille noctu uenturus esset?

principal clauses – 2, in 1 unit (*nec ... nec*)

subordinate clauses – 1/1 (2): *ne, quo*

opening clause – principal clause; principal clause

51.3 reveals the purpose of this argument, suggesting two possible places where Milo could have set an ambush: before Clodius was safely ensconced in his villa, or (recapping 49.4-50.2) at the point he would reach once it was dark. The suggestions are made in a short double question (*nec ... nec ...*), asking why Milo did not opt for one of these two possible plans, both of which, it is implied, are superior to the supposed plan of ambushing Clodius at the place and time at which the skirmish actually happened. The implied argument is: if Milo had been planning an ambush, he would have behaved more rationally: therefore he did not plan an ambush. Both halves of the *nec ... nec ...* construction are followed by a subordinate clause, the first by a final clause (*ne*) indicating what Milo would have hoped to prevent by the first plan, the second by a defining relative clause (*quo* + subjunctive) identifying the place of the second plan.

52: Summary of arguments

This substantial interruption, in the form of a lengthy summary of the arguments so far, is strongly marked by the orator’s drawing attention to what he is doing. Most of the frequently occurring words from 44-51 recur here, maintaining a frequency of 1.0 or more over 44-52; the exceptions are *scire* and the *testis*-group. There is one first-person singular and one second-person plural reference in the opening principal clause, but the bulk of the sentence focuses on the arguments. The length and the syntax of the sentence stand in considerable contrast to what precedes.

52.1. Video

adhuc constare, iudices, omnia:
 Miloni etiam utile fuisse
 Clodium uiuere,
 illi ad ea
 quae concupierat
 optatissimum interitum Milonis;
 odium fuisse illius in hunc acerbissimum,
 nullum huius in illum;
 consuetudinem illius perpetuam in ui inferenda,
 huius tantum in repellenda;
 mortem ab illo Miloni denuntiatam et praedicatam palam,
 nihil umquam auditum ex Milone;
 profectionis huius diem illi notum,
 reditum illius huic ignotum fuisse;
 huius iter necessarium,
 illius etiam potius alienum;
 hunc prae se tulisse
 se illo die exiturum,
 illum
 eo die se
 dissimulasse
 rediturum;
 hunc nullius rei mutasse consilium,
 illum causam mutandi consili finxisse;
 huic,
 si insidiaretur,
 noctem prope urbem exspectandam,
 illi,
 etiam si hunc non timeret,
 accessum ad urbem nocturnum fuisse metuendum.

principal clauses – 1

subordinate clauses – 25: acc.-inf. x4 (*adhuc constare ... omnia; Miloni etiam utile fuisse; Clodium uiuere; illi ad ea ... optatissimum interitum Milonis*), quae, acc.-inf. x17 (*odium fuisse illius in hunc acerbissimum; nullum huius in illum; consuetudinem illius perpetuam in inferenda; huius tantum in repellenda; mortem ab illo Miloni denuntiatam et praedicatam palam; nihil umquam auditum ex Milone; profectionis huius diem illi notum; reditum illius huic ignotum fuisse; huius iter necessarium; illius etiam potius alienum; hunc prae se tulisse; se illo die exiturum; illum ... dissimulasse; eo die se ... rediturum; hunc nullius rei mutasse consilium; illum causam mutandi consili finxisse; huic ... noctem prope urbem exspectandam*), si, acc.-inf. (*illi ... accessum ad urbem nocturnum fuisse metuendum*), etiam si

opening clause – principal clause

levels of subordination – 3 (*Clodium uiuere; quae concupierat; se illo die exiturum; eo die se ... rediturum; si insidiaretur; etiam si hunc non timeret*)

52.1 states explicitly that everything mentioned so far points in the same direction and backs this claim up by a lengthy summary of the argument from 32.1-51.3. The sentence consists largely of accusative-infinitive constructions: the one-word principal clause, *uideo*, introduces the first, which makes the statement about all the arguments so far (*adhuc ... omnia*). Further accusative-infinitives summarizing these arguments are arranged in pairs, making contrasting points about Milo (sometimes named, sometimes referred to as *hic*) and Clodius (sometimes named, sometimes *ille*). The precise number of accusative-infinitives counted will depend on how the various ellipses are treated, but there are enough to back up the claim inherent in the word *omnia*, that the defence has multiple points in its favour. There is occasionally a further layer of subordination, including yet more accusative-infinitives (see ‘levels of subordination: 3’, above); the consistency of the structure, alternating between Clodius and Milo, provides a strong framework for audience expectations, making these further layers of complexity easier to follow.

uideo ... , iudices: this juxtaposition of first-person verb and vocative brings the basic communication situation to mind at the point of this important summary of the arguments made so far.

53-56: The skirmish itself

The topic which immediately follows the summary is the actual location of the skirmish; its introduction is emphatically marked and its importance stressed (53.1). The discussion that follows, however, soon moves away from location to discuss other aspects of the skirmish: the focus in 54.1 shifts, perhaps mid-sentence, to the protagonists’ means of transport and entourage; at 55.4 a clearer break is made, by means of a pseudo-quotation giving a possible objection asking the reason for Clodius’ defeat. This movement away from location does not make 53.1 inaccurate as a topic-identifier, since it does not promise a lengthy discussion – but it is not the same as the topic-sentences at 32.1 and 36.1 in that the discussion it announces is so brief and the following discussion is not so clearly separate from what precedes (see further 54.1n.). This passage, then, does not return to the exceptionally clear organization and labelling achieved in the argument about motive and (to a lesser extent) that about violence. The rapid succession of different, if related, issues also has more in common with 44-51 than it has with 32-43.

The number of issues covered could have been emphasized by inserting further paragraph-breaks, *e.g.*, before the generalizations at 53.4 or 54.1 (separating ‘location’ from ‘transport/entourage’), before the shift to focus on Clodius at 54.4 (which reverses the Clodius-Milo sequence used in all the preceding arguments), or before the invitation to direct comparison at 55.1 (which brings Milo back into the picture as Clodius was brought back into the picture at 35.4-5 and 43.2-4). Instead these issues have been printed in a single paragraph, reflecting the smooth movement, achieved by association of ideas, from the strong argument about location to the perhaps rather weaker argument about entourage. This also allows the clearer shift at 55.4 to stand out. If 53-56 are treated as a unit, ‘the skirmish itself’ is, retrospectively, a more accurate label than ‘place’; if 55.4-56.3 are detached, ‘place’ still does not cover all that precedes. Meanwhile the marked introduction (53.1), along with the interrupting summary which precedes it (52.1), draws attention away somewhat from the fact that there is strong thematic continuity with the discussions of

locations where the skirmish did not take place at 49.4-51.3; continuity is also evident in the return, at 54.3-5, to an argument already made in 48.2-49.3.

The interruption and marked introduction may not have been intended to disguise the continuity so much as simply to draw attention to the new argument at 53.1; the location of the skirmish (at least as presented here – the proximity of the skirmish to Clodius' estate may be being exaggerated) was probably one of the defence's strongest points in the attempt to make it seem more probable that Clodius set the ambush than Milo. The description of Milo's entourage, on the other hand, is misleading, since the presence of gladiators in his train is not mentioned; the reintroduction here of a point already argued may be designed to draw attention away from this weakness. There is a strong concentration of echoes of the *narratio* in this discussion (53.2-55.3), and another in the slightly different argument which follows (56.3); again, no new evidence is provided, only corroborating detail which could probably itself be challenged. But the impression is created that the orator is expanding on the claims made in the *narratio* and, from 55.4 on, answering possible objections. The first objection, which depends on the easily falsifiable assumption that the man who plans an attack always wins, is probably designed to be quickly answered; the answers form the occasion for a reference to the actions of Milo's slaves (56.3) which suggests another objection and leads into another new topic (57.1).

Word group	Frequency	Occurrences
? <i>semper</i>	1.7%	7
<i>locus</i> *	1.5%	6
<i>cogitare</i>	1.2%	5
? <i>umquam/numquam</i>	1.2%	5 (1/4)
<i>Clodius</i>	1.0%	4
<i>comes/comitatu</i>	1.0%	4 (3/1)
<i>Milo</i>	1.0%	4
<i>paratus/imparatus</i>	1.0%	4 (3/1)
<i>uidere</i> *	1.0%	4
<i>uxor</i>	1.0%	4

(402 words)

53.1 is explicit in its identification of the new topic as *locus* and in the identification of this topic as particularly important: *caput*. The sentence-initial verb, *uideamus*, echoes the opening of 52.1, *uideo*; the switch from singular to plural makes the invitation to the *iudices* to agree with the speaker explicitly interactive, and this interactivity continues in the following sentences, which use question-form and repeated vocatives to keep the audience involved. Two of the frequent word groups from the table appear in the sentence: *locus* and *uidere*. Of the six occurrences of *locus*, the four after this sentence are concentrated in 53.3, and the sixth comes in 54.4. The minor topic-shift from place to the way the two men were travelling is relatively unmarked – there is no reason for the audience to take *res loquitur ipsa* in 53.4 or the picture comparison in 54.1 as referring to something other than the location issue: the picture could have depicted the higher ground supposedly held by Clodius (53.3). 55.4 introduces a new sub-topic rather more clearly, and contains two of the four occurrences of *(im)paratus*.

As argued at Approach 4.2.1, the frequent word groups here suggests that the passage deals not only with place (*locus*) but also with a number of other issues, including the question of the two protagonists' travelling companions (*comes, uxor*) and the degree to which they had thought about/prepared for the encounter (*cogitare, paratus*). As in 44-51, these topics are interlinked, but 'place' is too narrow a label. The passage as a whole is of middling to high repetitiousness, with ten frequent word groups (eight 'interesting') making up 11.7% of the argument (8.7% 'interesting'). This passage is relatively short, meaning that a number of these words only have to occur four times in order to appear in the table; as in the second preliminary argument, this fact alone cannot be taken as explaining repetitiousness, but it should also be noted that the discussion of the skirmish does not contain any word as frequent as *senatus* in that passage. The frequency of six of the eight 'interesting' words in the table is a bare 1.0%. But the words assigned to the 'colourless' category are worth a closer look in this passage: the frequency of *semper* and *numquam* (the one occurrence of *umquam* is accompanied by *nec*) is due to the emphasis on the habitual behaviour of the two protagonists, and this theme unites the sub-topics divided by the pseudo-quotation which acts as a minor topic-sentence at 55.4. Note also that this theme is about time rather than place, albeit a different aspect of time from those treated in 44.3-46.2 and 49.1-51.3.

1st sing.	none
1st plur.	0.2%
2nd sing.	0.7%
2nd plur.	1.5%

After the high frequency of first-person singular references earlier in the Self-Defence Argument, there are none here; perhaps this reinforces the claim that the facts are speaking for themselves. It also creates a strong difference between this passage and the preparations discussion, in which the first-person singular was so prominent; here the presence of the speaker is indicated largely by second-person address and questions (53.2, 53.3, 54.1, 54.2), in which somebody must do the addressing and asking. Question-response sequences include one that involves shift of speaker (54.4). The only first-person plural is the opening verb, *uideamus*, which unites the speaker with his audience, and also unites this passage/argument to the beginning of 52.1 (*uideo*); it may therefore be seen, in a way, as not part of the Skirmish discussion at all, but merely a link with/hangover from what precedes. Second-person plurals are concentrated in 53.1-55.1, and are emphatically addressed to the *iudices*. There are also a number of what are formally second-person singulars, which need not be read as actually involving shifts of addressee: the imperative *age* at 55.1 has effectively become a discourse particle, *diceris* at 55.3 can be read as a 'generic' usage, and even *adde* at 56.3 is found elsewhere to plural audiences (*cf. notes ad locc.*). But the concentration here of so many idiomatic expressions involving the second-person singular is striking, especially combined with the absence of explicit second-person plurals; one effect may be to create a link between this argument and the following one, in which there are further, more definitely singular uses, although without definitely identified addressees.

Syntactically the passage is similar to the preceding arguments (omitting 52.1). There is a strong concentration of questions in 54.3-4, including a sequence of questions and responses and a sequence of questions which are responses to suggestions. These may echo

in condensed form the questions and responses in the discussion of preparations, part of which is being recapitulated here; they also create a link with the interrogations argument, which follows.

53.1. Videamus nunc id
 quod caput est:
 locus ad insidias ille ipse
 ubi congressi sunt,
 utri tandem fuerit aptior.

principal clauses – 1

subordinate clauses – 3: *quod*, indir. qu. (*utri*), *ubi*

opening clause – principal clause

levels of subordination – 2 (*ubi congressi sunt*)

53.1 explicitly states that the new topic is the most important of all (*caput*), identifying it as the location of the skirmish. The assertion takes the form of an invitation to the *iudices* to share the vision of the speaker, echoing the opening of 52.1, *uideo*, with a hortatory subjunctive, *uideamus*. The topic to be examined is conveyed by ‘introductory pronoun’ *id* plus relative clause (*quod*) and indirect question (postponed *utri*). The first word of the indirect question is *locus*, made more emphatic by *ille ipse*; *ad insidias* specifies the purpose at issue; *utri ...* specifies suitability for the two parties as important. An embedded relative clause (*ubi*) identifies the place in question as where the two men met; such explicitness is probably unnecessary for the sense, but an impression of precision may be important.

uideamus: this first-person singular verb unites speaker and audience, who were formally separate at the beginning of 52.1 (*uideo ...*, *iudices*), but who will examine the next point together.

53.2. Id uero, iudices, etiam dubitandum et diutius cogitandum est?

principal clauses – 1 [2 gerundives, 1x *est*]

subordinate clauses – 0

53.2 highlights the supposedly new topic in a short rhetorical question, directed at the *iudices*, making a claim that the implications are so obvious that they hardly need to be thought about.

53.3. Ante fundum Clodi,
 quo in fundo
 propter insanas illas substructiones
 facile hominum mille uersabatur ualentium,
 edito aduersarii atque excelso loco,
 superiorem se fore
 putabat Milo,
 et ob eam rem eum locum ad pugnam potissimum elegerat,
 an in eo loco est potius exspectatus ab eo
 qui ipsius loci spe facere impetum cogitarat?

principal clauses – 3, in 3 units (*et, an*)

subordinate clauses – 2/0/1: acc.-inf. (*ante fundum Clodi ... superiorem se fore*), *quo in fundo, qui*

participial phrases – 1: *edito aduersarii atque excelso loco* [2 pples.]

opening clause – accusative-infinitive

levels of subordination – 2 (*quo in fundo ... ualentium*)

53.3 supports the claim made in the preceding sentence by listing aspects of the location which would have been disadvantageous to Milo, concluding that it is far more likely that Clodius selected it as a place for an ambush. The location in relation to Clodius' estate (*ante ...*), the fact that this estate was teeming with beefy men (relative clause, *quo*), and its elevated position (*edito ... loco*) are all specified before the accusative-infinitive construction (dependent on following *putabat Milo*) becomes clear. The point is framed as a question about Milo's intelligence: the obvious answer is no, he would not have thought these aspects of the location advantageous to him. The rhetorical question is then extended by a coordinate principal clause (*et*) and the presentation of an alternative, more probable scenario (*an*).

ante fundum Clodi: see note on *ante fundum eius* at 29.1, and on *in fundo T. Serti Galli* at 86.1.

edito ... atque excelso loco: Colson takes this ablative as either comparative (dependent on the following *superiorem*) or absolute, Clark as local, Poynton as concessive ablative absolute. The local sense seems strong here, making an absolute interpretation unlikely, and the participial adjectives might still be taken as having adverbial force (concessive) if the ablative is local: 'did he think that he would have the advantage in a place so elevated and lofty for his opponent?' Cf. 14.5n.

53.4. Res loquitur ipsa, iudices,
quae semper ualet plurimum.

principal clauses – 1

subordinate clauses – 1: *quae*

opening clause – principal clause

53.4 further supports the claim about the obviousness of the point by asserting a general argumentative principle: *res loquitur ipsa*. The implication that no argument is required is reinforced in a relative clause (*quae*).

ualet plurimum: cf. 34.5n. for *plus ualet*; 77.2n. for another occurrence of *plurimum*.

54.1. Si haec non gesta audiretis
sed picta uideretis,
tamen appareret
uter esset insidiator,
uter nihil mali cogitaret,
cum alter ueheretur in raeda paenulatus,
una sederet uxor –
quid horum non impeditissimum: uestitus an uehiculum an comes?

principal clauses – 2, in 2 units (interruption)

subordinate clauses – 6/0: *si ... sed*, indir. qu. x2 (*uter, uter*), *cum* [2 clauses in asyndeton]

opening clauses – conditional clause; principal clause

levels of subordination – 2 (*cum alter ueheretur in raeda paenulatus, una sederet uxor*)

54.1 reiterates the claim that the point is obvious by asserting that a picture of the scene would make it obvious who set the ambush, then turns attention from geographical location to Milo's means of transport, accompanied by impediments which made violent action difficult. The opening conditional protasis, which comes first, posits a situation where the scene could be seen rather than simply described; the apodosis asserts the obviousness of what follows in a double indirect question (*uter ... , uter ...*). An argument is then presented to support the assertion, in a temporal-causal clause (*cum*) with two components which explain the circumstances that make the conclusion obvious: the nature of Milo's travelling gear and the presence of his wife. Milo is referred to as *alter*, suggesting that a contrasting description of Clodius will follow, but the expected sequence is interrupted by a rhetorical question (*quid*): which of the aspects of Milo's method of travelling just mentioned (paraphrased in *uestitus an uehiculum an comes*, which give fuller expression to the introductory *horum*) was the most inconvenient (*i.e.*, for violent action)? The impression that the speaker is suddenly carried away from his planned line of argument, on being suddenly struck by the force of the points that he has just made, may be reinforced by the lack of a finite verb in the question (supply *erat*).

54.2. *Quid minus promptum ad pugnam,*
 cum paenula inretitus, raeda impeditus, uxore paene constrictus esset?

principal clauses – 1

subordinate clauses – 1: *cum* (3 pples., 1x *esset*)

opening clause – principal clause

54.2 enhances the picture of the unsuitability of Milo's method of travelling by stressing again the impediments which encumbered him. Another rhetorical question (*quid*) rephrases the previous one: 'which was not very X?' → 'what could be less not-X?'; three participles in a temporal-causal clause (*cum*) emphasize the restricting effect of the impediments.

uxore: W.44 gives this as an example of 'an unconscious or unwilling agent ... regarded as an instrument'; something similar at 26.1.

54.3. *Videte nunc illum,*
 primum egredientem e uilla,
 subito –
 cur? –
 uesperi –
 quid necesse est? –
 tarde –
 qui conuenit, praesertim id temporis?

principal clauses – 1

subordinate clauses – 0

interruptions (questions): 3 (*cur; quid necesse est; qui conuenit, praesertim id temporis*)

54.3 turns attention from Milo to Clodius, as if about to compare the latter's means of transport (answering the *alter* in 54.1?), but is distracted from this by returning to an issue already discussed (49.1-3): why he would be leaving his villa at this time. The opening verb, *uidete*, maintains the focus on sight from 54.1; *illum* introduces Clodius. The first point made about Clodius (*primum* suggests that others will follow) is expressed in a present participle focusing on his exit from his villa; an adverb, *subito*, apparently prompts the first of three interruptions in the form of unanswered questions. On earlier occasions where the obvious answer to *cur/quid* was 'he had no reason (to do X)' (e.g., 34.2, 49.1, 51.3), there was a further implication that X had not been done; here the implication is that the reasons offered by the prosecution are implausible. The repeated interruptions maintain the impression of the speaker being carried away by the force of his own arguments.

egredientem: this participle has been classified in Syntactic Index 2.2.4.c as predicative, because it specifies the aspect of Clodius that the *iudices* are supposed to notice: 'look at him as one coming out of his villa...'

quid necesse est: cf. 14.5n.

id temporis: cf. 28.1n.

54.4. 'Deuertit in uillam Pompei' –
 Pompeium ut uideret?
 sciebat
 in Alsiensi esse;
 uillam ut perspiceret?
 miliens in ea fuerat.

principal clauses – 1

subordinate clauses – 2: *ut, ut*

interruptions (responses): 2 (*sciebat in Alsiensi esse; miliens in ea fuerat*)

subordinate clauses – 1/0 (acc.-inf. (*in Alsiensi esse*))

opening clauses – principal clause; principal clause

opening clause – principal clause

levels of subordination – 1

54.4 suggests and rejects possible reasons for Clodius' departure from his villa. The choppy feeling of the previous sentence, with its interrupting questions, is continued here in a sequence of questions and responses which follow the initial suggestion that Clodius was going to the villa of Pompeius: six clauses are expressed in eighteen words. This suggestion is here punctuated as a pseudo-quotation, although it is unlikely that it was made by the prosecution, whose explanation for Clodius' departure from his villa has already been discussed and dismissed (46.7-49.3); nor is it the defence's explanation, outlined at 48.2-3. The speaker's response to this suggestion is to express as questions, and then dismiss,

possible reasons for Clodius to set out for Pompeius' villa (two alternative final clauses, *ut* ... *ut*, interspersed with the dismissive responses).

- 54.5. Quid ergo erat?
 mora et tergiuersatio:
 dum hic ueniret,
 locum relinquere noluit.

principal clauses – 3, in 3 units (question-answer, introduction/explanation)

subordinate clauses – 0/0/1 (*dum*)

opening clause – principal clause; principal clause; temporal clause

54.5 gives the defence's preferred explanation of Clodius' late departure from his villa in a question and (elliptical) answer sequence: he had been waiting for Milo's arrival. The answer, two nouns meaning 'delay', is further explained in a second unit which can be seen as 'introduced'; a preceding temporal clause (*dum*) expresses what Clodius was waiting for.

- 55.1. Age nunc, iter expediti latronis cum Milonis impedimentis comparate.

principal clauses – 1

subordinate clauses – 0

55.1 returns to the issue hinted at in 54.3, announcing a comparison between Clodius' means of transport and Milo's, which the *iudices* are invited to make (imperative: *comparate*).

age ... compare: this combination confirms that *age* does not necessarily suggest a singular addressee.

- 55.2. Semper ille antea cum uxore,
 tum sine ea;
 numquam nisi in raeda,
 tum in equo;
 comites Graeculi,
 quocumque ibat,
 etiam cum in castra Etrusca properabat,
 tum nugarum in comitatu nihil.

principal clauses – 5, in 5 units (asyndeton)

subordinate clauses – 0/0/0/0/2 (*quocumque, etiam cum*)

opening clauses – principal clause; principal clause; principal clause; principal clause;
 principal clause

levels of subordination – 1

55.2 develops the comparison between Clodius and Milo by describing Clodius' gear and entourage as being both different from his usual habits and (implicitly) convenient for violent action. In a sequence of three elliptical comments (supply *erat/ibat*; the only finite verbs are in the subordinate clauses (*quocumque, cum*)), Clodius' earlier behaviour is described first (*semper antea, numquam nisi*, subordinate clauses), followed in asyndeton by a description of his different behaviour on the occasion of the skirmish (*tum ... , tum ... , tum ...*).

numquam nisi: *uariatio* for *semper antea*; on *nisi* = ‘except’, cf. 22.1n.

55.3. Milo
 qui numquam,
 tum casu pueros symphonicos uxoris ducebat et ancillarum greges;
 ille
 qui semper secum scorta, semper exoletos, semper lupas duceret,
 tum neminem nisi
 ut
 uirum a uiro lectum esse
 diceret.

principal clauses – 2, in 2 units (asyndeton)

subordinate clauses – 1/3: *qui, qui, ut*, acc.-inf. (*uirum a uiro lectum esse*)

opening clauses – principal clause; principal clause

levels of subordination – 2 (*uirum a uiro lectum esse*)

55.3 concludes by contrasting Milo and Clodius’ gear and entourages, emphasizing that both were different from usual, and that whereas Milo’s was not conducive to violent action, Clodius’ was. The two asyndetic units focus first on Milo, then on Clodius (*Milo, ille*); each is immediately interrupted by a relative clause (*qui, qui*). The first of these is elliptical: the bulk of the predicate is supplied in the main clause that follows, describing Milo’s unusual (and entirely unwarlike) train; the second unit reverses this sequence, with the predicate supplied in the relative clause. Another subordinate clause (*ut*, usually explained as consecutive after *talem* understood), introduced by *nisi*, pretends to make an exception (for *nisi* = ‘except’, cf. 22.1n.); in fact the emphasis on their manliness in the embedded accusative-infinitive construction repeats the claim that Clodius’ followers here were not the usual sort.

diceret: this second-person singular verb, especially in the context of the proverb expressed in the accusative-infinitive construction that depends upon it, may be the equivalent of the generic ‘you’ (= ‘one’) in English: ‘as you might say’; there seems no need to seek a singular addressee.

55.4. ‘Cur igitur uictus est?’
 quia non semper uiator a latrone, non numquam etiam latro a uiatore occiditur;
 quia,
 quamquam paratus in imparatos Clodius,
 ipse Clodius tamen mulier inciderat in uiros.

principal clauses – 1

subordinate clauses – 3: *quia, quia, quamquam*

opening clause – principal clause

levels of subordination – 2 (*quamquam paratus in imparatos Clodius*)

55.4 supplies a possible objection to the defence argument by suggesting that if Clodius had planned the ambush he should not have suffered defeat, then indicates the defence response by claiming that Clodius’ limitations and Milo’s superiority were more significant than the fact that Clodius was prepared for the skirmish. The new topic is introduced in a question

and (elliptical) answer sequence, with the question, a simple principal clause, imagined as posed by the prosecution/an interested bystander, and the answer, which consists only of causal clauses (*quia ...*, *quia ...*), offered by the defence. Each of the *quia*-clauses contains an antithesis, the first expressed in asyndetic juxtaposition, the second through an interrupting concessive clause (*quamquam*); in both cases there is only one, shared verb. Multiple prepositional phrases (*uiator a latrone*, *latro a uiatore*, *paratus in imparatos*, *mulier in uiros*) make the points.

56.1. Nec uero sic erat umquam non paratus Milo contra illum
ut non satis fere esset paratus.

principal clauses – 1

subordinate clauses – 1: *ut*

opening clause – principal clause

56.1 presents a contrast to Clodius' limitations by describing Milo's constant state of readiness against Clodius. The point is made in a negated consecutive construction: *nec ... sic ... ut ...*; Milo was never so unprepared as not to be sufficiently prepared.

56.2. Semper ipse
et quantum interesset P. Clodii
se interire,
et quanto illi odio esset,
et quantum ille auderet
cogitabat;
quam ob rem uitam suam,
quam
maximis praemiis propositam et paene addictam
sciebat,
numquam in periculum sine praesidio et sine custodia proiciebat.

principal clauses – 2, in 2 units (conn. rel., *quam ob rem*)

subordinate clauses – 4/2: indir. qu. (*et quantum*), acc.-inf. (*se interire*), indir. qu. x2 (*et quanto*; *et quantum*), *quam*, acc.-inf. (*maximis praemiis ... addictam*),

opening clause – principal clause

levels of subordination – 2 (*se interire*; *maximis praemiis propositam et paene addictam*)

56.2 expands on the claim that Milo was always prepared by stressing his awareness of Clodius' enmity towards him. The awareness is expressed in the principal clause (*cogitabat*); three embedded indirect questions express what he was aware of (*et quantum ...*, *et quanto ...*, *et quantum ...*). A connecting relative (which could have been punctuated as a separate unit) adds the conclusion; an interrupting relative clause (*quam*) more or less repeats the content of the principal clause (*sciebat* + accusative-infinitive replaces *cogitabat* + indirect questions).

quantum interesset P. Clodi: cf. 34.1n.

56.3. Adde casus;
 adde incertos exitus pugnarum Martemque communem,
 qui saepe spoliantem iam et exsultantem euertit et perculit ab abiecto;
 adde inscitiam pransi poti oscitantis ducis
 qui,
 cum a tergo hostem interclusum reliquisset,
 nihil de eius extremis comitibus cogitauit,
 in quos
 incensos ira uitamque domini desperantis cum incidisset,
 haesit in eis poenis
 quas ab eo serui fideles pro domini uita expetiuerunt.

principal clauses – 3, in 3 units (asyndeton)

subordinate clauses – 0/1/5: *qui* [2 verbs], *qui*, *cum*, *in quos*, *cum*, *quas*

opening clauses – principal clause; principal clause; principal clause

levels of subordination – 3 (*in quos*) *incensos ira uitamque domini desperantis cum incidisset; quas ab eo serui fideles ... expetiuerunt*)

56.3 adds further possible explanations for Clodius' defeat, ending with Clodius' inability to foresee the actions of Milo's slaves. Formally the sentence is composed of three coordinate principal clauses, each opening with the repeated imperative, *adde*; the second is followed by a relative clause (*qui*); the third one by another relative clause (*qui*), with further subordination. The first two units focus on the idea of chance, expressed in different ways, the third on Clodius' inadequacy as *dux*; the slaves are introduced in the subordinate clauses, first as *extremis comitibus*, later as *serui fideles*. Even with a different punctuation, the relative makes this addition into a supplement to what precedes rather than a separate point; the current punctuation emphasizes this, with the action of the slaves buried at a deep level of subordination. Syntactic subordination here coincides with positioning at the end of the sentence, which gives the action a climactic aspect (the sequence of events has been carefully spelled out by the alternating temporal and relative clauses); this is necessary for the transition to the next topic. The phrasing is euphemistic (*cf.* 29.3): there is no word meaning 'kill'.

adde ... adde ... adde: the *OLD* (s.v. *addo* 12b) notes that the singular imperative can be used to plural audiences when used to mean 'take into account as well'. But it could be argued that there is a singular addressee imagined here: the speaker (real or imaginary) of the pseudo-quotation at 55.4, *cur igitur uictus est?*, to whom our speaker now responds.

ab abiecto: the commentators and translators are split on the meaning of this prepositional phrase. Most take *abiectus* as referring to the person attacked and apparently defeated, and *ab abiecto* as a kind of agent, although the verb is not passive and one might expect a bare instrumental ablative given that the person is actually being used as a tool in the hand of Mars (*cf.* 16.4). Yonge's translation 'by some mean agent', does not appear to refer directly to the person attacked. The case against taking *ab abiecto* as an agent is made by Reid *ad loc.*, who prefers taking *ab* as 'on the side of' (parallels cited: *Rosc. Am.* 85, *Cluent.* 93; he is followed by Berry in his translation). W.41(4) explains the usage invoked as a metaphorical extension of the ablative of source meaning "on this or that

side”, “in this or that quarter” ... the Latin expression has an eye on the quarter *from* which a thing presents itself”. Cf. *a tergo*, coincidentally occurring in this sentence as well as at 29.3. This may be the better of the two explanations; Colson’s comment that ‘probably the uniqueness of the phrase is largely due to the peculiarity of the idea’ can be applied to either. As a description of Milo, *abiectus* is not particularly apt, either in the various senses of the verb (*OLD* s.v. gives, among others, ‘hurl to the ground, throw down’ [2] and ‘vanquish’ [3]) or in the senses of the adverbial participle which gives us English ‘abject’ (*OLD* s.v. gives ‘dejected’ [1], ‘humble’/‘unimportant’ [2], ‘sordid’/‘grovelling’ [3]). But the situation described in the relative clause is a generalization (*saepe*), and the use of *abiectus* (which also occurs at 47.3 and 86.2, both referring to the opposition and thus interpretable in the most negative of sense) can be seen as turning it into an implicit argument *a minore*: if Mars can work through/on behalf of someone *abiectus*, how much more readily can victory be won by a Milo, who is not *abiectus*, even when he is the victim of a surprise attack. Alternatively, the word can be seen as hinting at the instrumentality of Milo’s slaves in killing Clodius, in the actual event as pictured by the defence.

in quos cum incidisset: a full-stop or semi-colon could have been placed after *cogitavit*, and *in quos* treated as a merely connecting relative, but the fact that this is a prepositional phrase means that there is no syntactic difficulty created by tacking what follows on to the end of the unit as another relative-temporal clause complex following *qui cum a tergo ... reliquisset, ... cogitavit*. See note on *quem si uicisset*, 86.3, where *quem* does not follow so easily from the preceding clauses, for the parallel content of the two passages.

57-60: After the skirmish – interrogation of slaves

The introduction of a new topic is clearly indicated by another pseudo-quotation giving a possible objection (57.1; cf. 55.4): that Milo’s manumission of his slaves (who were mentioned in 56.3) could be challenged. He is being accused of evading the proper channels of investigation, since manumitted slaves could not be interrogated. The defence-response takes two slightly different angles (57.3-5, 57.6-58.5); the transition between the two is not heavily marked. The non-interrogation of Milo’s slaves then appears to suggest quite naturally a subsequent, clearly identified issue: the actual interrogations of Clodius’ slaves (59.1-60.6). The defence pours scorn on the idea of questioning the slaves of the deceased, who are in the control of the prosecution, for evidence against the defendant.

56.1 echoes 55.4 verbally (*cur igitur*) as well as in function, introducing a new issue by means of a possible objection; it may have struck a first-time audience as just another related issue rather than as the start of the third chronological phase of the Self-Defence Argument. By choosing this form of transition, and using the idea of the slaves as a conceptual link, the orator here suggests natural association of ideas and a continuity of approach with what precedes. Our table-of-contents analysis here does not reflect the orator’s presentation of his material; a case might perhaps be made for treating 53-60 as a unified passage – it would not be over-long. (As a topic-identifier, 53.1 might start to look more misleading.) In terms of content, however, the shift is substantial, as the issue of Milo’s manumitting his slaves has not even been anticipated in the *narratio*, which eschewed any discussion of what happened after the skirmish (30.2n.).

One reason for not emphasizing the new topic more (and for omitting it from the *narratio* in the first place) may have been that the manumission issue was a weak point for the defence. The arguments used in response to the objection voiced at 57.1 are not strong. The first response (57.2-5) is based on the general claim that interrogation can only settle issues of fact and not issues of law. The conclusion, that interrogation can produce nothing of any interest to this trial, depends on the distinction between fact and law made as early as the first preliminary argument, and conveniently forgets that while the fact of Clodius' being killed is admitted by the defence, the facts about the skirmish – who set the ambush for whom – are hotly contested. There is little real argument in the second response (57.6-58.5), which more or less acknowledges that one reason the slaves were manumitted was to protect them from torture, while attempting to put a noble/humanitarian spin on the reasoning. The attack on the interrogation of Clodius' slaves (59.1-60.6) seems stronger than the defence of the manumission, but is again vitiated by the false assumption that the slaves could provide no other information than that mentioned by the speaker: whether Clodius planned an ambush. The possibility that they might recall details which would support one version or another is not discussed; it is true that it is open to the same objection, that they would be likely to give the answer the prosecution would want to hear.

Word group	Frequency	Occurrences
<i>quaerere/quaestio</i>	3.5%	12 (6/6)
? <i>posse/potius</i>	2.0%	7 (6/1)
? <i>facere</i>	1.4%	5
<i>uerus/uero</i>	1.4%	5 (2/3)
<i>Appius</i> (noun/adjective)	1.2%	4 (3/1)
<i>Clodius</i>	1.2%	4
<i>dominus</i>	1.2%	4
<i>seruus</i>	1.2%	4
<i>tormentum/tortor</i>	1.2%	4 (3/1)

(347 words)

57.1 introduces the idea of manumission in an interrogative pseudo-quotation; 57.2 provides the answer, and specifically mentions the issue of slave-interrogation, which was only implicit in the question. On the punctuation of these units as two sentences rather than one, cf. 57.2n.; the topic introduction may be seen as extending to both (among earlier topic-introductions, 34.1-4 and 44.1-3 include more than one sentence; perhaps 7.1-2, 23.2-24.1 and 32.1-2 might also be compared). And although 57.1 contains none of the frequent words from the table, 57.2 contains four from 'interesting' groups: *Appius*, *Clodius*, *seruus*, and *tormentum* (also *posse*). The absence of *quaerere/quaestio* here is rather different from that at 12.1, where the importance of establishment of the *quaestio* (official investigation, on this occasion a trial) could not have been predicted from the topic-sentence; here, *quaestio* (interrogation of slaves) is a natural label for the topic already implicit in 57.1. The frequency of *quaerere/quaestio* in 57-60 and the clarity of the topic identification in 57.1(-2) make it no surprise that scholars have attached the label (*locus communis*) *de quaestionibus* to this passage. It is important to notice, however, that the topic-shift is not as explicitly marked as it could have been. Two things in particular contribute to the feeling that this is just another aspect of what has gone before: the verbal similarity of the topic-sentence to the

minor topic-sentence at 55.4, and the mention of *serui fideles* towards the end of 56.3, which means that the shift to the interrogation-of-slaves topic comes across as association of ideas rather than sudden change of topic.

The interrogations argument is one of the most repetitious in the speech according to the present measuring technique, with ten frequent word groups (eight ‘interesting’) making up 15.3% of the argument (11.8% ‘interesting’); in terms of percentages it is surpassed only by the second preliminary argument. Like that argument, this one is short, and one of its word groups achieves a remarkably high frequency. It may be suspected that the high numbers here are due to the fact that only four occurrences are needed to put a word group in the ‘frequent’ category, and likewise a group can reach 3.0% or more with relatively few occurrences. When, however, a number of passages of 350 words taken from various points in the speech were examined for comparison, the figures for the second preliminary argument and the interrogations argument still appeared high; *cf.* also note on 61-66. In addition to *quaerere/quaestio*, most of the ‘interesting’ words in the table reflect the topic: references to slaves and masters, torture and rewards are to be expected in a discussion of interrogations; the same also applies to truth, although it must be acknowledged that three of the five occurrences of this word group are the discourse particle *uero*, and none of these has the kind of connection with a direct reference to truth to lead one to suspect *figura etymologica*. These words frequently reflect the general issue, the names reflect the specific situation. Although none of the individual word groups are sufficiently frequent to appear in the table, the semantic field *iudicium-ius-lex* does make a reappearance in this argument (4 words in 57.3-4); this too reflects the topic, which is about an aspect of trial-procedure.

1st sing.	none
1st plur.	0.9%
2nd sing.	2.3%
2nd plur.	0.3%

Personal references and the relationship between speakers and addressees in this passage unite with the preceding one, especially in the appearance of unspecified singular addressees and the use of question-answer sequences; the latter appropriately mimics the topic of interrogation. Some of the second-person singulars may be addressed to an individual member of the prosecution-team (*quaeris* 57.3, *uis* 57.5, *quaeris ... nescis* 57.6), who had handled the question of Milo’s manumission of his slaves; it seems unlikely that the prosecution would *not* have raised this question, although it remains dangerous to assume either that the pseudo-quotation which introduces the topic at 57.1 is in fact an actual quotation, or that any other aspect of Cicero’s handling of the situation gives a real clue as to what the prosecution said or how they said it. If this portion of the speech was delivered, the audience could have been expected to know which of the prosecution-team had handled this issue, and the orator could have used gestures to make it clear who he was addressing; in spite of this, however, there remains a linguistic difference in the way the addressee (if there is only one) is being handled, which deserves comment. In the second half of the argument, the second-person singulars are part of the question-response sequences; the addressees – and some of the speakers – are imaginary. These question-response sequences are also the most striking syntactic feature of this argument. The choppy impression created by them is also found in some of the other sentences, *e.g.*, the antitheses in 57.4-5.

57.1. ‘Cur igitur eos manu misit?’

principal clauses – 1
 subordinate clauses – 0

57.1 introduces a new topic, apparently prompted by the reference to Milo’s slaves in the preceding sentence, focusing on the fact that he has freed them. The topic is introduced by a simple rhetorical question, similar in format to 55.4.

57.2. Metuebat scilicet

ne indicaretur,
 ne dolorem perferre non possent,
 ne tormentis cogereantur
 occisum esse a seruis Milonis in Appia uia P. Clodium
 confiteri.

principal clauses – 1
 subordinate clauses – 4: *ne, ne, ne, acc.-inf. (occisum esse ... P. Clodium)*
 opening clause – principal clause
 levels of subordination – 2 (*occisum esse ... P. Clodium*)

57.2 develops the issue of Milo’s having freed his slaves by supplying a possible prosecution explanation, that he feared they would incriminate him under torture. The presence of the irony-marker *scilicet* means that the prosecution suggestion can nevertheless be taken as being expressed by the defence-orator. The opening principal clause asserts that Milo was afraid; three noun-clauses of fear (*ne ..., ne ..., ne ...*) provide increasingly specific objects: incrimination; that the slaves would not stand up to torture; the admission this might lead to, expressed in terms which the audience is supposed to recognize that the defence accept (embedded accusative-infinitive construction).

57.3. Quid opus est terrore?

quid quaeris?
 occideritne?
 occidit;
 iure an iniuria?
 nihil ad tortorem.

principal clauses – 2, in 2 units (asyndeton)
 subordinate clauses – 0/2: indir. qu. x2 (*-ne; an*)
 interruptions (responses) – 2 (*occidit; nihil ad tortorem*)
 opening clauses – principal clause; principal clause
 levels of subordination – 1

57.3 spells out the point implied by the irony at the end of the previous sentence and identifies the defence response by claiming that there is no need for interrogation, since the defence admits the killing of Clodius and its legality cannot be settled by this method. The point is made in a compact series of gradually more specific questions and two answers/retorts. The single perfect subjunctive verb *occideritne* and the two ablatives, *iure*

an iniuria, are implicitly indirect questions after *quaeris*; repetition of the same verb in the indicative emphasizes the obviousness of the answer to the first; the response to the second denies that the question can be answered by the means specified (*terrore*, opening question).

quid quaeris? like the recent second-person singular verbs (*age* 55.1, *diceres* 55.3, *adde* 56.3), this phrase could be seen as not necessarily invoking a singular addressee; *OLD* s.v. 8c treats it as an idiomatic expression equivalent to ‘what more can I say?’ or ‘in brief’, in a context where it introduces ‘a short, clinching remark’. It is debatable whether the sequence of questions and responses in this sentence provides such a context, and further singular verbs will follow in 57.5-6; it is tempting to see Cicero as addressing one of the prosecutors here.

nihil ad tortorem: Reid *ad loc.* states that ‘the clause in which the words [*nihil ad*] occur is always elliptic, without verb’. But *cf. Leg. Ag. 2.28 nihil ad me attinet* (*OLD* s.v. *nihil* 11b, which also cites elliptical occurrences). With *attinet* understood, *nihil* is either adverbial, ‘in no way connected’, or perhaps internal accusative, ‘has no connection’.

57.4. Facti enim in eculeo quaestio est,
iuris in iudicio.

principal clauses – 2, in 2 units (asyndeton)

subordinate clauses – 0

57.4 supports the claim that there is no need for interrogation by making the general claim that slave-interrogation generates answers to issues of fact, not law, in a simple antithetical principal clause.

57.5. Quod igitur in causa quaerendum est,
id agamus hic;
quod
tormentis inueniri
uis,
id fatemur.

principal clauses – 2, in 2 units (asyndeton)

subordinate clauses – 1/2: *quod, quod*, acc.-inf. (*tormentis inueniri*)

opening clause – relative clause (sentence-particle: *igitur*); relative clause/acc.-inf.

levels of subordination – 1

57.5 particularizes the generalization made in the preceding sentence with reference to the current trial, pointing out that the trial-personnel must decide issues of law, and repeating the claim that the defence admits the issue of fact. The two antithetical units use an identical correlative construction, (*quod ... id ...; quod ... id ...*).

quaerendum est ... agamus ... inueniri uis ... fatemur: varying use of the first and second persons contributes to the careful balance of the sentence. In the first unit, a neutral expression of what should be happening (gerundive of obligation) is contrasted with a more personalized expression of what should be happening, a first-person plural jussive (hortatory?) subjunctive. The implied *nos* may encompass the entire personnel involved in the trial, rather than just the defence; if so, this can be seen as a reproach to the

prosecution for distracting the trial-personnel from its proper business ('let's get on with it'). In the second unit, a second-person singular is contrasted with a first-person plural which is restricted by its meaning to the defence-team only; the indicative *fatemur* presents a simple fact – which, it is implied, should be simplifying the process, were the prosecution not attempting to complicate it – in contrast to the subjunctive expression of what might/should be. Meanwhile *inueniri uis* picks up on *quaerendum* (in terms of meaning) but simultaneously personalizes it; the wishes of the prosecution (an individual prosecutor?) are contrasted with what should be happening – they are attempting to investigate the wrong thing. This second-person singular is still more difficult to explain away than *quaeris* at 57.3; the best explanation for it is probably that the speaker is now 'button-holing' an individual member of the prosecution-team; the audience at the 'original trial' would have been able to identify which. This 'button-holing' continues in 57.6.

57.6. Manu uero cur miserit,
 si id potius quaeris quam
 cur parum amplis adfecerit praemiis,
 nescis inimici factum reprehendere.

principal clauses – 1

subordinate clauses – 3: indir. qu. x2 (*cur, quam cur*), *si*

opening clause – indirect question (sentence-particle: *uero*)

levels of subordination – 2 (*manu cur miserit; cur parum amplis adfecerit praemiis*)

57.6 returns to the issue of why Milo freed his slaves and shifts the grounds of the defence to a claim that manumission is hardly a sufficient reward for the service performed by the slaves, incorporating an apparent attack on the prosecution's invective skills. The opening indirect question (postponed *cur*) is dependent on the following conditional protasis (*si*); *potius* indicates that a comparison is being made and *quam cur* introduces the question being compared. The first indirect question repeats the direct question from 57.1, restarting the topic as it were. The sentence closes with the apodosis, embodying the rather surprising accusation that the second question would be a better way of attacking Milo.

58.1. Dixit enim hic idem,
 qui semper omnia constanter et fortiter,
 M. Cato
 – et dixit in turbulenta contione
 quae tamen huius auctoritate placata est –
 non libertate solum sed etiam omnibus praemiis dignissimos fuisse
 qui domini caput defendissent.

principal clauses – 1

subordinate clauses – 3: *qui*, acc.-inf. (*non libertate ... dignissimos fuisse*), *qui*

parentheses – 1 (*et dixit ... placata est*)

subordinate clauses – 1 (*quae*)

opening clause – principal clause

opening clause – principal clause

levels of subordination – 2 (*qui domini caput defendisset*)

58.1 supports the claim that the slaves deserve a greater reward by invoking the opinion of Cato, emphasizing the fact that the slaves were defending their master from an attack on his life. Cato's *auctoritas* is emphasized by the relative clause which postpones his actual identification, and the repetition of *dixit* with further details about the effect of that *auctoritas*. Finally, an accusative-infinitive construction expresses his opinion, with the reason why the slaves are worthy of positive treatment expressed in a sentence-final generic relative clause.

58.2. Quod enim praemium satis magnum est
tam beneuolis, tam bonis, tam fidelibus seruis,
propter quos uiuit?

principal clauses – 1
subordinate clauses – 1 (*propter quos*)
opening clause – principal clause

58.2 repeats the claim that the slaves who saved Milo's life deserved a reward in the speaker's own voice using a rhetorical question; the slaves' action is again expressed in a relative clause.

58.3. Etsi id quidem non tanti est quam
quod propter eosdem non sanguine et uulneribus suis
crudelissimi inimici mentem oculosque satiauit.

principal clauses – 1
subordinate clauses – 1: *quod*
opening clause – principal clause

58.3 enhances the picture of the service performed by the slaves by pointing out that the death they prevented would have been a particularly terrible one. Independent *etsi* gives the impression that this is an afterthought (*cf.* 11.2); the description of the effect of the slaves' action on Milo in 58.2, that he is still alive, suddenly strikes the speaker as inadequate. The comparative construction (*non tanti est quam*) replaces this with an alternative description in a noun clause (*quod* = 'the fact that').

58.4. Quos nisi manu misisset,
tormentis etiam dedendi fuerunt
conseruatores domini, ultores sceleris, defensores necis.

principal clauses – 1
subordinate clauses – 1: *nisi*
opening clause – conditional clause (connecting relative: *quos*)

58.4 returns to the main issue, why Milo freed his slaves, focusing on what would have happened if he had not freed them, and pointing out the irony of having to hand over the men who saved his life for interrogation by torture. The opening conditional protasis (*nisi*) refers to the manumission, the apodosis to the torture of the slaves; the postponement of the triple subject describing the slaves emphasizes the service they had performed.

58.5. Hic uero nihil habet in his malis
 quod minus moleste ferat quam,
 etiam si quid ipsi accidat,
 esse tamen illis meritum praemium persolutum.

principal clauses – 1

subordinate clauses – 3: *quod*, *etiam si*, acc.-inf. (*esse tamen ... persolutum*)

opening clause – principal clause

levels of subordination – 3 (*etiam si quid ipsi accidat*)

58.5 adds another dimension to the claim that freeing the slaves was the right thing to do, shifting the focus to Milo's personal feelings and suggesting that the knowledge that he has rewarded his slaves appropriately is a consolation to him in his troubles. The opening *hic* identifies Milo as the subject, a relative clause (*quod*) focuses on his feelings, and a comparative construction (*minus ... quam*) stresses his satisfaction at the rewarding of the slaves. This is expressed in an accusative-infinitive construction, preceded by a conditional clause (*etiam si*) implying that nothing that happens will change this satisfaction.

59.1. ‘Sed quaestiones urgent Milonem,
 quae sunt habitae nunc in atrio Libertatis’ –
 quibusnam de seruis?
 rogas?
 de P. Clodi.

principal clauses – 2, in 2 units (question-answer)

subordinate clauses – 1/0: *quae*

interruptions (questions) – 1 (*rogas?*)

opening clause – principal clause; principal clause

59.1 introduces a new issue, related to the non-interrogation of Milo's freed slaves, by mentioning the interrogations that have taken place, and indicates the defence response by emphasizing that the slaves who have been interrogated are Clodius' own. The new topic is announced in the opening principal clause, and specified more precisely in a relative clause (*quae*). An elliptical question follows and perhaps interrupts: which slaves have been interrogated? The impression of a dialogue between two speakers is confirmed by the surprised *rogas?* which comes before the (also elliptical) answer: Clodius'. The goal of the sequence is a) to make the point that the slaves who have been interrogated are a surprising and inappropriate choice, and b) to make the point as indignantly as possible. The interchange continues in the next sentence, whose purpose is to reinforce the inappropriateness of the choice before an explicit exclamation to this effect in 59.3.

rogas? in the current sequence of comments, questions, and responses, this second-person singular could be interpreted in a variety of ways (see Approach 5.2); inverted commas have not been used because this punctuation would settle points which should perhaps remain ambiguous.

59.2. Quis eos postulauit?

Appius;
 quis produxit?
 Appius;
 unde?
 ab Appio.

principal clauses – 6, in 6 units (question-answer x3, asyndeton)

subordinate clauses – 0

59.2 repeats the emphasis on the ironic fact that the slaves interrogated for evidence against the defendant were supplied by the prosecution, reinforcing the implication of corruption created in the preceding sentence. The question and answer sequence continues; the questions become increasingly elliptical, the answers are, emphatically, more or less identical.

59.3. Di boni! quid potest agi seuerius?

principal clauses – 1

subordinate clauses – 0

59.3 initiates the defence-response by exclaiming indignantly against such an interrogation, through an invocation to the gods and a sarcastic rhetorical question ('what more X than this?'). For the combination of exclamation and question, *cf.* 41.1n.

59.4. Proxime deos Clodius accessit,
 propius quam tum
 cum ad ipsos penetrarat,
 cuius de morte tamquam de caerimoniis uiolatis quaeritur!

principal clauses – 1

subordinate clauses – 2: *cum, cuius*

opening clause – principal clause

levels of subordination – 1

59.4 reiterates the indignation expressed in the preceding sentence, implying that the only other situations which would be investigated in this way are religious – and that such a parallel between Clodius and the gods is inappropriate. The opening assertion that Clodius has approached the gods is explained by a relative clause (*cuius*): the investigation into his death resembles (*tamquam*) those into *caerimoniis uiolatis*. The sequence is interrupted by a tag to the principal clause followed by a temporal clause (*cum* + indicative) referring – not very precisely – to different kind of Clodian approach to the gods (the *Bona Dea* scandal).

