

§§1–14 Exordium.

§§15–36 Narratio.

§§37–82 Argumentatio.

§§83–123 Anticategoria.

§§124–149 Chrysogonus.

§§150–154 Peroratio.

§§1–14. Exordium. Insinuatio

§§1–5. Cicero introduces himself and presents his interpretation of the political circumstances of the murder trial.

§§6–14. Explanation of what Cicero argues is the real issue: not a murder case at all, but an attempt by Chrysogonus and others to retain possession of the dead man's property. If, he says, the jurors "remove" Roscius the defendant, there will be no one left to contest their seizure of this large estate.

§1 Credo ego vos ... mirari Landgraf refers to Ernesti to cite a nearly exact parallel with the opening of Isocrates' *Archidamus*. For further discussion see Weische 1972: 21–23, who compares the syntactical similarities and Cicero's more complex structure to Isocrates'. Weische (1972: 21 n. 4) also adduces Demosthenes *Phil.* 1.1.

There are a number of examples of *credo ego* (or *scio ego*) both before Cicero's time and after, especially in Plautus and Terence; Cicero uses neither phrase again in the orations. Landgraf notes that *credo* here means not "I believe," but "I think/suppose", or "it is likely". The first-person pronoun is necessary to the deliberate juxtaposition of subjects in the arrangement of pronoun subjects and verbs; its position and repetition (*ego potissimum*) also make explicit the beginning *a nostra persona* (from the identity of the speaker), an exordium necessitated by the nature of the case; cf. Quintilian's summary of methods of *insinuatio* (4.1.44 *si causa laborabimus, persona subveniat*). Yet Cicero does not begin with the person of the defendant, but with himself as pleader.

Schol. Gronov. defines the status of the case as *coniectura; transfusio per ἀντικατηγορίαν* (counter-accusation), and continues, "Genus causae admirabile. Nata primo admirabilitas ex adverso tempore, ex potentia Sullana, ex magnitudine parricidii." Similarly, Julius Victor in *Ars rhetorica* (p. 377.11–13 Halm) says of this case "ut M. Tullius removendi a Sexto Roscio criminis causa Capitonem et Magnum et Glauciam designat facinoris auctores". The *genus admirabile*, or *genus turpe*, is the type of case which elicits revulsion, or a sense of injustice, in the listeners, and thus it is a wonder (*vos mirari*) that anyone undertakes the defense: *Admirabile, a quo est alienatus animus eorum qui audituri sunt* (*Inv.* 1.20). *Excerpta* from Grillius' commentary on Cicero's *de inventione* (pp. 600.33–601.3 Halm) explains why the *genus admirabile* is difficult to defend: "In admirabili genere causae animi iudicium abalienati sunt, id est irascuntur, sicut in Rosciana. Quis enim non moveatur, ubi audierit occisum a filio patrem, aut cum viderit ad defensionem causae tironem accedere defensorem? Ergo tum in hac causa aut principio aut insinuatione uti debes, sicut postea dicemus." Cicero's own advice (*Inv.* 1.23) was to employ *insinuatio*. Since Roscius stands accused of having had his own father killed, Cicero expects the jurors to be hostile; he deflects their surprise, however, towards a direction of his own choosing: he declares that it is remarkable, not that the case is being defended at all, but that he in particular is the patronus. He will argue further that the reasons for a dearth of willing defenders have nothing to do with the case itself but with the political climate.

The opening sentence draws attention through sound effects as well, with repetition of S and R, enhanced by the triplet polysyndeton *neque*.

quid sit quod This indirect question is introduced by *mirari*. "What is the reason why" as a direct question would be *quid est quod*, where *est* is emphatic. This clause in turn introduces its own indirect question *ego potissimum surrexerim*. The circumlocution for a simple statement or question, e.g., "my appearance surprises you", embraces both topics which Cicero will advance: the political ramifications which, he argues, may impede an impartial decision, and an apology for his own lack of distinction and experience. Later in the oration (§§59–60) he recreates for his listeners the initial effect of his appearance on Erucius, the prosecutor. (David *Patronat* 762 suggests that Erucius may be the officer of Sulla mentioned by Plutarch *Sulla* 16.11 and 18.1; Ἐρύκιος in Plutarch; Ziegler's text is *Sulla* 16.15 and 18.1)

summi oratores hominesque nobilissimi The defendant's *patroni*, whom Cicero describes as men of forensic experience (*oratores*) and political standing, either on their own account or because of their family relationships (*nobilissimi*).

