

CICERO PRO MILONE

AS PRESCRIPTION

ANALYSIS BY

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BY ARRANGEMENT WITH

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Extracts from *Persuasive Language in Cicero's Pro Milone*

Introduction for Teachers

The material which follows consists of extracts from a 2013 book published by the Institute of Classical Studies, which will soon be available on-line on an Open Access basis. Access is also here provided to those sections of the book pertaining specifically to the selections from the speech on the current OCR syllabus (H043 & H443), in the hope that the linguistic focus of the work may make it useful for teachers guiding AS & A Level students through the complexities of Ciceronian Latin, even though the work was not originally designed with schools in mind.

The main body of the book consists of a sentence-by-sentence analysis of the speech covering grammatical structure and contribution to argument. This analysis is different in several respects from traditional commentaries, but shares with them a focus on language and on small details. It aims for a consistency in providing some information for *every* sentence in the text, specifically:

- Each sentence is printed in such a way that the syntactic structure is to some extent visible on the page.
- The number and type of clauses in each sentence is listed.
- Each sentence is paraphrased and/or its function in terms of contribution to the argument is described.

Similar consistency has not been attempted in providing comments on individual phrases; those that do appear tend to focus on themes important to the overall argument of the book, such as Cicero's use of first- and second-person grammatical elements. The purpose of this tightly-focused analysis of language and content was originally, in research terms, to support an argument about the nature of the text which is outlined below. No attempt has been made to modify the material for pedagogical purposes, as that would have delayed making it available, but the close focus on syntax may also make it useful in the classroom. I would be very interested to hear from teachers – and students! – whether and how it has been used, which aspects of the analysis prove to be the most helpful and why, and what might need to be modified or added in a work actually aimed at a schools readership.

A brief introduction to the original research purpose of this work is given here in order to explain some of its emphases. The book presents a close reading of the *Pro Milone*, ultimately arguing that the extant text can be treated as a single complete – if extraordinarily bold – argument that Milo should be (or have been) acquitted. This reading is opposed to the views of scholars who argue that certain portions of the text belong to the version delivered in court, while others were added during a subsequent process of editing for publication. My description of the structure of the speech takes a 'bottom-up' approach, starting with the analysis of individual sentences and their inter-relationships, in order to build a gradual picture of the content and argument of each passage.

The book therefore also presents the results of a detailed stylistic analysis of the *Pro Milone* which focuses in particular on a) vocabulary distribution and especially verbal repetition as reflective of content; b) varying levels of syntactic complexity throughout the speech. The counting of clause-types and levels of subordination in each sentence, as seen in these extracts, contribute to the attempt to explore whether particular types of syntactic complexity or particular types of variation in complexity characterise stretches of text as individual passages dealing with separate topics. The results of this study of vocabulary and syntax are presented in the introductions to the analysis of each such passage. The results are presented cautiously because of the novelty of the approach and

the need to perform analyses of other texts before drawing conclusions about Cicero's practice. The attempt to justify the structural analysis of the text as a whole has also led to a focus on other linguistic features which might be used by an orator as markers of shifting focus, including: explicit statements that the focus is changing (sometimes referred to as 'topic-sentences'); use of the first and second person and other references to the communication situation, such as judicial vocabulary; changes of voice, such as direct speech, extended *prosopopoiia*, or question-answer sequences.

It is not an easy task to analyse and interpret syntactic complexity or verbal repetition. Many factors contribute to complexity – length in words, number of clauses, amount and degree of subordination, relative position of clauses – which occur in different combinations. The analysis of vocabulary is complicated by the need to decide how to treat words with different kinds of etymological relationship, words with multiple meanings, different words belonging to the same semantic field. In the initial counting of words here some account has been taken of etymological connections but not of purely semantic connections and separations. The methodology used is explained and justified in the introductory essay provided in the book, which I hope will contribute to a debate on the best way to use the quantitative methods made easier by the capabilities of modern computing. Meanwhile I also look forward to learning from teachers whether, in the classroom, the focus on a) factors that make sentences difficult and b) the frequency of occurrence of etymologically related vocabulary-items can prove useful to those learning Latin syntax and vocabulary.

The book contains a frequentative index of all the words in the speech which could be of use to language-learners, and indices of a range of grammatical phenomena. These have *not* been included in these extracts because in their current form they refer to the speech as a whole and therefore contain much material not relevant to the AS & A level prescriptions. Over the summer of 2017 I plan to put together documents containing similar indices for the extracts from the speech prescribed on the syllabus. Please let me know whether you would like to be informed when these are available, by filling in the form on the website from which you downloaded this document.

Note on the text

The text of speech used in these extracts is identical to that of Clark's 1921 OCT except in some spelling and punctuation. There are also differences of spelling and punctuation between this text and that of the 2016 Bloomsbury edition of the selections on the OCR syllabus. This text uses:

- consonantal 'u' instead of 'v';
- '-is' accusative plural ending of the 3rd declension instead of '-es';
- 'o' instead of 'u' in words like 'vultis', 'vulneribus'.

Other than spelling and punctuation, there are only a few differences from the Bloomsbury text of the AS prescription:

- 27. *scire a Lanuvinis* instead of *scire*
- 30. *feris* instead of *feris etiam beluis*
- 48. *testamentum simul obsignavi, una fui* instead of *una fui, testamentum simul obsignavi*

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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* (ironically, 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, *siluas* ... 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/dictitare* 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 praeturam...* (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 collegam 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 collegam effugere: *collegam* 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 Lanuuis)
 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 Lanuuiinis*)

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 Lanuvinis: 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 ppls., 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.

sicut 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
praescipsit,
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 *praescipsit*)). 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 optabilius Miloni fuit dare iugulum P. Clodio,
non semel ab illo neque tum primum petitem,
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 petitem*

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, *adsequebatur*, 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.

...

- 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
fiebat,
immo uero eo fiebat 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*is), 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.

- 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-civ(i)tas* 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. Favonio 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 Lanuuii 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 approperaret,
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 approperaret*)

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 chiasmatic (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 Lanuuii.

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,
corruperit.

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 perditum 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-quotation, *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-quotation 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,
 suspicari tamen debuit
 eum,
 etiam si Romam illo die reuerti 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 ... reuerti 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.