59.5. Sed tamen maiores nostri
 in dominum quaeri
 noluerunt,
 non quia non posset uerum inueniri,
 sed quia uidebatur indignum et dominis morte ipsa tristius.

principal clauses – 1
 subordinate clauses – 3: acc.-inf. (*in dominum quaeri*), *non quia*, *sed quia*
 opening clause – principal clause
 levels of subordination – 1

59.5 criticizes the interrogations which have taken place by comparing a prohibition, established by ancestral custom, against the interrogation of a man's slaves in order to produce evidence against the man itself, explaining the reason for the prohibition as the appalling nature of the procedure rather than the impossibility of finding the truth. An accusative-infinitive construction embedded in the opening principal clause states what the *maiores* were opposed to; two antithetical causal clauses then express the rejected and preferred reasons (*non quia ...*, *sed quia*).

maiores nostri: universalizing use of the first-person plural.

59.6. In reum de seruo accusatoris cum quaeritur,
 uerum inueniri potest?

principal clauses – 1
 subordinate clauses – 1: *cum*
 opening clause – *cum*-clause

59.6 returns to the current situation, applying the idea of the impossibility of finding the truth, raised in the preceding sentence, to the interrogation of a prosecutor's slaves to produce evidence against the defendant. A temporal clause characterizing the circumstances (*cum* + indicative) is followed by a rhetorical question.

60.1. Age uero, quae erat aut qualis quaestio?

principal clauses – 1 (taking *age* as a particle)
 subordinate clauses – 0

60.1, maintaining the focus on the current situation, suggests exploring what such an interrogation would be like. The answer to the short question is obvious, but is also supplied in the following sentences.

60.2. 'Heus tu, Rufio,'
 uerbi causa,
 'caue, sis, mentiare:
 Clodius insidias fecit Miloni?'

principal clauses – 2, in 2 units (introduction)
 subordinate clauses – 2/0: conditional (*sis*), noun-clause (*mentiare*)
 interruptions – 1 (*uerbi causa*)
 opening clauses – principal clause; principal clause

60.2 develops the suggestion made in the preceding sentence, supplying a possible question for an interrogator to ask of Clodius' slaves in a sequence of short, choppy phrases. The question itself is introduced by an address to the slave and a warning not to lie (*mentiare* is a

one-word noun-clause dependent on *caue*; the parenthesis *sis* = *si uis*, ‘please’), which provide atmosphere and contribute to answering the question *qualis* in 60.1. An interrupting parenthesis, explaining that the name of the slave is chosen at random, breaks into the imagined discourse of the interrogator.

heus tu, Rufio, ... caue, sis, mentiare: this remarkable concentration of second-person singular words (one pronoun, one vocative, three verbs – *sis* is a contraction of *si uis*, as ‘please’ is of ‘if you please’ in English) represents the interrogator haranguing a slave.

60.3. ‘Fecit’ –
 certa crux;
 ‘nullas fecit’ –
 sperata libertas.

principal clauses – 4, in 4 units (suggestion-reaction x2, asyndeton)
 subordinate clauses – 0

60.3 responds to the proposed question by supplying the two possible answers and stating the natural consequence of each. The choppy sequence continues as the two answers alternate with their results. All four items are elliptical: the two alternative answers assume the words *insidias* and *Miloni* from the question; while the results lack verbs (something like *sequitur* can be supplied).

60.4. Quid hac quaestione certius?

principal clauses – 1
 subordinate clauses – 0

60.4 spells out the implication of the preceding sentence by implying, through a rhetorical question (obvious answer: ‘nothing’), that the answer given by the slave would be a foregone conclusion. Cf. 60.1, 59.3.

60.5. Subito adrepti in quaestionem
 tamen separantur ceteri
 et in arcas coniciuntur
 ne quis cum eis conloqui possit;
 hi centum dies penes accusatorem cum fuissent
 ab eo ipso accusatore producti sunt.

principal clauses – 3, in 3 units (*et*, asyndeton)
 subordinate clauses – 0/1/1: *ne*, *cum*
 participial phrases – 1: *subito adrepti in quaestionem*
 opening clause – principal clause; principal clause/*cum*-clause (shared nominative: *hi*)

60.5 adds a new point emphasizing the inappropriateness of the recent interrogation, by contrasting the way the slaves were treated with the usual procedure: incarceration and separation. The contrast is expressed in two antithetical units, the first focusing on *ceteri* (the subject is postponed so the focus is not at first clear), the second on *hi*. The chiasmic positioning of the subordinate clauses (indefinite final clause (*ne quis*) explaining why slaves to be interrogated are usually treated this way; temporal-concessive clause (*cum*) identifying the recent location of the Clodian slaves) leaves the emphasis on the prosecution's presentation of their own slaves in the sentence-final principal clause.

subito adrepti in quaestionem: this participial phrase could perhaps be taken as substantive, 'those who have been suddenly taken up for interrogation', but it seems slightly preferable to take it as adverbial: 'others, when taken up suddenly for interrogation, ...'.

60.6. Quid hac quaestione dici potest integrius, quid incorruptius?

principal clauses – 1

subordinate clauses – 0

60.6 passes a concluding ironic comment on the reliability of the interrogation, closely echoing but reversing the rhetorical question at 60.4: rather than certain, the procedure is described – sarcastically – as untainted.

61-66: After the skirmish – return to Rome and rumours

The sequence of arguments is partially interrupted by a claim that Milo's innocence has already been demonstrated, which cleverly also manages to identify new evidence of that innocence: his demeanour on his return to Rome (61.1). A reference to foolish predictions that he would not return at all leads into a lengthy discussion of anti-Milonian rumours which the defence wishes to discredit. A shift of focus appears to be marked at 65.1, when Pompeius is mentioned, but the list of rumours continues after this point, alternating with explanations of Pompeius' response to them.

The question of Milo's demeanour is not abandoned once the theme of rumours is introduced, recurring at 64.2 and 66.6. As a topic-identifier for 61-66, however, 61.1 is at least incomplete, as the passage unites several themes. The chronological focus remains 'after the skirmish': the earliest point mentioned is when the news of Clodius' death has just reached the city (62.2), and 64.2 explicitly indicates that the focus is once again on the period identified by the references to Milo's return and to the burning of the *curia* (61.1). To this period, too, belongs the question of Pompeius' reaction (65.1 on; cf. 32-71n.). This issue itself maintains the focus on reaction to Milo's actions introduced by a comment on the senate at 62.1 and developed in the subsequent analysis of rumours.

The mixed subject-matter and the alternation between examples of rumours and responses to them makes possible a variety of paragraphing decisions. Here the introduction of the theme of rumours (62.2) has been kept together with the approval of the senate to which the foolish rumours are contrasted; a break has instead been placed after the long sentence detailing these rumours (63.1), before the dramatic mention of Catilina (cf. 63.2n.). It would be possible instead to break before 62.2 (giving a paragraph beginning with *recordamini* followed by one beginning with *obliti estis*), and again before the chronological

shift at 64.2 (where the tense in verbs referring to the rumour-mongers shifts from imperfect – *arbitrabantur* 63.1, *loquebantur* 63.2 – to perfect – *sunt congesta*, 64.2). The break before the reference to Pompeius at 65.1 is justifiable despite the fact that 65.3-5 return immediately to the listing of individual rumours; the importance of the topic introduced is unquestionable, and there is a slight shift in presentation after it: considerably more detail is given about the *popa*'s story than about the rumours in 63.2-64.3 (see also above on shift of focus).

The argument from Milo's demeanour is not a particularly strong one – it is easy to imagine the opposition describing the same actions in terms akin to 'brazening it out'. It both depends upon and makes a powerful contribution to the picture of Milo's fortitude painted throughout the speech (especially 1.1, and recently 56.2, 58.5). The claim that the senate supports Milo (62.1) is no more corroborated than it was in the second preliminary argument; the fact that his behaviour contradicted popular predictions (62.2) is striking, but it does not prove his innocence. Many of the rumours which follow are simply declared to be false without argument (64.1, 64.4), and these declarations are reinforced by interspersed lamentations, exclamations and generalizations (63.3, 64.2, 65.2, 66.7); something more like argument or evidence is presented in the stories of the *popa* and of Caesar's house (65.4, 66.2), but the only example in which the falsity of the accusation is immediately proven (by demonstration) is saved for the climax (66.5-6).

The issue of Pompeius' reaction will have been the most dangerous to the defence, and it may be no accident that it is surrounded by all this bluster about anti-Milonian rumours. Having presented as many arguments for Milo's innocence as possible, the speaker here finally comes close to admitting the possibility that could not be taken seriously earlier in the speech (*exordium*, preliminary argument 3): that Pompeius could be opposed to Milo. Here it is only suggested by the implication that the *iudices* are likely to be surprised at Cicero's praise of Pompeius' behaviour during this period (65.1). No evidence against the possibility can be offered; the best that can be done is to mitigate the appearance of hostility created by the great man's hard-line attitude with high-sounding platitudes about the need to ensure the safety of the state (65.2, 66.1, 66.3).

Word-group	Frequency	Occurrences
<i>Milo</i> *	1.3%	8
<i>populus/publicus</i>	1.3%	8 (3/5)
? <i>res</i>	1.3%	8
<i>uerus/uerum/uerum/uerum</i>	1.3%	8 (1/1/2/4)
? <i>nullus</i>	1.3%	8
? <i>magnus/magnitudo/magis/maximus</i> *	1.1%	7 (3/1/1/2)
? <i>posse/potestas</i>	1.1%	7 (6/1)
<i>senatus/senator</i>	1.1%	7 (6/1)
<i>animus</i> *	1.0%	6
<i>audire</i>	1.0%	6
? <i>facere</i>	1.0%	6
<i>uir/uirtus</i>	1.0%	6 (5/1)
		(609 words)

61.1 is longer than most topic-sentences in the speech, but not longer than some of the sequences of sentences which form topic-introductions. It contains two words from the ‘interesting’ groups in the table: *Milo, animus*; also *res, magnus*, and *nullus* (x3). The phrase *magnitudo animi* brings *magnus* and *animus* into conjunction for the first time since the *exordium* (1.1, 3.1); the conjunction recurs as *maximo animo* in 64.2, which moves the argument on in terms of time-frame if not in terms of topic. If the phrase can be seen, because of this echo of the opening sentence of the speech, as marking the start of something new here, the association is lost afterwards (69.2, 80.3, 81.3; *cf.* also references to Milo’s *animus* at 92.3, 99.1, 101.1, 104.4). The phrase suggests that the new topic is Milo’s demeanour after the skirmish; as we have seen, this is only part of what follows.

The passage is one of the most repetitious in the speech if both more and less ‘interesting’ word groups are counted, and still in the top half if the latter are omitted: there are twelve frequent word groups (seven ‘interesting’) making up 14.0% of the argument (8.0% ‘interesting’). The percentage for all the words in the table is not far behind that for the interrogations argument, although this passage is almost twice as long (347/609 words). Much of it is due to the more ‘colourless’ words, but a case might be made that the frequency of *magnus* and *nullus* is a sign that the orator is beginning to be more bold in his claims: things are either great/large or non-existent. Some of these occurrences fall in clusters (*nullus* x3 in 61.1, x2 in 64.3; *magnus* x2 in 61.3); this use of anaphora/repetition may also be seen as a sign of an increased emotional level – but this hypothesis would have to be tested by checking the use of such repetitions throughout the speech.

Two of the more ‘interesting’ frequent word-groups, *populus* and *senatus*, reflect the emphatic return of the political aspect. There are four occurrences of *res publica*, two of *populus Romanus*, one more each of *publicus* and *populus* alone; four are clustered in 61.2 alone. In addition, the occurrences of *Roma* and *urbs* have strong political symbolism. Milo’s return to Rome (*Romam reuertisse*, 61.1; *Romam esse rediturum*, 62.3) may have a political dimension as well as a geographical (*cf.* note on *Roma*, 39.2); in 64.3 the two occurrences of *urbs* are also politically symbolic (*cf.* note on *faces ...*, 36.2). From here until the first half of the *peroratio* these indicators of the political nature of the discourse will be frequent – more so than they were in 1-60. Most of the occurrences of *animus* describe Milo’s courage or clear conscience; *uir(tus)* can be associated with *Milo* and with *magnus animus*: it is used of Milo, Caesar, and Pompeius, its frequency creates another lexical link with the *exordium*. Only *audire* in the table reflects the focus on rumours; it occurs first in 61.2 as if to anticipate what is to come, but this part of the topic only comes to prominence in 62.2, and is at first still tied to the issue of Milo’s demeanour/return to Rome. Apart from vocatives, there is only one occurrence of *iudicium-ius-lex, legibus* in 63.1.

1st sing.	1.9%
1st plur.	none
2nd sing.	none
2nd plur.	1.6%

After the multiplicity of voices in the interrogations argument, this passage is predominantly delivered in Cicero’s own voice, with attributed pseudo-quotations at 63.2 and 64.3 (along with several passages of indirect speech, some of them substantial *e.g.*, 63.1); the addressee is the *iudices*. The return to the basic communication-situation is

signalled by the concentration of second-person plurals in the opening sentence; first-person singulars are at first absent, with Cicero represented by the fact that he is addressing someone and asking questions. First-person singulars are reintroduced along with the minor topic-shift at 64.1, as Cicero's own political experience is brought into play to support the analysis of Pompeius' behaviour being presented here (*cf.* value implicitly placed on Cicero's opinion elsewhere). There are perhaps slightly fewer questions than in the preceding argument. Syntactically, the introductory sentences 61.1 and 63.1 stand out in terms of complexity.

61.1. Quod si nondum satis cernitis,
 cum res ipsa tot tam claris argumentis signisque luceat,
 pura mente atque integra Milonem,
 nullo scelere imbutum,
 nullo metu perterritum,
 nulla conscientia exanimatum
 Romam reuertisse,
 recordamini, per deos immortalis,
 quae fuerit celeritas reditus eius,
 qui ingressus in forum
 ardente curia,
 quae magnitudo animi,
 qui uoltus,
 quae oratio!

principal clauses – 1

subordinate clauses – 9: *si, cum*, acc.-inf. (*pura mente ... reuertisse*), indir. qu. x 5 (*quae, qui, quae, qui, quae*), abl. abs. (*ardente curia*)

opening clause – conditional clause (sentence-particle: *quod*)

levels of subordination – 2 (*pura mente ... Romam reuertisse*)

61.1 states explicitly that Milo's innocence should be obvious by now, and introduces a new proof of that innocence by referring to the rapidity and demeanour of his return to Rome. This sentence, the longest single unit to appear in some time, contrasts strongly with the short, choppy sequences immediately preceding; it is addressed to the *iudices* (second-person plural verb). The opening conditional clause complex (*si*, concessive *cum*, accusative-infinitive construction) implies that they should already perceive Milo's innocence; the concessive clause claims that that innocence is obvious (*res ipsa*) and well-supported (*tot ... signisque*); the predicate in the accusative-infinitive refers to his return to Rome. The apodosis urges the *iudices* (addressed with a vocative) to remember aspects of that return, expressed in a quintuple indirect question (*quae ..., qui ..., quae ..., qui ..., quae ...*) sharing a single verb (after the first, the verb *fuerit* is in ellipsis; *cf.* 69.1n.); an ablative absolute attached to the second item specifies the occasion of his return as while the *curia* was burning.

cernitis ... recordamini: the questions closing the interrogations argument (60.4, 60.5) could be imagined as addressed either to the prosecution (invited to feel ashamed) or to the *iudices* (invited to agree with the implied answer); only here, at the point of topic-shift – and

early in the topic-sentence, for the sake of clarity – is the fact that the speaker has turned back to the *iudices* made explicit. It is explicit not only in the second-person plural but also in the content: it is whether the *iudices* ‘see’ or grasp the speaker’s argument for Milo’s innocence that matters, and it is they who are to use what they remember to back up what they should already perceive.

- 61.2. Neque uero se populo solum sed etiam senatui commisit,
 neque senatui modo sed etiam publicis praesidiis et armis,
 neque his tantum uerum etiam eius potestati
 cui senatus totam rem publicam,
 omnem Italiae pubem,
 cuncta populi Romani arma
 commiserat,
 cui numquam se hic profecto tradidisset,
 nisi causae suae confideret,
 praesertim omnia audienti,
 magna metuenti,
 multa suspicanti,
 non nulla credenti.

principal clauses – 3, in 3 units (*neque ... neque ... neque*)

subordinate clauses – 0/0/3: *cui* x2, *nisi*)

participial phrases – 4: *omnia audienti*; *magna metuenti*; *multa suspicanti*; *non nulla credenti*

opening clauses – principal clause; principal clause; principal clause

levels of subordination – 3 (*nisi causae suae confideret*)

61.2 supports the claim that Milo’s behaviour on his return demonstrates his innocence (and his law-abiding nature in general), by pointing out that he has thereby put his fate in other people’s hands. The expansive, additive feel continues in a coordinate sentence which describes Milo entrusting himself to four separate entities (*neque solum/modo/tantum ... sed/uerum etiam*). The repeated *neque solum* creates the impression that they are being listed in ascending order of importance and/or likely severe treatment of Milo; the fourth, referred to by *eius*, is explained by a relative clause (*cui*) identifying the person to whom the senate have entrusted absolute power, *i.e.*, Pompeius. A second relative clause (*cui*), which turns out to be the apodosis of a conditional structure (*nisi*), adds not further description of Pompeius but an argument about Milo’s actions: his submitting himself to Pompeius’ power is an indication of his innocence. A final point is added by *praesertim*: four present participles (each with a neuter plural object), agreeing with/in apposition to the second *cui*, describe Pompeius’ apparently suspicious attitude.

praesertim omnia audienti, ...: these four participial phrases feel ‘tacked on’ at the end of the sentence, substantially separated as they are from the word they refer back to, *cui*. This fact contributes to the feeling that they, like ablative absolutes, are the equivalent of clauses, perhaps causal: ‘he would never have handed himself over to Pompeius, especially given that Pompeius was hearing all the rumours, ...’ The decision not treat them as such in

calculating the complexity of the sentence is made for conformity (see Introduction to Syntactic Index), and may be wrong.

61.3. Magna uis est conscientiae, iudices, et magna in utramque partem,
 ut neque timeant
 qui nihil commiserint,
 et poenam semper ante oculos uersari
 putent
 qui peccarint.

principal clauses – 1

subordinate clauses – 5: *ut neque ... et, qui, acc.-inf. (poenam ... uersari), qui*

opening clause – principal clause

levels of subordination – 2 (*qui nihil commiserint; poenam semper ante oculos uersari; qui peccarint*)

61.3 further supports the claim that Milo's behaviour demonstrates his innocence by generalizing about the effect of conscience on the feelings (and behaviour) of both the innocent and the guilty. The initial assertion of the power of conscience is repeated and enhanced by *et magna in utramque partem*; this is explained in the bipartite consecutive clause which follows (*ut neque ... et ...*), describing the mental state first of the innocent (*qui*), then of the guilty (*qui*). The former are unafraid; the second have visions, expressed in an embedded accusative-infinitive construction.

62.1. Neque uero sine ratione certa causa Milonis semper a senatu probata est;
 uidebant sapientissimi homines
 facti rationem, praesentiam animi, defensionis constantiam.

principal clauses – 2, in 2 units (asyndeton/explanation)

subordinate clauses – 0

62.1 enlists the senate as witnesses to Milo's innocence, claiming that they were able to interpret his actions correctly. The first unit, asserting that the senate approved Milo's cause, is partly explained by the second, explaining what they saw to make them do so.

62.2. An uero obliti estis, iudices,
 recenti illo nuntio necis Clodianae,
 non modo inimicorum Milonis sermones et opiniones
 sed non nullorum etiam imperitorum?

principal clauses – 1

subordinate clauses – 1: abl. abs. (*recenti ... Clodianae*)

opening clause – principal clause

62.2 contrasts the senate's correct interpretations of Milo's behaviour with an alternative view of his return, expressed in rumours circulated by Milo's enemies – and by fools – immediately after Clodius' death. The rhetorical question is a personalized form related to the 'who does not know?'-type, asking the *iudices* if they have forgotten something.

an uero obliti estis, iudices: the question-format here echoes such earlier questions as *an uero, iudices, uos soli ignoratis ...* (33.1); the focus on memory picks up on the use of *recordamini* at 61.1.

62.3. Negabant

eum Romam esse rediturum.

principal clauses – 1

subordinate clauses – 1: acc.-inf. (*eum ... rediturum*)

opening clause – principal clause

62.3 specifies the content of the rumours mentioned in the previous sentence: they claimed (*negabant*) that Milo would not return to Rome (accusative-infinitive construction).

63.1.

Siue enim illud animo irato ac percito fecisset,
ut incensus odio trucidaret inimicum,

arbitrabantur

eum tanti mortem P. Clodi putasse,

ut aequo animo patria careret

cum sanguine inimici explesset odium suum;

siue etiam illius morte patriam liberare uoluisset,

non dubitaturum fortem uirum

quin,

cum suo periculo salutem populo Romano attulisset,

cederet aequo animo legibus,

secum auferret gloriam sempiternam,

uobis haec fruenda relinqueret

quae ipse seruasset.

principal clauses – 1

subordinate clauses – 12: *siue, ut*, acc.-inf. (*eum ... putasse*), *ut, cum, siue*, acc.-inf. (*non dubitaturum ... uirum*), *quin* [3 clauses in asyndeton], *cum, quae*

opening clause – conditional clause (sentence-particle: *enim*)

levels of subordination – 3 (*ut ... trucidaret inimicum; cum ... explesset odium suum; cum ... salutem populo Romano atulisset; quae ipse seruasset*)

63.1 expands on the content of the rumours, supplying two suggested interpretations of Milo's behaviour, both of which predicted, for different reasons, that he would not return to Rome. The syntax is complex. The sentence opens with a conditional protasis, marked as the first of two by *siue*, indicating that alternatives will be presented; the first is the possibility that Milo acted in anger, further specified in an *ut*-clause (consecutive following [*tam*] *irato ac percito*, or noun-clause explaining *illud*) which mentions hatred and enmity. This is followed by the one-word principal clause, *arbitrantur*, referring to the rumour-mongers, which indicates that everything so far has been in *o.o.* What they thought is expressed in an accusative-infinitive construction (Milo will leave the country); *tanti* indicates a following consecutive clause (*ut*); an embedded temporal-causal clause (*cum*) refers again to hatred and enmity. The appearance of the second *siue* confirms that the first alternative is complete;

the second alternative is the possibility that Milo chose to kill Clodius for the sake of the country, expressed in another temporal-causal clause (*cum*) interrupting the noun-clause (*quin*) that follows the second accusative-infinitive (*non dubitaturum ...*). This alternative belief depends on Milo's fortitude (*fortem uirum*); the noun-clause gives three interpretations of his leaving the country in asyndeton: obeying the laws (*i.e.*, taking his punishment); carrying away glory; leaving his fellow-citizens (*uobis*) happy – expressed as enjoying what he had provided (relative clause, *quae*).

suo periculo: 'at his own risk' (*OLD* s.v. *periculum* 4b); danger to Milo would have been a factor in the plan to free the state by getting rid of Clodius. The phrase could also be seen as referring to the danger of prosecution/conviction which was the result of the skirmish (*cf. inuidia ... gloria*, 40.4).

uobis haec fruenda relinqueret: the second-person plural here may be due to a slippage between the voice of the rumour-mongers and the voice of the speaker himself, addressing the *iudices*.

63.2. Multi etiam Catilinam atque illa portenta loquebantur:
 'erumpet,
 occupabit aliquem locum,
 bellum patriae faciet.'

principal clauses – 4, in 4 units (introduction, asyndeton x2)

subordinate clauses – 0

63.2 develops the discussion of rumours beyond its initial focus, on whether Milo would return to Rome, by adding others, including the suggestion that Milo might become a second Catiline. An opening statement introduces examples of what people said in direct speech (pseudo-quotations): three statements about what Milo might do, which are supposed to ring immediately false.

63.3. Miseros interdum ciuis
 optime de re publica meritos,
 in quibus homines non modo res praeclarissimas obliuiscuntur,
 sed etiam nefarias suspicantur!

principal clauses – 1

subordinate clauses – 2: *in quibus ... non modo ... sed etiam*

participial phrase – 1: *optime de re publica meritos*

opening clause – principal clause

levels of subordination – 1

63.3 responds to these further rumours with a generalized lament about the fact that the populace can be so suspicious of men who have served the state. The principal clause consists of an exclamatory accusative; a relative clause (*in quibus*) provides an explanation for *miseros*, listing two ungrateful actions of the populace in a *non modo ... sed etiam ...* sequence.

ciuis optime de re publica meritos: *meriti de* is sometimes translated ‘having deserved [well/badly] of’, sometimes ‘having behaved [well/badly] towards’ (or just ‘treated [well/badly]’). The connection between the two meanings is obvious, and there seems little to choose between them; see *OLD* s.v. *mereo* 6. The same expression occurs at 82.5, 93.3, 99.3.

64.1. Ergo illa falsa fuerunt,
 quae certe uera exstitissent,
 si Milo admisisset aliquid
 quod non posset honeste uereque defendere.

principal clauses – 1

subordinate clauses – 3: *quae, si, quod*

opening clause – principal clause

levels of subordination – 3 (*quod non posset honeste uereque defendere*)

64.1 appears to sum up by asserting that the rumours were false and that Milo has done nothing improper. The opening *ergo* suggests an inference, but the new point does not logically follow from what precedes. The assertion that the rumours are false is followed by a relative clause (*quae*) which turns out to be the apodosis of a conditional construction. The argument is that the false rumours would have been true if Milo had admitted any wrongdoing (something which (*quod*) could not be defended).

64.2. Quid? quae postea sunt in eum congesta,
 quae quamuis etiam mediocrium delictorum conscientiam perculissent,
 ut sustinuit
 – di immortales! sustinuit?
 immo uero ut contempsit
 ac pro nihilo putauit,
 quae neque maximo animo nocens
 neque innocens nisi fortissimus uir neglegere potuisset!

principal clauses – 4, in 4 units (interruption, correction, *ac*)

subordinate clauses – 2/0/0/1: *quae, quae, quae*

opening clauses – relative clause (question-indicator: *quid?*); principal clause; principal clause

levels of subordination – 1

64.2 maintains the focus on rumours but moves chronologically to the period after Milo’s return, claiming that his response to rumours circulating then demonstrates both his courage and his innocence. The opening relative clause (*quae*) identifies the subject as later rumours (*postea*); a second relative clause (*quae*) has its verb in the subjunctive, which is most easily explained as potential/counterfactual, effectively asserting that Milo had no guilty conscience. The principal clause is introduced by *ut* = ‘how’, and could be either a question or an exclamation (for *quid?* followed by an exclamation, cf. 41.1n.). The interruption after the verb, *sustinuit*, suggests that it has suddenly occurred to the speaker that this is an inadequate description of Milo’s response to the vicious attacks made on him. The verb is

first queried, then replaced (*immo uero*) by a stronger description resuming the original syntax (*ut*). The sequence closes as it began, with a relative clause (*quae*); this emphasizes Milo's innocence and his fortitude by claiming that both were required to be able to withstand these attacks.

- 64.3.** Scutorum, gladiatorum, pilorum, frenorum etiam
 multitudo deprehendi posse indicabatur;
 nullum in urbe uicum, nullum angiportum esse
 dicebant
 in quo non Miloni conducta esset domus:
 'arma in uillam Ocriculanam deuecta Tiberi,
 domus in cliuo Capitolino scutis referta,
 plena omnia malleolorum ad urbis incendia comparatorum'.

principal clauses – 5, in 5 units (asyndeton, introduction, asyndeton x2)

subordinate clauses – 0/2/0/0/0: acc.-inf. (*nullum ... esse*), *in quo*

nominative-infinitive – 1: *scutorum ... multitudo deprehendi posse*

opening clauses – principal clause; accusative-infinitive; principal clause; principal clause;
 principal clause

levels of subordination – 2 (*in quo non Miloni conducta esset domus*)

64.3 develops the point by listing a number of negative rumours about Milo's intentions, reported in three different structures: nominative-infinitive construction dependent on passive speech-verb (for this construction, see W.33 and 11.2n.); accusative-infinitive construction dependent on active speech verb governing (with dependent relative clause, *in quo*); three statements which should probably be taken as direct speech.

- 64.4.** Haec non delata solum sed paene credita,
 nec ante repudiata sunt
 quam quaesita.

principal clauses – 1 [3 pples., 1x *sunt*]

subordinate clauses – 1: *quam*

opening clause – principal clause

64.4 expresses the defence rejection of these rumours by commenting in surprise on the fact that they were believed. Four points are made about the reception of the rumours (in only thirteen words), the first two contrasted in a *non ... solum sed* structure, the last two in a comparative construction (*ante ... quam*).

- 65.1.** Laudabam equidem incredibilem diligentiam Cn. Pompei –
 sed dicam
 ut sentio,
 iudices.

principal clauses – 2, in 2 units (*sed*)

subordinate clauses – 0/1: *ut*

opening clause – principal clause; principal clause

Pompeius. The opening principal clause repeats the verb *audire*; the gerundive form expresses a similar obligation to *coguntur* in 65.2. The contents of the *popa*'s narrative are given in a series of accusative-infinitive constructions: *apud se ebrios factos* has been treated here as adjectival, but it could be seen as coordinate with *sibi confessos* (supply *esse*), bringing the total number of accusative-infinitives to four; *se ... coniurasse* is dependent on *confessos*, with *se* referring to the slaves; *dein ... percussum esse ...* returns to the previous level of subordination, with *se* referring to the *popa*. A final clause (*ne*) suggests a reason for the slaves to stab the *popa*.

nescio qui: cf. 14.5n.; here the fact that the speaker claims not to know the *popa* contributes to the ease with which his claim can be dismissed.

65.4. Pompeio nuntiatur in hortos;
accessor in primis;
de amicorum sententia rem defert ad senatum.

principal clauses – 3, in 3 units (asyndeton)

subordinate clauses – 0

65.4 develops the example introduced in the preceding sentence by narrating what happened when this man came forward in three coordinate units; the second points out Cicero's personal involvement in the discussion.

accessor in primis: this first-person singular refers to Cicero the politician; its position at the beginning of the sentence reflects the claim that he was one of the first to be summoned. First-person singular verbs continue frequent in the following sentences.

de amicorum sententia: see *OLD* s.v. *sententia* 2b (and Colson *ad loc.*). The meaning is obvious; the best explanation for the case is probably Ablative of Source.

65.5. Non poteram, in illius mei patriaeque custodis tanta suspicione,
non metu exanimari;
sed mirabar tamen
 credi popae,
 confessionem seruorum audiri,
 uolnus in latere
 quod acu punctum uideretur
 pro ictu gladiatoris probari.

principal clauses – 2, in 2 units (*sed*)

subordinate clauses – 0/4: acc.-inf. x3 (*credi popae; confessionem ... audiri; uolnus ... probari*), *quod*

nominative-infinitive – 1: *acu punctum [esse]*

opening clause – principal clause; principal clause

levels of subordination – 2 (*quod acu punctum uideretur*)

65.5 expands on the reference to Cicero himself in the preceding sentence, describing his own reaction to the *popa*'s claims. His fear for the safety of Pompeius is contrasted with doubt in two antithetical units; elements which tend to discredit the story follow in a series

of three accusative-infinitive constructions dependent on *mirabar*. An embedded relative clause (*quod*) in the third belittles the stab-wound displayed by the *popa*.

66.1. Verum, ut intellego,
cauebat magis Pompeius
quam timebat,
non ea solum
quae timenda erant,
sed omnia,
ne uos aliquid timeretis.

principal clauses – 1

subordinate clauses – 4: *ut, quam, quae, ne*

opening clause – *ut*-clause (sentence-adverb: *uerum*)

levels of subordination – 1

66.1 returns to the issue of Pompeius' reaction to the rumours, explaining it as care for the citizens. The opening *ut*-clause asserts Cicero's own understanding of the situation and may suggest his broad political experience. An interrupting comparative clause, following *magis*, denies that *timebat* is the right word for Pompeius' state of mind (the principal clause has offered *cauebat* instead). The object of *cauebat/timebat* is double (*non ... solum ... sed ...*), with further subordination.

intellego: this first-person singular makes explicit the claim to knowledge implicit at 65.2 (*nimis multa audire...*).

ne uos aliquid timeretis: the use of the second person here is to contrast Pompeius with the people for whom he has such a care: the result, as in the first half of the *exordium*, is to remove fear from all quarters.

66.2. Oppugnata domus C. Caesaris, clarissimi ac fortissimi uiri,
multas noctis horas nuntiabatur.

principal clauses – 1

subordinate clauses – 0

nominative-infinitive – 1: (*oppugnata [esse] ... multas noctis horas*)

66.2 adds another rumour about an attack on the house of Caesar. The construction is nominative-infinitive with a passive speech-verb (see W.33 and *cf.* 11.2n.)

66.3. Nemo audierat tam celebri loco,
nemo senserat;
tamen audiebatur.

principal clauses – 3, in 3 units (asyndeton, *tamen*)

subordinate clauses – 0

66.3 comments negatively on this rumour by contrasting the lack of evidence for it with the fact that it circulated nevertheless. Two coordinate principal clauses with anaphora of *nemo*

emphasize the lack of witnesses; a third principal clause asserts that the rumour still circulated, ironically picking up *nemo audierat* by repeating the verb in the passive.

- 66.4.** Non poteram
 Cn. Pompeium, praestantissima uirtute uirum, timidum
 susplicari;
 diligentiam pro tota re publica suscepta nimiam nullam
 putabam.

principal clauses – 2, in 2 units (asyndeton)

subordinate clauses – 1/1: acc.-inf. x2 (*Cn. Pompeium ... timidum; diligentiam ... nullam*)

opening clause – principal clause; accusative-infinitive

66.4 repeats the explanation of Pompeius' reaction given at 66.1 in two coordinate units: not fear, but care for the state. The verbs in the principal clauses focus attention on Cicero's judgement of Pompeius, expressed in accusative-infinitives.

poteram susplicari ... putabam: as in 65.3-66.1, the ridiculous rumour is followed by a confident first-person interpretation.

- 66.5.** Frequentissimo senatu nuper in Capitolio senator inuentus est
 qui
 Milonem cum telo esse
 diceret.

principal clauses – 1

subordinate clauses – 2: *qui*, acc.-inf. (*Milonem esse*)

opening clause – ablative absolute

levels of subordination – 2 (*Milonem cum telo esse*)

66.5 adds another rumour, that Milo had come armed to a meeting of the senate (embedded accusative-infinitive construction); Milo's accuser is described as someone who 'was found to speak' (final relative clause, *qui*); cf. 12.4n.

- 66.6.** Nudauit se in sanctissimo templo,
 quoniam uita talis et ciuis et uiri fidem non faciebat,
 ut
 eo tacente
 res ipsa loqueretur.

principal clauses – 1

subordinate clauses – 3: *quoniam*, *ut*, abl. abs. (*eo tacente*)

opening clause – principal clause

levels of subordination – 2 (*eo tacente*)

66.6 describes Milo's drastic action to demonstrate the falsity of the rumour: stripping in the senate (opening principal clause). A following causal clause (*quoniam*) complains that such an action was necessary, and a final clause (*ut*) expressing his purpose in terms of *res ipsa*

(cf. 53.4, 61.1; the obviousness of his innocence is further emphasized by the embedded ablative absolute).

66.7. Omnia false atque inuidiose ficta comperta sunt;
tametsi metuitur etiam nunc Milo.

principal clauses – 2, in 2 units (*tametsi*)

subordinate clauses – 0

nominative-infinitive – 1: *false atque inuidiose ficta [esse]*

66.7 summarises the discussion of rumours by repeating the assertion that they have all been false, and stating the surprising result: Milo is nevertheless still feared; the antithesis creates irony.

67-71: Transition – address to Pompeius

An apparent dismissal of the entire judicial question is followed by a direct address to Pompeius which identifies the replacement topic as his opinion of Milo (67.1). The most clearly marked shifts in the passage which follows are those between the voice of the orator (67.1-68.1, 68.3, 70.1-71.1) and the voice of his client, which is presented in both indirect and direct speech. The indirect speech stresses Milo's previous good relationship with Pompeius (68.2); the direct speech prophesies a time when he may be needed (69.1-2, introduced at the end of 68.3). Finally, the speaker sums up for the *iudices*. The changes of voice make the paragraphing fairly straightforward in this passage; the break before 69.1 is perhaps not necessary.

The passage is transitional: although the argument moves away from Self-Defence, it does not yet even hint that Milo killed Clodius for the public good; his innocence remains the focus, although what he is now said to be innocent of is plotting against the life of Pompeius (67.2). The shift in addressee shifts focus away from the trial, in which Pompeius has no official role, but discussion returns to the trial (and Pompeius to the third person) in 70.1-71.1. The dismissal of the charge builds on the claim that Milo's innocence has been proven (61.1); the focus on what he might do next has been prepared for by the rumours relating to his supposed revolutionary plans in 63.2-64.3. This passage therefore represents an on-going gradual development of the preceding material, not a sudden graft of foreign material on to the Self-Defence Argument.

The arguments presented by the speaker, such as they are, continue the work of 65-66 in attempting to reinterpret Pompeius' behaviour as not opposed to Milo; they depend largely on suggesting that the entire state machinery cannot have been mobilized to deal with Milo alone (67.2-68.1, 70.1). Milo's recollections of earlier good relations with Pompeius, imagined as spoken in a context which has not in fact been allowed to take place, are directed rather to persuading the great man that he has no reason to fear Milo; the direct speech makes a similar contribution, but its primary function is emotive; it is introduced by a declaration of Milo's willingness to go into exile if Pompeius is not persuaded (68.3), and anticipates the kind of lamentations about the defendant's possible fate which might be expected – and do indeed occur – in the *peroratio*. This may have contributed to an initial expectation that the *peroratio* would follow (see further 32-91n.).

Word-group	Frequency	Occurrences
<i>arma/armare</i>	1.5%	7 (4/3)
<i>Milo</i>	1.3%	6
<i>publicus</i>	1.3%	6
<i>iudex/iudicium</i>	1.1%	5 (3/2)
? <i>magnus/magnitudo/maiores</i>	1.1%	5 (2/1/2)
? <i>res</i>	1.1%	5
? <i>unus</i>	1.1%	5

(474 words)

67.1 indicates a strong topic-shift, both in its startling change of addressee and in its hint that the central issue, represented here by *Clodianum crimen*, is no longer the topic. The new topic is identified as *tuas suspiciones*; none of the frequent word-groups in the passage that follows appears. The four more ‘interesting’, however, appear in the following sentence: *arma(tus)* (x3), *Milo* (x2), *publicus*, *iudicare*; also *res* and *unus* (x3). The use of *suspiciones* in 67.1 can be compared to the use of *causam* in 32.1: it labels the topic rather than reflecting it in terms of vocabulary; 67.2 then expands on the theme, identifying what those *suspiciones* might be and giving an indication of how the defence will answer them. There is another concentration of words from the table in 70.1, which might be taken as a minor topic-shift; see further note on sentence.

The address to Pompeius is of middling to low repetitiousness, with seven frequent word-groups (four ‘interesting’) making up 8.2% of the argument (5.1% ‘interesting’). The name *Pompeius* occurs only three times, but referred to in the third person without being named; he is also present in the second. (Compare his presence without being named in the third preliminary argument, 15.22n.) He is addressed as *Magne* in 68.3, but this is the only place where his chosen *cognomen* is used; it is not the reason why this word-group appears in the table. It is tempting to suggest that the frequency of this word indicates a similar tendency towards exaggeration/overstatement as was argued for *magnus* and *nullus* in the aftermath argument; it is also interesting to note that the passages where *magnus* appears in the table include the *exordium* and the motive argument – the latter is the first part of the *tractatio* and so has elements of beginning/transition about it. The aftermath argument and the address to Pompeius have elements of transition/ending about them, for which echoes of the *exordium* would also be appropriate.

The most frequently occurring word-group is *arma(tus)*, reflecting the on-going focus on what has happened since Milo’s return to Rome: the levies and the presence of armed guards on the streets of Rome and, currently, in the forum. Milo continues prominent, as does the political situation (*publicus*). Four of the occurrences of *res* are *res publica* (cf. note on *quibus commissa ...*, 65.8); to these can be added two more uses of *publicus* (70.1, 71.1) and one of *urbis* (68.3). Four of the occurrences of *iudex etc.* cluster in 70-71, and three of them are to the current trial-situation; there are also two occurrences of *ius* (70.1, 71.1) and one of *lex* (70.2). The frequency of *unus* is due in part to the idea that Milo alone need not be opposed by such military might at 67.2 (x3), which is turned into the uniqueness of Milo at 69.2, but the word only reaches 1.0 by also being used in 70.1 of the *senatus consultum ultimum*.

parenthesis (*cf.* 12.6 *etc.*); alternatively, the plural may be taken as referring to the defence-team in contrast to the speaker alone.

tuas, Cn. Pompei (te ...: for the sequence of second-person singular words, compare 60.2; the shift in addressee from the *iudices* to Pompeius, unlike the shift to the second-person singular in 55.3-57.6, is made crystal clear. The sentence contains another second-person singular verb (in the parenthesis) and the repetition of *tuas* (after the parenthesis); and the reminders of who is being addressed continue frequently until 69.2, whether the speaker is Cicero or Milo.

67.2. Si Milonem times,
 si
 hunc de tua uita nefarie aut nunc cogitare aut molitum aliquando aliquid
 putas,
 si Italiae dilectus,
 ut non nulli conquisitores tui dictitarunt,
 si haec arma,
 si Capitolinae cohortes,
 si excubiae,
 si uigiliae,
 si delecta iuuentus,
 quae tuum corpus domumque custodit,
 contra Milonis impetum armata est,
 atque illa omnia in hunc unum constituta, parata, intenta sunt,
 magna in hoc certe uis et incredibilis animus
 et non unius uiri uires atque opes iudicantur,
 si quidem in hunc unum
 et praestantissimus dux electus et tota res publica armata est.

principal clauses – 1

subordinate clauses – 9: *si, si, acc.-inf. x2 (hunc ... aut nunc cogitare; aut molitum ... aliquid), si [si x6, 1 verb] ... atque [3 pples., 1x sunt], ut, quae, si*

opening clause – conditional clause

levels of subordination – 2 (*hunc de tua uita ... aut molitum aliquando aliquid; ut non nulli conquisitores tui dictitarunt; quae tuum corpus domumque custodit*)

67.2 develops the theme of Pompeius' opinion introduced in the preceding sentence, interpreting the possibility of his fearing Milo as meaning that the mobilization of the military force of the state is directed against this one man, and implying that this is a ridiculous reading of the situation. The sentence opens with a sequence of conditional clauses (counted as four in the above analysis – there are four finite verbs), and closes with another; all point in the same direction, with the repeated *in hunc unum* conveying the essential point. The conditional clauses vary in length and complexity, with three instances of further subordination: an accusative-infinitive construction dependent on *putas*; a comparative clause (*ut*), which interestingly raises the possibility that there are people willing to criticize Pompeius; and a relative clause (*quae*) explaining *delecta iuuentus*. Although all the verbs are in the indicative, allowing the possibility that the situation

described is the correct interpretation of events, disbelief is clearly expressed in the principal clause (*incredibilis*); the accumulation of conditionals needing to be fulfilled for that statement to be true is probably intended to underline that disbelief, and the last two summarizing conditionals in particular can be read as emphasizing the implausibility.

times: the sequence of second-person singulars includes this remarkable connection of Pompeius himself with the idea of fear. Given the explicit denial of the possibility of Pompeius, feeling fear at 66.1, this suggestion may be supposed to have a preposterous feel, and thus contribute to the implausibility of the conditionals.

68.1. Sed quis non intellegit
 omnibus tibi rei publicae partis aegras et labantis,
 ut eas his armis sanares et confirmares,
 esse commissas?

principal clauses – 1

subordinate clauses – 2: acc.-inf. (*omnis ... esse commissas*), *ut* [2 verbs]

opening clause – principal clause

levels of subordination – 2 (*ut eas his armis sanares et confirmares*)

68.1 presents an alternative interpretation of the powers granted to Pompeius mentioned in the preceding sentence, explaining their purpose as the healing of the state. A rhetorical question of the universalizing ‘who does not know?’-type is followed by an accusative-infinitive construction; an embedded final clause (*ut*) expresses the alternative explanation.

sed quis non intellegit te: this juxtaposition of a ‘who does not understand’-style question with the second-person singular *te* could stand as a symbolic representation of the fact that, even where the addressee is nominally someone other than the *iudices*, the latter remain the actual target of the speech. Even though it is apparently Pompeius who is addressed, it is the *iudices* who are supposed to hear this question and to answer: ‘certainly not me!’

68.2. Quod si locus Miloni datus esset,
 probasset profecto tibi ipsi
 neminem umquam hominem homini cariorum fuisse quam te sibi;
 nullum se umquam periculum pro tua dignitate fugisse;
 cum illa ipsa taeterrima peste se saepissime pro tua gloria contendisse;
 tribunatum suum ad salutem meam,
 quae tibi carissima fuisset,
 consiliis tuis gubernatum;
 se a te postea defensum in periculo capitis,
 adiutum in petitione praeturae;
 duos se habere semper amicissimos
 sperasse,
 te tuo beneficio,
 me suo.

principal clauses – 1

subordinate clauses – 10: *si*, acc.-inf. x4 (*neminem ... te sibi*; *nullum ... fugisse*; *cum illa ...*

contendisse; tribunatum ... gubernatum), quae, acc.-inf. x 4 (se ... defensum in periculo capitis; adiutum in petitione praeturae; duos ... habere ... me suo; sperasse)

opening clause – conditional clause (sentence-particle: *quod*)

levels of subordination – 2 (*quae tibi carissima fuisset*)

68.2 claims to supply answers to Pompeius' possible suspicions in the way Milo himself would if he had the opportunity; points raised in indirect speech emphasize the political cooperation between Pompeius and Milo in the past. The counterfactual conditional frame (*si ... datus esset*) provides a reminder that Milo has not been given the opportunity to plead his case. Milo's first supposed statement asserts his love for Pompeius in elliptical comparison; the second asserts how much he has done for Pompeius; the third links his work for Pompeius with opposition to Clodius; the fourth focuses on the joint efforts of Milo and Pompeius to bring about Cicero's recall, with a relative clause (*quae*) asserting the importance of this enterprise to Pompeius; the fifth narrates two subsequent occasions on which Pompeius supported Milo; the sixth asserts that Milo hoped to have two eternal friendships, explained in two elliptical tag-comments as due to what he owed Pompeius and what Cicero owed him.

duos ... sperasse: this sequence has been analysed as two accusative-infinitive constructions which share the subject *se*; a clearer word-order might be *se sperasse [se] semper duos amicissimos habere* ('he had hoped that he had two men as his dearest friends'). See W.30.ii.

te tuo beneficio, me suo: as Milo's words are here conveyed in indirect discourse, *me* refers to the speaker and *suo* to Milo.

68.3. Quae si non probaret,
 si tibi ita penitus inhaesisset ista suspicio
 ut nullo euelli posset modo,
 si denique Italia a dilectu, urbs ab armis
 sine Milonis clade numquam esset conquietura,
 ne ipse haud dubitans cessisset patria is
 qui ita natus est
 et ita consuevit;
 te, Magne, tamen ante testaretur,
 quod nunc etiam facit:

principal clauses – 2, in 2 units (*tamen*)

subordinate clauses – 6/1: *si, si, ut, si, qui ... et, quod*

opening clause – conditional clause (connecting relative: *quae*)

levels of subordination – 2 (*ut nullo euelli posset modo*)

68.3 deals with the possibility that Pompeius would not be persuaded by Milo's response, claiming that in that case Milo would go unhesitatingly into exile, but would speak once more to Pompeius before he left. The counterfactual conditional construction (*si* x3) again mixes imperfect and pluperfect subjunctives (*probaret, inhaesisset* and *esset conquietura* in the protases, *cessisset* and *testaretur* in the apodoses); *cessisset* implies that Milo would have already left the country at this point (and therefore that the possibility of not persuading

Pompeius is false). A relative clause tacked on to the second apodosis marks the coming together of the imaginary and actual conversations, using the present indicative to introduce a *prosopopoiia*: direct speech from Milo replaces the indirect speech in 68.2.

quod etiam nunc facit: here these words have been taken as introducing a passage of direct discourse, a short *prosopopoiia* of Milo. They could instead be taken as simply a description of Milo's current activity: his very presence at the trial could be seen as bearing witness to his innocence (as was his very presence in Rome at 61.1), or his testimony could be imagined as being delivered by his advocate. Consequently it is not necessary to take 69.1-2 as direct discourse; it could still be understood as spoken by the orator, not his client. (See further on *grauissimi hominis*, 69.2.) Whether those editors who have not placed inverted commas round 69.1-2 have not done so because they hold this opinion, or for some other reason, is uncertain.

69.1. 'Vides

quam sit uaria uitae commutabilisque ratio,
 quam uaga uolubilisque fortuna,
 quantae infidelitates in amicitiiis,
 quam ad tempus aptae simulationes,
 quantae in periculis fugae proximorum,
 quantae timiditates.

principal clauses – 1

subordinate clauses – 6: indir. qu. x6 (*quam, quam, quantae, quam, quantae, quantae*)

opening clause – principal clause

levels of subordination – 1

69.1 opens the direct speech addressed by Milo to Pompeius with a description of the variability of fortune. The point is made by a one-word principal clause (*uides*), attributing to Pompeius the ability to understand the point made, which is followed by a sextuple indirect question (*quam, quam, quantae, quam, quantae, quantae*); the single verb, *sit*, is expressed immediately after the question-word in the first (*cf.* 6.1n.).

uides: if this passage is to be understood as a *prosopopoiia* of Milo, the first word makes it clear that Milo is addressing the same person as Cicero – as was implied by *te ... ante testaretur* in the introducing sentence.

69.2. Erit, erit illud profecto tempus,
 et inlucescet ille aliquando dies,

cum tu

saluis,

ut spero,

rebus tuis,

sed fortasse in motu aliquo communium temporum,

(qui quam crebro accidat

experti scire debemus),

et amicissimi beneuolentiam et grauissimi hominis fidem

et unius post homines natos fortissimi uiri magnitudinem animi desideres.?

principal clauses – 2, in 2 units (*et*)
 subordinate clauses – 0/3: *cum*, abl. abs. (*saluis ... rebus tuis*), *ut*
 parentheses – 1 (*qui quam crebro ... debemus*)
 subordinate clauses – 1: indir. qu. (*crebro*)
 opening clause – indirect question (connecting relative: *qui*)
 opening clauses – principal clause; principal clause
 levels of subordination – 3 (*ut spero*)

69.2 develops the idea of variability of fortune, suggesting that there might come a time when Pompeius will miss Milo. Two synonymous principal clauses predict the arrival of this time, whose circumstances are then enumerated in a temporal clause (*cum*) which takes up the bulk of the sentence; two aspects of the time are expressed (and contrasted) in an ablative absolute and a prepositional phrase: Pompeius himself may be well, but the state may be in trouble – a parenthesis at this point asserts the frequency of trouble for the state. The triple object of the resumed temporal clause (*et ... , et ... , et ...*) refers to but does not name Milo.

grauissimi hominis: this reference to Milo in the third person could be seen as indicating that this is not a *prosopopoiia*; on the other hand, if it is Milo who is imagined as speaking, it is debatable whether a highly complimentary third-person reference is more or less modest than a bold statement in the first person, such as: ‘you will regret losing *me!*’ Rather than pass judgement on the plausibility either of Milo’s being so (im)modest or of Cicero’s willingness to portray him in this way, it may be better to invoke the fact that, even if Milo is to be imagined as speaking, this is clearly a pretence. It is Cicero who can be seen (or, by a reader, imagined as) speaking in the forum and uttering these words. The opposite situation is found in 73.3, where Cicero praises himself, apparently in the mouth of Milo (*cf.* note *ad loc.*).