cum ... sedeant The verb *sedeo* in this concessive clause is equivalent to "not speak"; although eminent men sit with the defendant as *advocati* (cf. line 5) to show their support, they will not stand up and take part in arguing the case.

is qui ... sim ... comparandus Cicero's separation of the two parts of the passive periphrastic verb *comparandus sim* creates suspense: it is evident as soon as he says *sim* that the person referred to by *is qui* is the orator himself, and that bracketed between *qui* and *sim* are three nouns in the ablative case somehow relating to him, but the whole meaning will not be clear until he refers again to the seated *advocati* (*cum his qui sedeant*) and adds the participle *comparandus*. The subjunctive is due to the clause being an integral part of the clause *ego potissimum surrexerim* (A&G 593; this is also called subjunctive by attraction).

aetate ... ingenio ... auctoritate Two of the ablatives of specification (A&G 418) – the respect in which Cicero cannot be compared to the seated *advocati* – demonstrate that he is not a person of standing (*aetas*: he was twenty-six years old; *auctoritas*: he had none to speak of, no public career, no clients, no noble ancestors: even had he been born into an illustrious family, his youth would have precluded any but the promise of eventual *auctoritas*); the third descriptor (*ingenium*) fulfills the demands of modesty. Each of these nouns is a syllable longer than the one preceding, and appear in that order to preserve this progression and to end with the most important word of the tree, *auctoritas*. As Cicero continues the discussion of his suitability as an advocate, he concentrates upon his youth and obscurity but ignores the question of *ingenium* until the end of his introduction of himself (§5).

qui sedeant While the verb *sedeant* repeats the message that the usual *patroni* are silent, the subjunctive mood ought not to be taken as characteristic; rather, it may be construed as part of virtual indirect discourse (A&G 593). Cicero continues to express what he says must be the thoughts of the jurors.

Omnes hi etc. Cicero refers to the *advocati*, who will lend moral support, and even advice or assistance (cf. §149), but who do not actually plead any portion of the case. Schol. Gronov. interprets his inclusion of the silent *advocati* as a bid to bolster his *auctoritas*. In other cases multiple advocates represented the defendant and divided the parts of the defense in accordance with their expertise and special talents.

To speak of their good will is both usual and expected, although here the good will is linked with reluctance, perhaps cowardice (*non audent*). A disclaimer immediately follows: Cicero explains that the identity of the speaker becomes part of the meaning of his words (§2 *plura dixisse quam dixisset putaretur*). One alternative to giving a political slant to the silence of great men is to state, or to allow it to be thought, that by not pleading the case these worthies are lacking in their duty to their *cliens*. Cicero chose not to do that. Cf. below *officium sequuntur*. Who these people are must be surmised from the names that he cites in §15; the only individual known to be in court with the defendant was one Messala (§149), who must be either M. Valerius Messal(l)a Niger (*RE* 76) cos. 61, or M. Valerius Messal(l)a Rufus (*RE* 77) cos. 53, both of whom were some years younger than Cicero.

Another reason to assert that the noble supporters do not dare to defend the accused is to devalue their status as noble supporters; Cicero will soon argue that his client is weak, virtually without resources against the powerful persons supporting the prosecution.

adesse This verb is a technical term when it is used absolutely: to lend support to the case, by their physical presence. The verb may also take the dative of the person(s) supported, as at *Sen.* 38 *adsum amicis*. Although Clark does not punctuate after *adesse* in this line, other editors insert a comma to indicate that the prepositional phrase *in hac causa* need not be construed with the infinitive. Cicero regularly employs *adsum* alone when he uses it in this sense; he sometimes adds a prepositional phrase to indicate the area of interest, e.g., *in consilio*, *in hac causa*, *in iudicio*, *cum adversariis*: *Verr.* 2.2.73; *Sulla* 81; *Flac.* 17; *Rab. Post.* 10. Often, however, the verb, used in conjunction with the preposition *in*, indicates only physical presence.

iniuriam ... conflatam Cicero will explain presently that after Roscius maior was killed, the son was concomitantly robbed of his inheritance because the father's name was entered upon the lists of the proscribed.