70.1. Quamquam quis hoc credat,
 Cn. Pompeium, iuris publici, moris maiorum,
 rei denique publicae peritissimum,
 cum senatus ei commiserit
 ut uideret
 ne quid res publica detrimenti caperet,
 quo uno uersiculo satis armati semper consules fuerunt
 etiam nullis armis datis,
 hunc exercitu, hunc dilectu dato,
 iudicium expectatum fuisse in eius consiliis uindicandis
 qui ui iudicia ipsa tolleret?

principal clauses – 1
 subordinate clauses – 8: acc.-inf. (*Cn. Pompeium ... iudicium expectatum fuisse ...*), *cum*,
 ut, ne, quo, abl. abs. x2 (*etiam ... datis; exercitu ... dilectu dato*), *qui*
 opening clause – principal clause
 levels of subordination – 4 (*ne quid res publica detrimenti caperet; etiam nullis armis datis*)

70.1 drops Milo’s voice for Cicero’s and returns focus to the current trial, suggesting that the powers granted to him mentioned in 67.2-68.1 would allow him to deal with Milo without

waiting for a trial, if he judged him at fault. A sceptical rhetorical question of the universalizing ‘who thinks?’-type (‘who could believe?’) introduces an accusative-infinitive construction describing what Pompeius is not likely to have done, interrupted by a temporal-concessive clause-complex (*cum*) describing the circumstances under which he is operating; these circumstances suggest that he could easily have done something else. This clause-complex reaches one of the highest levels of subordination in the speech (two noun-clauses, a relative clause and an ablative absolute); the fact that the clauses follow one another without embedding and interlacing keeps the sequence from becoming too complex to follow, but it is unsurprising that when the accusative-infinitive construction resumes, the subject is recapitulated (*hunc ... hunc*). A further concessive ablative absolute (with two nouns) then postpones the infinitive still further; the action of waiting for a trial is then contextualized by a gerundive phrase and a relative clause (*qui*) which are supposed to make this action even more implausible.

Cn. Pompeium: Pompeius is here referred to in the third person, but that does not necessarily mean that he is no longer being addressed; if the third person can be used to refer to the speaker (as in 69.2), it can also be used to refer to the addressee. The question-format of this sentence, *quis hoc credat*, echoes *quis non intellegit* at 68.1, which was addressed to Pompeius; but the continuity created by this echo holds whether it is Cicero or Milo who is imagined as speaking in 70.1, Pompeius or the *iudices* imagined as being addressed. The sentence has been punctuated here as belonging to Cicero rather than Milo (*i.e.*, outside the inverted commas which enclose 69.1-2) because the tone seems very different, but this could be imagined differently. In any case the punctuation does not indicate anything in particular about the addressee.

nullis armis datis: this ablative absolute (5/4) modifies *satis armati* in the preceding relative clause, which itself refers to the indirect command issued by the senate to Pompeius (*ut uideret ne quid ... caperet*). The precise level of subordination of the relative could be debated; if it is taken as 4, then *nullis armis datis* is, at 5, at the highest level of subordination in the speech; if the relative is taken as 3, modifying *commiserit* in the *cum*-clause rather than *uideret* in the indirect command, the sentence is one of around a dozen with four levels of subordination (*cf.* note on *quantam posceret*, 75.1). Either way, this is the highest level of subordination reached in the speech since early in the motive argument (32.4/33.2). There is another sentence reaching this level in the current discussion of Pompeius and the present trial, 71.1; *cf.* also 79.3, 84.3, 92.1. The current discussion involves mind-reading.

70.2. Satis iudicatum est a Pompeio, satis,
falso ista conferri in Milonem,
qui legem tulit
qua,
ut ego sentio,
Milonem absolui a uobis
oporteret,
ut omnes confitentur,
liceret.

principal clauses – 1

subordinate clauses – 7: acc.-inf. (*falso ... Milonem*), *qui, qua* [2 clauses in asyndeton], *ut*,

acc.-inf. (*Milonem ... a uobis*), *ut*

opening clause – principal clause

levels of subordination – 3 (*ut ego sentio; Milonem absolui a uobis; ut omnes confitentur*)

70.2 deduces from what Pompeius could have done that what he *has* done is legislate a fair trial for Milo. The opening principal clause refers to Pompeius' judgement, expressed in an accusative-infinitive construction: Milo is falsely accused; the assertion is explained in a relative clause describing Pompeius' action (*qui*), the proposal of legislation. A relative clause with two contrasting verbs (*qua ... oporteret ... liceret*) interprets that legislation as requiring or at least allowing Milo's acquittal (the central accusative-infinitive); interrupting comparative clauses (*ut ... ut*) claim that while Cicero believes the former, everyone admits the latter.

sentio, Milonem ... a uobis: here the speaker is certainly Cicero, Milo is in the third person, and the addressee is the *iudices*. The standard communication-situation continues in the following sentence, where Pompeius is in the third person, with its strong echo of the *exordium*.

71.1. Quod uero in illo loco atque illis publicorum praesidiorum copiis circumfusus sedet,

satis declarat

se non terrorem inferre uobis

(quid enim minus illo dignum quam cogere

ut uos eum condemnetis

in quem animaduertere ipse et more maiorum

et suo iure possit?),

sed praesidio esse,

ut intellegatis, contra hesternam illam contionem,

licere uobis

quod sentiatis

libere iudicare.

principal clauses – 1

subordinate clauses – 6: *quod*, acc.-inf. x2 (*se non terrorem inferre uobis; sed praesidio esse*), *ut*, acc.-inf. (*licere uobis ... libere iudicare*), *quod*

parentheses – 1 (*quid enim ... possit*)

subordinate clauses – 2: *ut, in quem*

opening clause – principal clause

levels of subordination – 2 (*in quem animaduertere ... possit*)

opening clause – *quod*-clause (sentence-adverb: *uero*)

levels of subordination – 4 (*quod sentiatis*)

71.1 adds to the conclusion with an interpretation of the presence of Pompeius and his soldiers at the trial as guaranteeing the *iudices* the freedom to make their own decision, despite the intimidation of the *Clodiani*. The military presence is expressed in the opening

noun-clause (*quod* = ‘the fact that’); the principal clause introduces two interpretations in an accusative-infinitive construction with subject Pompeius (*se*) and two contrasted predicates (*non ... sed ...*). The first, rejected interpretation (that Pompeius hopes to influence the *iudices* by frightening them) is followed by a substantial parenthesis (two levels of subordination; rhetorical question, ‘what less X than Y?’; the relative clause (*in quem*) reiterates the claim that he could have dealt with Milo without going through a trial process). The second, accepted interpretation is followed by a final clause (*ut*) focusing on the effect of this protection on the *iudices* (*intellegatis*). A prepositional phrase (*contra ... contionem*) identifies the people who are really trying to influence the verdict improperly as the *Clodiani*; what Pompeius wishes to happen instead, and the *iudices* must understand, is that they be allowed (accusative-infinitive, *licere*) to vote with their consciences (relative clause, *quod sentiatis*).

quod sentiatis: relative clause (4), qualifying *id* understood in the surrounding accusative-infinitive construction, *licere uobis ... libere iudicare* (3), object of *intellegatis* in the preceding final clause (2), itself dependent on the accusative-infinitive constructions (1) expressing Pompeius’ ‘statement’ to the *iudices* (*declarat*, P). This is a high level of subordination, only reached in around a dozen sentences in the speech, and it follows quickly after as high a level or higher was reached in 70.1. Coming at the very end of this passage, and in some ways the very end of the Self-Defence Argument, this double use of high levels of subordination may be seen as climactic, as well as perhaps appropriate to the mind-reading context. Note that in 70.1 there is no embedding or interlacing, and here there is only one example of embedding, here at the highest level and at the end of the sentence.

72-91: The public-good argument

The shift in focus away from self-defence has been prepared for by hints that the defence case has already been proven (61.1) and that the prosecution case can be dismissed (67.1); recapitulation of these suggestions in 72.1-2 is followed by an indicator of what is to come, a hypothetical proclamation of Clodius’ death accompanied by a long list of his crimes, which imply that that death was a Good Thing. The transition to the Public-Good Argument is thus clearly signalled in the manner that was employed so frequently in the first half of the speech – although there is nothing like a label for what follows, no equivalent of *uter utri insidias fecerit* (23.1, 31.6). The lack of such a competing label may be intended to ensure that the Public-Good Argument does not provide any single theme which competes with the ambush issue for the position of the ‘real business of the trial’. A gradual reduction in clear signalling of content can be seen throughout the Self-Defence Argument (*cf.* 32-71n.); from this point on, clear signals become the exception rather than the rule. It has already been suggested (Approach 2.1) that this shift in the way the arguments are presented is appropriate to the beginning of a gradual emotional *crescendo* which will reach its height in the *peroratio*: the orator who is firmly in control of his logically organized material is no longer needed, as the defence case has been proven; the mode of presentation thus implicitly underlines the claim to have proven that case.

The shift is also appropriate to the subject-matter, the threat posed by Clodius to the state, which justifies the claim that his assassination (had it taken place) would have benefitted the public good. The threat has been mentioned before, sometimes accompanied

by the same impression that the orator is being carried away by his feelings (33.2, 37.1, 39.1) or overwhelmed by the examples of Clodius' bad behaviour which have occurred to him (38.4-7, 40.2-41.1). Earlier these tendencies had to be checked by returning to the systematic presentation of logical argument; here both the topic and the mode of presentation take over completely: lists of crimes mingle with emotive repetitions of the claim that Milo would have nothing to fear if he *had* set out to rid the state of Clodius. There are many first-person singular references, and an overall increase in the number of direct addresses to the *iudices*, in exclamations, and in emotional rhetorical questions which go unanswered (contrast the question-response sequences in the Self-Defence Argument). These increases are maintained or increased still further in the *peroratio*.

In the absence of clear signalling, the analysis of content and structure is dependent on more disputable markers and, especially, on the analyst's sense of shifting topic. It could be said that the only substantial point of topic-shift in the Public-Good Argument is at 83.2, which claims that Clodius' death was brought about by divine intervention; this argument is entirely unprepared for in what precedes, looking back rather to the end of the *exordium* (7.2) and perhaps the end of the *narratio* (30.2). The shift is so abrupt that it can hardly fail to be noticed, though it is unmarked by any of the self-referential comments which imply that the orator is in control of his material. Elsewhere, it could be argued that a better sense of the audience's impression of this part of the speech would be given by refusing to subdivide 72-91 at all, however daunting this might be for a reader who has become accustomed to seeing the text divided into paragraphs comprising four to six of the traditional sections. Three articulation points, dividing the Argument into four parts, have nevertheless been identified to structure the following discussion; the importance of the individual break-points is open to challenge, and it should not be assumed that I believe they would have been emphasized by the orator in delivery or particularly noticed by the audience of speech, whether delivered or published.

The first comes at the end of what is usually treated as the lengthy *prosopopoiia* of Milo at 72.3-75.3, and thus appears to depend on the formal transition between the voice of the defendant and the voice of his advocate; there are, in fact, reasons to doubt the clarity of this transition (*cf.* 72-75n.), but 76.1 provides the first syntactic break after the *prosopopoiia* begins, and the end of this long list of Clodius' crimes is a reasonable point at which to consider the introduction to the Self-Defence Argument completed. The second articulation point is the introduction of the divine-intervention argument at 83.2; verbal repetition with the preceding sentence may suggest an association of ideas which is supposed to have led the orator to the new topic. The third articulation point identified here is at 87.1, where a noticeable change in the handling of the divine power's role is accompanied by a reversion to a focus on Clodius' crimes which echoes the opening of the Argument as a whole; this recapitulation may serve to indicate the beginning of the end.

The second of the three resulting passages is rather longer than the others, but it is difficult to subdivide. Other points which could have been emphasized instead include: 78.1, where the speaker addresses the *iudices* directly and shifts focus from the past to the future; 81.2, where the theme of *gratia* is introduced; 88.4, where attention is brought back to Clodius' impending praetorship.

72-75: *Prosopopoiia*

A two-sentence transitional passage (72.1-2) combines a repetition of the claim that Milo's innocence has been demonstrated already, made at 61.1, with the shift away from the judicial question, announced at 67.1. The transition places more emphasis on the end (and the completeness) of the Self-Defence Argument than on describing the new topic, introduced by a counterfactual conditional and defined as a 'glorious lie'. This leads into a dramatic *prosopopoiia* of Milo, beginning with the boast that he has killed Clodius and incorporating a lengthy catalogue of the latter's crimes.

There is no explicit argument here, but the new direction that the speech is about to take emerges clearly. The careful use of the counterfactual conditional, and the lack of a clear description of what follows (other than 'glorious lie'), may indicate the delicacy which the orator had to use when suggesting that killing Clodius was a meritorious act; the counterfactual note continues to be sounded throughout the Public-Good Argument, although it is put to various different uses. The catalogue of Clodius' crimes implicitly argues that Rome is better off without him and justifies the suggestion that (under other circumstances – including 'if he had done so [which he did not]') Milo could openly proclaim that he had deliberately assassinated him. This fulfills to some extent the suggestion made in the *exordium*: *ut, quia mors P. Clodi salus uestra fuerit, idcirco eam uirtuti Milonis ... adsignetis* (6.2).

Can the *prosopopoiia* be subdivided? Syntactically, the boast and the catalogue form a single run-on sentence, consisting largely of an insistent sequence of relative clauses describing Clodius' enormities (the individual relative clause-complexes have been numbered, for ease of reference). But it seems likely that Milo's voice gives way to Cicero's before the end of this sentence. It opens with strong first-person verbs which clearly belong to Milo, and the first reference to Clodius (*eum*) is followed by an interruption from the orator which confirms that Milo is speaking (72.3). After this there is a long sequence without first-person references to pin-point the speaker; they recur in 74.3, 75.1, and 75.2. The last most plausibly refers to Cicero; the others are dubious (*cf.* notes *ad locc.*, and 73.3n.). It seems likely that somewhere in the catalogue the subject-matter simply becomes more important than the identification of who is delivering it, allowing Cicero to emerge as the speaker at the end. It would be misleading to insert a break, even if the syntax allowed it, because the shift in speaker cannot be pin-pointed. The resulting long paragraph may convey on the page some of the same effect as the relentless sequence of relative clauses would have on the ear.¹

Word-group	Frequency	Occurrences
<i>ciuis/ciuilis</i>	1.3%	5 (4/1)
<i>possessio</i>	1.3%	5
<i>dicere</i>	1.0%	4
<i>mors/mortuus/immortalis</i>	1.0%	4 (2/1/1)
		(399 words)

¹ Some editors do not use inverted commas on the *prosopopoiia*: are they avoiding a decision about where Cicero's voice takes over, or have they some other reason for the punctuation?

72.1 repeats the claim made at 67.1, that the *Clodianum crimen* is no longer relevant, and also shifts focus away from Pompeius' *suspicionones* to the *iudices*' feelings *de morte Clodi*. This phrase could be used as a label for the Public-Good argument as a whole, although the fact that I have used a different label will already be indicating to my readers that I consider 'On Clodius' Death' to be an inadequate summary of the next twenty sections of the text. 72.1 can count as a topic-sentence in that it signals a change in topic, but while the new topic is less nebulous than at 41.1, it is not clearly described/labelled. Of the frequent word-groups in this passage consisting of the transition and the *prosopopoiia*, only *mors* appears here – and none of the other three occurrences of *mors/mortuus/immortalis* refers to Clodius' death in any case.

Comparing this passage with the rest of the speech in terms of repetitiousness is made slightly complicated by the fact that it has no 'colourless' words with a frequency of 1.0% or higher at all. When the percentages for the other passages are calculated including the 'colourless' words, this is the least repetitious passage in the speech; when they are calculated without the 'colourless' words, the *prosopopoiia* (4.5%) manages to be more repetitious than the first half of the *peroratio* (2.1%), the violence argument (2.6%), the second half of the *peroratio* (3.6%) and – just – what I have called the core of the Public-Good Argument, 76-83.1 (4.4%). The figure is in any case low, and demonstrates that short passages are not always the most repetitious. The variety of vocabulary may be due to the variety of different crimes with which Clodius is charged.

The words in the table here, although not classified as 'colourless', are not particularly informative as to topic, although the appearance of *possessio*, which is entirely new to the speech, indicates the arrival of a theme which will continue important in what follows as the orator appeals to the personal as well as the public-spirited interests of the *iudices*, emphasizing: the threat Clodius posed to private property. At the same time, *ciui(li)s* may be seen as suggesting a political element; individuals such as Cicero (73.3), Pompeius (73.5), and one P. Varius (74.3) are described as *ciuis* rather than *uir* or *homo*, but if the frequency of this word hints that Clodius' acts put him outside the pale of citizenship, the theme is not explicitly developed. Although *iudex*, etc. does not reach a frequency of 1.0% in the *prosopopoiia*, there are five occurrences of *iudex-ius-lex*. And although *res publica* does not appear, there are two occurrences of *publicus* (73.7 x2), one each of *populus Romanus* and *urbs* (both 73.3), and one more of *Romanus* (74.6).

1st sing.	2.3%
1st plur.	0.3%
2nd sing.	none
2nd plur.	0.8%

First-person singular references here reach their highest frequency since the preparations argument, but they are concentrated in the sentences introducing the *prosopopoiia*, and refer to Cicero. The *prosopopoiia* itself opens with the bold *occidi, occidi* (72.3), but then there are no references to the speaker until 75.1, at which point the identity of the *ego* is not clear; in 75.2, as already mentioned, it is probably Cicero. The last reminder that Milo is speaking comes in 72.3 itself, in the form of an interruption by the person under the mask, not identified by any first-person reference to Cicero, rather by a third-person reference to Milo. Cf. also on *nostrum* 74.3. Although first-person references are not necessary to indicate a

change of speaker, their scarcity must nevertheless contribute to the ease with which Cicero here slips out from under Milo's mask.

Figures for the syntax of the passage as a whole (three sentences, four units, and three parentheses) are dominated by the fact that the *prosopopoiia* is the longest and most complex sentence in the speech. 72.1-2 are not remarkable, nor does 72.2 give any indication of the length of the direct speech it introduces.

72.1. Nec uero me, iudices, Clodianum crimen mouet,
 nec tam sum demens, tamque uestri sensus ignarus atque expers,
 ut nesciam
 quid de morte Clodi sentiatis.

principal clauses – 2, in 2 units (*nec*; taking the first *nec* as retrospective)

subordinate clauses – 0/2 : *ut*, indir. qu. (*quid*)

opening clause – principal clause

levels of subordination – 2 (*quid de morte Clodi sentiatis*)

72.1 confirms the shift in the argument signalled at 67.1 by repeating the dismissal of the *Clodianum crimen*, expressed in terms of the speaker's not needing to worry about *iudices'* opinion on the death of Clodius. Two coordinate units first reject the *Clodianum crimen*, then assert the speaker's knowledge (deny his lack of knowledge) of the *iudices*; *tam* signals a result clause (*ut*) introducing what he knows: the opinion of the *iudices* (accusative-infinitive).

nec uero me ... Clodianum crimen mouet: the claim about the unimportance of the *Clodianum crimen* made at 67.1 is here recast in the first-person singular, but this cannot be taken as certain evidence that the earlier plural was *not* 'editorial'.

72.2. De qua si iam nollem ita diluere crimen
 ut dilui,
 tamen impune Miloni palam clamare ac mentiri gloriose liceret:

principal clauses – 1

subordinate clauses – 2: *si*, *ut*

opening clause – conditional clause (connecting relative: *de qua*)

levels of subordination – 2 (*ut dilui*)

72.2 establishes a substantial new direction for the *tractatio* by claiming both that the charge has been adequately answered, and that if it had not been, Milo would have been able to utter a glorious lie. The first claim is presented as factual in a comparative clause (*ut*) with indicative verb, attached to the protasis of a conditional construction with verbs in the subjunctive establishing everything that follows as counterfactual. The apodosis emphasises the allowability through the adverb *impune* and the verb *liceret*; the infinitive *mentiri* adds another layer of unreality: if Milo were to do what he is not in fact doing, it would still be a lie. The speech verbs introduce the lengthy *prosopopoiia*.

si iam nollem ita diluere crimen ut dilui: these words simultaneously assert that the *crimen* has been dealt with in its own terms and make way for an alternative approach which would ignore it entirely.

72.3-75.3 constitute the lie mentioned at the end of the preceding sentence, expressed as a lengthy *protopoia* of Milo in which he proclaims that he has killed Clodius and lists the latter's crimes at great length. The great *protopoia* is by far the longest unit in the speech, with over forty clauses using over three hundred words.¹ The opening verb, *occidi, occidi*, is followed by three objects of which the first two are rejected (*non ..., non ..., sed ...*); the 'priamel' structure focuses attention on the third. The rejected objects are historical figures, Spurius Maelius and Tiberius Gracchus (cf. 8.3, 83.1 for both; Ti. Gracchus is also mentioned at 8.2 and 14.2), who were killed (by somebody) on the grounds that they were a threat to the state; these act as foils for the actual object, Clodius – who is not named. The obvious implication of the comparison is that Clodius was an even greater threat to the state. To reinforce this implication, each object is accompanied by a relative clause or clauses: one each for Maelius and Gracchus, summing up the activity which made them a threat to the state (plus one for both Maelius and Gracchus, claiming that their killers are universally praised); seventeen for Clodius, identifying the person referred to by listing a wide range of his wicked deeds.

Within the twenty relative clause-complexes there is a variety of subordination in terms of both amount and complexity, but the repetition of the basic structure, the relative clause, provides consistency: no matter how many levels of subordination have been reached since the last relative pronoun, the next one returns to the same old starting-point. This consistent element of repetition renders the sentence far easier to follow.² As the sentence progresses and the principal clause recedes into the distance, the relative clause-complexes begin to have an effect very similar to the one which would have been created by separate sentence-units: Clodius did X; he did Y; he did Z; Overall, however, this structure has a very different effect from that of a sequence of independent sentence-units, especially given the variety of subordination used; the repeated relative pronoun gives the list some unity.³

The parallel between the relative clause-complexes and individual sentence-units justifies numbering them separately, which is also convenient for purposes of reference. The first nine (end of 72.3-74.1) open with a repeated *eum*, followed by the relative pronoun in a variety of cases. After this there is a slight shift in the expression of the repeated element, coinciding with a shift in subject-matter from political to property-related crimes (the key word *possessionum* appears at the end of 74.1). There are no further accusatives, but continuity of structure is signalled instead by the relative pronoun, consistently the nominative *qui*. The shift is not otherwise marked by syntactical variation, which seems

¹ The next longest unit, 52.1, has just over twenty clauses in just over one hundred words.

² There is a similar use of repeated structures in other long sentences in the speech, e.g., 52.1, 67.2, 96.2-97.0.

³ Elsewhere, lists of events are made noticeable by the stringing together of coordinate principal clauses without any subordination at all, e.g., at 20.5 and 87.2 – the latter is another list of Clodius' crimes. A long string of these is sufficiently unusual to stand out.

primarily designed to create variety amidst the consistency, although it may also draw attention to particular ideas and create effects of climax. The most complex segments are 73.1-2 and 74.6-75.1. The first two involve interlacing; 73.2 is particularly complex. These are followed by three relative clauses containing a single embedded subordinate clause/ablative absolute (73.3-5), then six further relatives with no additional subordination (73.6-74.5). Many of these relatively simple structures are made more elaborate by the use of lists and contrasted pairs, sometimes with anaphora; most are longer in terms of words than the compact complex segment 73.1. 74.3 stands out for length and because it includes a parenthesis; after it two of the shortest and simplest segments create a lull before the two most complex sentences of all. These form a climax of sorts, presenting two of Clodius' most daring actions (the latter contains an anacoluthon as well as several levels of subordination), but the climax in this case is not closural: they are followed by two more clauses (one with only one level of subordination, one with two) topping these daring actions with actions directed against Clodius' own family – a different kind of climax, expressed in relatively simple syntax.

72.3. 'Occidi, occidi,
 non Sp. Maelium,
 qui annona leuanda iacturisque rei familiaris,
 quia nimis amplecti plebem uidebatur,
 in suspicionem incidit regni appetendi,
 non Ti. Gracchum,
 qui conlegae magistratum per seditionem abrogauit,
 quorum interfectores impleverunt orbem terrarum nominis sui gloria,
 sed eum'
 (auderet enim dicere,
 cum patriam periculo suo liberasset)
 'cuius nefandum adulterium in puluinaribus sanctissimis
 nobilissimae feminae comprehenderunt;

principal clauses – 1

subordinate clauses – 5: *qui, quia, qui, quorum, cuius*

nominative-infinitive – 1: *nimis amplecti plebem*

interruptions – 1 (*auderet ... liberasset*)

subordinate clauses – 1: *cum*

opening clause – principal clause

opening clause – principal clause

levels of subordination – 2 (*quia nimis amplecti plebem uidebatur*)

72.3. The long opening segment of the sentence establishes a basis for what follows, the priamel-structure and the relative clauses. The relative clause-complexes describing the crimes of Maelius and Gracchus are expressed in relatively mild terms, allowing some doubt about whether Maelius deserved his fate (*uidebatur, suspicionem*), and giving very little detail of Gracchus's activity and programme (*per seditionem*). The effect is to play down their crimes in order to create a contrast with the terrible deeds of Clodius. The introduction of the *actual* object of *occidi, occidi (sed eum)* is marked by an interruption, a parenthesis in the

voice of the orator, referring to Milo in the third person (*auderet, liberasset*). The subjunctive verbs constitute a reminder that all of this is counterfactual; the focus on what Milo would dare to do echoes the theme of allowability prominent at the end of 72.2; a temporal-causal clause (*cum*) justifies this allowability by praising his deed. The relative clause (*cuius*), which contains no further subordination, refers obliquely to the Bona Dea scandal by describing Clodius being caught by noble women as he was committing *adulterium* on divine couches. At this point the sense is complete; the subsequent relative clauses are additive.

occidi, occidi: the direct speech opens with a geminated first-person singular verb, which simultaneously indicates the boldness of the false claim being made and crystallizes the change of speaker, already made explicit in the previous sentence (*Miloni palam clamare ac mentiri*). But after this point the supposed speaker is not a prominent presence in the *prosopopoiia*: the next first-person references are in 74.3 (*nostrum*), 75.1 (*ego ... dicam*), and 75.2 (*ego*). All of these may refer to Cicero rather than Milo, especially the last.

auderet enim dicere ...: this reminder of the true communication-situation, in which Cicero is speaking about Milo, relies purely on content to identify the change of speaker: there is no first person, but the third-person subject of *auderet* and *liberasset* must be Milo, so the speaker must be Cicero.

suo periculo: cf. 63.1n.

73.1. eum
 cuius supplicio
 senatus
 sollemnis religiones expiandas
 saepe censuit;

subordinate clauses – 2: *cuius*, acc.-inf. (*cuius supplicio ... sollemnis religiones expiandas*)
 levels of subordination – 2 (*cuius supplicio ... sollemnis religiones expiandas*)

73.1. The relative clause (*cuius*) is interlaced with an accusative-infinitive construction giving the senate's opinion (cf. a similar use of interlacing at 12.1, 13.1, 13.4, and especially 13.3, which also involves a relative). The description of an occasion of disagreement between Clodius and the senate is probably another reference to the Bona Dea scandal (and trial).

73.2. eum
 quem
 cum sorore germana nefarium stuprum fecisse
 L. Lucullus iuratus
 se,
 quaestionibus habitis,
 dixit
 comperisse;

subordinate clauses – 4: *quem*, acc.-inf. x2 (*cum sorore ... fecisse; se ... comperisse*), abl. abs. (*quaestionibus habitis*)
 levels of subordination – 3 (*cum sorore germana nefarium stuprum fecisse; quaestionibus habitis*)

73.2. The relative *quem* introduces a complex sequence of clauses on three levels of subordination. The first thing referred to, Clodius' supposed incestuous relations with his sister, Clodia Luculli, is expressed in an accusative-infinitive construction which requires an introduction of some kind. The nominative *L. Lucullus* suggests that this statesman, Clodia's husband, is the source of the information about the incest, and leads to the expectation of a speech-verb. Before it comes (*dixit*), the pronoun *se* indicates that there is another accusative-infinitive at an intermediate level of subordination: Lucullus not only said X, he said that he had discovered X. *Se comperisse* is interlaced with *Lucullus dixit*, and the complex has an ablative absolute embedded within it. The structure is relatively clear by the word *se*, but the complexity is substantial. Several of the elements included in the second half of the structure (*iuratus, quaestionibus, comperisse*) are designed to indicate that the accusation of incest is not wild invective but based on real evidence; the complexity may heighten the awfulness of the charge, with the speaker repeatedly interrupting himself to add the further corroboration necessary for such an accusation.

73.3. eum

qui ciuem
 quem senatus, quem populus Romanus, quem omnes gentes
 urbis ac uitae ciuium conseruatores iudicarent,
 seruorum armis exterminauit;

subordinate clauses – 2: *qui, quem* [*quem* x3, 1 verb]

levels of subordination – 2 (*quem senatus conseruatores iudicarent*)

73.3. The fourth relative clause (*qui*) is interrupted by a second level relative clause (*quem*) which describes (without naming) Cicero himself, in glowing terms; the superordinate, when it is resumed, narrates his expulsion from Rome by Clodian violence.

ciuem quem ...: it is tempting to link this oblique third-person reference to Cicero to the fact that it is supposedly Milo speaking, which may make the implicit self-praise more palatable. But is that self-praise any more egregious than that present in 39.2, which also focuses on widespread support for Cicero, and is unabashed in its use of the first person? Contrast the boldness with which Milo apparently describes himself as *grauissimi hominis ... fortissimi uiri* in 69.2; unless the apparent lack of modesty indicates that by the end of *that* sentence the supposed speaker has definitely 'slipped' from Milo back to Cicero, the phrasing *here* cannot be taken as confirming definitely that such slippage has *not yet* taken place. Cf. also 89.2.

73.4. eum

qui regna dedit, ademit,
 orbem terrarum
 quibuscum uoluit
 partitus est;

subordinate clauses – 3: *qui* [2 clauses in asyndeton, first with 2 verbs], *quibuscum*

levels of subordination – 2 (*quibuscum uoluit*)

73.4. The fifth relative clause (*qui*), has three verbs with two objects, and an embedded relative clause (*quibuscum*); it describes Clodius' acting as if he owned the world.

73.5. eum
 qui,
 plurimis caedibus in foro factis,
 singulari uirtute et gloria ciuem domum ui et armis compulit;

subordinate clauses – 2: *qui*, abl. abs. (*plurimis ... factis*)
 levels of subordination – 2 (*plurimis caedibus in foro factis*)

73.5. The sixth relative clause (*qui*), with embedded ablative absolute (murder in the forum), refers allusively to Clodius' confining Pompeius to his house.

73.6. eum
 cui nihil umquam nefas fuit nec in facinore nec in libidine;

subordinate clauses – 1: *cui*

73.6. The next relative clause (*cui*) claims that Clodius saw nothing wrong in criminal or lustful behaviour.

73.7. eum
 qui aedem Nympharum incendit,
 ut memoriam publicam recensionis,
 tabulis publicis impressam,
 exstingueret;

subordinate clauses – 2: *qui, ut*
 participial phrases – 1: *tabulis publicis impressam*
 levels of subordination – 2 (*ut memoriam publicam ... exstingueret*)

73.7. The next relative clause (*qui*) narrates Clodius' burning of the shrine of the Nymphs, followed by his purpose (*ut*): to destroy the records kept there.

74.1. eum denique
 cui iam nulla lex erat, nullum ciuile ius, nulli possessionum termini,

subordinate clauses – 1: *cui*

74.1. The ninth relative clause (*cui*) claims that Clodius acknowledged no law or legality (*cf.* 73.6), and in this context introduces the idea of property (*possessionum termini*);

denique: this adverb usually indicates the last item in a series; this is not the last crime to be listed – although it is the last to be preceded by *eum*.

cui ... termini: the structure is *esse* + dative = 'X has', with three subjects introduced by polyptoton of the adjective *nullus*, which creates an emphatic denial.

74.2. qui non calumnia litium, non iniustus uindictis ac sacramentis alienos fundos,
sed castris, exercitu, signis inferendis petebat;

subordinate clauses – 1: *qui*

74.2. The tenth relative, *qui*, is not preceded by an *eum*. The clause contrasts two methods of improperly obtaining other people's property, of which Clodius rejects the more peaceful in favour of the more violent (*non ... , non ... , sed ...*).

74.3. qui non solum Etruscos
(eos enim penitus contempserat)
sed hunc P. Varium, fortissimum atque optimum ciuem, iudicem nostrum,
pellere possessionibus armis castrisque conatus est;

subordinate clauses – 1: *qui*

parentheses – 1 (*eos ... contempserat*)

74.3. The next relative clause (*qui*) contrasts two of Clodius' victims (*non solum ... sed ...*) in his rapacious search for property; a parenthesis underlines his scorn for the first victim.

iudicem nostrum: this identification of Varius' role at the trial indicates that the communication-situation imagined at the current moment is the trial itself. As argued above, however, the glorious lie of Milo is not *certainly* presented as being delivered anywhere other than the trial; nevertheless, it may be that the slippage between speakers has already begun here.

74.4. qui cum architectis et decempedis uillas multorum hortosque peragrabat;

subordinate clauses – 1: *qui*

74.4. The twelfth relative clause (*qui*) continues to focus on property, describing one way in which Clodius would treat other people's properties as already his own: making plans for remodelling them.

74.5. qui Ianiculo et Alpius spem possessionum terminarat suarum;

subordinate clauses – 1: *qui*

74.5. The next relative clause (*qui*) expresses the limits of Clodius' property ambitions in terms of a substantial portion of Italy.

74.6. qui,
cum ab equite Romano splendido et forti, M. Paconio, non impetrasset
ut sibi insulam in lacu Prilio uenderet,
repente lintribus in eam insulam
materiem, calcem, caementa, harenam conuexit,
dominoque trans ripam inspectante
non dubitauit aedificium exstruere in alieno;

subordinate clauses – 5: *qui ... -que, cum, ut*, abl. abs. (*dominoque ... inspectante*)

levels of subordination – 3 (*ut sibi insulam in lacu Prilio uenderet*)

74.6. The next relative clause-complex stands out after a series of points expressed with little or no subordination (*cf.* 72.3-75.3n.). The *qui* is immediately followed by a temporal-causal clause (*cum*), whose subject is also Clodius; this, with its dependent noun-clause (*ut*, indirect command after *impetrasset*), narrates the event which preceded/caused Clodius' action. The resumed relative clause has two components: his moving of building-materials on to another man's property, and then actual building. An ablative absolute preceding the second component stresses the real owner's helpless witnessing of the act.

75.1. qui huic T. Furfanio,
 cui uiro, di immortales!
 – quid enim ego de muliercula Scantia,
 quid de adulescente P. Aponio dicam?
 quorum utrique mortem est minatus,
 nisi sibi hortorum possessione cessissent –
 sed ausum esse T. Furfanio dicere,
 si sibi pecuniam
 quantam posceret
 non dedisset,
 mortuum se in domum eius inlaturum,
 qua inuidia huic esset tali uiro conflagrandum;

subordinate clauses – 7: *qui, cui, acc.-inf. x2 (ausum esse ... dicere; mortuum ... inlaturum), si, quantam, qua*

parentheses – 1 (*quid enim ... cessissent*) [*quid enim x2, 1 verb*]

subordinate clauses – 2: *quorum, nisi*

opening clause – principal clause

levels of subordination – 2 (*nisi sibi hortorum possessione cessissent*)

levels of subordination – 5 (*quantam posceret*)

75.1. The next relative clause (*qui*) begins by identifying Clodius' next victim, Furfanius; a second relative clause referring to this man (*cui*) is interrupted by an invocation of the gods and a double rhetorical question (*quid x2 + deliberative subjunctive*) listing yet other victims (with explanatory relative-conditional clause-complex, *quorum ... nisi* – for the combination of exclamation and question, *cf.* 41.1n.). The interrupted relative construction is never resumed; when the speaker returns to Furfanius the construction is accusative-infinitive, apparently influenced by *dicam* in the parenthetical question. In combination with the exclamatory parenthesis, this anacoluthon is probably designed to indicate a high level of emotion, such that the speaker actually loses track of his syntax. Clodius' action is itself a speech-act (*dicere*); what he says is a conditional construction with the protasis (*si*) preceding the apodosis (accusative-infinitive), which is then followed by a final relative clause (*qua + subjunctive*).

quid enim ego ... dicam? there is no way of determining with certainty whether *ego* here is Milo or Cicero, but the combination of self-interruption, question (even if it is the sort of question aimed at oneself, the self-questioning is here dramatized for an audience) and explicit first person constitute a dramatic return of the person of the speaker to the forefront of the sentence. A *mihi* which probably refers to Cicero follows shortly afterwards (75.2).

in domum: the grammars tell us that *domus* does not require a preposition when expressing place at/from/to which; W.9 gives this as an example of the accusative *domum* requiring/following the preposition *in* ‘When the actual building or place is meant’: *domum ferre* = ‘to bring home’: *in domum ferre* = ‘to bring into the house’.

quantam posceret: this relative clause (5/4) qualifies *pecuniam* in the conditional clause (4/3), which is dependent on the subsequent accusative-infinitive construction, *mortuum se ... inlaturum* (3/2), which is the object of the preceding accusative-infinitive construction, *ausum esse ...* (2/1). The level of subordination of this accusative-infinitive is debatable, due to the anacoluthon: if the resumed clauses are seen as subordinate to the unfinished relative clause, *qui huic T. Furfanio*, then *quantam posceret* is at the highest level of subordination in the speech (5). Cf. note on *nullis armis datis*, 70.1.

75.2. qui Appium fratrem, hominem mihi coniunctum fidissima gratia,
absentem de possessione fundi deiecit;

subordinate clauses – 1: *qui*

participles – 1: *absentem*

75.2. A far shorter relative clause (*qui*) identifies his own brother Appius as another victim of Clodius’ property-lust.

hominem mihi coniunctum fidissima gratia: *mihi* here is presumably Cicero, whose sometimes rather rocky friendship with Clodius’ elder brother is attested in numerous letters (*Ad fam.* 3.1-13, to Appius; to others, e.g., *Ad Att.* 3.17, 4.23, 5.16, 6.1, *Ad Q. fr.* 2.10, *Ad fam.* 8.12). The commentators make this identification *ad loc.*, but only Reid and Colson comment on the slippage between speakers: ‘Cic. forgot that all this string of clauses began as a direct speech placed in Milo’s mouth’ (Reid); ‘Even in reporting real conversations, it is not unusual for the reporter to drift away into his own thoughts’ (Colson).

75.3. qui parietem sic per uestibulum sororis instituit ducere,
sic agere fundamenta,
ut sororem non modo uestibulo priuaret, sed omni aditu et limine.’

subordinate clauses – 2: *qui, ut*

levels of subordination – 2 (*ut sororem ... priuaret ... limine*)

75.3. The seventeenth, and last, relative clause (*qui*) maintains the focus on both property and family, describing a building-project of Clodius and its result (*sic ... sic ... ut*), his sister losing light and access to her *uestibulum*.

76-83.1: The public good

After a summary of the victims of Clodius’ past crimes, attention is shifted to the future that has been averted by his death (76.1). In what follows, the focus is sometimes on that hypothetical future, sometimes on the real, positive future made possible by that death, and sometimes on the present, in which everyone rejoices at the death of Clodius but Milo may yet be punished for killing him; this in turn produces another imagined future. There are many topic-shifts but no explicit discussions of the progress of the argument to mark them

(cf. 78.5n.); frequent repetitions and recapitulations contribute further to the sense that this Argument is not being as strictly organized as the material on Self-Defence. Several passages are very emotional (e.g., 76.2, 79.1-5, 80.1-3, 81.4).

There can be no single correct way to paragraph this sequence of arguments; here the following passages have been separated out: discussion of what would have been yet to come from Clodius (76.1-3); possible and actual reactions to Milo's deed (77.1-3); hope for the future which would have been impossible had Clodius lived, leading into a remarkable thought-experiment and incorporating a claim that Cicero's personal hatred of Clodius is not excessively colouring his attack (78.1-79.5); comparison of Milo to Greek tyrannicides, and proclamation of its glory (79.6-80.3); discussion of the statesmanship, introduced by a reflection on what Milo might have thought pleasing to his fellow-citizens, centring on the concepts of *gratia* and the *uir fortis* (81.1-83.1). Several of these breaks have been placed before counterfactual conditionals which act as transitional points; sometimes the break could equally well have been placed after the conditional.

One function of these counterfactual conditionals seems to be to serve as reminders of the hypothetical status of much of the argument. 77.1 resembles a stronger version of the introductory counterfactual at 72.2, repeated again at 79.6; 80.3, and 81.1 (one counterfactual, one mixed) make the argument that Milo's willingness to admit killing in self-defence means that he would admit the more glorious deed of political assassination if he had performed it. Several of these conditionals themselves express arguments; all the arguments, whether general or specific to Clodius/Milo, depend on the exploitation of emotion and on a black-and-white picture of Roman politics rather than on real evidence; much of what is provided as evidence (e.g., the claims of universal rejoicing) is questionable to say the least.

Word-group	Frequency	Occurrences
? <i>posse/potius</i> *	1.5%	13 (11/2)
<i>populus/publicus</i> *	1.4%	12 (4/8)
? <i>res</i> *	1.4%	12
<i>ciuis/ciuitas</i> *	1.1%	9 (4/5)
<i>gratus/ingratus</i>	1.0%	8 (5/3)
<i>uir/uirtus</i>	1.0%	8 (6/2)
		(842 words)

76.1 shifts attention from the past crimes of Clodius, which are summarized, to the ones which he was threatening to commit when he was providentially removed from the scene. There is a shift in terms of time-frame, but not perhaps in terms of overall topic, although the rhetorical question is phrased in such a way as to suggest the impending disaster would have been greater than ever before. Since this break-point has been chosen largely because it is the point where the long syntactic unit of the *protopoioia* has come to an end, and because of a feeling that the Public-Good Argument should be sub-divided *somehow*, there is no strong pressure to find topic-sentence features here. The fact that the sentence points both backwards and forwards might be counted as a topic-sentence feature, although other sentences which are not particularly strong candidates for topic-sentences do the same. The sentence does contain two 'interesting' and two 'colourless' words from the frequently

occurring groups listed in the table: *publicus* and *ciuitas*; *res* and *posse*. This is neither a particularly strong concentration nor a particularly informative group of words.

The passage is relatively lacking in repetition: six frequent word-groups (four ‘interesting’) make up 7.4% of the argument (4.4% ‘interesting’); cf. note on 72-75 for the five lowest percentages without ‘interesting’ words. It must be pointed out that the passage is the longest one examined here, and dividing it roughly in two does produce rather higher figures for the two shorter passages, with the second half displaying more repetition than the first (11.8%/7.6% for 76.1-78.7 [382 words]; 12.1%/9.3% for 79.1-83.1 [460 words]). Of the six word-groups in the table above, three (*res*, *posse*, etc., and *populus/publicus*) are ‘frequent’ – and about equally so – in both passages; five of the occurrences of *ciui(ta)s* are in the first ‘half’, while all of the occurrences of *(in)gratus* and seven of the occurrences of *uir(tus)* are in the second. The other word-groups reaching a frequency of 1.0% or more in the first half are *iudex/iudicium/iudicare* (5), *uidere* (5), *modus* (4), *omnis* (4), and *uerus/uerere/uerro* (4); in the second they are: *confiteri/confessio* (6), *facere* (6), *mors/mortuus/immortalitas* (5), and *putare* (5). These data suggest that while the passage as a whole has a strong political element, the first ‘half’ may place some emphasis on trials/judgement, citizen(ship)/the state, see(m)ing, the way things are done, universalizing, and truth, the second on *gratia* (difficult to translate), admitting one’s actions, death, and thought.

This experiment was only designed to question the low repetitiousness apparently displayed by 76.1-83.1 as a whole, and is not supposed to indicate that 79.1 is an important topic-shift, although it is perhaps a minor one: it has close connections with (is carefully prepared for by?) 76.2 and 78.1-3. This passage, and to some extent the Public-Good Argument as a whole, is made up of a sequence of closely interrelated topics, with much revisiting of themes after they have apparently been dealt with. The results of the experiment do not show a particularly *high* level of repetition in the short passages, but they do perhaps call into question the original *low* percentages, one of which made 76.1-83.1 look no more repetitious than the *prosopopoiia*. The results also raise the possibility that 842 words is too long a passage to measure by the current technique. To confirm or deny this would require further comparative work, preferably including other texts.

Some brief notes on the words appearing in the table above, and other themes being tracked through the speech. There are eight occurrences of *res publica*, two of *populus Romanus*, two more of *populus*, nine of *ciui(ta)s*, and two of *urbs*. Both *(in)gratus* and *uir(tus)* are also highly political; *uir* is used of Pompeius, Milo, tyrannicides, and unspecified statesmen. The semantic field represented by *iudex-ius-lex* is prominent in 77-79, with ten occurrences (3/2/5).

1st sing.	3.1%
1st plur.	1.5%
2nd sing.	none
2nd plur.	4.3%

The frequency of first-person singulars and second-person plurals goes up again after the great *prosopopoiia*, and the speaker is generally Cicero; a brief passage of direct speech given to Milo at 77.1 (including three first-person forms) rounds off the first sequence of *prosopopoiiai*, which have formed a bridge from the address to Pompeius into the Public-

Good Argument. References are made about equally to Cicero-the-orator and Cicero-the-politician, perhaps signifying that these two personae are merging more and more as the speech reaches its climax. First-person plural references also go up to a higher frequency than they have achieved since the first preliminary argument; they refer to various entities, and several are universalizing: the Roman people (77.1, 78.2), Cicero and the *iudices*/all humanity (79.1), the defence-team (79.1 – note the swiftness with which the referent can change), Cicero and other statesmen (82.1), possibly Cicero alone (83.1n.). Many of the second-person plurals may also be universalizing.

Syntactically, the sentences in the passage are largely lacking in noteworthy complexity factors, possibly giving the audience a rest after the endless relative clauses of the great *prosopopoiia*.

- 76.1.** Quamquam haec quidem iam tolerabilia uidebantur,
 etsi aequabiliter in rem publicam, in priuatos, in longinquos, in propinquos,
 in alienos, in suos inruebat,
 sed nescio quo modo
 usu iam obdurerat et percalluerat ciuitatis incredibilis patientia;
 quae uero aderant iam et impendebant,
 quonam modo ea aut depellere potuissetis aut ferre?

principal clauses – 3, in 3 units (*sed, uero*) [2 verbs in second]

subordinate clauses – 1/0/1: *etsi, quae*

opening clauses – principal clause; principal clause; relative clause (sentence-adverb: *uero*)

76.1 moves the argument on by contrasting the populace's remarkable tolerance of Clodius' past crimes, as listed in the *prosopopoiia*, with the claim that, if he had lived, it would have been impossible to bear the crimes he would have committed in the future. The surprising opening claim is followed by a concessive clause (*etsi*) providing further reason to be surprised; the second unit provides an explanation: *ciuitatis incredibilis patientia*. What is here punctuated as a third coordinate unit (relative clause, *quae*; question, *quodam modo*) introduces the imagined future, in contrast to the past.

- 76.2.** Imperium ille si nactus esset,
 omitto socios, exterarum nationes, reges, tetrarchas,
 uota enim faceretis
 ut in eos se potius immitteret
 quam in uestras possessiones, uestra tecta, uestras pecunias
 – pecunias dico?
 a liberis, me dius fidius, et a coniugibus uestris
 numquam ille effrenatas suas libidines cohibuisset!

principal clauses – 4, in 4 units (*enim*, interruption, asyndeton)

subordinate clauses – 1/1/0/0: *si, ut*

opening clause – conditional clause; principal clause; principal clause; principal clause

76.2 enhances the picture of the hypothetical future mentioned in the preceding sentence by describing the universal threat Clodius would have posed as praetor in a counterfactual

conditional construction. The opening counterfactual protasis (postponed *si*, subjunctive verb) expresses the idea of Clodius' election to the praetorship (acquisition of *imperium*), and is followed by an indicative verb, *omitto*, giving the initial impression of a self-referential parenthesis, specifically a *praeteritio*, rather than the apodosis. The next unit could be the protasis, but *enim* suggests it is a tag following the parenthesis, explaining the speaker's omission. It is followed by a noun-clause (*ut*, indirect command) whose sense is potentially complete when it is interrupted by a self-referential question (*dico*), after which another principal clause with its verb in the subjunctive has the same possible double function (explanation of interruption/apodosis). The effect is not so much anacoluthon as multiple interruptions that never quite derail the syntax (polyacoluthon?).

uota enim faceretis: in accordance with the interpretation of this clause as a tag attached to the *omitto*-clause rather than the apodosis of the opening conditional clause, this subjunctive has been listed as potential outside a conditional sentence in Syntactic Index 2.4.3. The same treatment could be applied to the last clause of the sentence, but the fact that this clause *can* logically act as the apodosis to the opening conditional makes an important contribution to the effect described: the feeling that the syntax of the sentence remains intact. For this reason *a liberis ... cohibuisset* has not been listed beside *uota enim faceretis*.

76.3. Fingi haec
putatis

quae patent,
quae nota sunt omnibus,
quae tenentur:

seruorum exercitus illum in urbe conscripturum fuisse,
per quos totam rem publicam resque priuatas omnium possideret?

principal clauses – 1

subordinate clauses – 6: acc.-inf. (*fingi haec*), *quae*, *quae*, *quae*, acc.-inf. (*seruorum ... fuisse*), *per quos*

opening clause – accusative-infinitive

levels of subordination – 3 (*per quos ... possideret*)

76.3 narrows the focus on Clodius' praetorship to the laws that he intended to pass, in a question related to the 'do you not know?'-type: 'do you think that these things are made up, *i.e.*, not true?' (*cf.* the first mention of his laws at 33.1). The idea of invention comes first, in an accusative-infinitive construction dependent on the following *putatis*; three short relative-clauses (*quae* x3) assert that *haec* are not invented, but widely known. A second accusative-infinitive construction (plus dependent relative clause, *per quos*) then explains *haec*; this explanation gives the first hint in the speech as to the *content* of the laws.

77.1. Quam ob rem si cruentum gladium tenens clamaret T. Annius:

'adeste,
quaeso,
atque audite, ciues!
P. Clodium interfeci;
eius furores,

quos nullis iam legibus, nullis iudiciis frenare poteramus,
 hoc ferro et hac dextera a ceruicibus uestris reppuli,
 per me ut unum ius aequitas, leges libertas,
 pudor pudicitia maneret in ciuitate!’,
 esset uero timendum
 quonam modo id ferret ciuitas?

principal clauses – 1

subordinate clauses – 2: *si*, indir. qu. (*quonam modo*)

participial phrases – 1: *cruentem gladium tenens*

embedded *oratio recta* – 1 (*adeste ... maneret in ciuitate*)

principal clauses – 3, in 3 units (asyndeton x2) [2 verbs in first]

subordinate clauses – 0/0/2: *quos, ut*

parentheses – 1 (*quaeso*)

opening clauses – principal clause; principal clause; principal clause

levels of subordination – 1

opening clause – conditional clause (connecting relative: *quam ob rem*)

levels of subordination – 1

77.1 deduces (*quam ob rem* – from the threat posed by Clodius in the future, if he had lived) that Milo would not need to fear the reaction of the populace in the present, if he had deliberately set out to abolish this threat by killing Clodius (which he did not). The counterfactual conditional frame (*si*) encloses another, shorter *prosopopoiia* of Milo; the clause introducing the direct speech here is subordinate, and an apodosis must follow.

si ... clamaret: the verb echoes 72.2. Given that the opening clause is an unreal conditional, a subjunctive will probably have been expected in the apodosis, and the early appearance of *esset* in the apodosis may be intended to confirm that the direct speech is complete. (The last verb in the direct speech is also an imperfect subjunctive, but it is heralded by *ut* and cannot have been taken as belonging to the apodosis.)

adeste, quaeso, ... ciues: like the great *prosopopoiia*, this shorter one opens with emphatic reference to speaker and addressee, which establishes the new communication-situation firmly in the mind of the external audience. First- and second-person references continue through the short passage of direct speech (*interfeci, reppuli, me; poteramus; audite, vestris*).

poteramus: this first-person plural inside the direct speech is universalizing: the *ciues* addressed by Milo, it is implied, have shared in his wish (and his failure) to restrain Milo.

a cervicibus uestris: Milo’s supposed words echo Cicero’s above in their claim that Clodius was a threat to his addressees (*in uestras possessiones, ..., 76.2*).

77.2. Nunc enim quis est

qui non probet,

qui non laudet,

qui non

unum post hominum memoriam T. Annium

plurimum rei publicae profuisse,

maxima laetitia
 populum Romanum, cunctam Italiam, nationes omnis adfecisse,
 et dicat et sentiat?

principal clauses – 1

subordinate clauses – 5: *qui, qui, qui* (2 verbs), acc.-inf. x2 (*unum ... profuisse; maxima ... adfecisse*)

opening clause – principal clause

levels of subordination – 2 (*unum ... profuisse; maxima ... adfecisse*)

77.2 presents a contrast to the rejected possibility of a negative reaction by claiming that the actual response to Milo's deed is universally positive. A rhetorical question expecting the answer 'nobody' is followed by three relative clauses with four verbs (*qui non* x3, *et ... et*); the third contains embedded direct speech expressing the universal opinion.

plurimum rei publicae profuisse: *plurimum* is either adverbial or internal accusative; cf. *nihil prosit* 30.2n., *plus ualet* 34.5n.

77.3. Non quo

uetera illa populi Romani gaudia quanta fuerint
 iudicare;
 multas tamen iam summorum imperatorum clarissimas uictorias aetas nostra uidit,
 quarum nulla neque tam diuturnam laetitiam attulit nec tantam.

principal clauses – 2, in 2 units (*tamen*)

subordinate clauses – 1/1: indir. qu. (*quanta*); *quarum*

opening clause – principal clause

levels of subordination – 1

77.3 develops the theme of the positive response to Milo's deed by claiming that no other event in living memory has brought about such rejoicing. The two antithetical units (the first with embedded indirect question, *quanta*; the second with following relative clause, *quarum*) imply a comparison between the communal joys of the past, which the orator cannot judge, and those of his own lifetime, which he can.

non quo ... aetas nostra: the downbeat first-person singular is replaced by a universalizing plural in the second half of the antithesis.

78.1. Mandate hoc memoriae, iudices:

spero
 multa uos liberosque uestros in re publica bona esse uisuros;
 in eis singulis ita semper existimabitis:
 uiuo P. Clodio
 nihil eorum uos uisuros fuisse.

principal clauses – 3, in 3 units (introduction; asyndeton)

subordinate clauses – 0/1/2: acc.-inf. (*multa ... uisuros*), abl. abs. (*uiuo P. Clodio*), acc.-inf. (*nihil ... fuisse*)

opening clause – principal clause; principal clause; principal clause

levels of subordination – 2 (*uiuo P. Clodio*)

78.1 shifts focus to the actual future by inviting the *iudices* to hope and claiming that this future would have been impossible if Clodius had lived. The pronoun *hoc* in the opening instruction to the *iudices* (imperative *mandate*) introduces a second unit expressing the orator's hope (*spero* + accusative-infinitive), followed by a third expressing the thoughts that will accompany the hoped-for state of affairs (*existimabitis* + accusative-infinitive, with preceding ablative absolute expressing hypothetical circumstances).

spero: this first-person verb might be taken as simply involving the speaker in what he is saying, regardless of his identity, but since the hope expressed is based on a political viewpoint it could be argued that Cicero the politician is also invoked here; *cf.* also *confido* in the next sentence. The close proximity of *spero* to the second-person plurals that precede and follow it unites the speaker with his addressees – his hopes are for them; in the second unit of the sentence their own opinion is confidently stated.

uos liberosque uestros: another reference to children echoes *a liberis ... uestris* above (76.2), as the speaker continues his attempt to involve the *iudices* (and the orders they represent) in the blessings following Clodius' death.

78.2. In spem maximam et,
 quem ad modum confido,
 uerissimam sumus adducti,
 hunc ipsum annum,
 hoc summo uiro consule,
 compressa hominum licentia,
 cupiditatibus con fractis,
 legibus et iudiciis constitutis,
 salutarem ciuitati fore.

principal clauses – 1

subordinate clauses – 6: *quem*, acc.-inf. (*hunc ... fore*), abl. abs. x4 (*hoc ... consule; compressa ... licentia; cupiditatibus con fractis; legibus ... constitutis*)

opening clause – principal clause

levels of subordination – 2 (*hoc summo uiro consule; compressa hominum licentia; cupiditatibus con fractis; legibus et iudiciis constitutis*)

78.2 develops the theme of hope for the future by identifying reasons for that hope inherent in current circumstances. The structure echoes elements of 78.1: principal clause referring to a hope expressed in an accusative-infinitive construction; the embedded ablative absolutes here refer to actual rather than hypothetical circumstances.

78.3. Num quis igitur est tam demens
 qui
 hoc
 P. Clodio uiuo
 contingere potuisse
 arbitretur?

principal clauses – 1
 subordinate clauses – 3: *qui*, acc.-inf. (*hoc ... potuisse*), abl. abs. (*P. Clodio uiuo*)
 opening clause – principal clause
 levels of subordination – 3 (*P. Clodio uiuo*)

78.3 repeats the claim made in the second half of 78.1, that a better future would have been impossible if Clodius had lived, in another question related to the ‘do you not know’-type (cf. 77.2): ‘who is so mad as to think X?’ The opening *num quis* indicates that the expected answer is, again, ‘nobody’; a consecutive relative clause (*qui* + subjunctive, heralded by *tam*) contains the accusative-infinitive construction expressing X. An embedded ablative absolute expresses the same hypothetical circumstances as in 78.1.

78.4. *Quid? ea*
 quae tenetis priuata atque uestra,
 dominante homine furioso,
 quod ius perpetuae possessionis habere potuissent?

principal clauses – 1
 subordinate clauses – 2: *quae*, abl. abs. (*dominante ... furioso*)
 opening clause – principal clause
 levels of subordination – 2 (*dominante ... furioso*)

78.4 shifts focus from the future which is now possible to the hypothetical future referred to in 76.2-3, imagining what would have happened if Clodius had lived and acquired power. Another rhetorical question (with opening marker, *quid?*) invites the audience to supply the answer ‘none’; a focus on private property is indicated in the embedded relative clause (*quae*). An ablative absolute again expresses the circumstance of Clodius being alive; *dominante* and *furioso* together suggest *why* there would be no private property rights.

78.5. *Non timeo, iudices,*
 ne odio mearum inimicitiarum inflammatu
 libentius haec in illum euomere uidear
 quam uerius.

principal clauses – 1
 subordinate clauses – 1: *ne*
 opening clause – principal clause

78.5 introduces the issue of Cicero’s personal enmity with Clodius, claiming that it does not affect the truth-value of his attacks made on the latter in the preceding sentences. The opening declaration that the orator is not afraid (of seeming to exaggerate the threat posed by Clodius, noun-clause of fear, *ne*) echoes substantial topic-sentences at 67.1 and 72.1, as well as, further away, the opening of the speech. Perhaps this point is supposed to seem like a topic-shift; it comes a little under halfway through 77-83.1, which has not otherwise been subdivided in my analysis of the speech. But the justification which follows is brief – this is *not* a substantial topic-sentence – and the discussion which follows is very similar in focus to what precedes.

non timeo ... mearum inimicitarum: *non timeo* need not necessarily evoke Cicero the politician rather than Cicero the speaker, but it is swiftly followed by one of the most explicit comments on Cicero's political position vis-à-vis Clodius in the entire speech.

78.6. Etenim si praecipuum esse debebat,
tamen ita communis erat omnium ille hostis
ut in communi odio paene aequaliter uersaretur odium meum.

principal clauses – 1

subordinate clauses – 2: *etenim si, ut*

opening clause – conditional clause (sentence-particle: *etenim*)

levels of subordination – 1

78.6 defends the claim made in the preceding sentence by arguing that Cicero's personal enmity is only barely greater than the universal hatred of Clodius. The opening protasis (*etenim si*) is conditional-concessive (note *tamen* in the apodosis): 'even if X, still Y'; a consecutive clause (*ita ... ut*) gives the result of universal hatred: Cicero's personal enmity hardly stands out.

communis ... omnium ille hostis: one of the most explicit universalizing comments in the speech, this echoes 35.3 in the motive argument.

78.7. Non potest dici satis, ne cogitari quidem,
quantum in illo sceleris, quantum exiti fuerit.

principal clauses – 1

subordinate clauses – 1: indir. qu. (*quantum (quantum x2, 1 verb)*)

opening clause – principal clause

78.7 reinforces the claim that everybody hated Clodius by asserting that neither words nor thoughts can express the extent of his wickedness and destructive power, in a double indirect question (*quantum x2*) following *dici* and *cogitari*.

79.1. Quin sic attendite, iudices,
fingite animis
(liberae sunt enim nostrae cogitationes,
et quae uolunt
sic intuentur
ut ea cernimus
quae uidemus),
fingite igitur cogitatione imaginem huius condicionis meae:
si possimus efficere
Milonem ut absoluatis,
sed ita
si P. Clodius reuixerit –
quid uoltu extimistis?

principal clauses – 4, in 5 units (introduction, recapitulation, [missing apodosis], interruption)

subordinate clauses – 0/0/0/4/0: *si ... sed, ut, si*)

parentheses – 1 (*liberae ...uidimus*)

principal clauses – 2, in 2 units (*et*)

subordinate clauses – 0/3: *quae, ut, quae*

opening clauses – principal clause; relative clause (sentence-conjunction, *et*)

levels of subordination – 2 (*quae uidemus*)

opening clause – principal clause; principal clause; principal clause; conditional clause; principal clause

levels of subordination – 3 (*si P. Clodius reuixerit*)

79.1 introduces a thought-experiment in which Clodius is imagined as brought back to life, by inviting the *iudices* to attempt this impossible task; the experiment is apparently interrupted when the speaker notes the horror on the faces of his audience at the very idea, but the interruption is the whole point: to corroborate the claim that everybody hated Clodius. The instructions to the *iudices* have to be recapitulated after a lengthy parenthesis asserting the power of thought (two principal clauses and three subordinate clauses). The words *imaginem huius condicionis meae* act as an ‘introducing’ phrase, and the thought-experiment follows, opening with a conditional protasis (*si*). A noun-clause (*ut*, object of *efficere*) expresses the idea of Milo’s acquittal; a second conditional (*si*, protasis to the *ut*-clause) expresses the idea of that acquittal being dependent on Clodius’ resurrection. No apodosis for the first conditional, ‘if this were possible’, is expressed, but this does not impair the sense as it is easy to imagine that something along the lines of ‘what would you do?’ was intended to follow. Instead, the answer to ‘what would you do?’ is in a way supplied by the interrupting question which draws attention to the audience’s supposed reaction to the mere suggestion. The anacoluthon here vividly represents the reaction described.

attendite ... fingite ... fingite: these three verbs, following *adeste ... atque audite* in the short *prosopopoiia* at 77.1 and *mandate hoc memoriae* at 78.1, bring to a close one of the strongest concentrations of imperatives in the speech; the closest parallel is at 54.3-56.3 (*uidete, age, comparate, adde, adde, adde*). The imperative can be read as creating even closer involvement between speaker and addressee than second-person verbs in the other moods.

79.2. Quonam modo ille uos uiuus adficeret,
quos mortuus inani cogitatione percussit?

principal clauses – 1

subordinate clauses – 1: *quos*

opening clause – principal clause

79.2 reinforces the audience’s supposed reaction to the idea of Clodius’ resurrection by contrasting the effect he would have had if he had lived (hypothetical present) with the effect he still has now, even though dead (actual present). An answer to the opening rhetorical question is suggested by information presented in the following relative clause (*quos*): if an imaginary resurrected Clodius can strike fear into the *iudices*, a real one ...

79.3. Quid? si ipse Cn. Pompeius,
 qui ea uirtute ac fortuna est
 ut ea potuerit semper
 quae nemo praeter illum,
 si is,
 inquam,
 potuisset aut quaestionem de morte P. Clodi ferre aut ipsum ab inferis excitare,
 utrum putatis
 potius facturum fuisse?

principal clauses – 1

subordinate clauses – 5: *si* [*si* x2, interrupted/resumed], *qui*, *ut*, *quae*, acc.-inf. (*utrum potius facturum fuisse*)

parentheses – 1 (*inquam*)

opening clause – conditional clause (question-indicator: *quid?*)

levels of subordination – 4 (*quae nemo praeter illum*)

79.3 repeats the thought-experiment of 79.1 with a variation, focusing on whether Pompeius would bring Clodius back to life if he could. Another counterfactual conditional (introduced by an emotive *quid?*) is quickly interrupted by three further levels of subordination describing Pompeius' power (relative, *qui*; consecutive, *ut*; relative, *quae*), after which it must be recapitulated (*si is*; the recapitulation emphasized by parenthetical *inquam*, cf. 67.1). The interrogative apodosis (*utrum*) focuses on what the audience *think* would happen, and therefore has its verb in the indicative (*putatis*), followed by an accusative-infinitive construction.

quae nemo praeter illum: this elliptical relative clause (4) qualifies *ea* in the preceding consecutive clause (3), which answers *ea uirtute ac fortuna* in the preceding relative clause (2), qualifying *Cn. Pompeius* in the opening conditional clause (1). The high level of subordination reached in this clause-complex, which necessitates the marked resumption of the conditional clause halfway through the sentence (*si is, inquam*), is very similar to another sentence reading Pompeius' mind at 70.1, where the resumed accusative-infinitive construction needed a new accusative, *hunc*.

79.4. Etiam si propter amicitiam uellet illum ab inferis euocare,
 propter rem publicam non fecisset.

principal clauses – 1

subordinate clauses – 1: *etiam si*

opening clause – conditional clause

79.4 develops the variation on the thought-experiment by claiming that, for the sake of the state, Pompeius would not wish to resurrect Clodius, answering the preceding question with a conditional construction of the concessive 'even if'-type (*etiam si*). The counterfactual implies that Pompeius would not want to resurrect Clodius for personal reasons either.

79.5. Eius igitur mortis sedetis ultores
 cuius uitam,
 si putetis
 per uos restitui posse,
 nolitis,
 et de eius nece lata quaestio est,
 qui si lege eadem reuiuiscere posset,
 ista lex lata numquam esset.

principal clauses – 2, in 2 units (*et*)

subordinate clauses – 3/2: *cuius, si, acc.-inf. (per uos ... posse), qui, si*

opening clause – principal clause; principal clause

levels of subordination – 3 (*per uos restitui posse*)

79.5 concludes the thought-experiment by pointing out the irony of those who prefer Clodius dead nevertheless creating and participating in a *quaestio* apparently intended to avenge that death, in two repetitive correlative constructions (*eius ... cuius ...; eius ... qui ...*) with conditional protases embedded in the relative clauses (*si, si*); the first is further complicated by an interlaced accusative-infinitive construction. The conditionals are mixed: the protases express the ironized facts, that the *iudices* are in a position to avenge, and that a *quaestio* has been established to investigate (indicative verbs), a death which neither the *iudices* nor the sponsors of the law creating the *quaestio* would wish to undo if they could (subjunctive verbs).

79.6. Huius ergo interfector si esset,
 in confitendo ab eisne poenam timeret
 quos liberauisset?

principal clauses – 1

subordinate clauses – 2: *si, quos*

opening clause – conditional clause (sentence-particle, *ergo*; shared nominative, *huius interfector*)

levels of subordination – 1

79.6 draws the general conclusion (*ergo*) that the killer of a man everyone prefers to be dead would not need to fear punishment, in another counterfactual conditional question (*cf.* 77.1).

80.1. Graeci homines deorum honores tribuunt eis uiris
 qui tyrannos necauerunt
 – quae ego uidi Athenis,
 quae in aliis urbibus Graeciae!
 quas res diuinas talibus institutas uiris,
 quos cantus,
 quae carmina!

principal clauses – 6, in 6 units (interruption, asyndeton x4)

subordinate clauses – 1/0/0/0/0/0: *qui*

opening clause – principal clause; principal clause; principal clause; principal clause;
 principal clause; principal clause

80.1 implicitly shifts focus to the issue of how Clodius' killer should be treated by pointing out that those who dispose of tyrants in the Greek world are rewarded. The shift is signalled immediately by the opening nominative, *Graeci homines*, which has no connection with what precedes; who it is that the Greeks honour is reasonably obvious from context even before the following relative clause (*qui*) specifies tyrannicides. The subsequent emotive exclamations have here been punctuated as interruptions to the more sober opening construction; focusing on the orator himself as a witness to these honours, they also provide corroboration of the opening claim.

80.2. Prope ad immortalitatis et religionem et memoriam consecrantur;
 uos tanti conseruatorem populi,
 tanti sceleris ultorem non modo honoribus nullis adficietis,
 sed etiam
 ad supplicium rapi
 patiemini?

principal clauses – 3, in 2 units (1/2: asyndeton; *non modo ... sed etiam*)

subordinate clauses – 0/0/1: acc.-inf. (*ad supplicium rapi*)

opening clause – principal clause; principal clause; principal clause

80.2 repeats the contrast between the divinization of Greek tyrannicides and the possible punishment of Milo (who has carried out a similarly praiseworthy deed) in two antithetical units. The first sums up the Greek custom; the second asks the *iudices* 'will you do X?', implying that they should not. An embedded accusative-infinitive construction expresses the idea of punishing Milo.

conseruatorem ... non modo honoribus nullis adficietis, sed etiam ad supplicium rapi patiemini: the construction changes in the middle of the *non modo ... sed etiam ...* sequence. The accusative *conseruatorem* is first the direct object of *adficietis*, then the subject of the infinitive *rapi* in an accusative-infinitive construction dependent on *patiemini*. Cf. 100.4n.

80.3. Confiteretur, confiteretur,
 inquam,
 si fecisset,
 et magno animo et libenter,
 se fecisse, libertatis omnium causa,
 quod esset non confitendum modo sed etiam uere praedicandum.

principal clauses – 1 [geminated verb]

subordinate clauses – 3: *si*, acc.-inf. (*se fecisse ...*), *quod* [2 gerundives, 1x *esset*]

parentheses – 1 (*inquam*)

opening clause – principal clause

levels of subordination – 2 (*quod ... praedicandum*)

80.3 builds on the positive description of Milo's deed in the preceding sentence in order to claim that he would admit killing Clodius for the sake of the public good if he had done so. The opening subjunctive verb is emphatically geminated (further marked by parenthetical

inquam), then followed by a conditional protasis, *si fecisset*. As by this point in the speech everyone knows what it is Milo would admit doing, the sentence could end here; the phrases and clauses which follow are additive. The indirect speech dependent on *confiteretur*, along with its dependent double relative clause (*quod ... non ... sed ...*), takes the opportunity of describing the deed in glowing terms.

magno animo: ‘courageously’; comparison with 3.1 and parallels quoted there demonstrates how close this ‘abl. of Manner’ is in meaning to the ‘abl. of Quality’ – the former acts as an adverb, accompanying a verb (here *confiteretur*), while the latter acts as an adjective, accompanying a noun or acting as the complement of *esse*. There are seventeen in the speech (including two relative pronouns: 95.1, 101.3n.), almost all dealing with aspects of the mental state: 16.1 *sponte*, 20.4/29.3/35.5/63.1(3x)/80.3/81.3 *animo*, 26.3/53.3 *spe*, 47.2 *consilio*, 61.1 *mente*, 95.1 *uoltu*, 99.1 *dolore*. All the abl. nouns are accompanied either by an adj., even if only pronominal, or a dependent genitive (see W.48).

81.1. Etenim si id non negat
ex quo nihil petit nisi
ut ignoscatur,
dubitaret id fateri
ex quo etiam praemia laudis essent petenda?

principal clauses – 1

subordinate clauses – 4: *etenim si*, *ex quo*, *ut*, *ex quo*

opening clause – principal clause

levels of subordination – 3 (*ut ignoscatur*)

81.1 attempts to support the claim made in the preceding sentence by arguing that Milo’s admission of a supposedly less praiseworthy deed (which he has performed), killing Clodius in self-defence, demonstrates that he would admit the more praiseworthy deed (if he had performed it, which he has not). Here *etenim si* is used to introduce a mixed conditional which encapsulates an argument: ‘if X, Y (which is more desirable)’ → ‘X, therefore Y’. X belongs to the real world (indicative *negat*), Y to the hypothetical (subjunctive *dubitaret*). Both protasis and apodosis are followed by a relative clause (*ex quo* x2) giving information about the *id* that is first not denied, then admitted.

81.2. Nisi uero gratius putat
esse uobis
sui se capitis quam uestri defensorem fuisse?
cum praesertim in tali confessione,
si grati esse uelletis,
honores adsequeretur amplissimos.

principal clauses – 1 (*nisi*)

subordinate clauses – 4: acc.-inf. x2 (*gratius ... esse uobis*; *sui ... fuisse*), *cum praesertim*, *si*

opening clause – principal clause

levels of subordination – 2 (*sui ... fuisse*; *si grati esse uelletis*)

81.4 appears to defend the use of the word *ingrata* in the preceding sentence by contrasting the rejoicing of the populace, who have been saved from Clodius, with (in this hypothetical future) the misery of the exiled Milo, who saved them. The rhetorical question of the ‘what could be more X than Y?’-type expects the answer ‘nothing’; Y is expressed in two accusative-infinitive constructions; the verb *laetari* from the first is picked up in the relative clause following the second.

82.1. Quamquam hoc animo semper fuimus omnes in patriae proditoribus opprimendis,
ut,
 quoniam futura esset nostra gloria,
 periculum quoque et invidiam nostram
 putaremus.

principal clauses – 1

subordinate clauses – 3: *ut*, *quoniam*, acc.-inf. (*periculum ... nostram*)

opening clause – principal clause

levels of subordination – 3 (*quoniam futura esset nostra gloria*)

82.1 shifts focus slightly with a generalization claiming that men who oppose traitors know they may meet with danger as well as with rewards. Such statesmen include the orator himself (*fuimus*) and are defined as those who defend their land against traitors (*in + gerundive* phrase). The claim to knowledge is expressed in a consecutive clause (*ut*) explaining *hoc animo*, an ‘introducing phrase’ introducing the thought that shows knowledge of danger (*putaremus*). This has embedded within it first a causal clause (*quoniam*) explaining the reasoning behind the thought, then an elliptical accusative-infinitive – supply *futura* from the *quoniam*-clause – completing *putaremus*.

fuimus omnes: the extent to which this first-person plural is universalizing depends on whether *omnes* is taken as referring to all patriotic Romans, or only to those actively involved in *patriae proditoribus opprimendis*. The phrase *nostra gloria* later in the sentence perhaps suggests a more restrictive interpretation; Cicero is, however, prepared to generalise from himself to others. In the following sentence he narrows the focus to his own past actions.

82.2. Nam quae mihi tribuenda ipsi laus esset,
 cum tantum in consulatu meo pro uobis ac liberis uestris ausus essem,
 si id
 quod conabar
 sine maximis dimicationibus meis me esse ausurum
 arbitrarer?

principal clauses – 1

subordinate clauses – 4: *cum*, *si*, acc.-inf. (*id ... esse ausurum*), *quod*

opening clause – principal clause

levels of subordination – 3 (*quod conabar*)

82.2 particularizes the generalization made in the preceding sentence by presenting the example of Cicero himself during the Catilinarian conspiracy, linking the praise for his

actions with the risks he took. The counterfactual conditional question implies that actions which are not dangerous (or thought not to be) deserve no praise. The interrogative principal clause implies that the orator (*mihi*) *should* be praised; a temporal clause (*cum*) specifies the actions for which praise is due. The following protasis (*si*) expresses circumstances in which praise would *not* be due, expressed in terms of Cicero's thoughts at the time he was acting: *arbitrarer* + embedded accusative-infinitive, with further embedded relative clause (*quod*).

pro uobis ac liberis uestris: cf. 76.2 and especially 78.1.

82.3. Quae mulier interficere sceleratum ac perniciosum ciuem non auderet,
si periculum non timeret?

principal clauses – 1

subordinate clauses – 1: *si*

opening clause – principal clause

82.3 develops the theme that praiseworthy deeds are linked to risk by asserting, in yet another counterfactual conditional question that even a woman could kill a wicked citizen if she were not afraid of the danger.

82.4. Proposita inuidia, morte, poena,
qui nihilo segnius rem publicam defendit,
is uir uere putandus est.

principal clauses – 1

subordinate clauses – 2: abl. abs. (*proposita ... poena*), *qui*

opening clause – abl. abs.

levels of subordination – 2 (*proposita ... poena*)

82.4 presents a contrast to the fearful woman of the preceding sentence by defining a true *uir* as one who defends the state in spite of various dangers. The definition is expressed in a correlative construction (*qui ... is*), the whole preceded by an ablative absolute expressing the dangerous circumstances.

82.5. Populi grati est praemiis adficere bene meritos de re publica ciuis;
uiri fortis ne suppliciiis quidem moueri
ut
fortiter fecisse
paeniteat.

principal clauses – 2, in 2 units (asyndeton)

subordinate clauses – 0/2: *ut*, acc.-inf. (*fortiter fecisse*)

participial phrases – 1: *bene meritos de re publica*

opening clause – principal clause

levels of subordination – 2 (*fortiter fecisse*)

82.5 links the theme of manliness with the theme of *gratia*, arguing that while the grateful state should reward its defenders, a *uir fortis* should not regret his courageous deeds even if he is (wrongly) punished for them. The two coordinate units open with 'defining' genitives;

the second is elliptical (supply *est* from the first, *cf.* 2.2); the subjects of both are infinitive phrases.

meritos de re publica: on *meriti de cf.* 56.3n.

83.1. Quam ob rem uteretur eadem confessione T. Annius
 qua Ahala, qua Nasica, qua Opimius, qua Marius, qua nosmet ipsi,
 et si grata res publica esset,
 laetaretur,
 si ingrata,
 tamen in graui fortuna conscientia sua niteretur.

principal clauses – 3, in 3 units (*et*, asyndeton)

subordinate clauses – 1/1/1: *qua* [qua x5, 1 verb in ellipse] *si, si*

opening clause – principal clause; conditional clause (sentence-conjunction, *et*); conditional clause

83.1 assimilates Milo with past defenders of the state, then builds on the generalisation in the preceding sentence by contrasting the two possible futures resulting from the two possible responses to his action: *gratia* will make him happy, while its opposite will still leave him with the consolation of having acted well. The opening principal clause, which is identified as a conclusion by *quam ob rem*, has an imperfect subjunctive verb. Since the imperfect of the jussive should refer to the past (W.110), this is likely to be potential: ‘Milo could...’ (perhaps with implied condition extrapolated from the preceding sentences/following clauses). The clause introduces the idea of ‘the same admission’, which is identified in a series of five elliptical relative clauses, introduced by anaphora of *qua* (the verb must be supplied from the principal clause). Two further units express the result which will follow from each of two possible reactions from the state, which are themselves expressed in opposed conditional clauses (the second, elliptical one relying on the first). In its evocation of historical killers of traitors – the first complete list since 8.3 – and perhaps in its use of ellipse, which is slightly gnomic, the sentence can be considered climactic; nevertheless, it is not obviously the end of the discussion until the next sentence introduces something new.

nosmet ipsi: the first-person plural may be ‘editorial’ (*cf. nosmet ipsos*, 20.3) or it may be supposed to share the responsibility for dealing with the Catilinarian conspirators (*cf. me consule senatus*, 8.3).

83.2-86: Divine Intervention

The issue of divine intervention is sufficiently unlike anything in the preceding sections to create the effect of topic-shift here, although there is no clear marker to draw attention to the shift, and repetition of the word *gratia* provides an association of ideas with the preceding discussion. After introducing the topic, the orator first argues for the very existence of divine power (83.3-84.2) before returning to the claim that it was this which prompted Clodius to attack Milo in order to bring about his death (84.3). The focus then narrows to the appropriateness of the location of Clodius’ death (85.2-86.1), after which the argument about divine intervention is applied to the behaviour of the *Clodiani* after their leader’s death (86.2-3).

The case for identifying 83.2 as an important topic-shift would be less strong if divine intervention were not discussed at some length; the identification is therefore to some extent retrospective, not relying solely on the markers present in 83.2 itself. The importance of the transition when it happens is perhaps increased by the anticipation of the divine intervention argument at the end of the *exordium* (6.2), if this is seen as drawing the audience's attention to the extent that they might be waiting for the topic to reappear. A paragraph-break could have been placed after 85.1 instead of before it, turning it into a summary of the previous sentence rather than an introduction to the theme of place. It would also have been possible to break before the reference to Clodius' followers at 86.2; keeping 85-86 together emphasizes the unity of the approach rather than the slight shift in focus. Divine intervention continues to be mentioned after 86.3, making that too a debateable transition-point.

The discussion opens with a strong argumentative stance – for the very existence of the gods, on the basis of which their involvement in Clodius' death is assumed. This structure may be intended to give the (not particularly accurate) impression that the claim for divine intervention in Clodius' death depends on argument rather than on assertion. Thereafter much of the argument is implicit: 84.3 suggests both that the mechanism used by the gods was to drive Clodius mad (this theme is more explicit in 86.2 and 88.3), and that bringing about his death by having him attack Milo is ironically appropriate. The appropriateness theme is then developed in relation to the place where he died, allowing reference to Clodius' apparent acts of sacrilege, and constituting a link with the Self-Defence Argument (53.1-2). This sequence culminates in an emphasis on the proximity of the shrine of the Bona Dea (86.1), which answers the opposition emphasis on the *uia Appia* (17.3-18.3) and could have had a powerful emotional impact; it may even appear to the superstitious to provide actual proof of divine intervention.

Word-group	Frequency	Occurrences
<i>deus/dea/diuinus</i> *	1.4%	6 (3/2/1)
<i>uis</i>	1.2%	5
<i>mens/amentia</i>	1.0%	4
<i>mors/immortalis</i> *	1.0%	4 (2/2)
<i>poena/punire/impunitas</i>	1.0%	4 (2/1/1)
<i>uidere</i>	1.0%	4
		(421 words)

83.2 depends on content and not on formal markers to signal a new topic; the sentence does contain two words from the frequent groups in the table, in the single phrase *di immortales*. The relatively short stretch of text from 83.2 to 86.3 is of fairly low repetitiousness – the six word-groups in the table make up 6.8% of the argument – and like the *prosopepoia* it has no 'colourless' words reaching a frequency of 1.0% or more. 6.8% is comparable with the third preliminary argument and the *narratio* if only 'interesting' words are counted in these two, with the violence argument and the second half of the *peroratio* if the 'colourless' words are also counted in *them*. The words in this table, however, are more informative about the topic than the 'frequent' words in the violence argument (*Milo*, *iudex*, *facere*, *omnis*, and *posse*). The most frequently occurring group is *deus/dea/diuinus*; *uis* is usually divine power, although it is violence in 84.3; *mens* and *amentia* are usually used in connection to the gods' driving Clodius (and his followers) insane; the relevance of Clodius'

being punished (*poena*) is obvious. There may be some doubt over whether the two references to the death of Clodius (*mors*) and the two descriptions of the gods as *immortales* constitute a valid word-group.

The political theme is at a fairly low ebb in this passage: there are two occurrences of *populus Romanus* (83.2, 85.3) and one of *urbs* (84.3); unsurprisingly, these have a patriotic and/or pious tone. The judicial/legal theme is also not particularly frequent: apart from two vocatives, there is one occurrence each of *ius* (85.2), *iustus* (85.3), *iudicium* (96.1), and *fas* (86.3).

1st sing.	1.4%
1st plur.	2.6%
2nd sing.	1.0%
2nd plur.	3.3%

The speaker is Cicero throughout; the addressee is mostly the *iudices*, but the high frequency of second-person plurals, and all of the second-person singulars, are due to direct addresses to divinities in 85.3. This concentration of references to a different addressee has a disproportionate impact on the figures, but this is not to say that the concentration itself is not striking. In fact, first-person singulars and second-person plurals drop slightly; first-person plurals, on the other hand, continue to rise, and continue the strong universalizing trend.

Syntactically, the passage contains more complex sentences than either the preceding or the following passage; this may reflect a particular type of emotion.

83.2. Sed huius benefici gratiam, iudices,
 fortuna populi Romani
 et uestra felicitas
 et di immortales
 sibi deberi
 putant.

principal clauses – 1

subordinate clauses – 1: acc.-inf. (*huius benefici gratiam ... deberi*)

opening clause – accusative-infinitive (sentence-conjunction: *sed*)

83.2 suddenly introduces a new, unprepared-for topic (partially linked by the theme of *gratia*), by asserting that the gods should be thanked for the removal of the threat posed by Clodius, which is described as a *beneficium*. A principal clause asserting that the gods themselves think this is interlaced with an accusative-infinitive construction expressing the substance of their thought.

83.3. Nec uero quisquam aliter arbitrari potest,
 nisi qui
 nullam uim esse
 ducit
 numenque diuinum,
 quem neque imperi nostri magnitudo, nec sol ille, nec caeli signorumque motus,

nec uicissitudines rerum atque ordines mouent,
 neque,
 id quod maximum est,
 maiorum nostrorum sapientia,
 qui sacra, qui caerimonias, qui auspicia et ipsi sanctissime coluerunt
 et nobis suis posteris prodiderunt.

principal clauses – 1

subordinate clauses – 6: *nisi qui*, acc.-inf. (*nullam uim ... diuinum*), *quem* [*neque/nec* x5, 1 verb], *quod*, *qui et ... et* [*qui* x3, 2 verbs]

opening clause – principal clause

levels of subordination – 2 (*nullam uim esse ... numenque diuinum; quod maximum est; qui sacra ... et ipsi sanctissime coluerunt et nobis suis posteris prodiderunt*)

83.3 makes an even stronger assertion for the role of divine intervention in recent events, claiming that only an atheist could deny it. The opening principal clause asserts that nobody can think otherwise (*cf.* ‘who does not know?’/‘who thinks?’); a relative clause (*qui*) introduced by *nisi* suggests an unlikely exception. Atheism is expressed first as thinking that no divine power exists (*ducit* + interlaced accusative-infinitive), then, in an additional relative clause (*quem*), as being unmoved by various signs (*neque ... nec ... nec ... nec ... neque ...*), ranging from the power of Rome through the celestial bodies to the wisdom of the *maiores*; the last item is accompanied by two relative clauses, the first commenting generally (*id quod*), the second giving information about the *maiores* (*qui* x3).

imperii nostri ... maiorum nostrorum: the first-person plurals in this sentence embrace the whole Roman people; those in the sentences which follow potentially embrace the entire human race.

84.1. Est, est illa uis profecto,
 neque in his corporibus, atque in hac imbecillitate nostra, inest quiddam
 quod uigeat et sentiat,
 non inest in hoc tanto naturae tamque praeclaro motu.

principal clauses – 3, in 3 units (*neque*, asyndeton)

subordinate clauses – 0/1/0: *quod* [2 verbs]

opening clause – principal clause; principal clause; principal clause

84.1 responds to the atheist imagined in the preceding sentence, making the general argument that if the weak body of man has divine rationality, the magnificent mechanism of the cosmos must also. The opening geminated *est* makes a strong assertion; it is supported by two further units introduced by *neque*, contrasting the existence of life and consciousness in man (*quiddam quod uigeat et sentiat*), with the possibility of its non-existence in the universe.

- 84.2.** Nisi forte idcirco non putant
 quia non apparet nec cernitur?
 proinde quasi nostram ipsam mentem,
 qua sapimus,
 qua prouidemus,
 qua haec ipsa agimus ac dicimus,
 uidere ac plane
 qualis aut ubi sit
 sentire possimus!

principal clauses – 1

subordinate clauses – 6: *quia* [2 verbs], *quasi, qua, qua, qua* [2 verbs], indir. qu. [*qualis aut ubi*, 1 verb]

opening clause – principal clause

levels of subordination – 1

84.2 continues pursuing the general issue of whether the gods exist by setting up and responding to an atheistic argument, that what cannot be seen does not exist, pointing again to the mind of man as a counter-example. *Nisi* introduces another unlikely exception in the form of a reason for not believing in the gods (*non putat* followed by a causal clause, *quia*). As at 17.3 and 19.4, it is followed by a comparative *quasi*-clause providing a reason for rejecting this reason.

- 84.3.** Ea uis igitur ipsa,
 quae saepe incredibilis huic urbi felicitates atque opes attulit,
 illam perniciem exstinxit ac sustulit,
 cui primum mentem iniecit
 ut ui iritare ferroque lacessere fortissimum uirum auderet,
 uincereturque ab eo,
 quem si uicisset
 habiturus esset impunitatem et licentiam sempiternam.

principal clauses – 1 [2 verbs]

subordinate clauses – 6: *quae, cui, ut ... -que, quem, si*

opening clause – principal clause

levels of subordination – 4 (*si uicisset*)

84.3 applies the general argument to the death of Clodius, assimilating it with other occasions when the gods have favoured Rome, and describing them as inciting Clodius to carry out the action (ambushing Milo) that would inevitably lead to his death; there is an implication that the ironic appropriateness of the method of death demonstrates the divine hand. The principal clause expressing the divine power's extinction of Clodius is interrupted by a relative clause (*quae*) claiming that that power has brought many great benefits to Rome. The sense is complete, but the mechanism used is added in another relative clause (*cui* = Clodius): the divinity gave him an idea. The *ut*-clause which follows has two parts (*ut ... auderet, uincereturque ...*); the first could be taken as a noun-clause expressing the idea put in Clodius' mind, but the second does not make sense as something Clodius thinks; it

must express the divinity's purpose (final clause). The sentence could also end here, but a conditional-relative clause-complex (*quem si*) is added; this returns to the idea put into Clodius' mind, as it expresses his motive.

quem si uicisset: the accusative case of *quem* is due to its position in the conditional clause rather than the superordinate clause, and in such cases it is common to treat the relative as connecting and the superordinate as a new unit (e.g., 15.4, 20.2, 38.2, 58.4); here, however, the close proximity of the antecedent *eo* and the explanatory function of the relative clause-complex would make separating the latter out in this way very awkward. If the current punctuation is accepted, the conditional protasis is at a very high level of subordination (4), and this sentence involves some mind-reading, of both the gods and Clodius; cf. 70.1, 71.1. Perhaps more interesting, however, is the parallel with the connecting relative, *in quos ... cum incidisset* in 56.3, also generally punctuated as subordinate rather than a new sentence. To some extent, the two sentences share a context: both describe the actions of Clodius himself which led to his death, although in 56.3 the actual event is narrated, while here the counterfactual conditional describes Clodius' unrealistic hopes. In both places Clodius' foolishness is a key element.

85.1. Non est humano consilio,
ne mediocri quidem, iudices, deorum immortalium cura res illa perfecta.

principal clauses – 1
subordinate clauses – 0

85.1 argues that the nature of the event demonstrates more than human planning by asserting that even for the gods careful planning was required. In contrast to the two preceding sentences, this is a simple, stark assertion.

85.2. Regiones me hercule ipsae,
quae
illam beluam cadere
uiderunt,
commosse se uidentur
et ius in illo suum retinuisse.

principal clauses – 1
subordinate clauses – 2: *quae*, acc.-inf. (*illam beluam cadere*)
nominative-infinitive – 1: *commosse se*
opening clause – principal clause
levels of subordination – 2 (*illam beluam cadere*)

85.2 narrows focus to the appropriateness of the place where Clodius was killed, claiming that the surroundings themselves, as divine entities, were exacting vengeance upon him. The sentence is compact in its complexity: the surrounding places are described in an embedded relative clause (*quae*) containing a further embedded accusative-infinitive expressing what they witnessed – Clodius' death.

85.3. Vos enim iam, Albani tumuli atque luci,
 uos,
 inquam,
 imploro atque testor,
 uosque, Albanorum obrutae arae, sacrorum populi Romani sociae et aequales!
 quas ille praeceps amentia,
 caesis prostratisque sanctissimis lucis,
 substructionum insanis molibus oppresserat –
 uestrae tum religiones uiguerunt,
 uestra uis ualuit,
 quam ille omni scelere polluerat;
 tuque ex tuo edito monte Latiari, sancte Iuppiter!
 cuius ille lacus nemora finisque saepe omni nefario stupro et scelere macularat,
 aliquando ad eum puniendum oculos aperuisti;
 uobis illae, uobis uestro in conspectu serae,
 sed iustae tamen et debitae poenae solutae sunt.

principal clauses – 5, in 5 units (asyndeton) (2 verbs in the second)

subordinate clauses – 2/0/1/1/0: *quas*, abl. abs. (*caesis ... lucis* [2 verbs]), *quam*, *cuius*

parentheses – 1 (*inquam*)

opening clause – principal clause

levels of subordination – 2 (*caesis prostratisque sanctissimis lucis*)

85.3 develops the argument about appropriateness of place by invoking a series of divinities connected with the place where Clodius was killed – the sacred places of Alba and Jupiter of *mons Latiaris*, all of whom had been defiled by Clodius' actions – and repeats the claim that his death was an act of divine vengeance. This long sentence alone is largely responsible for the (apparent) high frequencies of second-person references, both singular and plural, in this passage; note that it also includes, at the start, a strong first-person reference: *uos, inquam, imploro atque testor*, which, along with the frequent invocation of the deities in question (*uos ... uos ... uosque ... etc.*), contributes to the emotional tone of the sentence. First, the orator explicitly calls upon (*imploro atque testor*) the Alban places (*uos enim iam ... uos, inquam, ... uosque*), subsequently giving their reason for wishing to punish Clodius in a relative clause (*quas*, with embedded ablative absolute); a second unit then asserts their role in Clodius' death, immediately followed by another making the same claim (and another, equally repetitive, relative clause, *quam*). The next principal clause asserts the involvement of Jupiter Latiaris (*tuque*); an embedded relative clause (*cuius*) again gives the reason for this involvement. Finally the orator again addresses plural divinities (*uobis illae, uobis ...*), not explicitly identified; the Alban divinities and Jupiter may be embraced in this second-person plural. The plural-singular-plural sequence need not have been treated as a single sentence; the punctuation used here emphasizes the overall unity of its elements.

inquam, imploro atque testor: *inquam* is Cicero-as-speaker; whether the religious terms *imploro* and *testor* evoke Cicero-as-statesman might be debated.

but he may have been taking his information from here. *Cf.* note on *ante fundum eius* in 29.1.

in fundo T. Serti Galli: if Cicero's account is accurate, the estates of Clodius and Sertius must have bordered on one another, and the shrine of the Bona Dea must have been located near the boundary.

quo ... obiret: the death is brought about by the wound; the ablative is almost causal (*cf. morte* 34.9, 102.2, and W.45).

86.2. Nec uero non eadem ira deorum hanc eius satellitibus iniecit amentiam
 ut sine imaginibus, sine cantu atque ludis, sine exsequiis, sine lamentis,
 sine laudationibus, sine funere, oblitus cruore et luto,
 spoliatus illius supremi diei celebritate
 cui cedere inimici etiam solent
 ambureretur abiectus.

principal clauses – 1

subordinate clauses – 2: *ut, cui*

opening clause – principal clause

levels of subordination – 2 (*cui cedere inimici etiam solent*)

86.2 shifts the focus of the divine intervention argument to the cremation of Clodius' corpse, claiming that the gods drove his followers mad in order to deprive him of the usual honours attending a funeral. An opening double negative makes this perhaps surprising claim a strong assertion; once again the divine power (here, the divine anger) puts ideas into heads; for the *ut*-clause, *cf.* 84.3n. The honours Clodius did not receive are dwelt on at length, in a remarkable anaphoric sequence of prepositional phrases (*sine* x6) and two participial phrases, the latter expanded by a relative clause (*cui*).

86.3. Non fuisse,
 credo,
 fas
 clarissimorum uirorum formas
 illi taeterrimo parricidae aliquid decoris adferre,
 neque ullo in loco potius mortem eius lacerari quam
 in quo esset uita damnata.

principal clauses – 1

subordinate clauses – 4: acc.-inf. x3 (*non fuisse ... fas; clarissimorum ... adferre; neque ... lacerari*), *in quo*

opening clause – accusative-infinitive

levels of subordination – 2 (*clarissimorum uirorum formas ... aliquid decoris adferre; in quo esset uita damnata*)

86.3 develops the claim made in the preceding sentence by asserting that the usual funeral honours would have been inappropriate to such a man, and focuses again on appropriateness of place by pointing out that the scene of the defilement of his body was the place where he

had been condemned in life. The bulk of the sentence consists of two coordinate accusative-infinitive constructions, dependent on *credo*, which is placed in a similar position to its more frequent use as a parenthesis within a direct statement – embedded in the opening assertion; cf. 36.4, 88.5. The second accusative-infinitive contains a comparison between *ullo in loco* and a relative clause describing the senate house, *in quo*.

credo: this identity-neutral first-person verb is often inserted as a parenthesis into principal clauses (as an irony-marker at 36.4 and 88.4, but not at 22.2); here it interrupts an accusative-infinitive construction which is dependent upon it.

87-91: Recapitulation

Although the focus initially remains on the *fortuna populi Romani*, the topic shifts from the benefit granted to the city by the divinity, achieved through Clodius' death, to the negative effects of the divinity's allowing Clodius to rampage unchecked for so long (87.1). This echo of earlier complaints about Clodius' behaviour opens a series of recapitulations of elements from all earlier divisions of the Public-Good Argument: another catalogue of Clodius' crimes echoes the *prosopopoiia* (87.2); the future which has been averted by his death is revisited (87.3, 88.4-90.1); the divine intervention argument is repeated (88.3, 89.3); the bad behaviour of the *Clodiani* after their leader's death is developed (90.1-91.4). The argument ends with praise of the pro-Milonian tribune, M. Caelius (91.4).

This repetition may contribute to an impression that the Public-Good Argument is being wrapped up. There are also echoes of the Self-Defence Argument – though these began in the discussion of divine intervention, with its focus on the skirmish itself (84.3) and particularly its location (85.2-86.1, cf. 83.2-86n.), and its description of Clodius' cremation (86.2, cf. 33.4-6). There is another strong echo of the argument about motive at 89.2 (cf. esp. 32.4); since motive is the first topic of the Self-Defence Argument, this could be read as ring composition linking together the beginning and end of the *tractatio* as a whole – although this point is not in fact the last to be made in the Public-Good Argument.

The paragraph-break printed highlights the repeated use of the striking claim for divine intervention; since this is both preceded and followed by discussions of the claim that nobody but Milo could restrain Clodius (albeit referring to different time-frames, one real and one imagined), it could be argued that no break should be printed at all. It is difficult to identify another break in the sequence of points, which more than ever follow one another as if prompted by association of ideas.

Word-group	Frequency	Occurrences
<i>populus/publicus</i> *	1.9%	9 (3/6)
? <i>posse/potentia/potissimum</i>	1.7%	8 (6/1/1)
<i>consul/consulatus/consultaus</i>	1.3%	6 (4/1/1)
<i>mortuus/immortalis</i>	1.3%	6 (4/2)
<i>curia</i>	1.1%	5
? <i>res</i> *	1.1%	5
<i>uiuus</i>	1.1%	5

(472 words)

There is no need to argue that 87.1 is a striking topic-sentence, but it does refer to both *populus Romanus* and *rem publicam*, and the political theme is about to become important again. There are five occurrences of *res publica* in the passage, two to *populus Romanus* and one more to *populus* alone, one more of *publicus*, one of *ciuitas*, and one of *urbs*; the frequency of *consul(atu)s/ar(is)* and *curia* also indicate politics rather than just religion. Despite the difficulty of choosing a break-point here, there does seem to be a shift in vocabulary after this point. The passage is of middling to low repetitiousness overall, with seven frequent word-groups (five ‘interesting’) making up 9.3% of the argument (6.6% ‘interesting’); if the ‘colourless’ words are omitted the passage is comparable to what has here been labelled the divine intervention argument; if they are included, the passage is the most repetitious of those into which the Public-Good Argument has been sub-divided (although this does not hold true if 76.1-83.1 is further subdivided, as discussed in the note on that passage). The echoing of *publicus/populus* from 76.1-83.1 and perhaps of *mors/immortalis* from the divine intervention argument may support my characterization of this passage as a recapitulation; the theme of death and its opposite is further reinforced, in this passage, by the frequency of *uiuus* (comparisons of Clodius alive and dead at 90.1-4). There is one occurrence of *iudex*, one of *ius*, and three of *lex*; these last refer to Clodius’ proposed laws, and self-reflexivity is expressed by other means than vocabulary in this passage.

1st sing.	1.5%
1st plur.	2.6%
2nd sing.	none
2nd plur.	1.7%

The speaker remains Cicero, the addressee the *iudices* or perhaps all Romans. Personal references drop, with a cluster of first-person singulars at the beginning of the passage, and a cluster of second-person plurals at the end. The few first-person plurals continue to be universalizing (87.3, 89.3, 90.2).

Complex sentences are relatively few, and there is a remarkable sequence of units with no subordination at all in the list of Clodius’ crimes.

87.1. Dura, me dius fidius! mihi iam fortuna populi Romani et crudelis uidebatur,
 quae tot annos
 illum in hanc rem publicam insultare
 pateretur.

principal clauses – 1

subordinate clauses – 2: *quae*, acc.-inf. (*illum ... insultare*)

opening clause – principal clause

87.1 introduces a new aspect of the divine power, suggesting that it has in fact been cruel in allowing Clodius to harass the state for so long. The opening principal clause asserting the cruelty is interrupted by an emotional exclamation, *me dius fidius*; the subsequent relative clause (*quae* + embedded accusative-infinitive) explains the words chosen to describe *fortuna*.

me dius fidius: the first-person pronoun in this exclamatory phrase is identity-neutral; the one which follows (*mihi ... uidebatur*) is more specific to Cicero, in that it expresses an opinion which he holds. In the following sentence there is another slight shift, as specific events from his past are evoked (*me ... meam ... mei*). The alternation between speaker and statesman continues in 88.1-4.

87.2. Polluerat stupro sanctissimas religiones,
 senatus grauissima decreta perfregerat,
 pecunia se a iudicibus palam redemerat,
 uexarat in tribunatu senatum,
 omnium ordinum consensu pro salute rei publicae gesta resciderat,
 me patria expulerat,
 bona diripuerat,
 domum incenderat,
 liberos coniugem meam uexarat,
 Cn. Pompeio nefarium bellum indixerat,
 magistratum priuatorumque caedis effecerat,
 domum mei fratris incenderat,
 uastarat Etruriam,
 multos sedibus ac fortunis eiecerat,
 instabat,
 urgebat.

principal clauses – 16, in 16 units (asyndeton x15)

subordinate clauses – 0

87.2 expands the reference to Clodius' harassing the state by listing once again his wicked deeds, in a remarkable sequence of coordinate principal clauses in asyndeton.

87.3. Capere eius amentiam ciuitas, Italia, prouinciae, regna non poterant;
 incidebantur iam domi leges
 quae nos seruis nostris addicerent;
 nihil erat cuiusquam,
 quod quidem ille adamasset,
 quod non
 hoc anno suum fore
 putaret.

principal clauses – 3, in 3 units (asyndeton)

subordinate clauses – 0/1/3: *quae, quod, quod*, acc.-inf. (*hoc ...fore*)

opening clause – principal clause

levels of subordination – 2 (*hoc anno suum fore*)

87.3 asserts that the state could not restrain Clodius in the past (as evidenced by the deeds listed in the preceding sentence), returning to the question of what would have happened if he had lived and gained the praetorship, including his planned laws (*cf.* 76.1-3, *etc.*). The sentence as punctuated here contains three asyndetic units with increasing amounts of

subordination (none; a relative clause (*quae*); two relative clauses (*quod* x2) and an accusative-infinitive). The first refers to the past, the second and third to Clodius' intentions – technically in the past, but significant for the (hypothetical) future.

nos seruis nostris: the first-person plural universalizes this particular threat posed by Clodius. It recurs in the same context of this law at 89.3; contrast the less personalised reference at 76.3.

88.1. *Obstabat eius cogitationibus nemo praeter Milonem.*

principal clauses – 1

subordinate clauses – 0

88.1 maintains the focus on the difficulty of restraining Clodius in the past, claiming that the only possible restraint was Milo in a simple sentence; explanation is perhaps expected.

88.2. *Illum ipsum
 qui poterat obstare
 nouo reditu in gratiam sibi deuinctum
arbitrabatur;
 Caesaris potentiam suam esse
dicebat;
bonorum animos in meo casu contempserat;
Milo unus urgebat.*

principal clauses – 4, in 4 units (asyndeton)

subordinate clauses – 2/1/0/0: acc.-inf. (*illum ipsum ... deuinctum*), *qui*, acc.-inf. (*Caesaris ... esse*)

opening clause – acc.-inf.

levels of subordination – 2 (*qui poterat obstare*)

88.2 reinforces the claim made in the preceding sentence by listing failed alternative restraints and reiterating the claim that Milo alone had any effect on Clodius. Four separate units, decreasing in length and in amount of subordination, have here been punctuated as a single sentence: the first three express Clodius' attitude to Pompeius, Caesar, and the *boni*, reinforcing the claim made in the first unit of 87.3; the last repeats the claim made in 88.1.