The verb *conflare* means to create something (out of something else, or out of whole cloth), occasionally in a literal, and neutral, way, but usually with a disapproving sense: to manufacture that which one ought not, to make something for a nefarious purpose or in an unacceptable way. For literal (neutral) usage, see *Inv.* 2.8; *Off.* 1.14; *Cat.* 1.26. For the other meaning, in principle see *Part. Orat.* 121 and in practice, *Verr.* 2.2.135 and *Agr.* 2.103.

novo scelere This is the Latin equivalent of adding insult to injury; according to Cicero, those responsible for the father's death engineered an accusation of his murder against the son. The crime is "new" in the sense of newly invented, previously unheard of, as well as recent, the latest assault on the defendant. Landgraf observes that *novus* and *inauditus* frequently appear in company; he compares *Phil.* 11.29 *omnia ... iura novo, inaudito, inexpiabili scelere polluerit*. Whether or not grounds for the present accusation existed if the dead man were rightly listed among the proscribed is an issue that Cicero never addresses directly, obvious though it seems to the modern mind. Kennedy (1972:

151–2) suggests, "Apparently the claim that Roscius' father had been legally killed under the proscription was abandoned once the property was sold." Such an assumption raises the question of how difficult it may or may not have been to recover the property, a lesser consideration for the defendant while still accused of the murder. Alexander (2002: 165–166) lists three reasons why Cicero would not have wanted to discuss the possibility that Roscius maior had been proscribed and thus legally killed: (1) to discredit the accusers, (2) to establish a legal precedent to reclaim the property in future, (3) to allow the jury to think of this contradiction on their own without stating it explicitly. Alexander (2002: 163–164) is right to suggest that the jurors might have felt so much revulsion at the thought of a man killing his own father, even if the latter had been proscribed, that they would have voted him guilty on the strength of their feelings. Butler (2002: 20–22), on the other hand, believes that the elder Roscius may never have been proscribed at all and that his property was offered for sale (literally, "proscribed" or posted up) under some other legal action.

See further below, §§82 *de peculatu*, 126 *constat*, 143 *ista omnia*.

oportere defendi, defendere ipsi non audent Juxtaposition of the passive and active infinitives of the same verb effectively contrasts their feeling that something ought to be done (by somebody) but that they themselves do not dare to do it. At §148 Cicero says again that the many men who ought to be Roscius' supporters do not dare to defend him; he adds there that some of them were not willing to be present in support. Cf. Gruen (1968: 267): "Men of influence and authority shirked the task; their actions might be too readily misconstrued." Gelzer (1969: 21) argues similarly. On the other hand, Kinsey (1980: 183–188) believes that the case was not important enough to engage the attention of prominent men, who may have directed younger family members to attend in support (*adesse*), and further, that Cicero exaggerates Chrysogonus' *potentia* for his own purposes, namely, to create a sensation. Dyck (2003: 236) agrees for the most part. It is difficult of course to see how any accusation of *parricidium* can have passed for a *genus humile*, insignificant though the defendant may have seemed; merely the scandal would have lent sufficient prominence to the case. Nor can considerations of political and social standing override the question of guilt, for if there were a chance that the defendant had played a role in his father's death, prominent patrons would have wished to maintain some distance from the son.

iniquitatem temporum As Cicero explains in §11, this case is the first regularly constituted murder trial since the beginning of civil strife in Rome; he does not reveal whether he means during Sulla's first consulship or to a time extending back to Marius' last consulship, and he may be deliberately vague. See note to §11 *longo intervallo*.

ita fit ut adsint ... taceant autem A substantive clause of result (in this sentence, *ut* governs both *adsint* and *taceant*) is the subject of *fit* (A&G 571).

propterea quod ... idcirco quia *Propterea* and *idcirco*, redundant in English translation, signal the following causal clauses beginning with *quod* or *quia* (lit. "for this reason, because"). Also in §§3, 5, 65, 81, 111, 113, 116 (*propterea quod* is the most frequent formulation in the oration); *idcirco quod* in §§94, 112, <145> and *idcirco ut* in §§111, 137 (bis), 141, 153; *ideo quod* in §§36, 85; *illa causa quod* in §4 (cf. *causa nulla cur* in §146). Cicero, even in his later period, often repeats a construction at close intervals. See, for example, Laughton 1950, and, for the same phenomenon in Livy, Gries 1951.