88.3. *Hic di immortales,
 ut supra dixi,
mentem illi perdito ac furioso dederunt
 ut huic faceret insidias.*

principal clauses – 1

subordinate clauses – 2: *ut, ut*

opening clause – principal clause

levels of subordination – 1

88.3 spells out the claim, hinted at in 84.3, that the gods must have sent Clodius mad in order to make him attack Milo. An interrupting comparative clause (*ut* + indicative) draws

89.1 adds another possible restraint on Clodius, the consuls, in a straightforward alternative question (*an*).

89.2. Primum Milone occiso
 habuisset suos consules;
 deinde quis in eo praetore consul fortis esset
 per quem tribunum
 uirtutem consularem crudelissime uexatam esse
 meminisset?

principal clauses – 2, in 2 units (*deinde*)

subordinate clauses – 1/2: abl. abs. (*Milone occiso*), *per quem*, acc.-inf. (*uirtutem ... esse*)

opening clauses – ablative absolute (sentence-adverb, *primum*); principal clause

levels of subordination – 2 (*uirtutem consularem crudelissime uexatam esse*)

89.2 suggests that the consuls could have restrained Clodius, arguing both that with Milo dead Clodius would have consuls of his own choosing, and that no other consul could have restrained him anyway. The first point (*primum*) is expressed as a statement, the second (*deinde*) as a question (*quis*), each with further subordination.

uirtutem consularem: here Cicero is certainly making a positive comment about himself in the third person; *cf.* 73.3.

89.3. Oppressisset omnia, possideret, teneret;
 lege noua,
 quae est inuenta apud eum cum reliquis legibus Clodianis,
 seruos nostros libertos suos effecisset;
 postremo, nisi eum di immortales in eam mentem impulissent,
 ut homo effeminatus fortissimum uirum conaretur occidere,
 hodie rem publicam nullam haberetis.

principal clauses – 3, in 3 units (asyndeton, *postremo*) [3 verbs in first]

subordinate clauses – 0/1/2 (*quae, nisi, ut*)

opening clause – principal clause; principal clause; conditional clause (sentence-adverb, *postremo*)

levels of subordination – 2 (*ut homo effeminatus fortissimum uirum conaretur occidere*)

89.3 maintains the focus on what would have happened if Clodius had killed Milo and acquired the praetorship, listing the crimes he would have carried out and concluding with the claim that only the gods could have saved the state. The list refers first to Clodius' rapaciousness (three verbs + *omnia*), then, in units with increasing amounts of subordination, to one of his new laws and to the end result.

rem publicam nullam haberetis: here it is the audience that is associated with the *res publica*, as in 78.1 (which, however, was followed by a second-person plural in 78.2, uniting speaker and audience in the enjoyment of the fruits of recent events). Here the first-person plural will recur in 90.2, in connection with grief over the burning of the *curia*.

- 90.1.** An ille praetor, ille uero consul,
 si modo haec templa atque ipsa moenia stare
 eo uiuo
 tam diu, et consulatum eius exspectare potuissent,
 ille denique uiuus mali nihil fecisset,
 cui mortuo unus ex suis satellitibus curiam incenderit?

principal clauses – 1

subordinate clauses – 3: *si*, abl. abs. (*eo uiuo*), *cui*

participles – 1: *mortuo*

opening clause – principal clause

levels of subordination – 2 (*eo uiuo*)

90.1 supports the final claim made in the preceding sentence and reintroduces the theme of the burning of the *curia* by arguing that nothing could have survived the acquisition of *imperium* by a man who had such a destructive effect even when dead. The rhetorical question (*an*) asserts that Clodius would have done much evil; an embedded conditional protasis (*si modo*) implies that the city would not survive long enough for him to become consul. A following relative clause (*cui*) provides an argument *a minore*.

- 90.2.** Quo quid miserius, quid acerbius, quid luctuosius uidimus?
 templum sanctitatis, amplitudinis, mentis, consili publici,
 caput urbis, aram sociorum,
 portum omnium gentium, sedem ab uniuerso populo concessam uni ordini,
 inflammari, excindi, funestari;
 neque id fieri a multitudine imperita,
 quamquam esset miserum id ipsum,
 sed ab uno!

principal clauses – 1

subordinate clauses – 2: acc.-inf. x2 (*templum ... funestari* [3 verbs]; *neque id fieri a multitudine imperita ... sed ab uno*), *quamquam*

opening clause – principal clause (connecting relative: *quo*)

levels of subordination – 2 (*quamquam esset miserum id ipsum*)

90.2 expands on the reference to the burning of the *curia* in the preceding sentence with an extended lamentation, ending with an emphasis on a single man's responsibility for the terrible deed. The lamentation takes the form of a question of the 'what is more X than Y?'-type; Y is expressed in the opening *quo*, which is both a connecting relative, referring to the deed specified at the end of 90.1, and an introducing pronoun, given fuller expression in two subsequent accusative-infinitive constructions. The first is lengthened by asyndetic lists, the second by an embedded concessive clause (*quamquam*).

- 90.3.** Qui cum tantum ausus sit ustor pro mortuo,
 quid signifer pro uiuo non esset ausurus?

principal clauses – 1

subordinate clauses – 1: *cum*

opening clause – temporal clause (connecting relative, *qui*)

90.3 returns to the theme of the future averted by Clodius' death by contrasting what this man did for Clodius dead with what he might have done for him alive. The opening temporal-causal clause (*cum*) refers to what Cloelius did; the principal clause is a question asking what he would have done (*quid*).

90.4. In curiam potissimum abiecit,
ut eam mortuus incenderet
quam uiuus euerterat.

principal clauses – 1

subordinate clauses – 2: *ut, quam*

participles – 1: *mortuus*

opening clause – principal clause

levels of subordination – 2 (*quam uiuus euerterat*)

90.4 reasserts the appropriateness of the place of Clodius' cremation claimed at 86.3, this time from the point of view of the *Clodiani*: the burning of the *curia* continued the destructive work of Clodius' life. The principal clause identifying the action is followed by a final clause-complex of correlative structure (*ut eam ... quam*), claiming to identify the purpose behind it.

91.1. Et sunt
qui de uia Appia querantur,
taceant de curia,
et qui
ab eo spirante forum
putent
potuisse defendi,
cuius non restiterit cadaueri curia!

principal clauses – 1

subordinate clauses – 5: *qui* [2 clauses in asyndeton] ... *et qui*, acc.-inf. (*ab eo spirante forum ... potuisse defendi*), *cuius*

participles – 1: *spirante*

opening clause – principal clause

levels of subordination – 3 (*cuius non restiterit cadaueri curia*)

91.1 attacks the opposition by contrasting their laments about the *uia Appia* with their silence on the destruction of the *curia*, then reiterates elements of the recent argument: the contrast between Clodius alive and Clodius dead, and the claim that he would have destroyed the state. The brief principal clause implies surprise at the existence of men who can talk and think in this way, described in two relative clauses (*qui, et qui*), each containing an antithesis: the first between two actions expressed in asyndeton, the second between Clodius alive (in an interlaced accusative-infinitive) and Clodius dead (in a following correlative clause, *eo ... cuius*).

- 91.2. Excitate, excitate ipsum,
 si potestis,
 a mortuis:
 frangetis impetum uiui
 cuius uix sustinetis furias insepulti?

principal clauses – 2, in 2 units (asyndeton) [geminated verb]

subordinate clauses – 1/1 (*si, cuius*)

opening clause – principal clause; principal clause

91.2 maintains the focus on the contrast between Clodius dead and Clodius alive by returning to the possibility of resurrecting him (79.1), and claiming that nobody could cope with a living Clodius. An instruction to the *iudices*/audience (with embedded conditional protasis, *si*, acknowledging the impossibility of the instruction) is contrasted with a question about the result (with following correlative clause, *cuius*). The implied answer is ‘no’.

excitate, excitate: the geminated imperative launches a sustained sequence of second-person plural verbs towards the end of the Public-Good Argument, in a context which echoes the last concentration of imperatives at 79.1. (*attendite ... fingite ... fingite*).

- 91.3. Nisi uero sustinuistis eos
 qui cum facibus ad curiam concurrerunt,
 cum fascibus ad Castoris,
 cum gladiis toto foro uolitauerunt?

principal clauses – 1

subordinate clauses – 2: *qui* [2 clauses in asyndeton]

opening clause – principal clause

levels of subordination – 1

91.3 supports the preceding claim by enhancing the picture of the terrible effects Clodius has even when dead, giving details of the actions of the *Clodiani* at the time of and after the cremation. *Nisi* introduces an implausible exception to the implied answer to 91.2: the audience might be thought capable of controlling a living Clodius if they had coped with the actions of the *Clodiani* after his death, described in a following relative clause (*qui*).

- 91.4. Caedi
 uidistis
 populum Romanum,
 contionem gladiis disturbari,
 cum audiretur silentio M. Caelius, tribunus plebis,
 uir et in re publica fortissimus, in suscepta causa firmissimus,
 et bonorum uoluntati, auctoritati senatus deditus,
 et, in hac Milonis siue inuidia siue fortuna, singulari, diuina, incredibili fide.

principal clauses – 1

subordinate clauses – 3: acc.-inf. x2 (*caedi ... populum Romanum; contionem gladiis disturbari*), *cum*

opening clause – accusative-infinitive

levels of subordination – 2 (*cum audiretur silentio M. Caelius ...*)

91.4 provides a climax to the description of chaos caused by the *Clodiani* by referring to the death of Roman citizens at a peaceful *contio* addressed by Milo's supporter, Caelius, who is praised at length. The sentence opens with an accusative-infinitive construction describing what happened; the one-word principal clause, *uidistis* – which claims the audience as witnesses – is embedded within it. A second accusative-infinitive and a temporal clause (*cum*) add more details; the temporal clause is considerably lengthened by positive descriptions of Caelius.

92-105: *Peroratio*

The orator returns to clear and explicit signalling to mark the final end of the *tractatio* and the start of the *peroratio*, a fact which to some extent conceals the fact that a number of elements typical of a *peroratio* have already been present in the Public-Good Argument. The *peroratio* is relatively long, developing to the greatest possible extent the paths inherent in the possibility that Milo may be exiled – and for a deed which has in fact saved his homeland from ruin. As the emotional level increases, the markers of the progress of the argument disappear; a substantial shift is distinguishable at 99.1 between a focus on Milo's fortitude and a focus on Cicero's despair, but Milo's fortitude nevertheless recurs at 101.1-2.

The defence of Milo's refusal to beg for mercy has sometimes been read as evidence that Cicero was embarrassed by his client's stance, but it is equally possible to read the *peroratio* as milking to the utmost the difference between Milo's stiff upper lip and Cicero's emotional collapse. The personal tone is to the fore: there are more first-person singular references than ever before (some of them spoken by Milo), and more second-person plural references in 99-105 than have been seen since the *exordium*; there are also a substantial number of second-person singular references, especially in 92-98 where Milo and Cicero address one another. The extent of Cicero's despair at the thought of losing his friend is eventually shown in a prayer that Clodius be brought back to life, rather than that Milo be condemned (103.6); this apparent overturning of everything that has gone before is effectively a request to the gods to undo their own handiwork (83.1ff.). It probably implies that such a ridiculous request should not be necessary to save Milo, and may just conceivably indicate that all of this pleading is strictly incompatible with earlier arguments, in much the same way that the counterfactual arguments of the Public-Good Argument are strictly incompatible with the Self-Defence Argument.

From one point of view the second half of the speech as a whole is a clearly marked sequence, from the most important argument of all (53.1) through the superfluous proof based on Milo's demeanour (61.1) and an even more superfluous counterfactual argument (72.2) to the closing *peroratio* (92.1). From another point of view it can be described as a gradual *crescendo*; the two views are not incompatible.

The syntax in both halves of the *peroratio* is remarkably simple, with large numbers of short, choppy clauses and units, not all of them question-response sequences. The expression of emotion here is rather different from that in the divine intervention argument, for example, where units were expanded and developed; here the orator's thoughts come in shorter bursts, perhaps as if between sobs.

92-98: Milo's Fortitude

After an explicit announcement of the end of the *tractatio* (92.1), the *peroratio* opens with a focus on Milo's fortitude, with frequent shifts between the voice of the orator – who, unlike Milo, is apparently weeping (92.2, 95.1) – and the voice of his client. Milo's refusal to weep is defended (92.2-3), and his strength of character demonstrated by his willingness to go into exile if condemned (93.2-94.5, 95.2-98.5).

The paragraphing-decisions made here have largely been guided by the shifts between speakers, with breaks placed at the beginning and end of each *prosopopoiia* of Milo: the latter's recent remarks to Cicero are relayed in direct speech at 93.2-94.5 and 98.1-5. After Cicero's voice takes over from Milo's at 95.1, however, it immediately goes back to reporting Milo's supposed conversation, this time in indirect speech. Nevertheless there are some changes of focus in the different paragraphs printed here: 92.1-3 establish the situation; the direct speech at 93.1-94.5 reports Milo's more negative feelings; 95.1 denies that those feelings have led Milo to weep, and the subsequent indirect speech gradually builds up the positive aspects of the situation; finally, 98.1-5 return to direct speech to report Milo's fierce pride in his achievement and situation. This leads naturally into Cicero's expression of his own feelings about losing a friend who can express such sentiments, in what has here been treated as a second sub-division of the *peroratio*.

Argument continues to be presented, both explicitly and implicitly, although the subject-matter is no longer Milo's innocence. Here far more than in the Public-Good Argument itself, that innocence finally disappears from view; his descriptions of the aftermath of Clodius' death are compatible with both killing in self-defence and killing for the public good (93.4-5, 98.1-5). The counterfactual conditionals modifying the latter option have disappeared. Starting at 93.3-4, much of the emotive effect depends on the possibility that Milo is going to be condemned and exiled; implicitly, however, the ironic contrast between his having saved the state and his subsequently being condemned for just that is an argument for acquittal, as suggested at the end of the *exordium*; it is in the *peroratio* that the points implied in 6.2 come closest to actually being made.

Word-group	Frequency	Occurrences
? <i>facere/facinus</i>	1.4%	9 (8/1)
? <i>omnis</i>	1.4%	9
<i>ciuis/ciuitas</i>	1.1%	7 (6/1)
<i>populus/publicus</i>	1.1%	7 (3/4)
		(663 words)

92.1 indicates clearly that the argument is over (*satis multa*), summarizes it, if rather vaguely, as a whole (*de causa, extra causam*), and announces the *peroratio* (*quid restat nisi ut orem obtesterque uos ...*). It contains none of the frequently repeated words from the first half of the *peroratio*; it does contain words from two of the 'interesting' groups for the second half: *uir* and *iudex*. The absence of frequent words from the first half may be partially explained by the nature of the topic-sentence, which can be seen as describing/labelling the new topic rather than reflecting its lexis, and by the fact that this passage is either the least repetitious sub-division of the speech, or the second least

repetitious, with only four word-groups (two ‘interesting’) making up only 4.8% of the passage (2.1% ‘interesting’).¹ Of the two words which are frequent in the second half of the *peroratio* that appear in the topic-sentence, one only just fails to make it into the table for the first: *uir/uirtus*, with a frequency of 0.9% (4/2 occurrences); *iudex* occurs only three times in the first half, each time (including 92.1) as a vocative. It is also usually a vocative in the second half, and the occurrence here can perhaps be viewed as anticipating the increase in vocatives towards the end of the speech (*cf.* note on 99-105).

There are no other occurrences of *iudex-ius-lex-fas* in this passage. The frequency of *ciui(ta)s* and *publicus/populus* maintain the political focus: there are four occurrences of *res publica*, two of *populus Romanus*, one of *populus* alone; in addition there is one occurrence of *Romanus* alone, and one of *urbs*. The frequency of *omnis* may reflect universalizing tendencies which are entirely unsurprising as the speech moves towards its final plea for support for Milo. There is an interesting play on *facere/facinus* in 96.1.

1st sing.	5.7%
1st plur.	1.7%
2nd sing.	0.8%
2nd plur.	2.1%

First-person singular references reach unprecedented levels, being used when Milo is speaking as well as when Cicero is. In contrast to the great *prosopopoiia* of 72.3-75.3, it is always clear here whether the voice speaking and the sentiments expressed are Cicero’s or Milo’s: the first passage of direct speech is clearly introduced by a description of the conversational context in 93.1, and is often interrupted by *inquit* and the like (94.1, 94.3, 98.1, 98.5); the second is marked by an interrupting *inquit* after two words (98.1). The ends of both are also clearly signalled, by comments in the speaker’s own voice: the first is addressed to the *iudices* and refers to Milo in the third person (95.1), the second is addressed to Milo himself (99.1). The indirect speech between the two *prosopopoiiai* is also repeatedly resignalled by speech-words such as *negat*, *commemorat*, *dicit*, *etc.* Another difference with the great *prosopopoiia* is that here the communication-situations evoked are more clearly defined (the interruption at 94.3 reinforces 93.1, as does 99.1); the second-person singular in the *prosopopoiiai* is therefore Cicero himself.

92.1. Sed iam satis multa de causa,
 extra causam etiam nimis fortasse multa;
 quid restat nisi
 ut orem obtesterque uos, iudices,
 ut eam misericordiam tribuatis fortissimo uiro
 quam ipse non implorat,
 ego,
 etiam repugnante hoc,
 et imploro et exposco?

¹ The *prosopopoiia* has a repetitiousness of 4.5%, with no ‘colourless’ words, so if this category is left out of the calculation for the first half of the *peroratio*, the latter is less repetitious.

principal clauses – 3, in 3 units (asyndeton x2)

subordinate clauses – 0/0/5: *ut, ut, quam* [2 clauses in asyndeton], abl. abs. (*etiam repugnante hoc*)

opening clause – principal clause; principal clause; principal clause

levels of subordination – 4 (*etiam repugnante hoc*)

92.1 signals the end of the *tractatio* by explicitly stating that enough has been said, and introduces the *peroratio* by contrasting Milo's fortitude and Cicero's emotional pleading. The sentence communicates multiple contrasts: between what has been said (first unit, a simple, elliptical statement: *dixi* understood) and what remains to be said (second unit, a complex, repetitive question with multiple speech-verbs); between the two aspects of the argument so far (two objects of elided verb indicating how much has been said *de causa* and *extra causam*); and between the attitudes of Cicero and Milo to the pleading tone associated with defence *perorationes* (double relative clauses qualifying *misericiordiam* in the second of two *ut*-clauses). The first *ut*-clause, introduced by *nisi* = 'except', is the subject of *restat* (in addition to *quid*), the second is the object of *orem obtesterque* (in addition to *uos*).

orem obtesterque uos, iudices: the juxtaposition of first-person verbs with second-person pronoun and vocative symbolizes the purpose of the *peroratio*, the speaker's last chance to plead with his audience.

etiam repugnante hoc: this ablative absolute (4) modifies *imploro/exposco* (3) in the surrounding relative clause (3), which qualifies *misericiordiam* in the preceding indirect command (2), object of *orem obtesterque* in the preceding noun-clause (1), subject of *restat* (P). The use of an ablative absolute, complete with *etiam*, at this high level of subordination occurred in 70.1, while the position of the fourth-level clause, embedded in its superordinate at the end of the sentence, recalls 71.1; those two sentences fall immediately before the start of the Public-Good Argument *per se*, while the current sentence falls immediately after its end. The correspondence of precise details may be coincidental, but a tendency to mark transitional points with complexity of this kind is not implausible.

92.2. Nolite,

si in nostro omnium fletu nullam lacrimam aspexistis Milonis,

si uultum semper eundem,

si uocem,

si orationem stabilem ac non mutatam uidetis,

hoc minus ei parcere! –

haud scio

an multo etiam sit adiuuandus magis.

principal clauses – 2, in 2 units (asyndeton)

subordinate clauses – 2/1 *si, si* [*si* x3, 1 verb], indir. qu. (*an*)

opening clause – principal clause; principal clause

levels of subordination – 1

92.2 develops the theme of Milo's fortitude, urging the *iudices* to view his refusal to weep (the traditional behaviour for defendants) as in fact a merit. A negative command requests them directly to go easy on Milo; *nolite* and the imperative *parcere* are separated by a much

expanded double conditional protasis (*si* x4, four objects, two near-synonymous verbs, differentiated by tense). The second unit asserts more impersonally that Milo's stalwart countenance should in fact influence the *iudices* positively (*haud scio* + indirect question, *an*).

in nostro omnium fletu: here the first-person plural refers most obviously to the defence-team, although the picture of chaos and destruction evoked in the last few sentences of the Public-Good Argument might be aimed at producing a few tears in the audience more widely.

92.3. Etenim si, in gladiatoriiis pugnis
 et in infimi generis hominum condicione atque fortuna,
 timidos et supplices et
 ut uiuere liceat
 obsecrantis
 etiam odisse solemus,
 fortis et animosos et
 se acriter ipsos morti offerentis
 seruari
 cupimus,
 eorumque nos magis miseret
 qui nostram misericordiam non requirunt
 quam qui illam efflagitant,
 quanto hoc magis in fortissimis ciuibus facere debemus!

principal clauses – 1

subordinate clauses – 7: *si* [2 clauses in asyndeton] ... *-que, ut*, acc.-inf. (*fortis ... seruari*),
qui, qui

opening clause – conditional clause (sentence-particle: *etenim*)

levels of subordination – 2 (*ut uiuere liceat; fortis et animosos ... seruari; qui nostram misericordiam non requirunt; qui illam efflagitant*)

92.3 supports the claim that Milo's refusal to weep is meritorious by drawing a parallel with gladiatorial games, at which the audience despises the coward who begs for his life and prefers to preserve the brave man who is prepared to die; the conclusion is that this attitude should also apply to citizens. The construction is again conditional, and the complexity increases: the lengthy opening protasis (*etenim si*) contains three separate elements, all with further subordination. The cowardly gladiators in the first element are described as begging for life (*obsecrantis* + preceding noun-clause, *ut*); the audience's reaction is hatred (*odisse solemus*). The brave gladiators in the second element, which follows in asyndeton, are described as ready for death (*se ... morti offerentis*); the audience want them to survive (*cupimus* + preceding accusative-infinitive construction). The third element is added by *-que*; the two types of gladiator are described in two explicitly compared relative clauses (*magis ... qui ... quam qui*). The apodosis is here punctuated as an exclamation rather than a rhetorical question: it asserts that the same reactions should apply to men such as Milo, even more strongly (*magis* again).

obsecrantis ... offerentis: these participles have been categorized at Syntactic Index 2.2.3 as substantive, alongside *timidos et supplices* and *fortis et animosos*: ‘the fearful and the suppliant and those begging that they should be allowed to live ...’.

solemus: the first-person plurals in this sentence may be aimed at inculcating such an attitude in the *iudices*, but the suggestion is presumably that all (civilized) men feel this way.

93.1. Me quidem, iudices, exanimant et interimunt hae uoces Milonis
 quas audio adsidue
 et quibus intersum cotidie:

principal clauses – 1 [2 verbs]

subordinate clauses – 2: *quas, quibus*

opening clause – principal clause

levels of subordination – 1

93.1 maintains the focus on Milo’s fortitude with a claim that Cicero has been greatly moved by Milo’s speeches (in a way Milo is not); this introduces direct speech from Milo. The effect on Cicero is expressed in the opening principal clause; his regular exposure to Milo’s conversation in two relative clauses (*quas ... et quibus*). The ‘introducing’ phrase *hae uoces* is given fuller expression in the direct speech which follows, which is long enough to be treated here as sentences separate from its introduction.

93.2. ‘Valeant,’
 inquit,
 ‘ualeant ciues mei;
 sint incolumes,
 sint florentes,
 sint beati.

principal clauses – 4, in 4 units (asyndeton) [geminated verb]

subordinate clauses – 0

interruptions – 1 (*inquit*)

93.2 opens the direct speech from Milo with a wish for the well-being of his fellow-citizens, expressed in a series of coordinate optative subjunctives (geminated *ualeant* with expressed subject, 3 x *sint* with different complements); the interrupting *inquit* confirms that the direct speech announced in 93.1 has begun.

ualeant: the common use of this verb in bidding farewell is probably evoked here to indicate that Milo is here imagined as already condemned and on the point of leaving the city (third-person examples in *OLD* s.v. 3d convey ‘scornful dismissal’, which is not appropriate here).

‘ualeant,’ inquit, ‘ualeant ciues mei...’: unlike the two preceding *prosopopoiiai* of Milo, this one does not open with a first-person singular; the interrupting *inquit* confirms that the direct speech announced in 93.1 has begun. The possessive adjective *mei* follows quickly, however, and the speaker is in fact a prominent presence throughout this *prosopopoiia* (*mei*, 93.2; *mihique, me*, 93.3; *mei, mihi, me, me*, 93.4; *ego cedam, abibo, mihi, carebo, tetigero*,

conquiescam, 93.5; *mei, meae*, 94.1; *ego, me, dedissem, mihi*, 94.2; *ego, redidissem, mihi*, 94.3; *secuti sumus*, 94.4; *mihine, me, obtuli*, 94.5).

93.3. Stet haec urbs praeclara mihique patria carissima,
quoquo modo erit merita de me.

principal clauses – 1

subordinate clauses – 1: *quoquo*

opening clause – principal clause

93.3 maintains the tone of the preceding sentence, shifting the focus of the well-wishing from the citizens to the state itself, despite what Milo has suffered. The subject of the optative subjunctive is expressed by two more or less synonymous noun-phrases; the additive relative clause underlines Milo's positive attitude by hinting that the state may do something (exile him) which deserves a more negative response.

erit merita: the future perfect indicative, referring to something that has not yet happened, may place Milo's speech before his condemnation. The participle *meritus* is more normally used in reference to what Milo has earned/deserved from the state than the other way around (e.g., *bene meritos de re publica ciuis*, 82.5; for the variation in meaning, see 63.3n.), and its use here may already recall by association his services to the state, which will be mentioned as *merita* at 95.3.

93.4. Tranquilla re publica mei ciues,
quoniam mihi cum illis non licet,
sine me ipsi, sed propter me tamen perfruantur.

principal clauses – 1

subordinate clauses – 1: *quoniam*

opening clause – principal clause

93.4 applies the well-wishing theme to both citizens and state, contrasting the citizens' enjoyment of a peaceful *res publica* with Milo's potential separation from it. The causal clause (*quoniam*) referring to Milo's possible exile, which interrupts the wish, explains the following *sine me*, which contrasts with *propter me*; this spells out what has been implicit since the beginning of the sentence, that Milo is responsible for the good things of which he may be deprived.

93.5. Ego cedam atque abibo;
si mihi bona re publica frui non licuerit,
at carebo mala,
et quam primum tetigero bene moratam et liberam ciuitatem,
in ea conquiescam.

principal clauses – 3, in 3 units (asyndeton, *et*)

subordinate clauses – 0/1/1 (*si, quam primum*)

opening clause – principal clause; conditional clause; temporal clause (sentence-conjunction, *et*)

93.5 develops the reference to Milo's possible exile in the preceding sentence, asserting his willingness to leave the city, whose situation he has himself bettered, and find an alternative place to live. Three coordinate units (as punctuated here) describe Milo's exile in different ways. The first simply refers to his departure; the second refers to the exile in the opening conditional protasis (*si*), expressed in very similar terms to 93.4, while the apodosis provides some consolation; the third describes where he will go instead: a temporal clause (*quam primum*) describes his discovery of a well-ordered *libera ciuitas*, and the principal clause asserts that he will stay there. The quality of the *ciuitas* where he will (not) live is a key theme.

94.1. O frustra'

inquit

'mei suscepti labores, o spes fallaces, o cogitationes inanes meae!

principal clauses – 1

subordinate clauses – 0

interruptions – 1 (*inquit*)

94.1 shifts tone slightly, from resignation to something more negative, referring explicitly to the downfall of Milo's hopes for his political career. A parenthetical *inquit* in Cicero's voice, possibly marking the shift in tone, interrupts a sequence of vocatives in Milo's, invoking his lost hopes.

94.2.

Ego cum tribunus plebis,

re publica oppressa,

me senatui dedissem

quem exstinctum acceperam,

equitibus Romanis

quorum uires erant debiles,

bonis uiris

qui omnem auctoritatem Clodianis armis abiecerant,

mihi umquam bonorum praesidium defuturum

putarem?

principal clauses – 1

subordinate clauses – 6: *cum*, abl. abs. (*re publica oppressa*), *quem*, *quorum*, *qui*, acc.-inf.

(*mihi ... defuturum*)

opening clause – principal clause/*cum*-clause (shared nominative, *ego*)

levels of subordination – 2 (*re publica oppressa*; *quem exstinctum acceperam*; *quorum uires erant debiles*; *qui omnem auctoritatem ... abiecerant*)

94.2 explains the reference to Milo's disappointed hopes by contrasting the start of his career with the present, emphasizing his dedication to the state, the senate, the equestrian order, and the *boni*, and noting the possibility that this may not protect him now. The bulk of the sentence is taken up by a temporal clause-complex (*cum*), which shares its subject, *ego*, with the following principal clause. The subordinate clause-complex conveys Milo's interpretation of the political situation in 58-57 (*me dedissem*, etc.) as a straightforward

interruptions – 1 (*inquit*)
 opening clause – principal clause
 levels of subordination – 1

94.4 combines elements from the two preceding sentences (the *boni* and Cicero), focusing on the apparent disappearance or failure of the support he might have expected to save him. This disappearance/failure is indicated by his inquiry about the location of five separate entities, introduced by anaphora of *ubi*; the shared verb, *est*, is expressed with the first item. The first item is followed, and the fifth interrupted, by a relative clause (*quem, quae*): the former again asserts Milo's support for the senate who, it is implied, are no longer supporting him; the latter describes Cicero's voice as having brought help to many.

secuti sumus: the first-person plural here probably refers to Milo and Cicero, as the latter is a prominent element of the last three sentences of the *prosopeia*.

equites Romani ... tui: Cicero consistently associated himself with the equestrian order, who have already been mentioned in 94.2 as key members of the establishment to which Milo attached himself in his youth; here the association allows the focus to remain on Cicero as part of the build-up to the final irony in Milo's *prosopeia*, that Cicero's golden voice may not be able to save him. The contrast between his success in recalling Cicero and Cicero's (potential) failure to save him (94.5) will be picked up again in Cicero's own voice at 102.1-2.

94.5. Mihine ea soli
 qui pro te totiens morti me obtuli
 nihil potest opitulari?

principal clauses – 1
 subordinate clauses – 1: *qui*
 opening clause – principal clause

94.5 develops the reference to Cicero's oratorical skill by suggesting that Milo is the only person who cannot be saved by it. The principal clause is interrupted by a relative clause (*qui*) referring to Milo and asserting that he has often risked death for Cicero; as the reference to his support for the senate in 94.4 suggests that it is inappropriate for the senate to fail Milo now, so the same suggestion is made here regarding Cicero.

95.1. Nec uero haec, iudices,
 ut ego nunc,
 flens,
 sed hoc eodem loquitur uoltu
 quo uidetis.

principal clauses – 1
 subordinate clauses – 2: *ut, quo*
 participles – 1: *flens*
 opening clause – principal clause
 levels of subordination – 1

95.1 returns to the voice of the orator and the theme of Milo's fortitude, correcting a possible interpretation of the preceding direct speech, that Milo has in fact given in to emotional laments, by suggesting that the lamenting tone is Cicero's, and asserting that when Milo makes these points he does so without giving way to tears. The sentence opens with a denial (*nec*). The clause is interrupted by a comparative clause (*ut*) which describes the speaker, now Cicero, as weeping. No finite verb has yet appeared; a speech-verb can be supplied from context, but one is supplied in the resumed principal clause, which sets up a contrast to the denial (*sed*): Milo says these things with the same demeanour which he has now (relative clause, *quo*).

judices, ut ego nunc: the change in addressee indicates the change in communication-situation, and *ego* is now Cicero; Milo is in the third person (*loquitur*). In a way this turns out to be just another parenthesis in Milo's reported speech, for 95.2 launches a sequence of indirect statements which will continue down to 96.2-97.0, and be replaced by another *prosopopoiia* in 98.1-98.5.

95.2. Negat enim se, negat,
 ingratias ciuibus fecisse
 quae fecerit,
 timidis et omnia pericula circumspicientibus
 non negat.

principal clauses – 2, in 2 units (asyndeton) [geminated verb]

subordinate clauses – 2/1: acc.-inf. (*se ... ingratias ciuibus fecisse*), *quae*, acc.-inf. (*timidis et omnia pericula circumspicientibus [fecisse]*)

opening clause – principal clause; accusative-infinitive

levels of subordination – 2 (*quae fecerit*)

95.2 continues to emphasize Milo's fortitude by reporting, in indirect speech, his magnanimity towards his fellow-citizens despite their responsibility for his exile. He (reportedly) describes them not as ungrateful but as afraid; the negative element of the opening speech-verb applies not to what Milo has done (*se ... fecisse quae fecerit*) but to the adjective accompanying the indirect object, *ingratis*. An additive second unit consists only of the dative adjectives (one a participle with an object) and sentence-final *non negat* (creating chiasmus).

95.3. Plebem et infimam multitudinem,
 quae
 P. Clodio duce
 fortunis uestris imminebat,
 eam,
 quo tutior esset uestra uita,
 suam se fecisse
 commemorat,
 ut non modo uirtute flecteret
 sed etiam tribus suis patrimoniis deleniret;
 nec timet

ne,
 cum plebem muneribus placarit,
 uos non conciliarit meritis in rem publicam singularibus.

principal clauses – 2, in 2 units (*nec*)

subordinate clauses – 6/2: acc.-inf. (*plebem ... suam se fecisse*), *quae*, abl. abs. (*P. Clodio duce*), *quo*, *ut non modo ... sed etiam, ne, cum*

opening clauses – acc.-inf.; principal clause

levels of subordination – 3 (*P. Clodio duce*)

95.3 begins by providing an explanation as to why Milo's fellow-citizens could be described as ungrateful, by recalling his career, specifically his winning the hearts of the mob, and concludes that since he can do that, he must also have won the good opinion of the more sensible elements in the state, who are addressed directly. The sentence opens with a noun-phrase in the accusative, referring to the lower orders of society, and the audience may already anticipate a continuation of indirect speech from the preceding sentence. The infinitive is postponed by two relative clauses (*quae, quo* + subjunctive); the pronoun *eam*, inserted between them, constitutes a reminder of the accusative, which however turns out to be the object, not the subject, of *fecisse*: the report of Milo's conversation is continuing. The first relative clause describes the threat posed by the *infima multitudo* to the *iudices* (an embedded ablative absolute describes their relationship with Clodius); the second is final, and the purpose expressed – protecting the lives of the audience – is Milo's. This is followed by an additive double *ut*-clause (*non modo ... sed etiam ...*): the first part may be final, but it seems unlikely that spending three inheritances was one of Milo's goals, and Cicero may be exploiting the double usage of *ut* here. A second unit is added by *nec timet*, with what Milo does not fear following in a noun-clause (*ne*); an embedded causal clause (*cum*) sums up the action narrated in the accusative-infinitive construction earlier, which explains why Milo is not afraid.

fortunis uestris imminabat: the first second-person plural in the stretch of reported speech from Milo running from 93.1-98.5. In the reported conversation, Milo was not addressing the *iudices* or the Roman people as a whole, and the third-person reference to *ciuibus* in 95.2 is more likely to reflect what are imagined as his actual words. The use of indirect speech here allows Cicero to link Milo's words to the audience in a way that would not have been possible in direct speech attributed to a communication-situation in which they were not present. Further second-person plurals follow: *uestra, uos*, 95.3; *uestras, uestrorum* 95.4.

95.4. Senatus erga se benevolentiam temporibus his ipsis saepe esse perspectam,
 uestras uero et uestrorum ordinum occursationes, studia, sermones
 quemcumque cursum fortuna ceperit,
 secum se ablaturum esse
 dicit.

principal clauses – 1

subordinate clauses – 3: acc.-inf. x2 (*senatus ... perspectam; uestras ... ablaturum esse*),
quemcumque

opening clause – accusative-infinitive

levels of subordination – 2 (*quemcumque cursum fortuna ceperit*)

95.4 develops the reference to the good opinion Milo has won into another demonstration of his fortitude, by reporting his claim that the knowledge of support from the senate and the audience will console him if he is exiled (*i.e.*, even if it does not save him). The indirect speech continues: the sentence opens with an uninterrupted accusative-infinitive construction; *se* refers to the subject of the speech-verb to come. Another accusative-infinitive which follows *is* interrupted, by an indefinite relative clause (*quemcumque*) meaning ‘whatever happens’; after the interruption it turns out, as in 95.3, that the preceding accusative is the object rather than the subject of the infinitive – whose subject is *se*. The senate’s support has been seen by Milo; the support of those being addressed (and all the orders they belong to) he will take away with him.

senatus ... uestras: ‘you’ here is not so much contrasted with the senate as encompassing it or overlapping with it: the *iudices* included senators but also members of other orders, all of whom (*uestrorum ordinum*) are said to have indicated their support for Milo.

96.1. Meminit etiam

uocem sibi praeconis modo defuisse,
 quam minime desiderarit,
 populi uero cunctis suffragiis,
 quod unum cupierit,
 se consulem declaratum;
 nunc denique,
 si haec arma contra se sint futura,
 sibi facinoris suspicionem, non facti crimen obstare.

principal clauses – 1

subordinate clauses – 6: acc.-inf. (*uocem ... defuisse*), *quam*, acc.-inf. (*populi ... declaratum*), *quod*, acc.-inf. (*nunc ... obstare*), *si*

opening clause – principal clause

levels of subordination – 2 (*quam minime desiderarit*; *quod unum cupierit*; *si haec arma contra se sint futura*)

96.1 brings Milo’s career up to date, reporting his assertion that knowing the entire populace wanted him to be consul is more important than formally winning the election, and moving on to another consolation, that if he is exiled, it will not be because of any actual wrongdoing. The syntactic order of 95.4 is reversed, with the speech-verb, *meminit* (Milo remembers out loud; *OLD* s.v. 5) at the beginning of the sentence. Three accusative-infinitive constructions follow in indirect speech, the first two in antithesis to one another, the third containing an antithesis. The first refers to the fact that Milo was never actually elected consul by noting that the lack of a herald proclaiming his victory; a following relative clause (*quam*) asserts that he does not care. The second asserts – rather boldly – that the will of the people had already declared Milo consul; an embedded relative clause (*quod*) claims that was all he wanted. The third accusative-infinitive construction focuses on the present situation (*nunc denique*); it is interrupted by a conditional protasis (*si*) referring to the (remote) possibility that Milo will shortly face the weapons of the soldiers in the forum; the apodosis has two subjects, one rejected, one accepted (... , *non* ...).

populi uero cunctis suffragiis: the focus expands once again, from senate to upper classes more generally in the previous sentence, to the entire *populus* here. There are no more second-person plurals in Milo's reported speech.

96.2.-97.0.

Addit haec,
 quae certe uera sunt:
 fortis et sapientis uiros non tam praemia sequi solere recte factorum
 quam ipsa recte facta;
 se nihil in uita nisi praeclarissime fecisse,
 si quidem nihil sit praestabilius uiro quam periculis patriam liberare;
 beatos esse
 quibus ea res honori fuerit a suis ciuibus,
 nec tamen eos miseros
 qui beneficio ciuis suos uicerint;
 sed tamen ex omnibus praemiis uirtutis,
 si esset habenda ratio praemiorum,
 amplissimum esse praemium gloriam;
 esse hanc unam
 quae breuitatem uitae posteritatis memoria consolaretur,
 quae efficeret
 ut absentes adessemus,
 mortui uiueremus;
 hanc denique esse
 cuius gradibus etiam in caelum homines uiderentur ascendere.

principal clauses – 1

subordinate clauses – 17: *quae*, acc.-inf. x2 (*fortis ... facta*; *se nihil ... fecisse*), *si*, acc.-inf. (*beatos esse*), *quibus*, acc.-inf. (*nec ... miseros*), *qui*, acc.-inf. (*sed tamen ... gloriam*), *si*, acc.-inf. (*esse hanc unum*), *quae*, *quae*, *ut* [2 clauses in asyndeton], acc.-inf. (*hanc denique esse*), *cuius*

nominative-infinitive – 1 (*etiam in caelum ... ascendere*)

participles – 2: *absentes*, *mortui*

opening clause – principal clause

levels of subordination – 3 (*ut absentes adessemus*, *mortui uiueremus*)

96.2-97.0 reinforces the impression of Milo's high-minded fortitude by reporting a series of philosophical reflections that he has reportedly expressed in conversation with Cicero: acting rightly is more important than being rewarded for doing so; to excel all others is its own reward; glory is the greatest reward of all. Again, a speech-word (*addit*) introduces a series of comments by Milo, referred to at first by the 'introducing pronoun' *haec* and described (as true, in Cicero's own voice) in a relative clause (*quae*). They are then given full expression in seven accusative-infinitive constructions, most of them with one further subordinate clause, the sixth with three (on two levels); the list-like effect of the accusative-infinitives and the straightforward sequence prevent this from becoming difficult to follow. The first generalizes about men of wisdom and fortitude, who should seek not rewards but

good deeds themselves (*non tam ... quam ...*). The second asserts that Milo has lived an outstanding life; a following conditional clause (*si*) confirms this by referring to his freeing his homeland from danger ('if there is nothing more ... than ...'). The third refers to the blessings of those who receive honours (relative clause, *qui*); the fourth, in contrast, mentions the not quite equal blessings of those who merely earn honours without receiving them (relative clause, *qui*). The fifth asserts that the greatest prize is *gloria*; an embedded conditional clause (*si*) concedes that prizes may not be measureable. The sixth and seventh describe attributes of *gloria* in relative clauses that follow almost identical assertions (*esse hanc unam, hanc denique esse*).

98.1. 'De me'

inquit

'semper populus Romanus, semper omnes gentes loquentur,
nulla umquam obmutescet uetustas.

principal clauses – 2, in 2 units (asyndeton)

subordinate clauses – 0

interruptions – 1 (*inquit*)

98.1 applies the reference to glory to the current situation, shifting back into direct speech: Milo asserts that his act has won him eternal fame. The shift in speaker is indicated clearly by a parenthetical *inquit* in Cicero's voice, which interrupts the direct speech immediately after the opening prepositional phrase, *de me*, and thus identifies *me* as Milo. Eternal fame is expressed by claiming both that discussion of Milo will always continue (*semper ... semper ... loquentur*) and that it will never be silenced (*nulla umquam obmutescet*). The extent of his fame in space as well as time is emphasized by the second subject of *loquentur*.

'de me' inquit: the return of direct speech is indicated by the return of the first-person singular as well as interrupting *inquit*. In context, *gloria* is presented as a consolation for the potentially imminent condemnation and exile; this may make the egotism of the passage more palatable – although Milo's stance can also be read positively as 'stoic' fortitude, and is entirely in keeping with Plutarch's report that he refused to wear mourning (*Cic.* 35) or to weep (*cf.* 95.1).

98.2. Quin hoc tempore ipso,

cum omnes a meis inimicis faces inuidiae meae subiciantur,
tamen omni in hominum coetu, gratiis agendis et gratulationibus habendis,
et omni sermone celebramur.

principal clauses – 1

subordinate clauses – 1: *cum*

opening clause – principal clause

levels of subordination – 1

98.2 shifts focus from the future (eternal glory) to the present (widespread rejoicing at and discussion of what has happened, even as his enemies make their plans). The opening temporal phrase achieves the shift to the present, relevant aspects of which (the actions of Milo's enemies, at least according to Milo) are expressed in an interrupting temporal-

principal clauses – 1

subordinate clauses – 3: indir. qu. (*ubi*), *quoniam* ... *et*

interruptions – 1 (*inquit*)

opening clause – indir. qu. (connecting relative: *quam ob rem*)

levels of subordination – 1

98.5 draws Milo's conclusion from these consolatory thoughts: exile hardly matters, since he has this assured glory. The conclusion is signalled by *quam ob rem*; an indirect question (*ubi*) gives the location of his body as the object of the following *non laboro*. An interrupting *inquit* constitutes a reminder that the sentence is still in direct speech, just before that direct speech comes to an end; a following causal clause (*quoniam*) gives Milo's reasoning.

99-105: Cicero's Despair

After ostensibly reporting Milo's display of strength since 93.2, the orator's voice reasserts itself at 99.1 and replies to Milo with an account of his own misery at the prospect of being deprived of his friend. Here not only Milo's past political actions but Cicero's too are brought into play; the two men are closely identified, especially in their relationship with the *iudices*, the prospective agents of Milo's exile. After variations on the theme of how terrible it would be if Milo were to be condemned, there is a recapitulation of Milo's fortitude (104.1-105.1) before the speech closes with an explicit announcement of the end and a final contrast between Cicero and Milo (105.2), an appeal to the *iudices* (105.3) and an assertion that Pompeius will approve if they vote with courage (105.4).

The emotional tone of the passage, rooted in the open display of the speaker's personal feelings, is only increased by the emphasis on politics: the Roman understanding of the term *amicus* (99.3) allows the political and the personal, as well as the judicial, to be combined/confused. Cicero both claims that nothing the *iudices* can do will make him forget what he owes them (99.4) and suggests that their condemnation of Milo must be evidence of their disapproval of Cicero himself (99.5, *cf.* 100.4). Milo is then placed on a footing with the *iudices* in terms of what Cicero owes him, culminating in a promise to share his fate (100.1-4). Nor is the opportunity missed to exploit the irony of the contrast between Milo bringing Cicero back from exile and Cicero failing to keep Milo from being exiled; again, the *iudices* are considered the agents of both events (102.1-103.5). The references to exile are more explicitly designed to avert that outcome here than they were in the Public-Good Argument; in order to ring the utmost misery out of Cicero, however, the possibility must be taken very seriously. Eventually, Cicero even wishes that Clodius be brought back to life, rather than that Milo be condemned (103.6). This apparent overturning of everything that has gone before demonstrates the extent of his emotional distress.

A paragraph-break has been placed between hyperbolic statements of Cicero's wishes and recurrences of the 'Milo's fortitude' theme at 101.1 and 104.1, marking the alternation which dominates the *peroratio* as a whole. Breaks have also been placed before the ironic contrast in 102.1 and the final closure in 105.2; but any of these points could have been printed without a break, and other paragraph-groupings are possible.

Word-group	Frequency	Occurrences
? <i>posse/potens/potius</i> *	1.9%	13 (10/1/2)
<i>uir/uirtus</i> *	1.3%	9 (4/5)
<i>iudex/iudicium</i>	1.2%	8 (7/1)
<i>Milo</i> *	1.0%	7
? <i>tantus</i>	1.0%	7
(63 words)		

99.1 is not a particularly striking topic-sentence, although it will turn out to be the case that its shift in focus from Milo to Cicero is maintained in what follows. It contains two words from the ‘interesting’ frequent groups in the table, *uirtus* and *Milo*; also *posse*. But as observed in the note on 92-98, *uirtus* has a frequency of 0.9% in the first half of the *peroratio*, so it is not new here, and although Milo is only named twice in that passage, he is present throughout; the presence of these words in 99.1 is not a signal of topic-shift. Any shift that does take place is in any case mostly a matter of emphasis: Milo’s fortitude and Cicero’s despair are related, as this sentence itself points out. There is a drop in the occurrence of political terms with only one occurrence of *res publica*; three occurrences of *urbs*, all in relation to Milo’s exile, also have a political element. There are six occurrences of vocative *iudices* – the highest concentration since the *exordium* – and one each of *iudex*, *iudicium*, and *iustitia*; the focus on the trial-situation here is largely carried by interactive elements in the language. (Note, however, that in the 99.1, although *iudex* does not appear, there is a reference to the *iudices* in *isdem audientibus*.) Of the five occurrences of *uirtus*, four are about Milo and one is in his mouth (101.2); *uir* is three times Milo, once the soldiers in the forum (101.5). The frequency of *tantus*, as of *magnus* and *nullus* in the aftermath argument, may also be taken as an index of the increased emotional tone, reflected in the orator’s tendency to state his point in maximizing terms.

1st sing.	11.15%
1st plur.	0.6%
2nd sing.	3.7%
2nd plur.	6.2%

Milo recurs as the speaker only twice (indirect speech, 101.2; direct speech, 104.2); otherwise Cicero is speaking. The addressee changes frequently, sometimes within a sentence – too frequently for each change to be marked with a paragraph-break – contributing to the emotional tone of the passage and the impression of Cicero’s bewilderment. The addressee is most commonly the *iudices* (99.4-6, 100.4-101.4, 103.1-5, 104.1, 104.3-105.4), sometimes Milo (100.1-3/4, 102.1-2), once each the soldiers in the forum (101.5), Cicero’s brother Quintus (102.2), the state (103.6) and, perhaps, the gods (104.1).

- 99.1. Haec tu mecum saepe
 his absentibus,
 sed isdem audientibus
 haec ego tecum, Milo:
 te quidem,
 cum isto animo sis,
 satis laudare non possum,
 sed quo est ista magis diuina uirtus,
 eo maiore a te dolore diuellor.

principal clauses – 4, in 4 units (*sed*, introduction, *sed*)

subordinate clauses – 1/1/1/1: abl. abs. x2 (*his absentibus; isdem audientibus*), *cum*, *quo*

opening clauses – principal clause; abl. abs. (sentence-conjunction: *sed*); principal clause;

relative clause (sentence-conjunction: *sed*)

levels of subordination – 1

99.1 returns to Cicero's voice, contrasting Milo's declarations, at which the audience were not present, with Cicero's response, which is expressed in front of them, then moving on to that response, explaining that Milo's courage, evidenced in that very conversation, makes it even harder for Cicero to part with him. The first two elliptical units contrast the two speakers (*tu, me*); ablative absolutes specify the absence/presence of the audience. As at 95.1, the preceding direct speech is summed up in the demonstrative pronoun *haec*; a second *haec* acts as an introducing pronoun for the other two units, which constitute what Cicero says to Milo. This has not been punctuated with inverted commas because the speaker is not quoting himself on a previous occasion; it could have been punctuated as a separate sentence. The two units attribute two results to Milo's fortitude (as evidenced by his reported conversation, and reiterated in embedded subordinate clauses: *cum, quo*): the impossibility of adequate praise, and the increased distress caused by the possibility of separation.

haec tu mecum: the first second-person singular reference since 94.5 marks the return from Milo's voice to Cicero's. Milo is the addressee in the next two sentences.

- 99.2. Nec uero si mihi eriperis,
 reliqua est illa saltem ad consolandum querela:
 ut eis irasci possim
 a quibus tantum uolnus accepero.

principal clauses – 1

subordinate clauses – 3: *si, ut, a quibus*

opening clause – conditional clause (sentence-conjunction and adverb: *nec uero*)

levels of subordination – 2 (*a quibus tantum uolnus accepero*)

99.2 develops the idea of Cicero's forced parting from Milo (*i.e.*, if Milo is condemned and exiled) by pointing out that in these circumstances he will not have the consolation of being able to be angry with the people who have caused the separation (*i.e.*, the *iudices*). The conditional clause (*si*) interrupts the principal clause, which introduces the lost consolation as *illa ... querela*, subsequently explained by a noun-clause (*ut*) combined with a correlative construction (*eis ... a quibus ...*).

- 99.3.** Non enim inimici mei te mihi eripient, sed amicissimi,
non male aliquando de me meriti, sed semper optime.

principal clauses – 2, in 2 units (asyndeton)

subordinate clauses – 0

99.3 explains the point made in the preceding sentence by pointing out that the separation between Milo and Cicero will have been brought about not by Cicero's enemies, who would deserve such anger, but by people who deserve a very different response from him. The contrast is drawn twice, with four subjects (*non ... , sed ... , non ... , sed ...*); all share the same predicate, *te mihi eripient*.

de me meriti: cf. 63.3n.

- 99.4.** Nullum mihi umquam, iudices, tantum dolorem inuretis
(tametsi quis potest esse tantus?),
sed ne hunc quidem ipsum,
ut obliuiscar
quanti me semper feceritis.

principal clauses – 1

subordinate clauses – 2: *ut*, indir. qu. (*quanti*)

parentheses – 1 (*tametsi ... tantus*)

opening clause – principal clause

levels of subordination – 2 (*quanti me semper feceritis*)

99.4 turns to address the people potentially responsible for the separation between Milo and Cicero, the *iudices*, claiming that even that action, the worst thing they could possibly do to him, could not make Cicero forget what he owed them. The sentence opens with a denial that *tantum dolorem* is possible; a parenthesis asks, rhetorically, whether any *dolor* could be as great as this one; there follows a resumption of the denial: not even this one. The consecutive clause anticipated by *tantum* follows (*ut*): Cicero cannot forget what he owes the *iudices* (indirect question, *quanti*).

iudices: the shift in addressee has been prepared for by the third-person reference to the *iudices* in 99.3 (*non enim inimici ... sed amicissimi, etc.*); cf. the transition from *ciuibus* to *uestris* in 95.1-2.

- 99.5.** Quae si uos cepit obliuio,
aut si in me aliquid offendistis,
cur non id in meo capite potius luitur quam Milonis?

principal clauses – 1

subordinate clauses – 2 (*si, aut si*)

opening clause – conditional clause (connecting relative: *quae*)

levels of subordination – 1

99.5 presents a contrast to Cicero's memory of the tie between himself and the *iudices* by considering the possibility that some offence on his part may have caused the *iudices* to

forget it, and requesting that, in that case, they should punish him instead of Milo. Two opening protases (*si, aut si*) introduce an open conditional: if the *iudices* (unlike Cicero) have forgotten, or if he has annoyed them. The apodosis compares two possibilities by means of *potius ... quam*; the rhetorical question form, ‘why don’t you do X?’, implies that X would be preferable.

aliquid offendistis: *offendere* literally means to ‘strike against’ (*of- > ob*; cf. *obstare, obire, occurrere, oppugnare, etc.*); confusingly, the striker can either cause trouble to the thing struck or vice versa. The former possibility is at the basis of the meaning of the English derivative ‘offend’, but here it is the *iudices* who (may) come up against something in Cicero and are (or may be) troubled by it. *OLD* s.v. *offendo* 3d cites this passage, defining *aliquid* as internal accusative and giving the translation ‘find something amiss’ (could *aliquid* alternatively be adverbial, ‘have a problem in some respect?’).

Milonis: this third-person reference to Milo may prepare the way for another shift in addressee at 100.1.

99.6. Praeclare enim uixero,
 si quid mihi acciderit
 prius quam hoc tantum mali uidero.

principal clauses – 1

subordinate clauses – 2: *si, prius quam*

opening clause – principal clause

levels of subordination – 2 (*prius quam hoc tantum mali uidero*)

99.6 reiterates the strength of Cicero’s distress at the prospect of Milo’s punishment by expressing his preference for suffering himself; that suffering is expressed, rather vaguely, in a conditional clause (*si*), followed by a temporal clause (*prius quam*) describing Milo’s exile as *hoc tantum mali*. There is no explicit addressee in this sentence, which thus forms a bridge between the address to the *iudices* and the repeated address to Milo himself.

100.1. Nunc me una consolatio sustentat,
 quod tibi, T. Anni,
 nullum a me amoris, nullum studi, nullum pietatis officium deficit.

principal clauses – 1

subordinate clauses – 1: *quod*

opening clause – principal clause

100.1, addressing Milo directly, shifts focus from Cicero’s suffering due to Milo’s exile to claiming that he is consoled by knowing he has not failed in his duty to Milo in any respect (like Milo, by knowledge of his own virtuous actions). The assertion that Cicero has one consolation left is followed by an expression of that consolation in a noun-clause (*quod* = ‘the fact that’).

100.2. Ego inimicitias potentium pro te appetui;
 ego meum saepe corpus et uitam obieci armis inimicorum tuorum;
 ego me plurimis pro te supplicem abieci;
 bona, fortunas meas ac liberorum meorum
 in communionem tuorum temporum contuli;
 hoc denique ipso die si qua uis est parata,
 si qua dimicatio capitis futura,
 depono.

principal clauses – 5, in 5 units (asyndeton x3; *denique*)

subordinate clauses – 0/0/0/0/2 [*si* x2]

opening clause – principal clause; principal clause; principal clause; principal clause;

principal clause/conditional clause (shared temporal phrase, *hoc ... die*)

levels of subordination – 1

100.2, still addressing Milo, corroborates the claim that Cicero has done everything he can to help Milo by listing all that he has done and all that he has risked in his friend's cause. The list consists of four coordinate principal clauses; the first three, with anaphora of *ego*, refer to the past; the fourth, which has embedded within it two indefinite conditional protases, refers to the present/future.

ego: The alternation between first- and second-person singulars in this sentence, reflecting the actions Cicero has undertaken on Milo's behalf (*ego – te – ego – tuorum – ego – te – meas – tuorum*), picks up on and extends a similar use in Milo's *prosopopiia* at 94.5 (*mihine – te – me*). Their obligations are mutual.

supplicem is in predicative apposition, 'as a suppliant'.

beneficia ... aut ... augeatis aut ... occasura esse uideatis: the construction changes in the middle of the *aut ... aut ...* sequence. The accusative *beneficia* is first the direct object of *augeatis*, then the subject of the infinitive *occasura esse* in an accusative-infinitive construction dependent on *uideatis*. Cf. 80.2n.

100.3. Quid iam restat?
 quid habeo
 quod faciam pro tuis in me meritis nisi
 ut eam fortunam
 quaecumque erit tua
 ducam meam?

principal clauses – 2, in 2 units (asyndeton)

subordinate clauses – 0/3: *quod, ut, quaecumque*

opening clauses – principal clause; principal clause

levels of subordination – 2 (*quaecumque erit tua*)

100.3 develops the theme of Cicero doing everything he can for Milo to a climax, by claiming that the only thing left is to share his fate. The point is expressed in two effectively synonymous rhetorical questions: 'what is left?' (*quid, quid*); the second is completed by a relative clause (*quod*), and followed by an exception (*nisi*) to the obvious answer, 'nothing':

a noun-clause (*ut*, with embedded relative clause, *quaecumque*) which acts as the subject of *restat* and the object of *habeo*. The phrasing is reminiscent of the first sentence of the *peroratio*, 92.1, where *quid restat* was also followed by *nisi ut*.

100.4. Non abnuo,
non recuso,
uosque obsecro, iudices,
ut uestra beneficia,
 quae in me contulistis,
aut in huius salute augeatis
 aut in eiusdem exitio occasura esse
uideatis.

principal clauses – 3, in 3 units (asyndeton; *-que*)

subordinate clauses – 0/0/4: *ut ... aut ... aut, quae*, acc.-inf. (*in eiusdem exitio occasura uideatis*)

opening clause – principal clause; principal clause; principal clause

levels of subordination – 2 (*quae in me contulistis*)

100.4 asserts that Cicero will not refuse to share Milo's fate, and suggests that acquitting Milo will confirm the *iudices'* support of Cicero, while condemning him will show that this support has diminished. The first two units express the assertion; the third turns to the *iudices* (*uos*) and is completed by a noun-clause (*ut*, indirect command) expressing the request.

uosque obsecro, iudices: the addressee shifts once more, from Milo to the *iudices*, in an echo of the opening sentence of the *peroratio* (*obtesterque uos, iudices*, 92.1).

101.1. His lacrimis non commouetur Milo;
est quodam incredibili robore animi.

principal clauses – 2, in 2 units (asyndeton)

subordinate clauses – 0

101.1 returns the focus to Milo's fortitude by asserting, in two asyndetic units, that the preceding lamentations by Cicero do not affect him.

non commouetur Milo: Milo remains in the third person until 102.1.

101.2. Exsilium ibi esse
putat
 ubi uirtuti non sit locus;
 mortem naturae finem esse, non poenam.

principal clauses – 1

subordinate clauses – 3: acc.-inf. (*exsilium ibi esse*), *ubi*, acc.-inf. (*mortem ... non poenam*)

opening clause – acc.-inf.

levels of subordination – 2 (*ubi uirtuti non sit locus*)

101.2 develops the idea of Milo's fortitude by reporting two of Milo's beliefs in indirect speech: true exile can only be brought about by being separated from *uirtus*, and punishment is not the end of life. The sentence opens with the first of two accusative-infinitive constructions, objects of *putat*; *ibi* requires an explanation, which comes in a correlative clause (*ubi*), before the second accusative-infinitive, which consists of an elliptical antithesis (... , *non* ...).

101.3. Sit hic ea mente
qua natus est;
quid? uos, iudices, quo tandem eritis animo?

principal clauses – 2, in 2 units (asyndeton)

subordinate clauses – 1/0: *qua*

opening clause – principal clause; principal clause (question-indicator: *quid?*)

101.3 praises Milo's fortitude, encouraging the *iudices* to emulate it. A jussive/optative subjunctive shows approval of Milo's attitude (*mente*) by instructing/wishing that it stay the same (a relative clause, *qua*, provides grounds for optimism by indicating that it has stayed the same since his birth). A second unit (a rhetorical question) raises the issue of the attitude (*animo*) of the *iudices* (to be shown in the as yet unknown verdict).

sit hic ea mente qua natus est: the first abl., accompanying *sit*, expresses 'Quality'; the second, as it accompanies a verb, can be seen as expressing 'Manner'. The combination indicates how close the two categories are (*cf.* 80.3n.).

101.4. Memoriam Milonis retinebitis,
ipsum eicietis?
et erit dignior locus ullus in terris
qui hanc uirtutem excipiat
quam hic
qui procreauit?

principal clauses – 3, in 3 units (asyndeton, *et*)

subordinate clauses – 0/0/2: *qui*, *qui*

opening clause – principal clause; principal clause; principal clause

levels of subordination – 1

101.4 develops the address to the *iudices* in the preceding sentence by drawing an ironic contrast between remembering Milo's deeds and expelling his person, then asserting that the most appropriate location for his *uirtus* is the place which nurtured it. Two rhetorical questions express the same antithesis in two different ways. The first consists of two coordinate principal clauses in asyndeton, with their subjects and verbs directly opposed. The second is expressed in a comparison (*dignior ... quam ...*), with each half accompanied by a relative clause; the first is final or generic (*qui* + subjunctive), expressing what will happen, while the second is descriptive (*qui* + indicative).

101.5. Vos, uos appello, fortissimi uiri,
 qui multum pro re publica sanguinem effudistis –
 uos,
 inquam,
 in cuius inuicti periculo appello, centuriones, uosque, milites! –
 uobis non modo inspectantibus sed etiam armatis et huic iudicio praesidentibus,
 haec tanta uirtus ex hac urbe expelletur, exterminabitur, proicietur?

principal clauses – 3, in 3 units (asyndeton x2) [3 verbs in third]

subordinate clauses – 1/0/1: *qui*, abl. abs. (*uobis ... praesidentibus* [3 pples.]

parentheses – 1 (*inquam*)

opening clause – principal clause; principal clause; abl. abs.

101.5 turns to address the soldiers present in the forum, suggesting that they should not be able simply to stand by while such a courageous man as Milo is condemned to exile. Two coordinate principal clauses focus entirely on identifying the new addressee (*uos, uos appello; uos ... appello ..., uosque*); the first is followed by a flattering relative clause, and the second interrupted by parenthetical *inquam* (flattery is confined to a participial phrase). A third unit opens with an ablative absolute (the earlier *uos* becomes *uobis*), expressing the presence of the soldiers in the forum which allows them to witness (*inspectantibus, praesidentibus*) the spectacle described in the principal clause.

uos, uos appello, fortissimi uiri: another shift in addressee reintroduces an aspect of the communication-situation which has only been mentioned once since the *exordium*, at 71.1.

ex hac urbe expelletur: the same expression occurs at 104.5, although *expellere* was used with the bare ablative (without *ex*) of *patria* at 87.2. Cf. on *cederet*, 81.3.

102.1. O me miserum, o me infelicem! reuocare tu me in patriam, Milo, potuisti per hos, ego te in patria per eosdem retinere non potero?

principal clauses – 2, in 2 units (asyndeton)

subordinate clauses – 0

102.1 turns to address Milo once more, contrasting his earlier ability to recall Cicero to Rome and Cicero's current inability to keep Milo there in two antithetical units constituting a pathetic rhetorical question.

reuocare tu me: the changes of addressee come thick and fast now; here Milo is addressed once more.

102.2. Quid respondebo liberis meis
 qui te parentem alterum putant?
 quid tibi, Quinte frater,
 qui nunc abes,
 consorti mecum temporum illorum?
 mene non potuisse Milonis salutem tueri per eosdem
 per quos nostram ille seruasset?
 at in qua causa non potuisse?

quae est grata omnibus gentibus;
 a quibus non potuisse?
 ab eis
 qui maxime P. Clodi morte acquirerunt;
 quo deprecante?
 me.

principal clauses – 2, in 2 units (asyndeton)

subordinate clauses – 1/6: *qui, qui*, acc.-inf. (*mene ... per eosdam*), *per quos*, acc.-inf. x3 (*at in qua ... potuisse; a quibus non potuisse; ab eis*), abl. abs. (*quo deprecante*)

opening clause – principal clause; principal clause

interruptions (responses) – 3: *quae est grata omnibus gentibus; ab eis qui maxime P. Clodi morte acquirerunt; me*

subordinate clauses: 1/1/1: *quae* [no principal clause], *qui*, abl. abs. (*me* [no principal clause])

levels of subordination – 2 (*per quos nostram ille seruasset; quae est grata omnibus gentibus; qui maxime P. Clodi morte acquirerunt; quo deprecante; me*)

102.2 maintains the focus on Cicero's unhappy position, imagining his need to explain to his family his inability to reciprocate the great benefit performed for him by Milo, despite the fact that he himself was pleading Milo's case before *iudices* who have benefited from Milo's action. The opening question mentions Cicero's children; the following relative clause (*qui*), explaining the connection between him and them, is addressed to Milo (*te*). The next question is addressed to Quintus (*tibi*), and has embedded within it another relative (*qui*) explaining why Quintus will need to be told what has happened. A series of accusative-infinitives then provide the questions Cicero might be asked and the answers he would be forced to give. The first question (*-ne*) contains a correlative construction repeating the antithesis between Milo's success on Cicero's behalf and Cicero's failure on Milo's (*per eosdem ... per quos*). The second (*in qua*) represent something Cicero's interlocutors may ask; the answer is given in a relative clause only (*quae*), and underlines the point that Cicero should not fail in this case, which claims universal support. Another question (*a quibus*), answered by *ab eis* and another relative (*qui*), points to the unlikely nature of the *iudices* as the agents of this disastrous outcome because of their own positive response to Clodius' death. The final question (*quo*) consists only of an ablative absolute – *non potuisse* has already been repeated three times, and thus can be assumed; the answer is a single word.

te parentem alterum ... tibi, Quinte frater: the addressee changes mid-sentence here, from Milo, who is present, to Quintus, who is not. Milo is in the third person shortly after this point: *Milonis salutem*.

morte acquirerunt: the ablative is either Instrumental or Causal (*cf. morte* 34.9, *quo* 86.1, and W.45).

103.1. Quodnam ego concepi tantum scelus,
 aut quod in me tantum facinus admisi, iudices,
 cum illa indicia communis exiti indagavi, patefeci, protuli, exstinxi?

principal clauses – 2, in 2 units (*aut*)

subordinate clauses – 0/1: *cum*

opening clause – principal clause; principal clause

103.1 returns to addressing the *iudices*, suggesting that Cicero must have committed some crime to deserve such a punishment, and specifying the occasion of the possible crime as his handling of the Catilinarian conspiracy. A double rhetorical question (*quodnam ... aut quod*) makes the suggestion; the occasion is specified in a following temporal clause (*cum*).

103.2. Omnes mihi meisque redundant ex fonte illo dolores.

principal clauses – 1

subordinate clauses – 0

103.2 develops the reference to the Catilinarian conspiracy in the previous sentence, claiming that his actions then are the source of all of Cicero's troubles in a simple principal clause.

103.3. Quid me reducem esse
uoluistis?
an ut
inspectante me
expellerentur ei
per quos essem restitutus?

principal clauses – 1

subordinate clauses – 4: acc.-inf. (*me reducem esse*), *ut*, abl. abs. (*inspectante me*), *per quos*

opening clause – acc.-inf. (sentence-adverb: *quid*)

levels of subordination – 3 (*inspectante me, per quos essem restitutus*)

103.3 maintains the focus on the *iudices'* punishment of Cicero by asking them why they wished Cicero to be recalled from exile only to watch those who recalled him being expelled from Rome themselves. The opening question (*quid*) contains an embedded accusative-infinitive clause identifying the wish that is being questioned. The particle *an* adds not an alternative, but one possible answer, expressed in a final clause-complex (*ut*); the embedded ablative absolute emphasizes Cicero's witnessing of the terrible sight (*cf. uidero, 99.6*).

103.4. Nolite,
obsecro uos,
acerbiorem mihi
pati
reditum esse
quam fuerit ille ipse discessus!

principal clauses – 1

subordinate clauses – 2: acc.-inf. (*acerbiorem ... esse*), *quam*

parentheses – 1 (*obsecro uos*)

opening clause – principal clause

levels of subordination – 2 (*quam fuerit ille ipse discessus*)

103.4 develops the reference to Cicero's recall from exile in the preceding sentence by suggesting that the recall may become more bitter than the exile itself. A negative command interlaced with an accusative-infinitive construction expresses a request to the *iudices* not to allow this; an interrupting parenthesis describing the speech-act being performed (*obsecro*).

103.5. Nam qui possum putare
 me restitutum,
 si distrahor ab his
 per quos restitutus sum?

principal clauses – 1

subordinate clauses – 3: acc.-inf. (*me restitutum*), *si*, *per quos*

opening clause – principal clause

levels of subordination – 3 (*per quos restitutus sum*)

103.5 explains the bitterness mentioned in the preceding sentence by referring again to the fact that, if Milo is condemned, Cicero will be separated from those who restored him, in a rhetorical question (*qui* = 'how') of open conditional construction; there is an accusative-infinitive construction dependent on the opening apodosis, and a relative clause (*per quos*) dependent on the protasis.

103.6. Vtinam di immortales fecissent
 (pace tua, patria, dixerim;
 metuo enim
 ne scelerate dicam in te
 quod pro Milone dicam pie!),
 utinam P. Clodius non modo uiueret
 sed etiam praetor, consul, dictator esset,
 potius quam hoc spectaculum uiderem!

principal clauses – 3, in 2 units (recapitulation, *non modo ... sed etiam*)

subordinate clauses – 1: *potius quam*

parentheses – 1 (*pace tua ... dicam pie*)

principal clauses – 2, in 2 units (*enim*)

subordinate clauses – 0/2: *ne*, *quod*

opening clause – principal clause; principal clause

levels of subordination – 2 (*quod pro Milone dicam pie*)

opening clause – principal clause; principal clause

103.6 develops the idea of Cicero's wish not to be separated from Milo to its furthest possible limit, praying that the gods may resurrect Clodius and give him power, if only Milo can be saved. The opening wish (*utinam*) is interrupted before identifying what it is that the gods have not brought about: a parenthesis makes another wish, that the statement will prove to have been made with the permission of the *patria*, which is directly addressed (*pace tua*). The parenthesis is extended by an attention-whetting coordinate principal clause expressing the speaker's fear of the inappropriateness of what he is about to say in relation to the *patria* (noun-clause, *ne*), in contrast to its appropriateness *re* Milo (relative clause, *quod*). The

sentence is then effectively started again with *utinam*; this time the wish is directly expressed (without reference to the gods). It is indeed startling: Cicero wishes that Clodius were still alive (*non modo*); worse (*sed etiam*), that he might achieve the height of power (three possible offices are listed, going beyond that mentioned at 90.1 as something the state could hardly be expected to survive long enough to see). A comparative clause (*potius quam*) goes some way to explaining why Cicero would make such a wish.

pace tua, patria: the opening words of the sentence refer to the gods in the third person, although they are in a sense being called upon; direct address is reserved for the *patria* here.

104.1. O di immortales! fortem et a uobis, iudices, conseruandum uirum!

principal clauses – 1

subordinate clauses – 0

104.1 addresses first the gods (they are formally in the vocative, but *cf.* 40.3), referred to in the third person in the preceding sentence, and then the *iudices*, describing Milo's virtues, and claiming that they should be preserved; the shift in addressee focuses on the relationship between the person being referred to (Milo) and the persons being addressed (the *iudices*).

di immortales! ... iudices: the invocation of the gods here forms another brief interruption to the on-going address to the *iudices*.

104.2. 'Minime, minime,'
 inquit;
 'immo uero poenas ille debitas luerit;
 nos subeamus,
 si ita necesse est,
 non debitas.'

principal clauses – 2, in 2 units (asyndeton)

subordinate clauses – 0/1 (*si*)

participles – 1: *non debitas*

interruptions – 1 (*inquit*)

opening clauses – principal clause; principal clause

104.2 reinforces the impression of Milo's fortitude once more by reporting in direct speech his refusal of (presumably) the tactic Cicero is currently pursuing and his willingness to put up with his undeserved punishment now that Clodius has faced his deserved one. The sentence opens with negation, quickly attributed to Milo by third-person *inquit*; what he is saying 'no' *to* is not specified and so may be taken either as something specific (*e.g.*, the awful prospect mentioned in 103.6) or as Cicero's general approach here, of pleading. Whatever it is is replaced (*immo uero*) by a reference to Clodius' deserved punishment, expressed by a perfect subjunctive verb (*luerit*) which is probably best taken as optative (W.115: 'a wish that something may prove to have happened'; *cf.* 46.5, 49.1). The present subjunctive in the second unit (*subeamus*) is more naturally taken as jussive, expressing a tone of acceptance or resignation; an embedded conditional protasis (*si*) gestures towards what is still the uncertainty of Milo's fate at this point.

‘minime, minime’ inquit: Milo speaks again, briefly, making the transition from third person in the previous sentence (*uirum*) to first (rather than second as in 99.5-100.1). Here only *inquit* identifies the fact that this is direct speech.

debitas ... debitas: the first *debitas* is easily taken as attributive, ‘let him pay the penalties which are owed’, but the second has been classified at Syntactic Index 2.2.5.b as concessive, ‘if necessary, I shall pay such penalties even as are not owed’.

nos subeamus: ‘editorial’, or carrying the implication that Milo’s exile is also a punishment for his friend?

104.3. Hicine uir,

patriae natus,
usquam nisi in patria morietur,
aut,
si forte,
pro patria?

principal clauses – 2, in 2 units (*aut*)

subordinate clauses – 0/1: *si*

participial phrases – 1: *patriae natus*

opening clause – principal clause

104.3 returns to the voice of the orator, responding to Milo’s fortitude by suggesting that it is not right for such a man to die anywhere other than in his own country, and mentioning the possibility that he might die in the service *of* his country. The implied answer to the rhetorical question (*usquam*) is ‘nowhere’; the embedded participial phrase *patriae natus*, and the alternative question introduced by *aut*, expand the possible relationships between Milo and the *patria*. An elliptical conditional protasis (*si forte*) indicates that the speaker is holding out possibilities, not making assertions.

hicine uir: Milo returns to the third person; the addressee is not formally identified until the following sentence, but it is natural to take it as the *iudices*. This is the last shift in speaker/addressee in the speech.

104.4. Huius uos animi monumenta retinebitis,
corporis in Italia nullum sepulcrum esse
patiemiini?

principal clauses – 2, in 2 units (asyndeton)

subordinate clauses – 1/0: acc.-inf. (*corporis ... sepulcrum esse*)

opening clauses – principal clause; acc.-inf.

104.4 repeats the ironic antithesis of 101.4, with a twist which develops the reference to Milo’s future death in the preceding sentence, contrasting the possibility of retaining memorials of Milo’s actions at Rome with that of burying his body elsewhere. The antithesis is expressed as a rhetorical question in two asyndetic units: the first opens with the pronoun *huius*, which is shared; the second largely consists of an accusative-infinitive construction

dependent on following *patiemi*, which focuses attention on the responsibility of the *iudices* for whatever happens.

104.5. Hunc sua quisquam sententia ex hac urbe expellet,
 quem omnes urbes
 expulsum a uobis
 ad se uocabunt?

principal clauses – 1

subordinate clauses – 1: *quem*

participial phrase – 1: *expulsum a uobis*

opening clause – principal clause

104.5 presents another antithesis, between a Rome that has expelled Milo and other cities which will clamour to receive him. Another rhetorical question (universalizing, ‘will anyone do X?’) expresses the antithesis in a correlative construction (*hunc ... , quem ...*).

105.1. O terram illam beatam
 quae hunc uirum exceperit,
 hanc ingratham
 si eiecerit,
 miseram
 si amiserit!

principal clauses – 3, in 3 units (asyndeton)

subordinate clauses – 1/1/1: *quae, si, si*

opening clause – principal clause; principal clause; principal clause (all consisting only of exclamatory accusatives)

105.1 develops the points made in the preceding two sentences in a triple contrast: the city that receives Milo is happy, the one that exiles him is ungrateful, the one that loses him by any other means is unfortunate. The sentence consists of three exclamatory accusatives with increasing amounts of ellipsis.

o terram illam beatam: the exclamatory accusative carries even less of a sense of shift in addressee than vocatives like *di immortales!*

105.2. Sed finis sit;
 neque enim prae lacrimis iam loqui possumus,
 et hic
 se lacrimis defendi
 uetat.

principal clauses – 3, in 3 units (*neque, et*)

subordinate clauses – 0/0/1: acc.-inf.: *se lacrimis defendi*

opening clause – principal clause; principal clause; principal clause

105.2 signals that the end is nigh by explaining that Cicero can no longer speak for weeping, and reminds the *iudices* that Milo forbid the employment of tears in his defence. The end is

indicated by the jussive subjunctive *finis sit*; an explanation (*enim*) comes in two further units referring first to Cicero (first-person plural verb), then to Milo (*hic*). What Milo forbids expressed in an embedded accustive-infinitive.

possumus: the ‘editorial we’ here, which is not common towards the end of the speech, perhaps echoes its use at the end of the *exordium* (*deprecaturo/postulaturo sumus*, 6.2). Cicero will return to the singular in the next sentence.

105.3. Vos oro obtestorque, iudices,
 ut in sententiis ferendis,
 quod sentietis,
 id audeatis.

principal clauses – 1
 subordinate clauses – 2: *ut, quod*
 opening clause – principal clause
 levels of subordination – 2 (*quod sentietis*)

105.3 pleads with the *iudices* to show courage in giving a verdict which corresponds with their own wishes, implying that they should not be intimidated by the *Clodiani* into condemning Milo. The opening principal clause makes the plea, which is expressed in a noun-clause (*ut*, indirect command) with a correlative structure (*quod ... id ...*; embedded relative clause).

uos oro obtestorque, iudices: cf. 6.3, 92.1, 100.4.

105.4. Vestram uirtutem, iustitiam, fidem,
 mihi credite,
 is maxime comprobabit
 qui,
 in iudicibus legendis,
 optimum et sapientissimum et fortissimum quemque delegit.

principal clauses – 1
 subordinate clauses – 1: *qui*
 parentheses – 1 (*mihi credite*)
 opening clause – principal clause

105.4 provides a climax by claiming that Pompeius will approve of the courageous action of the *iudices* mentioned in the preceding sentence. The principal clause expresses the approval, with the thing approved in sentence-initial position, flattering the *iudices*; the person approving is identified but not named in the following relative clause (*qui*), referring to Pompeius’ selection of the *iudices*.

is maxime comprobabit: although Pompeius is not technically presiding at the trial, this third-person reference can be compared to references to those presiding at the ends of other speeches (e.g., *Arch.* 32).

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INDICES

LEXICAL INDICES

Introduction

Two Lexical Indices are provided, one Alphabetical, one Frequential. Both list groups of etymologically related words; the Alphabetical Index provides information about the individual words making up the word-groups. Locations (listed by sentence-number) for all the words will also be found in the Alphabetical Index, which can be used to supplement the bare list of word-groups in the Frequential Index.

The entries in the Lexical Indices follow the lemmata of the *Oxford Latin Dictionary*, and the use of superscript numbers to distinguish between homonyms and capital letters to distinguish between different uses of a word are also taken from that work. The initial concordance of word-forms was generated by the use of the freely available Summer Institute of Linguistics software, CONC, and an electronic text of the speech provided by the Oxford Text Archive. The resulting data was transferred to a Filemaker Pro database file for annotation and further categorization, beginning with the assignation of each word-form to an *OLD* lemma and proceeding to the recording of various bits of grammatical and etymological information.

The goal of this exercise was to generate data about lexical repetition in as neutral a manner as possible, with decisions about whether the information yielded by the data was meaningful – and if so, what it might mean – to be a second stage in the process (for goals and methods, see further Approach 4.1). Wherever possible, a set of principles was adhered to both in categorizing individual word-forms in the speech as belonging to separate ‘words’ (again, the *OLD* was used as a basis for the most discrete level of analysis), and in assigning them to word-groups; these are given in the course of the discussion below. There were, inevitably, cases where the analyst’s opinion had to be invoked in order to decide potentially ambiguous points; the principles are themselves the result of the analyst exercising a judgement – but this is unavoidable; all that can be done is to explain them.

Basic principles

Every word receiving a separate entry in the *OLD* is listed separately within each ‘word-group’. Word-groups are made up of words which are direct derivatives of a single basic word, whether that basic word appears in the speech or not. Etymological information from the *OLD* served as a guide to whether or not a word was derived from the same root. Since the processes of derivation are manifold, and not completely regular, decisions had to be made about what types of etymological connection would suffice to group individual words together, especially in relation to verbs. It may be felt both that some words have

been grouped together that do not belong together, and that some words which do belong together have not been grouped together. Steps have therefore been taken to make the decisions as transparent as possible, and to provide further information which will allow readers to make their own recalculations, should they so desire.

a) Words

Using the existence of a separate *OLD* lemma as a basis leads to treating some usages as separate words which might be felt to be simply a different part of the same word, e.g., the substantival neuter of the adjective *bonus*, *bonum*; or the regular adverbial form of 1st/2nd declension adjectives, ending in long *-e*, formed in much the same way as cases are formed. The organization of the *OLD* itself is dependent on decisions about such questions as whether the substantival use of an adjective is sufficiently common to deserve a separate entry. Since almost any adjective *can* be so used, it is not necessary to note every such use in the dictionary, and some which *are* felt to be worth noting are noted in a section of the entry for the adjective itself, rather than in a separate entry. This raises the question of whether there should be an intermediary ‘grouping’ where words which *could* be viewed simply as a form of another word are examined together, before being combined with more distant derivatives. For reasons of space and simplicity this has not been done here, but the provision of data on the individual *OLD* ‘words’ provided in the Alphabetical Index allows readers to ‘re-group’ and construct their own figures about repetition on the basis of the results, should they so desire.

b) Word-groups

A major problem in determining which words belong together in groups concerns derivatives which have acquired a meaning very different from that of the root-word.

- Adverbial uses such as *modo* meaning ‘only’ and *uerum* meaning ‘but’ might be thought to be far away from the basic meaning of the noun *modus* and the adjective *uerus*. Separating these usages runs the risk of obscuring any play on the derivation of *modo* or *uerum* in the text: if the words are not entered in the same group, the analyst may fail to look at them together, and thus fail to notice interesting usage; separating them is therefore tantamount to pre-judging the question of whether there *could* be interesting usage. For the purpose of analysing repetitiousness, it was decided to cast the net as widely – in this respect – as possible. Where one of these word-groups belongs to the ‘frequent’ category in a particular sub-division of the speech, separate figures for the adverbial form and the root word are supplied in the introduction to that sub-division.
- On the other hand, where there might appear to be relationship but in fact there is not, words have been kept separate. Here again the *OLD* has been used as a guide. For example the adverb *profecto* is said there to be derived not from the supine of either *proficere* or *proficisci*, but from the phrase *pro facto*. The fact that native-speakers did not have access to the *OLD* and may have had a different opinion has been ignored, on the grounds that the decision to do anything else would open up too large a can of worms; we are not particularly looking for (*falsa*) *figura etymologica*.
- In the case of verbs there is a particular problem with pairs like *cogo* and *cogito*, *iacio* and *iactare*, *proficio* and *proficiscor*, *quaereo* and *quaeso*. The second and fourth

pairs may seem more closely related in terms of meaning, but it seemed desirable to find a method of deciding whether to group the words together that was based more strictly on form. The principle employed developed from the fact that *concessio*, derived from the supine of *concedo*, was grouped with the verb as an obvious derivative; if the derived verb was a development of the supine, therefore it was considered to be part of the same word group and otherwise not. This rule prevents *cogere* and *cogitare* being grouped together, since the supine of *cogere* is *coactum*; *indicare* and *indicare* have also been kept separate. Where verbs are grouped together, so are their derivatives, including in cases such as *occurro-occursatio* where the intermediary stage in the derivation process (the verb *occursare*) does not occur in the speech. The stress laid on the supine in this decision process also led to counting *proficio* and *proficiscor* together, as they share a supine. A perhaps problematic example is the decision to count *quaesere* from *quaesitum*, the supine of *quaerere*, despite the disappearance of the *-t-* (the *-i-* has already disappeared in *quaestio*).

- Highly specialized political terms have been treated as a particular category, and kept separate from their root-words and related words: so *consul* is not grouped with *consilium/consulere* (the connection is in any case uncertain), *praetor* is not grouped with *praeire*, *tribunus* is not grouped with *tribus*, *comitium* is not grouped with *comes* etc. It was also felt possible to separate both *comitium* and *comes*, etc. from *coetus*, technically the supine of *coeo*, as it was felt, with support from the *OLD*, that the *com-*words do not derive from *coeo* but from a separate combination of *con-* with already existing derivatives of the root-verb, *eo*.
- *bonus* and *bene* have been grouped together, but the comparative and superlative adjectives *melior* and *optimus* have been separated from *bonus* as being derived originally from separate roots. Readers can easily put these together again if they should wish; the resulting total for *bonus*, etc. would be 38. Comparable cases are *fero* and the derivatives of *latum*, *ego*, and *meus*; here the fact that the different forms appear within the standard inflexion tables for the verb/pronoun (the oblique cases of *ego*) was taken as justifying the grouping of the two words together; in the case of the latter group there was also the parallel of *tu/tuus*. This group is in any case not considered lexically significant in the current study; it is used instead as part of the process of tracing interactional language through the speech – see further Approach 4.1, 5.1-2.

A less generalizable example involving a range of words is the relationship between *rego*/its participle *rectus* (only the adverb *recte* appears in the speech), the noun *regio*, and the noun *rex* along with its derivatives: *regnum*, *regnare*, and *regia*. These words are all related, having to do with different forms of ‘direction’ (the possibility of punning on this word also exists English). Here, perhaps illogically in view of the decision regarding words like *modo*, the number of words has led to the identification of two groups: *rex*, etc. have been separated from *regio* and *recte*. (Some may feel that the wrong decision is not this separation, but the decision to keep *regio* and *recte* together.) Frequent users of the Index will find other examples of decisions with which it is possible to disagree; some of the issues which affect frequent words are discussed in the sub-division introductions in the Commentary.

c) Compounds

- In the case of words like *benevolentia*, the impossibility of choosing between grouping them with *bonus/bene* or with *uolo* led to the decision to treat them as a word-group separate from that in which either of their elements appeared. This decision was in itself relatively easy, but it masks an underlying problem of orthography: *benevolentia* could in theory have been treated as two words, and while there is little variation in contemporary editorial practice here, there are more problematic examples. It is no longer customary to print *res publica* in all its cases as a single word, but it has been in the past, and variations remain current with terms like *qua re/quare* and *quam ob rem/quamobrem*. Treating *benevolentia* as two words would alter the number of words in the speech – and this highlights the fact that the number of words in the speech is dependent on editorial decisions. Here the decision was taken to trust Clark’s orthographical decisions to be consistent as well as reasoned (*cf.* Approach 1.3 and n.11). Anyone who feels strongly about the issue is invited to investigate the effects on the data of changing the orthography in this manner, by treating *e.g.*, *res publica* as a single word and/or by treating *e.g.*, *benevolentia* as two words.
- It was also necessary to make a decision about such compounds involving prepositions as one of the elements, such as *accipere* from *capere*. Here it was felt, in contrast to the case of verbs derived from the supine of other verbs, and even such processes as deriving *modo* from *modus*, the compounding so *typically* produced a radical alteration in meaning that a strong case could be made for separation as a standard procedure. (Here the net has not been cast so widely.) There is also the practical point to be made that grouping such compounds with their root-words would upset the alphabetic sequence of words, making the index less usable as a reference-tool. An exception, however, was made for the negating prefixes *in-*, *de-* and *a-*, on the grounds that the meaning of the root-word is strongly present in the negated form. If these decisions seem inconsistent, the figures can be recalculated by looking through the Alphabetical Index either for words grouped with their negative or for words beginning with prefixes.

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Alpis	1	64.2 67.2 69.2 79.1 80.3			
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<i>alter</i> ² (1): 54.1		<i>Annus</i> (6): 1.1 6.1 77.1			
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		Palladium	1	<i>paulisper</i> (1): 28.1	
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<i>peregrinor</i> (1): 33.1		<i>perterreo</i> (2): 41.1 61.1		<i>polliceor</i> (1): 3.1	
perennis	1	pertineo	1	polluo	2
<i>perennis</i> (1): 34.10		<i>pertineo</i> (1): 21.7		<i>polluo</i> (2): 85.3 87.2	
pereo	4	perturbo	1	pompa	1
<i>pereo</i> (4): 26.3 30.4 44.3 88.4		<i>perturbo</i> (1): 1.1		<i>pompa</i> (1): 33.6	
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73.7 76.1 76.3 77.2 78.1		38.5 38.6 38.7 41.2 44.4		56.2 61.2 71.1 71.1 94.2	
79.4 82.4 82.5 83.1 87.1		45.6 46.1 46.1 46.2 46.3		praesto	3
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prodo	5	propterea	1	quadriduum
<i>prodo</i> (4): 8.4 27.1 46.2 83.3 <i>proditor</i> (1): 82.1		<i>propterea</i> (1): 21.6		<i>quadriduum</i> (1): 26.3
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for	1	intermorior	1	nudus	1
fraus	1	interpono	1	nuga	1
frustra	1	interrogo	1	numen	1
fur	1	interuallum	1	Nympha	1
Gallus	1	inuitus	1	obduro	1
germanus	1	item	1	oblino	1
grex	1	Iuppiter	1	obmutesco	1
habito	1	iuuenis	1	obruo	1
haereo	1	Kalendae	1	obsigno	1
harena	1	labefacio	1	obsum	1
haurio	1	labo	1	occupo	1
hercules	1	lacero	1	Ocriculanus	1
heus	1	laccio	1	octo	1
Horatius	1	lamenta	1	offendo	1
Hortensius	1	lapis	1	opitutor	1
hortor	1	laqueus	1	oppono	1
hospes	1	largus	1	os ¹	1
humilis	1	Latium	1	oscito	1
iaceo	1	Lentulus	1	ostendo	1
Ianiculum	1	Lepidus	1	Paconius	1

paenitet	1	promo	1	semel	1
Palladium	1	proprius	1	semiustilo	1
par	1	propterea	1	senex	1
parco	1	propulso	1	separo	1
pareo	1	prostratus	1	septem	1
pario ²	1	prouideo	1	Sertius	1
pasco	1	prouincia	1	Seruilius	1
patefacio	1	pubes	1	serus	1
Patina	1	puluinar	1	Sestius	1
Paulus ²	1	pungo	1	seuerus	1
pax	1	purus	1	sicut	1
percallesco	1	quadriduum	1	signifer	1
percio	1	quapropter	1	silua	1
perduellis	1	quattuor	1	sis ¹	1
peregrinor	1	queo	1	sol	1
perennis	1	quinque	1	sors	1
perfero	1	ratiocino	1	spiro	1
perfringo	1	recens	1	splendor	1
perfruo	1	recenseo	1	spons	1
permultus	1	recipio	1	Spurius	1
perpetior	1	reconcilio	1	squaleo	1
persapiens	1	recordor	1	stipo	1
persequor	1	recurro	1	suadeo	1
persoluo	1	recuso	1	subicio	1
persona	1	reddo	1	subsum	1
pertineo	1	redimo	1	succurro	1
perturbo	1	redundo	1	symphonia	1
peruago	1	redux	1	tardus	1
Petilius	1	refercio	1	tempestat	1
pilum	1	reficio	1	tempto	1
pingo	1	refuto	1	tenebrae	1
Plotius	1	reicio	1	tener	1
polliceor	1	remoueo	1	tergiuersor	1
pompa	1	repeto	1	tetrarches	1
porrigo ¹	1	reprimo	1	tragoedia	1
portendo	1	repudium	1	traho	1
portus	1	rescindo	1	tranquillus	1
posco	1	resido	1	trans	1
poto	1	resisto	1	transfero	1
praeceps	1	respiro	1	tredecim	1
praecipuus	1	reuoco	1	tribus	1
praeco	1	ripa	1	trucido	1
praeditus	1	robur	1	Tullius	1
praeo	1	Rufio	1	tumulus	1
praepono	1	rumor	1	tutus	1
praescribo	1	sacrificium	1	uagus	1
prandeo	1	Saturninus	1	uastus	1
prex	1	scala	1	uendo	1
Prilius	1	Scantia	1	uesper	1
princeps	1	Schola	1	uicus	1
pristinus	1	scortum	1	uigilia	1
procella	1	secerno	1	uito	1
procreo	1	secus	1	umerus	1
proelium	1	seges	1	undecim	1
prohibeo	1	segnis	1	undique	1

uolito	1
uoluo	1
uro	1
usquam	1
usurpo	1
Varius	1
Vibienus	1

SYNTACTIC INDICES

Introduction

Four Syntactic Indices are provided, for Nouns & Adjectives, Verbs, Subordinate Clauses, and Sentence-Types. The various phenomena here listed (by sentence-number) range from those standardly listed in basic grammar books (*e.g.*, different uses of the accusative) to various aspects of clause interaction which are considered significant in creating syntactic complexity (see Approach 3.2). Many of the phenomena are not explicitly discussed either in the essay on Approach or in the Commentary; one goal of the Syntactic Indices is to capture information succinctly that it would take far more space to discuss if every occurrence (or even every problematic occurrence) were to be treated individually. Three primary uses of the Indices are envisioned: to provide help for those having difficulty with the Latin; to provide a bank of examples for those who are teaching it; and to allow those who are interested to pursue the distribution-patterns of other syntactic phenomena than those which have been explicitly explored in the Commentary.

Grammatical analysis is no more objective than lexical; the analyst's opinion can be disputed. Particularly problematic cases are noted at the relevant point (*e.g.*, 3.1.1.b, reasons for the subjunctive in relative clauses); readers are free to disagree, both at these points and elsewhere. Some of the principles employed and decisions taken are discussed in what follows, with other points made at the appropriate point in the Indices. It has not been considered necessary to justify every decision about how to categorize and when to sub-categorize; hopefully, if readers are interested in something which is not itself catalogued here, they will still find something here that can help them get their own investigations started.

Note that the phenomena in question do not always correspond to words, *i.e.*, one 'occurrence of the nominative' may be made up of a noun plus two adjectives, one conditional clause may contain repeated *si*; counting the conditional clauses will therefore not result in the same total as is given in the Lexical Indices for *si/nisi/sin/siue*.

For the most common usages, *e.g.*, that of the nominative as subject of a finite verb, a total is often provided rather than a complete itemized list, on the grounds that a) help should not be needed in understanding the usage, and b) its distribution through the speech is likely to be too continuous to be worth investigation.

Throughout the Syntactic Indices, such symbols as * and † are deployed variously where necessary, and are explained at the beginning of the relevant section. Superscript, as usual, indicates a footnote; subscript indicates multiple occurrences in a single sentence. Where a phenomenon has been sub-categorized by introductory features, a single occurrence may appear twice in the list; for an example, see below on the accusative-infinitive construction and multiple governing verbs.

Reference is made throughout to two basic works on grammar:

K. = Kennedy's *Revised Latin Primer*

W. = Woodcock's *New Latin Syntax*

If need be, further reference to these works can be made to explain how certain terms are being used.

The remainder of this Introduction follows the outline of the Indices themselves in structure.

1. Nouns & Adjectives Index

The varying uses of the different cases are categorized here. Nouns and adjectives are not distinguished, and there is no attempt to categorize the uses of the latter as attributive, predicative, or substantive. The latter process has been attempted for participles (see 2 below), where the process was felt to be unavoidable due to the treatment of the ablative absolute as a clause-equivalent; in the case of adjectives the tendentious nature of many of the decisions that would have to be made has been viewed as a justification for avoiding the process.

Note: Names and Apposition

The use of two or more of a person's names together as a label for that person, *e.g.*, *T. Annius* (1.1), has not been counted as cases of apposition. Where there is said to be something in apposition to a name (*e.g.*, 1.1.3.), something like *Clodium, segetem ac materiam suae gloriae* (35.3) is meant.

2. Verbs Index

Under this heading are categorized different uses of the infinitive, participle, gerund and gerundive, and independent subjunctive; imperatives are also listed. The varying use of indicative and subjunctive in subordinate clauses are catalogued in Subordinate Clauses Index 3.1-3.

Note: Participles

It can be difficult to decide which participles – especially participial phrases – to count as simply parts of a verb, and which as equivalent to clauses; many cases are arguable. Some participles are used merely as attributive adjectives, regardless of whether or not a separate entry for the adjective appears in the *OLD* (*e.g.*, there is no entry for *ambustus*, 12.5); some are used substantivally, as nouns (*e.g.*, *priuatos*, 76.1); others are 'predicative', whether predicated of a subject (*e.g.*, *florentes*, 93.2) or expressing the effect of the verb on the object (*e.g.*, *beluam ... inretitam teneret*, 40.3; this sense can often be translated with 'as'; W.88). Even if it were easy to be certain when a participle (or indeed adjective) is being used attributively and when it is being used in some other way (which it is not), the distinction is not particularly helpful in deciding whether or not a participle is a clause-equivalent. Attributive participles can be seen as the equivalent of relative clauses. But there is a limit to the equivalence, and the focus in this work is on the decision to express subject-matter in a particular way, *rather than* using any of its equivalents. It seems safe to say that an attributive participle adds less complexity to the sentence, fewer levels of subordination, than a relative clause. Similarly, a predicative participle after *teneret* adds less complexity than, for example, an *ut*-clause explicitly expressing the same effect of the action as final or consecutive (*†ita beluam teneret ut inretita uideretur*). In addition, the same distinction can be made in the uses of adjectives, and predicative adjectives after factitive verbs have not been counted as clauses. It was

therefore decided not to use the way the participle is being used as a factor in deciding whether or not it was a clause-equivalent.

The addition to the participle of modifiers that would normally accompany verbs (objects, adverbs, prepositional phrases, *etc.*), creating a 'participial phrase', could be seen as having some significance in increasing the 'weight' of the participle within the sentence. But again, adjectives can also be expanded in this way, but have never been analysed as clause-equivalents. The presence/absence of modifiers is therefore not sufficient to determine the status of the participle in the sentence.

The participial construction most often described as clause-equivalent is the ablative absolute. Although this usage can be understood as a specialized form of one of the standard uses of the ablative, perhaps 'attendant circumstances', the fact that it is described as 'absolute' suggests that it is felt to be detached from its surroundings in a way that a dative or accusative, however elaborately qualified by a participial phrase, is not. It is not always easy to decide if a particular ablative expression is being used absolutely (see *e.g.*, 53.3), but those which appear to be used this way *have* been treated as the equivalent of clauses, in calculating the number of clauses/levels of subordination in each sentence. There remained the problem of how to treat participles in other cases (and some other ablative uses) which are not attributive or predicative (as defined/described above). For the purposes of distinguishing this other usage, the term 'adverbial' has been adopted in the Verbs Index, and an attempt has been made to divide them into temporal, causal, concessive, and conditional. In contrast to the ablative absolute, it was still considered less safe to claim that these adverbial participles are equivalent to clauses.

For the purposes of analysing complexity, adverbial uses other than the ablative absolute, although they could be seen as equivalent to adverbial clauses, have not been counted as such. As elsewhere, however, the existence of the Syntactic Indices allows readers to explore the possibilities of taking a different decision. And a compromise position has been taken in the commentary itself, where those participles which the current analysis considers to be being used adverbially have sometimes been printed on a separate line from their surroundings (less often in the case of unaccompanied participles than in the case of participial phrases), and have consistently been noted in the syntactic analysis – although always as separate from rather than part of the list of subordinate clauses.

One of the motivations for this decision is the feeling that many of the decisions that have been taken as to whether a particular usage is adverbial or not could easily be disputed. The four participial phrases at the end of 61.2 seem fairly secure; at the other end of the scale are numerous uses of unaccompanied participles, including for example several of *mortuus*, which might easily be seen as purely adjectival.¹ Readers conducting experiments to see what happens to the figures if more participles are counted as clause-equivalents are therefore also encouraged to challenge the categorization of the participles in the first place. Of course the same problem also affects ablative absolutes; here the tendency has been to categorize as many of the candidates as possible as absolute.

¹ It is not safe to treat unaccompanied participles as non-adverbial, participial phrases as adverbial; both unaccompanied and phrasal uses occur in all the sub-categories here identified: attributive, substantive, predicative, adverbial, absolute.

3. Subordinate Clauses Index

Subordinate clauses have been divided into four categories:

- relative clauses
- indirect questions
- clauses introduced by subordinating conjunctions
- phrases treated as the equivalent of clauses (ablative absolute (see above), accusative-infinitive construction)

Relatives/Interrogatives

The following table gives information about which ambiguous words appear in the speech used relatively (Subordinate Clauses Index 3.1, unless noted) and which interrogatively (Subordinate Clauses Index 3.2, unless noted).

Word	Relative Use	Interrogative Use
<i>qui(s)</i> [pronoun/adjective]	y	y†
<i>qua</i>	y	
<i>qualis</i>		y†
<i>quam</i>	y*	y†
<i>quantus</i>	y	y†
<i>qui</i> = how		y†
<i>quicumque</i>	y	
<i>quisnam</i>		y†
<i>quisquis</i>	y	
<i>quo</i>	y	
<i>quotiens</i>		y‡
<i>quocumque</i>	y	
<i>quod</i>	y*	
<i>ubi</i>	y	y†
<i>unde</i>	y	y‡

* Here treated as a subordinating conjunctions, and found in 3.3 below.

† Also used to introduce *direct* questions, and so also found in Sentence-Types Index 4.1.

‡ Only used to introduce direct questions, and so found in Sentence-Types Index 4.1.

Subordinating Conjunctions/Adverbs

It seemed safer to categorize the remaining subordinate clauses by subordinating conjunction rather than by adverbial function (final, consecutive, temporal, concessive), since many of these decisions could be disputed. In the case of some of the more common conjunctions especially, an attempt has been made to use these distinctions as sub-categories.

The conjunctions are listed alphabetically; readers looking for a particular type of clause can check the following table:

Type of Clause	Conjunctions used
Temporal	<i>cum, dum, quam, quoad,</i>
Causal	<i>cum, quia, quod, quoniam,</i>
Concessive	<i>cum, etsi, etiam si, [tametsi,] quamquam, quamuis, ut</i>
Final	<i>ne, ut</i>
Substantive	<i>ne, quin, quod, ut</i>
Comparative	<i>ac, quam, quasi, sicuti, [tamquam,] ut</i>
Conditional	<i>nisi, quasi, si, sin, siue</i>
Consecutive	<i>quin, ut</i>

Accusative-Infinitive Construction

An attempt has been made here to cast the net as widely as possible, and the results are not always indirect statements (*e.g.*, those dependent on *patrior*). The fact that examples have been sub-divided by governing verb may help any readers looking for *oratio obliqua* in particular. Note that constructions governed by more than one verb will appear more than once in the list.

4. Sentence-Types Index

This index lists direct questions/exclamations, which did not seem to fit anywhere else, and then moves on to catalogue various phenomena which have been viewed as contributing to syntactic complexity (see Approach 3.2-3).

Direct Questions/Exclamations

These two phenomena are treated together because there are occasions when they are difficult to distinguish, for example:

Quotiens enim est illa causa a nobis acta in senatu, quibus ad sensionibus uniuersi ordinis, quam nec tacitis nec occultis? Quando enim frequentissimo senatu quattuor aut summum quinque sunt inuenti qui Milonis causam non probarent?
(12.2-3)

Modern punctuation conventions make it necessary for an editor to decide whether these sentences are closed with a question-mark or an exclamation-mark. The first of these two sentences could easily have been punctuated with the latter instead of the former; the same could perhaps be said of the second, although ‘when’ feels more definitely like a question than ‘how often’ (to this analyst). The fact that 12.3 is more obviously a question may have influenced the punctuation-decision made in respect of 12.2, though there are other places in the speech where questions and exclamations are found side by side in the text printed. Other exclamation-marks have been printed because of the proximity of imperatives or particular vocatives rather than interrogative expressions – which is not to say that all sentences containing imperatives and/or vocatives are exclamations.

The conflation of questions and exclamations is related to the fact that some questions are not ‘genuine’ but ‘rhetorical’ questions, that is to say, they are not requests for information but disguised statements. Inasmuch as they have an interrogative form, they are questions, but inasmuch no answer really needs to be supplied (although it sometimes is), they are not. The questions in 32.1 and 32.3 are closer to genuine questions, although they still do not anticipate that any interlocutor will respond with an answer; that will be supplied by the speaker himself. The fact that the interrogative form implies an interlocutor, however, explains how the use of rhetorical questions supplies a kind of liveliness to monologue, how they can contribute to a kind of emotional effect.

Most of the questions in the speech are rhetorical; the ‘answer’ is often supplied or at least implied in the wording of the question. Here the first question is the equivalent of an assertion that Cicero discussed the *causa* in the senate many times (*quotiens*) to unanimous approval which was noticeable (*quibus*) and loudly expressed (*quam nec tacitis nec occultis*); this is not so different from exclaiming: ‘How often ...!’ Although the following question focuses on time (*quando*), the main point of the sentence lies

elsewhere; the expected answer, ‘never’, is simply a way of emphasizing the claim that very few senators disapproved.

Questions and Sentence-Analysis

In counting different units in the speech, decisions had to be made about how to classify different kinds of question-answer sequences. Different decisions could have been made; the most that can be claimed for the decisions which *have* been made is that an attempt was made to be consistent over the course of the text.

Example 1:

Quonam igitur pacto probari potest insidias Miloni fecisse Clodium? Satis est in illa quidem tam audaci, tam nefaria belua docere, magnam ei causam, magnam spem in Milonis morte propositam, magnas utilitates fuisse. (32.1-2)

Here the question and the answer/response each consists of a syntactically independent unit, containing its own principal clause; the two have been treated as two separate sentences.

Example 2:

Num igitur ulla quaestio de Africani morte lata est? certe nulla. (16.6)

Here the response is an elliptical principal clause, and has been treated as a second unit in a compound sentence.

Example 3:

Quid ego tulit? nempe ut quaereretur. (15.2)

Here the elliptical response consists only of a subordinate clause dependent on the principal clause expressed in the question. (This example is perhaps complicated by the particle *nempe*, but the single word has not been considered able to stand on its own as an elliptical principal clause.) The whole has been taken as a single unit with one principal and one coordinate clause.

Example 4:

Quid porro quaerendum est? factumne sit? at constat; a quo? at paret. (15.3)

This sequence has been treated as a single sentence; it could be re-analysed as consisting of up to five sentences. The rationale is as follows: *factumne sit?* and *a quo?* are subordinate clauses dependent on *tulit*; this is clear in the case of the former, with its subjunctive verb. These are therefore pendant questions ‘introduced’, as it were, by the principal clause, and as in the case of other introduced clauses have been treated as part of the same sentence; as subordinate clauses they are also part of the same unit. The answer to *factumne sit?* therefore interrupts the unit, as would a principal clause in parentheses; *at paret* can be treated in the same way despite the fact that the framing unit is not resumed after the second interruption finishes. The sentence thus consists of three units, described as one unit with two interrupting units.

A number of question-answer/question-response sequences (and exchanges involving direct speech) which have been analysed according to a similar rationale are listed in this

Index under Parentheses/Interruptions, 4.4.3; details of each analysis can be found in the Commentary.

Complexity Factors

As discussed in Approach 3.2, complexity is difficult to measure, and while some attempt has been made to trace variation in the use of various complexity factors over the course of the speech, the working assumption here has been that readers will get more out of looking at examples than they will out of figures. As well as allowing readers the opportunity simply to look at as many examples of a particular phenomenon as they like, the provision of the information here should allow any readers who wish to do so to go some way towards checking the data given in the Tables in Approach 3.3.² An attempt to be comprehensive has however been made in relation to the various forms of clause interaction here categorized; units with initial subordinate clauses have been separated out (4.3) from other occurrences of subordinate preceding superordinate mid-unit, which have been listed with embedding and interlacing (4.4). In the course of the analysis a system was developed for representing the structure of a sentence in formulaic terms; in this system sentence 7.2, for example, appears as follows:

$$\backslash 1^*/2/P@ \% - 1//1@[2] \dots [2] \dots / =$$

While some of the the notation may be obvious, and the rest could be relatively briefly explained, it was felt that the provision of detailed lists of individual factors would be more useful than any display of such attempts to conglomerate the data into short strings of symbols, however useful they were during the analytical process itself. I would of course be delighted to hear from anyone else who is interested in pursuing this kind of notation/comparing their own processes.

Readers looking at a compound sentence who are uncertain which unit is the one specified in a particular list should get some help from the sentence-layouts and syntactic analyses in the Commentary.

² Note again, however, that the most commonly occurring phenomena (*e.g.*, units with only one principal clause, of which there are 320) have not been comprehensively listed in the Index.

1. NOUNS & ADJECTIVES INDEX

1.1. Nominative

1.1.1. Subject

The majority of the nominatives in the speech, 858 occurrences, are subjects of finite verbs (K.200).

1.1.2. Complement

Following copulative verb (K.187, 201):

- *esse*: 1.1, 3.2, 3.3, 6.2, 6.3, 7.1, 9.2, 9.2, 10.3, 13.1, 14.1, 17.3₂, 19.2₂, 20.3, 20.4, 21.1, 23.1₂, 26.1, 27.1₂, 31.1, 31.4, 32.2, 32.4₂, 34.7, 35.1, 35.2, 35.4, 36.1, 36.3, 40.4, 41.2₂, 42.1, 43.2, 43.3, 43.4, 45.2, 47.2, 49.2, 53.1₂, 54.1₂, 58.2, 61.1, 61.3, 64.1, 65.2, 68.2, 69.1, 72.1, 73.6, 77.3, 78.3, 78.6, 79.1, 81.2₂, 81.4, 83.1, 83.3, 84.2, 89.1, 89.2, 90.2, 93.2₃, 94.2, 95.3, 96.2₂, 99.1, 99.2, 99.4, 100.3, 101.4, 102.2, 103.6
 - in these examples *esse* must be supplied: 54.2, 55.2, 60.4, 64.3, 71.1
- *uideri*: 21.2, 59.5, 76.1, 87.1
- other: 8.3 (*haberi*), 12.6 (*appellari*), 33.1 (*nominari*), 50.2 (*citari*), 60.6 (*dici*), 64.1 (*exstare*), 66.7 (*comperi*)

1.1.3. Apposition

In apposition to other nominative (K.194):

- * indicates possibly predicative use
- name: 16.2, 37.1, 39.2₂, 46.5, 46.7, 46.8, 65.3, 91.4
- pronoun (present or understood): 33.1, 90.1₂*, 90.3₂*, 94.2
- subject understood: 35.1, 79.5
- other: 9.2, 39.2, 50.2, 58.4

1.2. Vocative

1.2.1. Direct Address

- to the *iudices*: 1.1, 2.1, 4.1, 5.1, 6.1, 6.3, 8.4, 10.3, 11.3, 20.1, 21.1, 23.1₂, 30.1, 33.1, 34.1, 34.5, 36.2, 41.2, 43.3, 47.1, 47.3, 52.1, 53.2, 53.4, 61.3, 62.2, 65.1, 72.1, 78.1, 78.5, 79.1, 83.2, 85.1, 92.1, 93.1, 95.1, 99.4, 100.4, 101.3, 103.1, 104.1, 105.3
- other addressees: 22.1, 33.2, 33.5, 44.2₂, 60.2, 67.1, 68.3, 77.1, 85.3₃, 94.4, 99.1, 100.1, 101.5₃, 102.1, 102.2, 103.6

1.2.2. Exclamatory

The following uses are perhaps simply exclamatory, rather than directly addressing any remark to the entity in the vocative case: 40.3, 59.3, 64.2, 75.1, 94.1₃, 104.1; cf. Sentence-Types Index 4.1.3.b.

1.3. Accusative

1.3.1. Direct Object

a) The majority of the accusatives in the speech, 720 occurrences, are direct objects of transitive verbs (K.204; W.1-2).

b) Adverbial/internal object (K.212; W.13-16):

- The following can be seen either as internal accusatives or as standard direct objects:
 - *quid*: 3.3 (*iudicare*)
 - *hoc*: 7.3 (*disputare*)
 - *nihil*: 15.5 (*iudicare*)
 - *plura*: 44.1 (*disputare*)

- The following accusatives of pronouns *etc.* could be seen as either internal objects of a verb or as having become essentially adverbs:³
 - *aliquid*: **88.6** (*proficere*), **99.5** (*offendere*)
 - *nihil*: **16.3** (*consulere*), 14.5 (*necesse esse*), **30.2**, 34.12 (*prodesse*), **57.3** (*attinere* or similar understood), 94.5 (*opitulari*)
 - *plus/plura/plurimum*: **34.5**, 53.4 (*ualere*), **77.2** (*prodesse*)
 - *quantum*: **34.1**, 56.2 (*interesse*)
 - *quid*: 34.2 (*interesse*), **48.4** (*nuntiare*), 54.3 (*necesse esse*)

1.3.2. Accusative-Infinitive Construction

a) 228 accusatives are subjects of infinitives in accusative-infinitive constructions (K.207, 414; W.29-32); see Subordinate Clauses Index 3.4.1.

b) Complement of copulative infinitive (K.201):

- *declarari*: 96.1
- *esse*: 8.2, 16.5, 21.2, 25.1, 34.8, 43.3, 50.1, 52.1₂, 53.3, 58.1, 66.4, 68.2, 78.2, 81.2₂, 87.3, 88.2, 96.2₂, 101.2, 103.3, 103.4
 - in the following examples *esse* must be supplied: 25.5, 52.1
- *fieri*: 25.1, 65.3

c) Double use: direct object of transitive verb in one clause, subject of infinitive in the next: **80.2**, **100.4**

1.3.3. Apposition/Predication

a) In apposition to other accusative (K.194):

- name: 18.1, 35.3, 37.1, 44.2, 46.2, 46.7, 66.4, 74.3, 75.2
- other: 25.5, 37.3, 38.3

b) Second, predicative accusative (K.194):

- after a clearly factitive verb (K.206; W.17.i):
 - *iudicare*: 30.4, 73.3
 - *putare*: 33.5, 66.4, 102.2
 - 47.3 (*describere*), 48.5 (*scribere*), 66.4 (*susplicari*), 89.3 (*efficere*), 95.3 (*facere*), 100.3 (*ducere*)
- after other verbs used in a factitive sense, or where the second noun expresses something about how the action is performed/the effect of the action, rather than simply a characteristic of the object:
 - *teneret/retinere*: 3.3, 38.1, 40.3, 78.4,
 - other: **2.2** (*tradere*), 3.2 (*uidere*), 24.1 (*effugere*), 44.2 (*dare*), 100.2 (*abicerere*)

c) Other possible predicative uses: **24.1**, **88.5**, 89.2

1.3.4. Accusative of Direction

K.211, 270; W.9. Categorized by governing preposition:

- *ad*: 1.1, 5.1, 7.1, 10.3, 21.7, 23.1, 25.2, 25.5, 26.3, 29.3₂, 33.2, 34.1, 37.3, 40.1, 40.2, 41.1, 43.1, 45.1, 45.4, 48.2, 49.4₂, 51.1, 51.2, 52.1₂, 53.1, 53.3, 54.2, 57.3, 59.4, 64.3, 65.4, 68.2, 69.1, 78.2, 80.2₂, 86.1, 91.3, 104.5
- *ante*: **27.1**₃, 29.1, 53.3, 61.3, 86.1₂
- *apud*: 12.6, 34.5, 65.3, 89.3
- *contra*: 1.2, 5.2, 12.1, 12.6, 13.4₂, 14.1, 14.3, 15.5, 31.3, 56.1, 67.2, 71.1, 96.1
- *erga*: 4.2, 34.5, 42.1, 95.4

³ The following uses of *quid* are straightforwardly adverbial: 17.1, 18.4, 33.5, 34.2, 34.2, 35.2, 35.3, 36.2, 40.2, 41.1, 43.3, 44.1, 44.1, 45.6, 48.4, 54.3, 64.2, 78.4, 79.1, 79.3, 101.3, 103.3.

- *extra*: 14.5, 92.1
- *in*: 6.2, 7.1, 10.3₃, 12.6, 24.1, 25.4, 29.2, 29.3, 30.4, 31.2, 31.6, 32.3, 33.6, 37.3, 38.1, 39.2, 40.1, 40.2, 40.4, 41.1, 49.1, 50.2, 51.1, 52.1₂, 54.4, 55.2, 55.4₂, 56.2, 56.3, 59.5, 59.6, 60.5₂, 61.1, 61.3, 64.2, 64.3, 65.4, 67.2₂, 70.2, 71.1, 72.3, 74.6, **75.1**, 76.1₆, 76.2₂, 78.2, 78.5, 87.1, 88.2, 89.3, 90.4, 95.3, 96.2, 100.2, 102.1
- *inter*: 2.1, 11.1, 13.4, 17.2
- *ob*: 3.1, 4.1, 23.1, 53.3, 56.2, 77.1, 83.1, 98.5
- *penes*: 60.5
- *per*: 4.2₄, 5.2, 14.4, 17.2, 36.1, 36.1, 43.4₂, 61.1, 72.3, 75.3, 76.3, 77.1, 79.5, 89.2, 102.1₂, 102.2, 103.3, 103.5
- *post*: **44.3**, 69.2, 77.2
- *praeter*: 35.3, 79.3, 88.1
- *prope*: 52.1
- *propter*: 6.2, 12.6₂, 53.3, 58.2, 58.3, 79.4₂, 81.4, 93.4
- *trans*: 74.6
- no preposition (names of towns, *domum*): 27.1₂, 28.1, 39.2, 45.3, 46.7, 47.4, 49.1, 49.3, 51.2, 61.1, 62.3, 73.5

1.3.5. Accusative of extent

All temporal (K.278; W.10-12): 24.1, **28.1**, 54.3, 60.5, 66.2, 87.1

1.3.6. Exclamatory accusative

K.209: 63.3, 102.1, 104.1, 105.1; *cf.* Sentence-Types Index, 4.1.3.b.

1.4. Genitive

1.4.1. Possessive Genitive (K.254; W.72)

The majority of the genitives in the speech, 424 occurrences, *can* be classed as ‘possessive’, if Woodcock’s comment that ‘the relation between the possessor and the possessed may be very varied’ is borne in mind (W.72.1). Some of the different relations are here indicated by examples; any attempt to list all categories or all occurrences of a particular category would beg too many questions.

- the owner of/person who has something:
 - property (*e.g.*, *domus C. Caesaris*, 66.2)
 - a more abstract item (*e.g.*, *Milonis consulatus*, 34.11)
 - an attribute (*e.g.*, *auctoritas senatus*, 14.5)
 - a body-part (*e.g.*, *seruorum manu*, 37.1); this could be seen as partitive (*cf.* below, 1.4.2)
 - an associate/relation (*e.g.*, *propinquus eius imperatoris*, 9.2; *omnium ille hostis*, 79.6); once with an adjective, *studiosos mei*, 21.7
- the subject or object of something done (K.74-76; W.72.2-3, 74-76):
 - subject: the person carrying out the action (*e.g.*, *iter expediti latronis*, 55.1; *eius cogitationibus*, 88.1; *ictu gladiatoris*, 65.5)
 - object: the person or thing on whom the action is carried out, again expressed either by a verbal noun (*e.g.*, *incendium curiae*, 13.4; *confessio facti*, 23.1)
 - object: the person or thing on whom someone specific is acting, (*e.g.*, *nuntio necis Clodianae*, 62.2; *conseruatores domini*, 58.4)
 - object: the person or thing against whom something is directed or for which something is used (*e.g.*, *faces urbis*, 33.1)
- other miscellaneous
 - object memorialized by relics (*e.g.*, *monumentum sui nominis*, 37.3)
 - cause or source of some result (*e.g.*, *praemia ... factorum*, 96.2)
 - result of some cause or issue from some source: (*e.g.*, *fontem perennem gloriae suae*, 34.10)

- genitives with *causa* and related words such as *facultas* (e.g., *manendi nulla facultas*, 45.5); many of these genitives are gerund(ive)s, but not all, e.g., *uerbi causa*, 60.2 (cf. Verbs Index, 2.3.1.a, 2.3.2.a)

1.4.2. Partitive Genitive

K.259; W.72.4, 77:

- with a numeral:
 - *mille*: 53.3
- with a pronoun or similar 'empty' word:
 - *aliquid*: 1.2, 86.3
 - *id*: 28.1, 54.3
 - *nihil*: 32.4, 45.2, 54.1, 55.2, 78.1, 90.1
 - *quid*: 49.2, 54.1, 70.1
 - other: 3.2 (*quisquam*), 31.2 (*nemo*), 34.6 (*quis*), 75.1 (*uterque*), 77.3 (*nullus*), 78.7 (*quantum*₂), 99.6 (*hoc tantum*), 100.1 (*nullum*₃)
- with a noun indicating a subdivision or other part:
 - *caput*: 43.3, 90.2
 - *hora*: 66.2
 - *pars*: 3.2, 68.1
- with an adjective indicating fullness
 - *plenus*: 50.1, 64.3

1.4.3. Defining/Appositional Genitive

K.248; W.72.5:

- explaining what the item specified consists of (some of these might be debated):
 - *ius*: 18.6₂, 78.4
 - *potestas*: 4.2, 11.2, 13.3 (all gerunds)
 - other: 18.2 (*nomen*), 71.1 (*copia*), 81.1 (*praemium*), 96.1 (*crimen*)
- identifying the members of a group
 - *genus*: 3.3₂, 3.3, 92.3
 - *multitudo*: 3.2, 64.3
 - *orbis terrarum*: 72.3, 73.4
 - other: 33.2 (*librarium*), 55.3 (*grex*), 76.3 (*exercitus*)

1.4.4. Genitive of characteristic,

Predicated with *esse* ('ours but to do or die'; K.251): 2.2₂, 33.5, 82.5₂

1.4.5. Genitive of value

K.257; W.72.7, 86-87: 58.3, 63.1 (*tanti*); 99.4 (*quanti*)

1.4.6. Adverbial genitive

- with impersonal verbs (K.267, 288, 291-292; W.73.4, 208-209):
 - *interest*: 34.1, 34.2, 56.2
 - *miseret*: 92.3
- with verbs of judicial activity (K.255; W.73.5): 36.4 (*actionem intendere*)
- with adjectives (K.253; W.73.3): 7.1 (*proprius*), 70.1 (*peritus*), 72.1 (*ignarus atque expers*), 38.1 (*similis*)

1.4.7. Apposition

In apposition to other noun in the genitive (all names): 2.2, 7.3, 16.2, 38.6, 66.2, 86.1

Note: Ambiguity

The genitives of certain pronouns may be ambiguous because they have the same form as the possessive/pronominal adjective

- *mei*:

- *defensores mei*, 39.2 – *mei* could be objective genitive, cf. *defensor uestrae uoluntatis* earlier in the same sentence, or nom. pl. of the possessive adj., qualifying *defensores*
- *mei patriaeque custodis*, 65.5 – *mei* could be a genitive pronoun parallel to the noun *patriae*, or a nom. pl. adjective agreeing with *custodis*: for a possessive adjective and a genitive noun qualifying the same noun, cf. *de rei publicae salute quam de sua*, 1.1; *uel mea uel rei publicae fortuna*, 20.2; *fortunas meas ac liberorum meorum*, 100.2
- *uestri*:
 - *sui se capitis quam uestri defensorem*, 81.2 – *uestri* could be objective genitive, cf. *defensores mei* above, or an adjective agreeing with *capitis*, cf. *mei patriaeque custodis* above
- *eius*:
 - *celeritas reditus eius*, 61.1 – ‘speed of that return’ or ‘speed of his return’
 - *eius igitur mortis ... ultores*, 79.5 – ‘avengers of that death’ or ‘avengers of his death’
- *huius*:
 - *huius exitum iudici*, 3.2 – ‘outcome of this trial’ or ‘outcome of this man’s trial’
 - *huius benefici gratiam*, 83.2 – ‘gratitude for this favour’ or ‘gratitude for this man’s action’
 - *huius ... animi monumenta*, 104.4 – ‘memorials of this spirit’ or ‘memorials of this man’s spirit’
- *illius*:
 - *ultor sceleris illius*, 39.2 – ‘avenger of that crime’ or ‘avenger of that man’s crime’

1.5. Dative

1.5.1. Indirect Object

121 occurrences of the dative in the speech are indirect objects of transitive verbs, usually verbs of giving (broadly understood) or of speaking, but also verbs expressing concepts like joining, encountering, and placing in charge of (K.215, 220; W.61-62).

- six of these datives are the indirect object of a verb not of giving but of taking away (*eripere* or *extorquere*): 9.2, 13.3, 18.5, 26.2, 99.2, 99.3

1.5.2. With Intransitive Verbs

Some datives complete verbs which are intransitive in Latin; these verbs include those which express not only the doing of benefit or harm, but also trusting, encountering, occurring, being present/absent, being in charge of, and threatening (K. 216-217, 220; W.59, 61).

- *accidere*: 58.5, 99.6
- *cedere*: 2.1, 63.1, 75.1, 86.2
- *credere*: 50.1, 65.5, 105.4
- *desse*: 94.2, 96.1, 100.1
- *insidiari*: 37.3, 47.2
- *irasci*: 33.5, 42.1, 99.2, 104.3
- *obesse/obstare/occurrere*: 25.1, 34.3, 34.12, 88.1, 96.1
- *praesesse/praeire/praesidere*: 3.3, 22.1, 101.5
- *prodesse*: 30.2, 77.2
- *resistere*: 22.2., 91.1
- other: 3.2 (*fauere*), 29.3 (*succurrere*), 37.1 (*adesse*), 37.3 (*intendere*), 61.2 (*confidere*), 68.3 (*inhaerere*), 95.3 (*imminere*), 94.5 (*opitulari*), 103.2 (*redundare*)

The following seem worth listing as phrases rather than simply as transitive/intransitive verbs.

- *insidias conlocare/facere*: 6.2, 23.1, 27.1, 31.6, 32.1, 60.2, 88.3
- *obuiam fieri/obuius esse*: 28.2, 29.1, 47.2
- other: 45.3 (*necesse esse*), 63.2 (*bellum facere*), 100.2 (*se abicere*)

1.5.3. Dative of Advantage/Disadvantage

Expressing the person to whose (dis)advantage an action is performed, the action being expressed in a phrase which is not standardly accompanied by the dative (K. 211; W.56, 64):

- with predicative dative phrases (*cf.* below, 1.5.5):

- 32.3, 56.2, 94.4, 96.2

- other:

- 64.3, 75.1, 90.1, 95.2

1.5.4. Possessive Dative

The dative with nouns:

- *causa*: 45.5₂

- *locus*: 2.1, 94.3, 101.2

- *necessitas*: 45.5

- other: 4.2 (*potestas*), 7.2 (*fas*), 27.1 (*iter*), 45.5 (*facultas*), 73.6 (*nefas*), 74.1 (*ius, lex, termini*)

- noun-clause: **35.4**

1.5.5. Predicative Dative

Expressing the goal or result (K.225-226; W.67-68):

- 32.3 (*bono*), 56.2 (*odio*), 71.1 (*praesidio*), 94.4 (*auxilio*), 96.2 (*honor*)

1.5.6. Used with adjectives

K.218; W.58.4:

* marks participial adjectives which might be taken as verbs:

- *carus*: 68.2, 93.3

- *gratus*: 81.2, 81.3, 102.2

- *inimicus*: 21.2, 39.2

- *magnus*: 40.4, 58.2

- *notus**: 52.1, 76.3

- *optabilis/optatus**: 31.1, 52.1

- other: 3.3 (*aduersus**), 21.2 (*familiaris*), 33.5 (*infestus*), 52.1 (*utilis*), 52.1 (*ignotus*), 53.1 (*aptus**), 71.1 (*dignus*), 78.2 (*salutaris*), 96.2 (*praestabilis*), 103.4 (*acerbus*)

1.5.7. Indicating the agent with a gerundive

See Verbs Index 2.3.2

1.5.8. Used with impersonal verbs

W.59.iv, 211-212

- *libet*: 41.1

- *licet*: 14.4, 71.1, 72.2, 93.4, 93.5

- see also nouns: *fas/nefas, necesse*

1.5.9. Apposition/Predication

In apposition to other noun in the dative:

- name: 26.3

- pronoun: 83.3 (perhaps predicative), 102.2

1.6. Ablative**1.6.1. 'True' Ablative (the 'from'-case)**

a) Ablative of separation (K.229; W.41.7), categorized by governing preposition:

- *a(b)*: 6.3, 30.4, 68.3, 76.2, 77.1, 91.1, 99.1, 101.1, 103.5

- *de*: 18.5, 75.2

- *e(x)*: 20.1, 20.2, 33.2₂, **81.3, 101.5**, 104.5

- *sine*: 1.2, 8.4, 28.2, 34.6, 55.2, 56.2₃, 62.1, 68.3, 82.2, 86.2₆
- no preposition after certain verbs:
 - *carere*: 5.1, 18.6, 63.1
 - *cedere*: 36.2, 68.3, 75.1 (contrast abl. after *ex*, 81.3)
 - *ecere*: 33.6, 87.2
 - *liberare*: 9.2, 34.8, 96.2
 - *pellere/expellere*: 50.2, 74.3, 87.2
 - *priuare*: 75.3
 - *soluere*: 9.2, 31.6
 - *spoliare*: 33.6, 86.2
- b) Ablative of the starting-point (W.41.1), categorized by governing preposition:
 - *a(b)*:
 - physical starting-point: 79.3, 79.4, 91.2 (the underworld)
 - temporal starting-point: 22.3, 98.4
 - W.41.4: **29.3, 56.3**₂
 - *de* (physical starting-point): 29.2, 29.3, 65.3
 - *e(x)* (physical starting-point): 26.1, 48.2, 54.3, 85.3
 - no preposition:
 - with names of towns: 27.1, 48.4 (*proficisci*), 51.1 (*redire*)
 - in comparisons: 5.1, 6.3, 60.4, 60.6, 90.2
- c) Ablative of the source (W.41), categorized by governing preposition:
 - *a(b)*:
 - 37.2, 56.3, 59.2, 74.6, 79.6, 87.2, 96.2, 99.2
 - source of information: **16.4, 27.1**
 - ablative of agent (viewed as a source of the action, W.41.2): 4.2, 6.2, 7.1₃, 7.2, 8.2, 9.1, 9.2, 12.1, 12.3, 15.3, 16.3, 17.3, 23.1, 31.1₂, 31.4, 45.4, 46.2, 50.2, 52.1, 53.3, 55.3, 55.4, 57.2, 60.5, 62.1, 65.3, 68.2, 70.2₂, 84.3, 90.2₃, 98.2, 102.2₂, 104.1, 104.5
 - *de*:
 - **63.3, 65.4**, 82.5, 93.3, 99.3
 - partitive ('from among the number of', W.41.6): 65.3
 - *de* = 'about' (possibly partitive; W.41.6): 1.1, 3.2₄, 4.2₂, 7.3, 8.1, 8.2, 13.2₂, 13.3₂, 15.1₃, 16.3, 16.6, 20.2, 23.1, 31.4, 31.5₂, 38.5, 38.7, 39.2₂, 39.3₂, 46.4, 47.4, 48.1, 48.3, 48.4, 56.3, 59.1, 59.4₂, 59.6, 65.3, 67.2, 72.1, 72.2, 75.1₂, 79.3, 79.5, 91.1₂, 92.1, 98.1, 98.4
 - *e(x)*:
 - 10.3, **14.2**, 21.6, 26.3, 29.3, 44.3, 46.3, 52.1, 81.1₂, 103.2
 - partitive ('from among the number of', W.41.6): 5.2, 21.4, 21.7, 22.3, 29.3, 90.1, 96.2

1.6.2. Sociative-Instrumental Ablative (the 'with'-case)

- a) Ablative of means or instrument (K.240; W.43.1, 44):
 - no preposition: 179 examples
 - measure of difference (the measurement being viewed as the means by which the two things are differentiated; K.244; W.43.3, 82), with comparative expressions: *nihilo minus* (19.5), *quanto plura* (25.4), *tanto magis* (25.4), *nihilo segnius* (82.4), *quanto magis* (92.3)
 - completing the sense of verbs/phrases:
 - *frui/perfrui*: 93.4, 93.5
 - *niti/eniti*: 34.9, 83.1
 - *opus est*: 49.3, 57.3
 - *uti*: 11.2, 12.6, 34.4, 41.1
- b) Ablative of accompaniment (W.43.5, 46-47):
 - with *cum*:

- accompaniment (literal and figurative): 28.2, 29.3, 37.1, 55.2, 55.3, 63.1, 74.4, 89.3, 95.4
- shared activity: 21.6, 60.5, 68.2 (opposition), 73.2, 93.4, 94.3, 99.1, 102.2
- possession: 11.2, 29.2, 66.5, 91.3
- comparison: 20.3, 55.1
- other: 21.6 (joining), 41.2₂ (attendant circumstances), 73.4 (division/sharing)
- without a preposition:
 - accompaniment: **28.2**
 - attendant circumstances (W.43.5.ii): **12.3, 30.2, 40.4, 41.2, 63.1**, 72.3; many of these can be considered as expressing a (possible) result
 - manner (K.236; W.43.5.iv, 48): 16.1, 20.4, 26.3, 29.3, 35.5, 47.2, 53.3, 61.1, 63.1, **80.3**, 81.3, 95.1, 99.1, **101.3**; most of these have to do with mental states
 - quality (K.234; W.43.6): **3.1**, 24.1, 29.3, 64.2, 66.4, 73.5, 79.3, 91.4, 99.1, 101.1, **101.3**; all accompanied by either an adjective or a dependent genitive, although sometimes it needs to be supplied

c) One-word ablative of manner/means

Essentially adverbial (W.48.ii):

- *casu* = 'by chance': 55.3, 86.1
- *iure* = 'rightfully': **8.1**, 8.2, 9.2, 11.3, 30.3, 31.2, 38.3, 41.2, 57.3 (contrast 18.6)
- *iniuria* = 'wrongfully': 31.2, 41.2, 57.3
- *ui* = 'violently': 9.2, 38.1, 70.1 (contrast 30.1, 73.5, 84.3)

d) Ablative Absolute (a kind of attendant circumstances? K.237; W.43.5.iii, 49-50):⁴

* indicates that the construction involves a noun or adjective rather than a participle.

- 7.1, 7.3, 8.3*, 8.4, 14.5, 19.5, 25.1*, 25.2*, 26.3*, **29.3**₃, 32.4₂, 34.4, 34.9, 34.11₂*, 36.2, 38.3, 38.4, 38.5₂, 38.6, 40.2₂*, 43.2, 44.3*, 61.1, 62.2*, 66.6, 69.2*, 70.1₂, 73.2, 73.5, 74.6, 78.1*, 78.2₄, 78.3*, 78.4, 82.4, 85.3, 89.2, 90.1*, 92.1, 94.2, 95.3*, 99.1₂, 101.5, 102.2₂, 103.3

cf. Verbs Index 2.2.5.a

1.6.3. Locative Ablative (the 'in'-case)

a) Expressing place, categorized by governing preposition (K.268; W.51-53):

- *in*: 94 examples
- *prae*: 43.1, 52.1
- *pro*: 1.2
- no preposition: 8.4, 29.3, 41.2₂, 41.4, **53.3**, 66.3, 73.7, 91.3, 93.1

b) Expressing time at which, no preposition (K.276; W.54): 3.2, 3.3, 4.2, 12.5, 14.2₂, 19.3₂, 24.1, 27.1, 28.1₂, 29.1, 38.7₂, 41.2₃, 45.3₂, 45.4₂, 45.6, 46.2, 46.7, 47.4, 48.6₂, 49.3, 51.1, 51.2, 52.1₂, 87.3, 98.2, 100.2

c) Expressing time within which (K.277; W.54):

- *in*: 24.1, 82.2, 87.2, 96.2
- no preposition: 16.2, 26.3₂, 44.3, 54.3, 95.4

d) Figurative uses, categorized by governing preposition:

- *in*: 71 examples
- *prae*: 3.3, 105.2
- *pro*: 1.1, 5.2, 6.1, 12.6, 36.5, 37.3, 40.2, 56.3, 64.2, 65.5, 66.4, 68.2₂, 82.2₂, 87.2, 90.3₂, 94.5, 100.2₂, 101.5, 103.6, 104.3

⁴ There is one one-word ablative absolute in the speech, *me* at 102.2; here the participle *deprecante*, however, can easily be supplied from the preceding clause.

1.6.4. Apposition

- a) In apposition to other noun in the ablative:
- name: 8.2, 38.4, 38.5, 74.6, 75.1
- b) Predicative use (*cf.* W.88n. on adjectives):
- name: 46.2
 - pronoun: 34.4, 89.2

2. VERBS INDEX

2.1. Infinitives

2.1.1. Prolative/Complementary Use

After certain types of verb (K.369; W.22-23):

- expressing will:
 - *uelle*: 11.1, 24.1, 27.1, 38.2, 51.2, 63.1, 79.4, 81.2
 - *nolle*: 54.5, 72.2, 79.5, 92.2, 103.4
 - other: 9.2 (*malle*), 32.4 (*cupere*)
- expressing the imposition of will on others:
 - *cogere*: 57.2, 65.2
 - other: 11.2 (*uetare*), 29.3 (*prohibere*)
- expressing decision and endeavour:
 - 24.1 (*statuere*), 53.3 (*cogitare*), 46.7 (*constituere*), 75.3 (*instituere*), 89.3 (*conari*)
- expressing daring:
 - *audere*: 20.3, 34.7, 72.3, 75.1, 82.3, 84.3
- expressing power and the reverse:
 - *posse*: 1.1, 1.2, 3.2, 5.1, 7.1, 8.3, 10.1, 11.3, 13.3, 15.4, 16.5, 20.4, 21.5, 21.6, 21.7, 23.2, 24.1, 26.2, 28.1, 30.2, 30.3, 30.4, 32.1, 32.4, 33.2, 33.7, 34.7, 34.11, 38.1, 38.3, 41.2, 44.4, 45.6, 46.1, 46.2, 46.3, 47.5, 49.3, 57.2, 59.3, 59.5, 59.6, 60.5, 60.5, 64.1, 64.2, 64.3, 65.2, 65.5, 66.4, 67.1, 68.3, 71.1, 76.1, 77.1, 78.3, 78.4, 78.7, 79.1, 79.3, 79.5, 81.3, 83.3, 84.2, 87.3, 88.2, 88.4, 90.1, 91.1, 94.5, 99.1, 99.2, 99.4, 102.1, 102.2, 103.5, 105.2
 - other: 57.6 (*nescire*), 77.3 (*quire*)
- expressing duty and habit:
 - *debere*: 3.3, 23.1, 33.7, 51.2, 69.2, 78.6, 81.1, 92.3
 - *solere*: 8.1, 86.2, 88.6, 92.3, 96.2
- expressing beginning and hesitation:
 - *dubitare*: 34.8, 41.2, 44.4, 74.6
 - *incipere*: 25.5, 29.3 34.11

2.1.2. Substantive Use

Subject of impersonal constructions (W.23):

- impersonal verbs:
 - *licer*: 6.3, 10.2, 14.4, 71.1, 72.2, 83.2, 93.5
 - other: 41.1 (*libet*), 82.5 (*paenitet*)
- other impersonal constructions:
 - 7.2 (*fas est*), 22.2 (*munus est*), 32.2 (*satis est*), 45.2 (*negoti nihil est*), 45.3 (*necesse est*)
 - *est* + neuter adjective: 1.1, 27.1, 31.1, 40.4, 71.1, 96.2
 - *est* + genitive of characteristic: 2.2, 33.5, 82.5

2.1.3. Indirect Statement

a) Accusative-Infinitive Construction. See Subordinate Clauses Index 3.1.

b) Nominative-Infinitive Construction (K.370-371; W.33)

Prolative infinitive with passive verbs.

* indicates that a periphrastic infinitive is represented in the text only by a participle, with *esse* to be supplied.

- *uideri*: 7.1, 15.5, 47.5, 65.5*, 72.3, 85.2, 86.1*₂, 96.2
- other: 11.2 (*iudicari*), 47.2 (*liberari*), 48.3 (*dici*), 64.3 (*indicari*), 66.2 (*nuntiari*), 66.7* (*comperiri*)

2.2. Participles

There are around 600 participles in the speech. For difficulties in judging how participles are being used, see Introduction to Syntactic Indices 2.

* indicates a superlative form of the participle (K.390, n.2).

‡ indicates a participial phrase, where the participle is accompanied by elements usually accompanying verbs, e.g., object, agent/instrument, certain adverb).

Where a sentence contains a number of participles used in different ways, the individual participles have been provided in brackets after the sentence-identifying number (except where the word has already been identified as a repeated substantive use).

Uses 2.2.2-2.2.5 involve present and perfect participles only.

2.2.1. Periphrastic Use

a) 165 participles appear in close proximity to a part of *esse* which appears in combination with perfect/future participles in paradigmatic verb tables (K.114, 116-124), and may be taken as forming a standard periphrastic tense of the verb: perfect indicative, subjunctive and infinitive passive; pluperfect indicative and subjunctive passive; future perfect indicative passive; future infinitive active. Cf. W.99-100.

To these may perhaps be added the following occurrences of the participle where *esse* could be supplied:

- perfect participle, with indicative/subjunctive of *esse* in ellipse: 64.3₂, 65.5, 66.2, 66.7, 86.1₂
- perfect participle, with infinitive of *esse* in ellipse: 2.1, 8.2, 8.4, 29.3₂, 31.3, 48.6, 52.1₃, 56.2₂, 67.2, 68.2₃, 88.2, 96.1, 103.5
- future participle, with infinitive of *esse* in ellipse: 21.3, 25.1, 43.2, 44.3, 49.4, 51.2, 52.1₂, 63.1, 75.1, 94.2, 94.3

b) Easily confused with the periphrastic tenses are the following combinations of perfect/future participles with other parts of *esse*, many of which should be taken as predicative (see 2.2.4.a below).

- perfect participle:
 - with perfect indicative of *esse*: 4.2, 70.1
 - with *fore*: 34.7
 - with *fuisse*: 32.2 (if *fuisse* is taken with *propositam*)
- future participle (W.104, 272.c, 277-278):
 - with present indicative (K.114): 6.2₂, 100.2 (*est* supplied from preceding clause)
 - with present subjunctive: 11.3, 96.1
 - with perfect indicative: 48.1
 - with perfect subjunctive: 33.1₂
 - with imperfect indicative: 28.1, 47.2
 - with imperfect subjunctive: 51.3, 68.3, 82.1, 84.3, 90.3
 - with pluperfect subjunctive: 48.2
 - with *fuisse*: 46.7, 47.4, 70.1, 76.3, 78.1, 79.3

2.2.2. Attributive Use

K.390:

- 2.2, 3.1, 4.2₃ (*delectis, meritis*‡, *perditissimis**), 5.2, 6.1‡, 8.1, 8.4₂ (*fictis, doctissimi**), 9.2 (*inlata*), 10.3₂ (*scripta, nata*), 12.5₂, **14.5** (*empta*; see note *ad loc.*), 21.2, 21.4*, 25.3*, 25.5*‡, 29.3 (*praesenti*), 32.4 (*cogitatis*), 33.1, 34.5 (*impudentium*), 34.9 (*concessa*‡), 41.2, 45.2, 45.4₂ (**concitata**‡, *cogitatum*), 47.3₂, 53.3 (*ualentium*), 56.3₃ (*pransi poti oscitantis*), 58.5, 59.4, 60.3, 64.2, 66.4₂*, 67.2₂ (*delecta, praestantissimus**), 75.2 (*coniunctum*‡), 76.3, 85.3₃ (*obrutae, edito, debitae*), 86.1 (*ornati*), 90.2‡, 91.4₂‡, 92.2, 93.5‡, 94.1‡, 95.2‡, 98.3₂

2.2.3. Substantive Use

With no qualified noun expressed (W.101):

- *factum*: 15.4, 23.1₂, 31.5, 38.7, 42.1‡, 43.4, 57.4, 57.6, 62.1, 81.3, 87.2, 95.3‡, 96.1, 96.2‡
- *merita*: 6.2‡, 12.6‡, 34.5‡, 99.3‡, 100.3‡
- *mortuus*: 75.1, 90.3, 91.2
- *perditus*: 12.6, 22.2, 88.3
- *priuati*: 76.1, 87.2
- other: 1.1‡, 29.2, 30.4, 49.3, 55.3, **56.3**₃ (*spoliantem et exultantem, abiecto*), 87.2‡, **92.3**₂‡, 100.2

2.2.4. Predicative Use

a) As a complement after *esse* (W.100): 52.1*, 93.2; see also the occurrences listed in 2.2.1.b above.

b) Accusative after a verb which might be seen as factitive (see 1.3.3.b above):

- *proponere*: 34.6, 43.1₂ (*speratum atque exoptatum*)
- *relinquere*: 48.4 (*morientem*), 48.6‡, 56.3 (*interclusum*), 68.3
- *tenere*: 38.1‡, 40.3 (*inretitam*), 78.4 (*priuata*)

c) Other predicative use, expressing how the subject performs the action (nominative), or how the action affects the object (accusative): 9.2 (*solutum*‡), 23.2, 33.6₂‡‡, 54.1₂, **54.3**‡, 55.4, 56.3₂ (*incensos*‡, *desperantis*‡), 61.1₃ (*imbutum*‡, *perterritum*‡, *exanimatum*‡), 63.1‡, 64.3‡, 68.1, 69.2 (*experti*), 71.1‡, 73.2 (*iuratus*), 78.5‡, 79.2, 80.1‡, 86.2₃‡‡, 86.2, 94.2 (*exstinctum*), **104.2**

d) W.88; cf. K.393: 69.2 (*natos*)

2.2.5. Adverbial Use

K.391; W.90, 92:

a) Ablative Absolute (K.237; W.93): 7.1, 8.4 (*uariatis*), 14.5 (*postulante*), 19.5, 29.3₅ (*reiecta, eductis, imperante, sciente, praesente*), 32.4₃ (*interfecto, adiuuantibus, coniuuentibus*), 34.4, 34.9 (*remoto*), 34.11, 36.2, 38.3, 38.4, 38.5₂, 38.6, 40.2₂ (*priuato, accusante*), 43.1₃ (*proponens*‡, *ferens et confitens*‡), 43.2, 61.1 (*ardente*), 66.6, 70.1₂, 73.2 (*habitis*), 73.5, 74.6, 78.2₃, 78.4 (*dominante*), 82.4, 85.3₂ (*caesis prostratisque*), 89.2, 92.1, 94.2 (*oppressa*), 99.1₂, 101.5₃, 102.2, 103.3

cf. Nouns & Adjectives Index 1.6.2.d

b) Other

- temporal: 3.2₂‡‡, 4.2 (*uexati*‡), **13.4**‡, 16.4‡, 18.5, 39.2₂‡‡, 40.2 (*dicentem*‡), 40.3 (*declinantem*‡), 40.4‡, 48.4 (*proficiscens*‡), 51.1‡, **60.5**‡, 65.3‡, 75.2 (*absentem*), 77.1‡, 88.6, 90.1, 90.4, 91.1, 95.1
- causal: 31.1‡, 32.4‡, 36.5‡, 41.1‡, 50.2₄‡‡‡‡, 82.5‡, 104.3‡,
- concessive: 5.1‡, 18.3‡, 50.1 (*confitentem*‡), **53.3**₂ (*edito atque excelso*), **61.2**₄‡‡‡‡, 63.3‡, 73.7‡, 96.2₂, **104.2**, 104.5‡
- conditional: 50.1 (*neganti*)

Note: Participles/Adjectives

The following words have been treated as adjectives deriving from the supine of verbs rather than as participles retaining any strong verbal sense, and their occurrences are consequently not included in the above list: *adulescens, alta, aptus, beatus, certus, constans, effeminatus, effrenatus, egens, exercitus, expeditus, falsus, impeditus, iratus, libens, mansuetus, notus, occultus, ornatus, percitus, peritus, promptus, sanctus, sapiens, scleratus, tacitus, tutus, usitatus*.

2.3. Gerunds and Gerundives**2.3.1. Gerunds**

- a) Accusative after prepositions (K.375; W.205.a):
 - *ad*: 99.2
- b) Genitive depending on an abstract noun (K.376; W.205.b):
 - *causa*: 45.4, 45.5
 - *potestas*: 4.2, 11.2, 13.3 (with direct object dependent on gerund; cf. below, 2.3.2.a)
 - other: 43.3 (*inlecebra*), 45.5 (*facultas, necessitas*)
- c) Ablative after prepositions (K.378; W.205.d):
 - *in*: 15.4, 15.5, 79.6

2.3.2. Gerundives

- a) In agreement with noun, substituting for gerund + direct object (K.379; W.206):
 - accusative after prepositions (W.207.4.a):
 - *ad*: 5.2, 5.2, 9.1, 18.5, 24.1₃, 27.1, 28.2, 39.2, 85.3
 - genitive depending on abstract noun (W.207.4.b):
 - *causa*: 36.3₂, 40.2, 52.1
 - semi-prepositional abl. *causa*: 8.4, 11.2₃, 29.3
 - other: 9.2 (*tempus*), 10.3 (*ratio*), 72.3 (*suspicio*)
 - ablative after prepositions (W.207.4.d):
 - *de*: 65.3
 - *in*: 21.4, 21.5, 47.3, 52.1₂, 70.1, 82.1, 89.1, 105.3, 105.4
 - instrumental ablative (W.207.4.d; cf. K.378 on gerund): 34.9, 72.3, 74.2, 98.2₂
- b) Expressing necessity – agent (in dative), if any, shown in brackets:
 - with *esse*
 - impersonal construction, no noun in agreement (K.382; W.203-204): 9.1, 19.5, 19.5, 30.4 (*omnibus*), 34.9 (*Miloni*), 49.4 (*Miloni*), 49.4 (*Miloni*), 77.1
 - personal construction, with subject-noun in agreement (K.383; W.203, 207.2): 5.2 (*Miloni*), 7.1 (*mihi*), 11.1₂ (*ei*), 12.6, 13.1, 13.3, 14.1, 15.3, 15.6, 16.1, 18.1, 19.4, 21.1 (*sibi*), 25.5, 33.1, 36.4 (*mihi*), 43.2, 49.4₂ (*illi*), 52.1₂ (*huic, illi*), 53.2₂, 57.5, 58.4, 65.3, 66.1, 73.1, 80.3₂, 81.1, 82.2, 82.4, 92.2, 96.2, 104.1 (*a uobis*)
 - predicative, agreeing with object after transitive verb (K.384; W.207.3):
 - *curare*: 41.1₂
 - *relinquere*: 33.6 (*canibus*), 63.1 (*uobis*)
 - *tradere*: 31.1 (*illi*)

2.4. Independent Subjunctives**2.4.1. Jussive**

- K.353-356; W.109-111:
 - 12.6, 17.2₂, 30.2, 93.1, 101.3, 104.2, 105.2
 - hortatory (K.354): 53.1, 57.5
 - deliberative (K.356; W.109.ii): 75.1 (in 29.3, *dicam* is better taken as fut. indic.)
 - concessive (K.355; W.112): 46.5, 49.1

2.4.2. Optative

K.357; W.113-117:

- 31.6₂, 93.2, 93.3₃, 93.4, 103.6₄, 104.2

2.4.3. Potential/Unreal

K.358, 439-440; W.118-121:

- in apodotes of conditional sentences: see Subordinate Clauses Index 3.3.7, 3.3.17
- other: 34.8, 35.3, 39.3, 48.4, 50.1₃, 50.2₄, 72.3, 76.1, 76.2 (*faceretis*), 78.3, 79.2, 81.4, 88.4, 88.5, 89.2₂, 89.3₄, 90.3, 94.2, 94.3

2.5. Imperatives

- 4.1₂, 23.2, 33.2₂, 34.1, 46.5, 46.6, 47.1, 54.3, 55.1 (*comparate*), 56.3₃, 60.2, 61.1, 77.1₂, 78.1, 79.1₃, 91.2₂, 105.4
- *nolite* + infinitive: 92.2, 103.4

Note: occurrences of *age* (49.1, 55.1, 60.1) have been omitted from the list above; although technically a second person singular imperative, this word has been treated as a particle in the syntactic analysis – although it still has an interactional function, drawing attention to the speaker and addressee.

3. SUBORDINATE CLAUSES INDEX**3.1. Relative Clauses****3.1.1. Relative Pronoun**

Used pronominally or adjectivally

a) With the Indicative: The majority of the relative pronouns/adjectives in the speech, 196 examples, occur with the indicative mood.

b) With the Subjunctive

The reasons for the subjunctive assigned here could be disputed in numerous cases.

- generic: 2.2₂, 4.2, 5.2, 7.1, 7.2, 8.1, 9.1, 11.1, 11.2, 15.4, 17.3, 19.3, 20.3, 24.1, 27.1, 28.2, 29.3, 32.4₃, 33.2, 34.6, 34.7, 39.3, 43.2, 43.4, 45.4, 46.3, 47.3, 48.6, 49.3, 55.3, 58.1, 58.5, 61.3₂, 64.1₂, 64.2₂, 70.1, 70.2, 71.1₂, 75.1, 77.2₃, 78.3, 79.5, 79.6, 80.3, 81.1, 81.4, 84.1, 87.3₂, 89.2, 90.1, 91.1₃, 96.2-97.0₃, 103.3, 105.3
- causal: 87.1
- consecutive: 86.1
- final: 12.4, 23.1, 30.3, 66.5, 75.1, 76.3, 87.3, 100.3, 101.4
- indefinite: 47.5, 64.3
- *oratio obliqua*: 8.2, 8.4, 12.1, 12.5₂, 13.3, 14.3, 15.1₂, 48.3, 51.2, 63.1, 65.5, 68.2, 86.3, 95.2, 96.1₂, 96.2-97.0₂, 102.2
- conditional apodosis: 10.2, 16.5, 61.2, 79.5, 84.3

c) With Ellipse of Verb: 28.2, 55.3, 58.1, 75.1, 79.3, 83.1

Note: Connecting Relatives

The following examples have been taken as connecting relatives, *i.e.*, not subordinating:

- *quam ob rem*: 3.1, 4.1, 23.1, 56.2, 77.1, 83.1, 98.5
- *qua re*: 33.7
- other: 2.1, 12.6, 15.4, 20.2, 21.7, 23.2, 38.2, 39.3, 58.4, 68.3, 69.2, 72.2, 90.2, 90.3, 99.5

3.1.2. Adverbial Forms of the Relative Pronoun

- *qua*, with indicative: 98.4
- *quo* (adv. of place):
 - with indicative: 99.1
 - with subjunctive: 23.2 (final), 51.3 (*o.o.*), 95.3 (final)

3.1.3. Other Relative Words

- *quantus*:
 - with indicative: 25.4
 - with subjunctive: 75.1 (generic)
- *quicumque*:
 - with indicative: 95.4, 100.3
 - with subjunctive: 30.4 (generic)
- *quocumque*, with indicative: 1.1, 55.2
- *quisquis*:
 - with indicative: 93.3
 - with subjunctive: 9.1 (indefinite)
- *ubi*:
 - with indicative (W.215-6): 25.5 (temporal), 53.1 (local)
 - with subjunctive (W.148): 17.3 (final), 101.2 (generic)
- *unde*, with indicative: 3.2

3.2. Indirect Questions

All with the subjunctive.

* marks cases where the verb is in ellipsis.

† marks words which are also used to introduce direct questions/exclamations (*quando*, *quotiens* and *unde* are only so used).

The introductory question-word/phrase is given in brackets after each example.

3.2.1. Interrogative Pronoun

Used pronominally or adjectivally

- 3.3 (*uoce praere*), 8.2 (*interrogare*), 15.3* (*quaerere*), 15.5 (*statuere*), 26.3 (*quaerere*), 30.2₃ (*dicere*), 33.1 (*ignorare*), 44.4₂ (*aperire/dubitare*), 46.5 (*uidere*), 61.1₅ (*recordari*), 72.1 (*nescire*)

3.2.2. Other Interrogative Words

- *an*: 4.2, 16.1 (*dicere*), 31.2* (*in iudicium uenire*), 57.3 (*quaerere*), 92.2 (*scire*)
- *cur*: 21.1 (*causa*), 34.2 (*quid erat*), 47.3 (*uidere*), 49.1₂ (*causa*), 49.3 (*nihil erat*), 57.6₂ (*quaerere*)
- *-ne*: 15.3 (*quaerere*), **16.1** (*dicere*), 31.2 (*in iudicium uenire*), 57.3 (*quaerere*)
- *qualis*: 84.2 (*sentire*)
- *quam*†: 22.3 (*documenta*), 41.2-42.0₂ (*scire*), 69.1₃ (*uidere*), 69.2 (*scire*)
 - note *quam* is also used to introduce direct questions/exclamations
- *quantus*†: 34.1 (*audire*), 41.2 (*scire*), 47.1 (*uidere*), 56.2₃ (*cogitare*), 69.1₃ (*uidere*), 77.3 (*iudicare*), 78.7₂ (*cogitare/dicere*), 99.4 (*obliuisci*)
 - note: *quantum* is also used to introduce an interrogative accusative-infinitive in 16.4
- *qui* = 'how'†: 46.1 (*quaerere*)
- *quisnam*†: 77.1 (*timere*)
- *ubi*: 84.2 (*sentire*), 98.5 (*laborare* (OLD s.v. 7, citing this example))
- *uter*: 23.1 (*quaerere*), 31.4 (*incertum*), 31.6 (*in iudicium uenire*), 53.1 (*uidere*), 54.1₂ (*apparere*)
- *utrum*: 4.2 (*statuere*)

3.3. Clauses introduced by Subordinating Conjunctions/Adverbs

3.3.1. ac

cf. *quam, quasi, sicuti, ut*

- with *aliter*: 23.1

3.3.2. cum = quom

cf. *dum, quam, quoad; quia, quod, quoniam; etsi, etiamsi, quamquam, quamuis, ut*

a) Coordinating *cum ... tum* = 'both ... and': 3.2

b) Temporal, etc.

- with indicative: temporal ('determinative' or 'generalizing'), all tenses
 - (K.434; W.232-233, 239): 9.2, 33.3, 36.2, 40.2, 55.2, 59.4, 59.6, 88.6, 103.1
- with subjunctive:
 - present/perfect: temporal ('generic')/causal/concessive/in *o.o.* (K. 426, 447; W.234, 236):
 - 1.1, 8.1, 9.1, 11.1, 44.4, 61.1, 70.1, 90.3, 95.3, 98.2, 99.1
 - imperfect/pluperfect: temporal ('narrative' or 'characterising')/causal/concessive/in *o.o.* (K.426, 435, 447; W.234-236, 239):
 - 7.3, 8.2, 9.2, 11.2, 12.5, 14.3₂, 15.4, 16.4, 18.1, 21.7, 23.1, 24.1, 27.1, 28.1₂, 28.2, 29.3₂, 32.4, 34.8, 37.1₂, 38.1, 38.3, 38.5, 38.7, 39.2, 40.3, 40.4, 41.1, 41.2, 49.4, 54.1, 54.2, 56.3₂, 60.5, 63.1₂, 69.2, 72.3, 74.6, 81.2, 82.2, 86.1, 91.4, 94.2, 94.3

3.3.3. dum

cf. *cum, quam, quoad; si etc.; ne, ut*

a) Contemporaneous and coextensive action (W.218-219), with present indicative: 23.2, 28.1 (historic present).

b) Jussive/Conditional (W.220), with present subjunctive: 12.6.

c) Indicating the time-limit (final overtones), with imperfect subjunctive (W.222): 54.5.

3.3.4. etsi

cf. *cum, etiamsi, quamquam, quamuis, ut; si etc.*

W.244:

- with the indicative: 1.1, 1.2, 13.1, 32.3, 33.7, 76.1

Note: The following occurrences of *etsi* are treated as non-subordinating, *i.e.*, as introducing a new sentence, in the current punctuation (W.249.d.iii): 11.2, 58.3.

3.3.5. etiamsi

cf. *cum, etsi, quamquam, quamuis, ut; si etc.*

Following Clark, this conjunction is printed as two words.

- with the indicative: 14.2
- with the subjunctive: 21.5, 38.7, 51.2, 52.1, 58.5, 79.4

3.3.6. ne

cf. *ut, quin, quoad, ut*

a) Introducing adverbial clauses:

- with the subjunctive (final): 38.1, 51.3, 60.5, 65.3, 66.1

b) Introducing substantive clauses:

- with the subjunctive:
 - dependent on verbs expressing fear
 - *metuere*: 57.2₃, 103.6
 - *timere*: 21.2, 78.5, 95.3
 - *uereri*: 1.1, 47.5
 - other
 - *adipisci*: 34.10
 - *uidere* = ‘see to it that’: 70.1 (indirect command?)

Note: *ne* can also be used to introduce a principal clause, as at 68.3; and, with *quidem*, as a simple negative with no subordinating function (twelve times in the speech).

3.3.7. nisi

cf. *dum, quasi, si etc.*

a) Open Conditionals (indicative): 6.2, 83.3

b) Counterfactual Conditionals (subjunctive): 15.4, 27.1, 36.3, 45.4, 58.4, 61.2, 75.1, 89.3

c) Conditionals in *o.o.*: 34.7, 47.4

Note: The following occurrences of *nisi* are treated as non-subordinating, *i.e.*, as introducing a new sentence, in the current punctuation: 8.2, 14.2, 17.3, 19.4, 81.2, 84.2, 86.1, 91.3.

3.3.8. quam

cf. *cum, dum, quoad; ac, quasi, sicuti, ut*

a) Temporal (all with indicative):

- *ante quam*: 7.1, 11.1 (*esse* in ellipse with gerundive), 64.4
- *postea quam*: 18.3
- *prius quam*: 99.6
- *quam primum*: 93.5

b) Comparative

- with the indicative: 33.5, 66.1
- with the subjunctive: 103.4, 103.6

Note: As well as introducing subordinate clauses, *quam* is also used without a subordinating role in comparing nouns, phrases, gerundives, and so on.

3.3.9. quamquam

cf. *cum, etsi, etiamsi, quamuis, ut*

W.245, 249.b:

a) With indicative: 1.2, 55.4, 81.3

b) With the potential subjunctive: 90.2

Note: *quamquam* can also be used to introduce a principal clause, with a more adversative than concessive sense (W.249, n.iii):

- with the indicative: 6.1, 76.1, 81.3, 82.1
- with the potential subjunctive: 70.1

3.3.10. quamuis

cf. *cum, etsi, etiamsi, quamquam, ut*

The word appears twice in the speech; in both cases the best translation is a concessive ‘however’ rather than ‘although’. In 21.3 the word modifies an adverb (*atrociter*), and does introduce a

subordinate concessive clause (verb in the subjunctive); in 64.2 it modifies an adjective (*mediocrium*), and appears *within* a relative clause, *i.e.*, is not itself subordinating (W.246-7, 249.b, 249, n.ii).

3.3.11. quasi

cf. quam, sicuti, ut, si etc.

Expressing an ‘unreal’ or ‘conditional’ comparison (W.251, 254), with the subjunctive: 17.3, 19.4, 84.2.⁵

3.3.12. quia

cf. cum, quod, quoniam

W.240:

- a) With indicative, expressing a cause endorsed by the speaker:
- 5.2, 13.4, 17.1, 19.4, 55.4, 55.4, 59.5, 72.3, 84.2
- b) With subjunctive, in (explicit or virtual) *oratio obliqua*:
- 6.2 (dependent on the indirect command, *ut ... adsignetis*, after *postulaturi*); 31.1 (expressing Milo’s thoughts, after *optabilis fuit Miloni*; the verb *putasset* appears in the preceding conditional clause); 59.5 (expressing what was *not* the reason for the ancestors’ wish, *maiores nostri in dominum quaeri noluerunt*; in the following *quia*-clause, the reason endorsed by the speaker is expressed in the indicative)

3.3.13. quin

cf. ut, ne, quod, ut

- a) Introducing adverbial clauses:
- with subjunctive (consecutive; W.186): 30.2, 30.4
- b) Introducing substantive clauses:
- with subjunctive (after negated verbs expressing doubt (*dubitare*)): 11.3, 63.1

Note: *quin* can also be used to introduce a principal clause, as at 26.3, 65.3, 79.1, 98.2.

3.3.14. quoad

cf. cum, dum, quam

- a) Contemporaneous and coextensive action (W.218-219), with indicative: 35.4
- b) Indicating the time-limit (W.218, 223), with indicative: 28.1

3.3.15. quod

cf. cum, quia, quoniam; ne, quin, ut

- a. Introducing causal clauses:
- with indicative: 21.6, 22.2, 27.1
 - with subjunctive: 17.3, 29.3
- b. Introducing substantive clauses (all with indicative):
- ‘as to/with regard to the fact that’ (*OLD* s.v. 6): 22.1, 71.1
 - ‘that/inasmuch as’ (*OLD* s.v. 2a/b): 21.6, 100.1
 - ‘the fact or circumstance that’ (*OLD* s.v. 4a): 49.2, 58.3

Note: *quod* can also occur as a coordinating conjunction at the beginning of a sentence, meaning ‘as to which/wherefore/now/but’ (*OLD* s.v. 1a): *quod si*, 9.1, 14.4, 31.1, 68.2; *quod ut*, 51.2.

⁵ In all three examples, *quasi* is accompanied by the adverb *proinde* (*OLD* s.v. 2b).

3.3.16. quoniam

cf. cum, quia, quod

W.240:

- a) With the indicative, expressing a cause endorsed by the speaker: 33.7, 48.1, 66.6, 93.4, 98.5
 b) With the subjunctive, in (explicit or virtual) *oratio obliqua*: 82.1 (dependent on *putaremus*)

3.3.17. si, sin, siue

cf. nisi; also *etsi, etiamsi; quasi*

a) Open Conditionals (indicative):

- *si*: 3.3, 4.1, 4.2, 9.1, 9.2, 12.6, 14.2, 17.3, 19.2, 21.6, 23.1₅, 30.3, 35.2, 47.2, 49.4, 57.6, 61.1, 67.2, 78.6, 91.2, 92.2, 92.3, 93.5, 99.2, 99.5, 99.6, 100.2, 103.5, 104.2, 104.3 (no verb), 105.1₂
 - apodosis is a subordinate clause with verb in the subjunctive for some reason other than the conditional being counterfactual: 6.3 (*ut*-clause), 11.3 (*quin*-clause), 28.1 (*cum*-clause), **31.6**₂ (optative?), 33.1 (indirect question),
- *sin*: 6.3, 30.4, 31.2

b) Counterfactual Conditionals (subjunctive):

- *si*: 2.1, 8.3, 10.2, 10.3, 14.4, 19.3, 20.2, 32.4, 33.2, 38.7, 49.3, 54.1, 64.1, 68.2, 68.3, 72.2, 76.2, 77.1, 79.1₂ (no real apodosis), 79.4, 79.5, 79.6, 80.3, 81.2, 81.3, 82.2, 82.3, 83.1, 84.3, 90.1
- *sin*: 81.3

c) Mixed Conditionals (subjunctive in protasis, indicative in apodosis):

- *si*: 31.1, 38.2, 49.3

d) Conditionals in *o.o.*

- *si*: 9.1, 16.5, 21.2, 51.2, 52.1, 58.5, 75.1, 79.3, 96.1, 96.2
- *siue*: 63.1

Note: At 32.4 *si ... non* coordinate two participles. On two further occasions, *si* has been treated as non-subordinating: 45.6, 48.2. A parallel is being made here with the non-subordinating use of *nisi* and *etsi* to introduce 'tag-sentences' (see 3.3.5, 3.3.7 for examples); all cases could be disputed/re-punctuated, but those involving *si* are probably more controversial than the others.

3.3.18. sicuti

cf. ac, quam, quasi, ut

Expressing a straightforward comparison, with indicative (W.251): 30.1.

3.3.19. tametsi/tamquam

Only used in this speech as a sentence-adverb/-particle:

- *tametsi*: 66.7, 99.4
- *tamquam*: 33.2, 59.4 (on both occasions governing a single word)

3.3.20. ut

cf. ac, quam, quasi, sicuti; cum, etsi, etiamsi, quamquam, quamuis; quin, ne; ne; ne, quin, quod

a) Introducing adverbial clauses:

- with indicative (comparative): 1.2-2.0, 24.1₂, 25.2, 28.1, 28.2, 29.3, 32.4, 37.3, 45.4, 45.6, 46.5, 49.4, 65.1, 66.1, 67.2, 69.2, 70.2₂, 72.2, 79.1, 88.3, 95.1
- with subjunctive:
 - concessive: 46.2, **51.2**
 - consecutive († indicates possible final overtones):

- with adverbial markers
 - *ita* 24.1, 25.2₂††, 27.1, 37.1, 43.4, 68.3, 78.6
 - *sic* 56.1, 75.3†
 - *tam*: 72.1
 - *tantum/tanti*: 13.2, 63.1, 99.4 *tantum*
 - with possible phrasal markers: 30.2 (*hoc fato*), 47.2† (*eo*), 61.3 (*magna uis*), 67.1† (*ea uoce*), 79.3 (*ea uirtute ac fortuna*), 82.1 (*hoc animo*)
 - other: 1.2-2.0, 10.3, 38.7†, 55.3, 82.5, 86.1
 - final; 23.1, 24.1, 27.1, 29.3, 33.2, 54.4, 54.4, 66.6, 71.1, 73.7, 77.1, 90.4, 95.3, 103.3
 - in the following examples the superordinate verb is passive, raising a potential issue over whose purpose is in question: 7.1, 34.9, 68.1
- b) Introducing substantive clauses (all with subjunctive):
- ‘indirect command’ or ‘final noun-clause’ (W.139-146):
 - dependent on verbs/phrases of ordering *vel sim.*: 3.1₂ (*hortari*), 3.3₂ (*incitare, admonere*), 14.5 (*decernere*), 30.4 (*praescribere*), 39.2 (*signum dedere*)
 - dependent on verbs/phrases of requesting *vel sim.*
 - *obsecrare*: 6.3, 92.3, 100.4
 - *obtestari*: 6.3, 92.1, 105.3
 - *orare*: 92.1, 105.3
 - *uota faceretis*: 41.1, 76.2
 - other: 6.2₂ (*deprecare, postulare*), 81.1 (*petere*)
 - the following phrases might be interpreted as introducing the equivalent of orders, but could also be interpreted as describing a situation whose consequence is described in the dependent *ut*-clause, which would therefore be adverbial
 - *mentem inicere*: 84.3; *mentem dare*: 88.3; *in eam mentem impellere*: 89.3; *amentiam inicere*: 86.2
 - other noun-clauses, described as consecutive (W.168):
 - dependent on verbs/phrases expressing accomplishment (although ‘bringing something about’ may be achieved through commanding it, and some of these examples might be analysed as indirect commands, so final rather than consecutive; † indicates possible final overtones):
 - *adsequi*†: 32.4₂
 - *efficere*: 79.1, 96.2
 - *facere*: 63.1, 86.1, 100.3
 - *legem ferre*†: 15.2, 22.2, 31.4
 - other: 70.1 (*committere*), 71.1 (*cogere*), 74.6 (*impetrare*)
 - dependent on verbs/phrases expressing the existence of some possibility
 - *esse* + possessive dative: **35.4**
 - *relinqui/reliquus-a-um esse*: 6.3, 23.1, 36.1, 99.2
 - *restare*: 92.1
 - the following phrases might be placed in either one of the two preceding categories
 - *locum dare*: 4.2
 - *potestatem dare/habere*: 4.2, 11.2

Note: *ut* can also be used without a subordinating function to introduce a principal clause, as at 31.6.

3.4. Clause-Equivalents

3.4.1. Ablative Absolute

See Verbs Index 2.2.5.a.

3.4.2. Accusative-Infinitive Construction

This construction does not always represent *oratio obliqua*; to help those looking for the latter, it has seemed worthwhile to classify examples by governing verb.

* indicates ellipse of periphrastic *esse*.

† indicates ellipse of accusative subject, infinitive verb, or both.

‡ indicates presence of additional infinitives (prolative/substantive), which are potentially confusing, e.g., 1.1

a) Object of Verb

- *accipere*: 16.4
- *addere*: 96.2-97.0††‡
- *aio*: 33.2₂
- *arbitrari*: 21.6, 32.4, 63.1₂*, 78.3‡, 82.2, 88.2*
- *ardere dolere* – see *ingemescere*
- *audire*: 29.3*, 44.3
- *censere*: 21.1*, 73.1*
- *cernere*: 61.1
- *commemorare*: 95.3
- *comperire*: 73.2
- *confiteri*: 57.2, 65.3, 80.3
- *credere*: 13.3, 35.5₂, 70.1, 86.3
- *cupere*: 16.5, 92.3
- *decernere*: 13.4, 14.3
- *declarare*: 71.1₂
- *dicere*: 12.5, 25.5*, 44.3*, 46.7₃‡, 47.3₂, 55.3, 58.1†, 64.3, 66.5, 73.2, 75.1₂*†‡, 77.2₂, 86.1, 88.2, 95.4₂
- *dictitare*: 26.2₂‡
- *dissimulare*: 52.1*
- *docere*: 32.2
- *ducere*: 32.2‡, 83.3
- *existimare*: 2.1, 5.2, 8.2, 78.1
- *fateri*: 7.2, 7.3
- *ferre*: 58.5*; *prae se ferre*: 52.1*
- *ignorare*: 8.1‡‡, 43.3
- *ingemescere*: 16.5
- *intelligere*: 25.5, 68.1, 71.1‡
- *iubere*: 11.1, 15.4
- *iudicare*: 12.1*, 30.4*, 31.3*
- *meminisse*: 11.3‡, 89.2, 96.1₃
- *mirari*: 65.5₃
- *negare*: 7.2‡, 47.4, 62.3, 95.2₂
- *nolle*: 36.5, 59.5, 79.5‡
- *nuntiare*: 48.3
- *obliuisci*: 11.3‡
- *pati*: 37.3, 80.2, 87.1, 103.4, 104.4
- *probare*: 68.2₈***‡
- *prodere*: 8.4*
- *putare*: 2.1*, 2.2₂††‡, 3.2, 5.2, 9.1*, 13.1*, 13.3*, 15.6*, 16.1*, 29.3₂***, 33.5*, 43.2*, 53.3, 61.3, 66.4†, 67.2*, 76.3, 79.3, 79.5‡, 81.2, 82.1†, 83.2, 87.3, 91.1‡, 94.2*, 94.3*, 101.2₂, 103.5*
- *respondere*: 8.2, 26.3, 102.2₄†††‡

- *scire*: 27.1, 45.6, 46.2, 47.3†, 49.4*, 51.2, 54.4†, 56.2*
- *sentire*: 34.5, 34.8, 77.2₂
- *sperare/in spem adduci*: 32.4‡, **68.2**, 78.1, 78.2
- *susplicari*: 45.6†, 51.2*, 66.4
- *uelle*: 9.1, 22.1, 23.1, 29.3, 50.1, 57.5, 103.3
- *uetare*: 11.2, 105.2
- *uidere*: 6.2, 9.1, 15.4₃‡‡, 21.2, 21.3*, 24.1, 25.1, 25.5†, 29.3, 34.7†, 37.1, 45.3‡, 48.3, 52.1, 85.2, 90.2₂, 91.4₂, 100.4

b) Subject of Passive Verb

- *audiri*: 65.3₂*
- *defendi*: 8.1
- *dici*: 12.1
- *fingi*: 76.3
- *iudicari*: 70.2
- *negari*: 8.1
- *nuntiari*: 46.7, 48.6*
- *probari*: 32.1

c) Subject of Impersonal Construction

- *constat*: 14.3, 31.3, 52.1₁₈ (*esse* – both periphrastic and copulative – is frequently omitted in this sentence, but can often be supplied from an adjacent accusative-infinitive construction; the total number of participles which should be read as indirect statements nevertheless remains arguable.)
- *decet*: 1.1‡
- *fas/nefas est*: 8.3, 86.3₂
- *gratum/ingratum est*: 81.2, 81.4₂
- *interest*: 34.1, 34.2, 56.2
- *licet*: 70.2
- *necesse est*: 14.5, **22.2**†, 46.2
- *occurit*: 25.1*
- *oportet*: 15.5, 70.2
- *paenitet*: 82.5†
- *turpe est*: 1.1‡
- *utile est*: 52.1
- *uideri*: 8.2*†

4. SENTENCE-TYPES INDEX

4.1. Questions/Exclamations

† marks expressions which are easily seen as introducing exclamations.

‡ marks sentences which have been punctuated as exclamations in the current text.

4.1.1. Interrogative Pronoun

- *quis quis quid* (pron.): **5.1**, **9.1**, 10.2₂, **13.3**, 15.2, 15.3₂, 16.5₂, **20.2**, 32.3, 34.2₂, **34.6**, 34.8, **35.2**, 38.1, 43.3, **45.6**, 48.4, **49.2**, 49.3, **54.1**, **54.2**, 54.5, 57.3, 59.2₂, 59.3, 60.4, 60.6₂, 68.1, **70.1**, 71.1, 75.1₂, **77.2**, 80.1₂‡, **81.4**, 89.2, 90.2₃, 90.3, **92.1**, 99.4, 100.3₂, 102.2₄
- *qui quae quod* (adj.): 7.3, **10.1**, **12.3**, **35.5**, **36.3**, 39.1‡, **40.2**, 40.3₂, 45.1-2, 45.4, **49.1**, 58.2, 60.1, 80.1₃‡, 82.2, 82.3, **101.3**, 102.2

4.1.2. Other Interrogative Words

- *an*:
 - sentence-initial: **8.1, 33.1, 62.2**, 89.1, **90.1**, 103.3
 - in the middle of a double question: 43.4, **53.3**
- *cur*: 13.4, 51.3, 54.3, 55.4, 57.1-2, **99.5**
- *-ne*: 15.3, 38.3, 38.4, 38.5, 38.6, 38.7, 79.6, 94.5, 102.2
- *nisi* (introducing something implausible; all punctuated as questions in the current text): **8.2**, 14.2, 17.3, 19.4, **81.2, 84.2, 86.1, 91.3**
- *num* (except at 16.6, always accompanied by an indefinite): 16.6, **19.1**, 31.6, **78.3**
- *qualis*: 60.1
- *quam*†: **12.3, 35.5**, 38.2‡, **43.2‡**
- *quando*: **12.4**, 37.2
- *quantus*†: **16.4, 18.2‡, 35.5**, 38.2‡, **92.3‡**
- ‡*quasi* (introducing something implausible; all pendant to *nisi*-sentences): **17.3‡**, 19.4‡, **84.2‡**
- *qui* = ‘how?’: 81.3, 54.3, 103.5
- *quid* = ‘why’ (perhaps internal accusative): 17.1, **18.4**, 35.3, **44.1**, 54.3, 57.3, **79.1**, 103.3
 - sentence-initial, unintegrated *quid*? (sometimes peremptory/indignant, sometimes simply indicating that a question is coming): 33.5, **35.2**, 36.2, 41.1, 43.3, 64.2, 78.4₂, 79.3, **101.3**
- *quisnam*: 32.1-2, 59.1, 76.1, **79.2**, 103.1
- *quotiens*†: **12.3**, 20.1‡, 38.2‡, **41.1‡**
- *ubi*: 94.4
- *unde*: 46.4-5, 59.2
- *ut*†: **64.2₂‡**
- *uter ultra utrum*: 43.4, **79.3**

4.1.3. Other

a) The following sentences contain no interrogative expression, but have been printed as questions in the current text.

Two of these sentences are preceded by unintegrated *quid*? (see 4.1.2). They have been listed here nevertheless, since without the *quid*? the sentence could stand on its own syntactically as a statement. Where this or another word works as a question-marker, it has been given here in brackets.

- **20.3**, 33.5 (*quid*?), **36.2** (*quid*?), **36.4** (*credo*), **41.2-42.0, 43.1**, 44.4, 48.6, 53.2, 54.4², 59.1, 59.6, 60.2-3, **64.2, 76.2, 76.3, 77.1, 80.2**, 81.1, 88.5 (*credo*), 91.2, 94.2, 94.3, 101.4², 102.1, 104.4, 104.5

b) Other sentences which have been punctuated as exclamations are classified according to the element of the sentence which suggests exclamatory intonation (if any).

- exclamatory accusative: **63.3, 102.1, 104.1, 105.1**
- vocative (cf. Nouns Index 1.2)⁶: **59.3** (*di boni*); 64.2, 75.1, 104.1 (*di immortales*)*; 85.3₂ (various deities; *appello*); 94.1 (abstract concepts)
- *o* (with either exclamatory accusative or vocative; cf. Nouns Index 1.2, 1.3.b): 94.1, 102.1, 104.1, 105.1
- imperative (cf. Verbs Index, 2.5): 33.2, 46.5, 46.6, 47.1, 61.1, 77.1, 92.2, 103.4
- *quippe*: 33.4, 47.2
- *utinam* (wish): 103.6
- *me dius fidius*: **76.2**
- no definite marker: **40.4**, 44.2 (*appello*?), 59.4, 77.1, 86.1 (*inquam*?), 91.1, 103.6

⁶ The vocative *di immortales* also appears in 40.3, which is a question.

4.2. Basic Complexity Factors

Note that complexity factors are calculated per unit; any individually numbered sentence may be compound, *i.e.*, may contain more than one unit. The analysis of each sentence in the commentary will usually enable readers to identify which unit in a sentence is being referred to in the Index.

4.2.1. Units by Length in Words

Out of a count of 739 separate units in the speech:

- 385 units contain 1 to 10 words
- 213 units contain 11 to 20 words
- 74 units contain 21 to 30 words
- 31 units contain 31 to 40 words: 2.2, 3.2, 5.2, 8.4, 9.1, 13.4, 25.5, 26.3, 37.1, 38.7, 40.2, 40.3, 41.1, 42.1, 43.4, 46.7, 61.2, 65.3, 69.2, 71.1, 77.1, 79.3, 82.2, 84.2, 85.3, 90.1, 94.2, 95.3, 96.1, 102.2
- 14 units contain 41 to 50 words: 1.2, 6.2, 7.1, 11.2, 12.6, 27.1, 28.2, 33.2, 56.3, 68.3, 84.3, 86.2, 90.2, 91.4
- 11 units contain 51 to 60 words: 1.1, 3.3, 10.3, 24.1, 30.4, 41.2-42.0, 61.1, 70.1, 83.3, 86.1, 92.3
- 11 units contain more than 60 words:
 - 65 words: 63.1
 - 71 words: 23.1
 - 73 words: 32.4, 68.2
 - 83 words: 4.2
 - 90 words: 39.2, 67.2
 - 94 words: 29.3
 - 99 words: 96.2-97.0
 - 113 words: 52.1
 - 322 words: 72.3-75.3

4.2.2. Units by Number of Clauses

Out of a count of 739 separate units in the speech:

- 320 units contain only one clause
- 165 units contain two clauses
- 110 units contain three clauses
- 56 units contain four clauses
- 28 units contain five clauses: 1.2, 2.2, 3.2, 6.3, 11.1, 11.3, 12.1, 14.3, 16.5, 22.2, 25.2, 26.3, 28.2, 45.4, 46.7, 47.3, 49.3, 49.4, 56.2, 65.3, 65.5, 66.1, 81.1, 81.2, 82.2, 86.3, 100.4, 103.3
- 22 units contain six clauses: 7.3, 8.1, 8.2, 10.3, 11.2, 12.5, 25.5, 27.1₂, 31.2, 37.1, 38.7, 39.2, 41.1, 43.4, 51.2, 56.3, 61.3, 77.2, 79.3, 91.1, 92.1
- 18 units contain seven clauses: 6.2, 7.1, 30.4, 33.2, 41.2-42.0, 54.1, 68.3, 69.1, 71.1, 76.3, 78.2, 83.3, 84.2, 84.3, 94.2, 95.3, 96.1, 102.2
- 4 units contain eight clauses: 15.4, 70.2, 86.1, 92.3
- 6 units contain nine clauses: 1.1, 3.3, 4.2, 9.1, 24.1, 70.1
- 2 units contain ten clauses: 61.1, 67.2
- 1 unit contains eleven clauses: 68.2
- 2 units contain thirteen clauses: 23.1, 63.1
- 1 unit contains fifteen clauses: 32.4
- 1 unit contains eighteen clauses: 96.2-97.0
- 1 unit contains twenty-two clauses: 29.3
- 1 unit contains twenty-six clauses: 52.1
- 1 unit contains forty-two clauses: 72.3-75.3 ,

4.2.3. Units by Levels of Subordination

Out of a count of 739 separate units in the speech:

- 322 units have no subordination
- 215 units reach one level of subordination
- 138 units reach two levels of subordination
- 49 units reach three levels of subordination: 2.2, 3.3, 4.2, 7.2, 8.1, 9.1, 10.3, 11.2, 11.3, 12.1, 13.3, 15.4, 16.1, 23.1, 24.1, 27.1₂, 30.2, 30.4, 33.5, 34.7, 37.1, 38.1, 38.7, 41.2-42.0, 43.2, 43.4, 45.4, 47.3, 47.4, 52.1, 56.3, 58.5, 61.1, 63.1, 64.1, 69.2, 70.2, 76.3, 78.3, 79.1, 79.5, 81.1, 82.1, 82.2, 91.1, 95.3, 96.2-97.0, 103.3
- 14 units reach four levels of subordination: 1.1, 7.3, 8.2, 12.5, 16.5, 29.3, 32.4, 33.2, 70.1, 71.1, 79.3, 84.3, 86.1, 92.1
- 1 unit reaches five levels of subordination: 72.3-75.3

4.2.4. Units by Position of Principal Clause

Of the 417 units in the speech which have some subordination:

- in 284 units the principal clause is in initial position
- in 77 units the principal clause is the second clause
- in 31 units the principal clause is the third clause: 2.1, 5.2, 6.2, 7.1, 9.2, 13., 13.3, 14.4, 22.1, 23.2, 28.1, 34.8, 35.2, 36.2, 40.3, 44.4, 48.6, 51.2, 53.3, 54.1, 57.5, 63.1, 64.2, 72.2, 81.3, 82.4, 88.2, 89.3, 94.3, 99.5, 100.2
- in 10 units the principal clause is the fourth clause: 21.7, 27.1, 29.3, 30.4, 40.2, 57.6, 61.1, 79.1, 81.1, 95.4
- in 5 units the principal clause is the fifth clause: 4.2, 25.5, 68.3, 79.3, 95.3
- in 3 units the principal clause is the sixth clause: 1.1, 15.4, 94.2
- in 1 unit the principal clause is the eighth clause: 92.3
- in 2 units the principal clause is the ninth clause: 24.1, 67.2
- 3 units have no principal clause (see next section)

4.2.5. Units with no or two Principal Clauses

a) No principal clause:

- 102.2 contains three units with no principal clause (answers to the questions posed in other units in the sentence)
- in several places *etsi*, *nisi*, and *si* have been treated as non-subordinating, introducing a tag-sentence; these units could be re-classified as having no principal clause (see Subordinate Clauses Index 3.3.4, 3.3.7, 3.3.17)

b) Two principal clauses:

The pair of terms taken as indicating that the unit is incomplete without the second principal clause is given in brackets after each sentence.

- initial and second position: 21.5 (*neque ... neque*), 31.5 (*et ... et*), 34.12 (*non modo ... sed*), 50.2 (*neque ... neque*), 80.2 (*non modo ... sed etiam*), 102.1 (counting the exclamation as a separate unit from the clause beginning *reuocare...*), 103.6 (*non modo ... sed etiam*)
- initial and third position: 51.3 (*nec ... nec*)
- initial and fourth position: 3.2 (*cum ... tum*)
- third and fifth position: 6.2 (*nec ... nec*)
- sixth and eighth: 15.4 (*neque ... nec*)

4.3. Units with Initial Subordinate Clauses

* indicates that more than one clause at the specified level of subordination precedes the principal clause.

† indicates that the preceding subordinate clause has other clauses at higher levels of subordination dependent on it.

‡ indicates that among such dependent clauses there is another subordinate preceding its superordinate; details of these will be found in 4.4.1.

4.3.1. No sentence-particle vel sim.

- Initial clause at first level of subordination: 1.1‡, 6.2†, 6.3, 16.4, 18.3, 25.4, 25.5†, 30.3, 30.4†, 31.2, 31.3, 31.4, 31.6‡, 36.5, 40.4, 41.2-42.0, 44.4†, 53.3†, 54.1, 54.5, 57.5†, 59.6, 64.3, 66.4, 67.2*†, 76.2, 76.3, 79.1†, 79.4, 81.3*, 83.1, 86.3, 88.2‡†, 88.6, 91.4, 93.5, 95.2, 95.3†, 95.4*†, 98.4, 101.2, 101.5, 104.4
- Initial clause at second level of subordination: 21.2, 34.8, 48.6, 82.4

4.3.2. Initial sentence-particle, etc.

a) Particles/conjunctions/adverbs

- Initial clause at first level of subordination:
 - *at*: 34.4, 34.9
 - *atqui*: 9.2†, 19.2, 32.4, 49.4
 - *et*: 79.1, 83.1, 93.5
 - *etenim*: 78.6, 81.1†, 92.3*†‡⁷
 - *nam*: 4.2*†, 15.6
 - unintegrated *quid*? (cf. 4.1.2-3 above): 35.2, 43.3, 64.2*, 79.3†
 - *quod*: *quod si*: 9.1†, 14.4†, 31.1, 61.1†, 68.2; *quod ut*: 51.2†
 - *sed*: 7.1†, 14.3, 21.6, 83.2, 99.1
 - other: 5.2 (*equidem*), 18.1 (*itaque*), 27.1† (*interim*), 49.3 (*deinde*), 66.1 (*uerum*), 89.3† (*postremo*), 99.2 (*nec*)
- Initial clause at second level of subordination: 40.2* (*quid*?)

b) Connecting relatives (cf. Subordinate Clauses Index 3.1.1 Note)

- Initial clause at first level of subordination:
 - *quae*: 2.1†, 68.3†, 76.1 (+ *uero*), 99.5*
 - *quam ob rem*: 77.1, 98.5
 - *quem*: 38.2, 39.3, 41.2-42.0
 - other: 15.4*† (*quod*), 20.2 (*ex quibus*), 33.7 (*qua re*), 58.4 (*quos*),
- Initial clause at second level of subordination: 23.2 (*quod*)

4.3.3. Non-initial sentence-particle

Including connecting relatives

- Initial clause at first level of subordination:
 - *autem*: 29.3†, 34.7
 - *uero*: 5.2†, 13.1†, 22.1†, 71.1, 76.1
 - *igitur*: 41.2-42.0, 57.5
 - other: 25.1 (*porro*), 35.5 (*tandem*), 46.2 (*enim*),
- Initial clause at second level of subordination: 57.6 (*uero*), 63.1† (*enim*)
- Initial clause at third level of subordination: 13.3 (*enim*)

⁷ Cf. *etiam si*, 79.4 (the only unit-initial occurrence). This has been classified as a two-word conjunction (cf. Subordinate Clauses Index, 3.3.5); it is only in this combination with *si* that *etiam* can come at the start of a unit.

4.3.4. Shared elements

All principal clause/first level of subordination:

- *ego*: 94.2*†, 94.3†
- other: 24.1† (*P. Clodius*), 30.1 (*haec nom./acc.*), 60.5 (*hi*)

4.3.5. Complex

- initial sentence-adverb + non-initial particle: 13.4 (*cur igitur*), 40.3* (*nuper uero*),
- shared element is or includes a connecting relative: 21.7 (*ex quibus ille*)*‡, 72.2† (*de qua*), 90.3 (*qui*)
- shared element includes non-initial sentence-particle: 28.1† (*Milo autem*), 79.6 (*huius ergo interfector*), 100.2† (*hoc denique ipso die*)
- shared element includes initial question-indicator: 36.2† (*quid? ego*)
- shared element includes connecting relative and non-initial sentence particle: 12.6 (*quae quidem*)

4.4. Interesting Forms of Clause Interaction

4.4.1. Subordinate Clauses preceding Superordinate

Subordinate clauses can precede their superordinates in mid-sentence as well as in sentence-initial position (preceding section).

* indicates that the clause-complex with subordinate preceding superordinate follows the principal clause

† indicates that the subordinate preceding superordinate sequence identified is the second or subsequent of multiple first-level subordinate clauses preceding the principal clause

‡ indicates that the subordinate preceding superordinate sequence identified is contained within a larger subordinate clause-complex preceding the principal clause

a) Second level preceding first level:

- 6.3: *si cetera amissimus precedes hoc nobis saltem ut relinquatur**
- 16.5: *quem immortalem ... cuperent precedes eius ... exspectatam esse mortem** (multiple levels of subordination following second level)
- 21.7: *idque ... pertinere precedes arbitretur*† (sentence-particle: *-que*)
- 46.2: *illo ipso die ... prodi flaminem precedes necesse esse**
- 74.6: *dominoque ... inspectante precedes non dubitavit ...** (sentence-particle: *-que*)
- 92.3: *fortis et animosos ... seruari precedes cupimus*†

b) Third level preceding second level:

- 9.1: *quoquo modo quis interfectus sit precedes puniendum [esse]**
- 73.2: *cum sorore germana nefarium stuprum fecisse precedes se ... comperisse**

c) Fourth level preceding third level:

- 1.1: *cum T. Annius ... perturbetur precedes me ... non posse**
- 75.1: *si ... non dedisset precedes mortuum se in domum eius inlaturum** (further level of subordination embedded within fourth level)

4.4.2. Subordinate Clause embedded in Superordinate

180 units contain embedding.

a) One embedded clause:

- first level of subordination: 3.2, 4.1, 15.4, 15.6, 16.1, 19.4, 19.5, 21.4, 22.3, 33.5, 33.7, 34.9, 37.2, 37.3₂, 43.4, 46.5, 55.3, 58.1, 59.1, 59.5, 60.2, 66.4, 69.2, 77.1, 77.3, 80.2, 80.3, 85.3, 88.3, 89.2, 89.3, 91.2, 93.4, 94.4, 94.5, 95.1, 98.2, 99.1₃, 101.4, 102.2, 104.2, 104.3, 105.2
- second level of subordination: 1.1, 2.1, 3.3, 6.2, 13.1, 14.4, 15.5, 19.3, 22.1, 22.2, 27.1, 28.1, 31.3, 33.1, 34.5, 36.2, 38.5, 45.3, 47.5, 48.3, 53.1, 53.3, 55.4, 57.2, 57.5, 61.2, 62.2, 65.5,

66.5, 66.6, 68.1, 79.5, 81.2, 82.5, 83.3, 85.3, 86.2, 87.1, 87.3, 88.2, 89.2, 90.2, 95.3, 95.4, 96.2-97.0, 105.3

- third level of subordination: 2.2, 7.1, 10.3, 37.1, 38.1, 41.2-42.0, 47.4, 63.1, 103.3
- fourth level of subordination: 16.5, 71.1, 92.1

Note: In the following units, the principal clause is embedded within a subordinate clause: 5.2, 13.3, 86.3, 91.4, 94.3.

b) Embedded clause-complex or sequence of clauses:

- first level of subordination:
 - 26.1: *quibus siluas publicas depopulatus erat* (1) and *Etruriamque uexarat* (1) embedded in *seruos agrestis et barbaros ... ex Appennino deduxerat* (P)
- second level of subordination:
 - 26.3: *qua spe fureret* (1) *Milone uiuo* (2) embedded in *quin etiam M. Fauonio, fortissimo uiro, quaerenti ex eo ... respondit* (P)
 - 56.2: *et quantum interesset P. Clodii* (1) *se interire* (2), *et quanto illi odio esset* (1) and *et quantum ille auderet* (1), embedded in *semper ipse ... cogitabat*
- third level of subordination:
 - 79.5: *si putetis* (2) *per uos restitui posse* (3) embedded in *cuius uitam nolitis* (1)
 - 82.1: *quoniam futura esset nostra gloria* (3) *periculum quoque et inuidiam nostram [futuram esse]* (2) embedded in *ut ... putaremus* (1)
- fourth level of subordination:
 - 8.2: *cum a C. Carbone tribuno plebis seditiose in contione interrogaretur* (3) *quid de Ti. Gracchi morte sentiret* (4) embedded in *qui ... responderit* (2)
 - 79.3: *qui ea uirtute ac fortuna est* (2) *ut ea potuerit semper* (3) *quae nemo praeter illum* (4) embedded in *si ipse Cn. Pompeius ... si is, inquam, potuisset* (1)

c) More than one embedded clause(-complex/sequence):

- categorized by number of embeddings:
 - two embeddings: 4.2, 7.1, 7.3, 8.1, 8.3, 8.4, 11.1, 12.1, 12.5, 14.3, 24.1, 25.2, 28.1, 30.4, 33.2, 38.3, 38.7, 39.2, 43.2, 45.4, 45.6, 51.2, 55.2, 55.3, 56.2, 56.3, 66.1, 69.2, 70.1, 70.2, 77.2, 78.3, 78.4, 82.2, 84.3, 85.2, 90.1, 92.2, 92.3, 94.2, 96.1, 100.3, 100.4
 - embedded principal clause: 5.2: *in quo ex coniunctis ordinibus amplissimi uiri iudicarent* (2) and *numquam existimaui* (P) embedded in *in iudicio uero et in eo consilio ... spem ullam esse habituros Milonis inimicos ...* (1)
 - three embeddings: 1.2, 3.2, 9.1, 11.2, 14.2, 27.1, 34.11, 49.4, 52.1, 67.2, 86.1, 95.3
 - four embeddings: 32.4, 84.2
 - five embeddings: 78.2
 - six embeddings: 23.1
 - eleven embeddings: 29.3
 - twelve embeddings: 72.3-75.3
- categorized by levels of subordination reached:
 - one level of subordination: 14.2, 55.2, 66.1, 92.2
 - two levels of subordination: 1.2, 3.2, 5.2, 7.1, 8.3, 8.4, 11.1, 14.3, 24.1, 25.2, 28.1, 28.2, 34.11, 38.3, 39.2, 45.6, 49.4, 51.2, 55.3, 56.2, 67.2, 68.2, 77.2, 78.2, 78.4, 84.2, 85.2, 90.1, 92.3, 94.2, 96.1, 100.3, 100.4
 - three levels of subordination: 4.2, 8.1, 9.1, 12.1, 23.1, 27.1, 29.3, 30.4, 38.7, 43.2, 45.4, 52.1, 56.3, 69.2, 70.2, 78.3, 82.2, 86.1, 95.3,
 - four levels of subordination: 7.3, 11.2, 12.5, 32.4, 33.2, 70.1, 84.3
 - five levels of subordination: 75.1
- embedded clause-complexes and sequences of clauses:
 - 9.1: *quoquo modo quis interfectus sit* (3) *puniendum [esse]* (2) embedded in *qui ... putet* (1)

- 29.3: *et [si] ei lecti iudices* (1), *isque praepositus est quaestioni* (1) *qui haec iuste sapienterque disceptet* (2) embedded in *quam ob rem, iudices, ... reliquum est, iudices* (P)
- 45.6: *ut ille sciuit* (1) *Milonem fore eo die in uia* (2) embedded in *quid si ... sic Clodium ne suspicari quidem potuit* (classified as a principal clause)
- 67.2: *nefarie aut nunc cogitare* (2) and *aut molitum aliquando aliquid* (2) embedded in *si hunc ... putas* (1)
- 70.1: *cum senatus ei commiserit* (2) *ut uideret* (3) *ne quid res publica detrimenti caperet* (4) *quo uno uersiculo satis armati semper consules fuerunt* (2) *etiam nullis armis datis* (3) embedded in *Cn. Pompeium, iuris publici, moris maiorum, rei denique publicae peritissimum ... iudicium exspectaturum fuisse* (1)
- 74.6: *cum ab equite Romano splendido et forti, M. Paconio, non impetrasset* (2) *ut sibi insulam in lacu Prilio uenderet* (3) embedded in *qui ... repente lintribus in eam insulam materiem, calcem, caementa, harenam conuexit* (1)
- two layers of embedding:
 - uncombined:
 - 3.2: *unde aliqua fori pars aspici potest* (2) embedded in *quos undique intuientis ... et huius exitum iudici expectantis uidetis* (1) embedded in *nec eorum quisquam ... non cum uirtuti Milonis fauet ...* (P)
 - 29.3: *hunc iam interfectum* (2) embedded in *quod ... putarent* (1)
 - 34.11: *uiuo Clodio* (2) embedded in *qui ... labefactari non poterat* (1) embedded in *itaque Milonis consulatus ... temptari coeptus est* (P)
 - 43.2: *interfecto Milone* (3) embedded in *se ipse ... regnaturum* (2) embedded in *qui ... putaret* (1)
 - 69.2: *ut spero* (3) embedded in *saluis ... rebus tuis* (2) embedded in *cum tu ... et amicissimi beneuolentiam et grauissimi hominis fidem et unius post homines natos fortissimi uiri magnitudinem animum desideres* (1)
 - 72.3: *quia nimis amplecti plebem uidebatur* (2) embedded in *qui annona leuanda iacturisque rei familiaris ... in suspicionem incidit regni appetendi* (1)
 - 78.3: *P. Clodio uiuo* (3) embedded in *hoc ... contingere potuisse* (2) embedded in *qui ... arbitretur* (1)
 - 82.2: *quod conabar* (3) embedded in *id ... sine maximis dimicationibus meis me esse ausurum* (2) embedded in *si ... arbitrarer* (1)
 - 95.3: *P. Clodio duce* (3) embedded in *quae ... fortunis uestris imminebat* (2) embedded in *plebem et infimam multitudinem ... eam ... suam se fecisse* (1)
 - first layer constitutes a clause-complex and/or sequence of clauses:
 - 23.1: *aliter ac nos uellemus* (2) embedded in *si neque omnis confessio facti est inusitata* (1) *neque de causa nostra quicquam ... a senatu iudicatum est* (1)
 - 29.3: *ad raedam pugnari* (3) embedded in *cum ... uiderent* (2), *domino succurrere prohiberentur* (2), *Milonem occisum* (3) *et ex ipso Clodio audirent* (2) *et re uera putarent* (2)
 - 39.2: *cum decretum de me Capuae fecisset* (2) embedded in *qui ... ipse cunctae Italiae cupienti et eius fidem imploranti signum dedit* (1) *ut ad me restituendum Romam concurreret* (2), the whole preceded by two more level-one embedded clauses (*cuius ... secutus est* and *qui ... cohortatus*), all embedded in *Cn. Pompeius, auctor et dux mei reiduts, illius hostis, ... omnium denique in illum odia ciuium ardebant desiderio mei* (P)
 - second layer constitutes a sequence of clauses:
 - 23.1: *cum esset controuersia nulla facti* (3) *iuris tamen disceptationem esse* (2) embedded in *et [si] lator ipse legis ... uoluit* (1)

4.4.3. Subordinate Interlaced with Superordinate

a) Principal clause/first level of subordination:

- principal clause first:
 - 81.2: (*nisi*-principal clause): *nisi uero ... putat* (P) interlaced with *gratius ... esse uobis* (1)
 - 95.2: *negat enim ... negat* (P) interlaced with *se ... ingratis ciuibus fecisse* (1)
 - 103.4: *nolite ... pati* (P) interlaced with *arberbiorem mihi ... reditum esse* (1)
- first level first:
 - 13.4 (two initial sentence-adverbs): (*cur igitur*) *incendium curiae, oppugnationem aedium M. Lepidi, caedem hanc ipsam contra rem publicam ... factam esse* (1) interlaced with *senatus ... decreuit* (P)
 - 83.2 (one sentence-conjunction): (*sed*) *huius benefici gratiam ... sibi deberi* (1) interlaced with *fortuna populi Romani et uestra felicitas et di immortales ... putant* (P) [vocative *iudices* at first intersection – take with principal clause?]
- with further subordination:
 - 13.1: *etsi non est iniqua* (2) embedded in *hanc uero questionem ... constituendam* (1), interlaced with *numquam tamen senatus ... putauit* (P)

b) First/second levels of subordination

- first level of subordination first:
 - 21.2: *cur ... censeret Pompeius* (1) interlaced with *sibi ... quaestionem ferendam [esse]* (2)
 - 22.2: *quod ... ducebat* (1) interlaced with *principum munus esse ... resistere leuitati multitudinis et perditorum temeritati* (2)
 - 33.2: *quod ... aiunt* (1) interlaced with *te ... eripuisse e domo* (2)
 - 50.1: *quem ... omnes ... uolunt* (1) interlaced with *esse ... saluum etiam confitentem* (2)
 - 83.3: *nisi qui ... ducit* (1) interlaced with *nullam uim esse ... numenque diuinum* (2)
 - 91.1: *et qui ... putent* (1) interlaced with *ab eo spirante forum ... potuisse defendi* (2)
- with further subordination:
 - 2.2: *qui profecto ... putaret* (1) interlaced with *nec iustitiae suae ... esse [embedded level 3 clause] eundem telis militum dedere* (2)
 - 47.4: *qui ... negant* (1) interlaced with *Clodium ... eo die Romam [embedded level 3 clause] fuisse rediturum* (2)
 - 73.2: *quem [embedded level 3 clause] L. Lucullus iuratus ... dixit* (1) interlaced with *se [embedded level 3 clause] ... comperisse* (2)
- second level of subordination first, with embedded principal clause:
 - 13.3: *quis potest credere* (P) embedded in *de eius interitu ... iudicium nouum constituendum* (2), interlaced with *senatum ... putasse* (1)

c) Second/third levels of subordination

- second level of subordination first:
 - 52.1: *illum ... dissimulasse* (2) interlaced with *eo die se ... rediturum [esse]* (3)
- with further subordination:
 - 16.5: *quem ... omnes ... cuperent* (2) interlaced with *immortalem [embedded level 4 clause] ... esse* (3)

4.4.3. Parentheses/Interruptions

a) Parentheses:

- consisting of one word:
 - *credo*: 22.2, 36.4, 88.5
 - *dico/dicam*: 34.2, 35.2
 - *inquam*: 67.1, 79.3, 80.3, 85.3, 86.1, 101.5
 - *opinor*: 98.4

- *quaeso*: 23.2, 33.2, 77.1
- consisting of one clause:
 - 14.5, 24.1, 27.1, 29.3, 41.2-42.0, 44.3, 65.2, 71.1, 74.3, 75.1, 81.3, 99.4, 103.4, 105.4
- consisting of more than one clause:
 - 33.1 (three coordinate units)
 - 46.5 (two clauses, one level of subordination)
 - 47.3 (two clauses, one level of subordination)
 - 58.1 (two clauses, one level of subordination)
 - 67.1 (two clauses, one level of subordination)
 - 69.2 (two clauses, one level of subordination)
 - 79.1 (two coordinate units, the second with four clauses/two levels of subordination)
 - 103.6 (two coordinate units, the second with three clauses/two levels of subordination)
- b) Direct Speech/Quotation:
 - embedded direct speech:
 - 32.3, 77.1 (multiple)
 - reminders interrupting direct speech:
 - *inquit*: 93.2, 94.1, 94.4, 98.1, 98.5, 104.2
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² References to the ‘first preliminary argument’, ‘the first argument in the Self-Defence Argument’ and the ‘first half of the *peroratio*’ have *not* been included here; they have been treated as references to sub-divisions rather than to the opening elements of the larger divisions (Preliminary Arguments as a whole, Self-Defence Argument, *peroratio*).

³ The ‘opening clause’ of every unit in the speech is identified in the grammatical analysis in the commentary; these references have not been listed here, and nor have purely descriptive references to the beginning/end of sentences in the description of each sentence that follows the grammatical analysis. Places where the beginning or end of one sentence is mentioned in the description of another, however, *have* been included.

⁴ As with ‘opening’ elements of sentences, references to the ‘first’ unit/clause/infinitive *vel sim.*, occurring in the description of each sentence in the course of the commentary, are not listed here. An attempt *has* been made, however, to include references to the first occurrence of a phenomenon in the speech, or the first for some time.

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