The indicative in the causal clauses claims credibility: he advances his own explanation for the others' behavior, he does not reproduce theirs. See §6 *quoniam* for a similar use of the indicative.

§§2–5 In the space of twenty-two lines (beginning *si qui istorum dixisset*) Cicero will use various parts of the verb *dicere* ten times, seven of them in the first nine of these lines; three instances are absolute (*si qui ... dixisset; ut dicerent* [§4]; *possem dicere* [§5]) in the sense of "plead the case". The intended cumulative effect of the unreal subjunctives referring to those who are not speaking, and the futures with their adverbs (*libere dixero ... liberius dixero*) and virtual future (*possem dicere*) referring to himself is to leave no doubt in the mind of those in attendance that speaking out is a risky endeavor. He achieves thereby no little self-advertisement, despite his denials. At the same time, he is already laying the foundation of his defense, which requires the jurors to accept his assertion of dangerous political undercurrents.

§2 **quid ergo** Landgraf on §36 *Quid igitur est* discusses the difference between the phrases *quid ergo/igitur?* and *quid ergo/igitur est?*. Briefly, to ask *quid ergo?* points to a conclusion, whether or not correct, and is often followed, as here, by an elucidating question. Cf. §122 below, *Verr.* 1.1.20 *Quid igitur? quod tota Sicilia, quod omnes Siculi, omnes negotiatores, omnes publicae privataeque litterae Romae sunt, nihilne id valebit?* On the other hand, *quid ergo est?* is an actual question, often but not necessarily part of *percontatio*; cf. §§36 and 55 below, *Mil.* 54 "*Devertit in villam Pompei.*" *Pompeium ut videret? sciebat in Alsiensi esse; villam ut perspiceret? miliens in ea fuerat. Quid ergo erat? mora et tergiversatio.*

audacissimus ego ex omnibus? Cicero switches from indirect reporting of questions in the minds of others to direct questions. By using the pronoun *ego* he can omit the verb *sum*. The prepositional phrase *ex omnibus* with the superlative adjective does duty for the partitive genitive (A&G 346), which occurs in §§41 (*omnium constantissimus*), 88, and 96. Cicero later (§5) softens the expression to *relictus ex omnibus*, where the ablative is regular. In his search for different ways to say the same thing he next employs a comparison using *quam*, then the preposition *praeter*.

tanto officiosior *Tantus* is sometimes (frequently in Plautus) found with *quam* rather than the correlative *quantus*, usually when it occurs with a comparative word or negative; *Verr.* 2.1.4, 2.3.225, 2.5.71; *Livy* 26.12.13; *Tacitus Hist.* 4.3.

Unlike English "officious", the word *officiosus* (devoted to *officium*) has a good connotation. Cicero refers to other potential speakers' obligation to their *officium* in §4 below.

istius quidem laudis . . . cupidus He uses the second person demonstrative *istius* because its noun refers to the (praiseworthy) pursuit of duty he has mentioned in a question attributed to his hearers. The next demonstrative in the sentence that refers to the same *laus* is the less emphatic *eam*. *Cupidus* governs the genitive *laudis*.

aliis eam praereptam velim *Aliis* is dative of separation (A&G 381) with *praereptam*. *Volo* with the perfect passive indicates a result or state desired (see Landgraf ad loc., at greater length); often *esse* is omitted, as here (this usage is frequent in Plautus and Terence); cf. §25, *Verr.* 2.4.64; *Caesar BC* 1.8; *Livy* 22.7.4. With the omission of *esse*

the perfect passive participle *praereptam* reads more like an adjective in apposition with *eam* – as in fact it is – than as a passive infinitive.

quae me igitur res praeter ceteros Although the regular position of the unemphatic personal pronoun is second in the clause, here *me* delays *igitur*, which would normally occur between the adjective and noun (*quae igitur res*), and consequently the pronoun seems emphatic rather than the opposite. This sentence introduces the first of three contrasts between Cicero and *ceteri*, phrased not as comparison per se but as a series of reasons:

- (1) The standing of the others; his lack of standing.
- (2) Their age and wisdom; his youth.
- (3) The different natures of requests directed at the powerful and the obscure.

reciperem The definition according to L&S s.v. *recipio* II.B.2.a is "accept task assigned"; contrasted by L&S s.v. *suscipio* I.B.2 as follows: *suscipere* usually indicates an undertaking done as a favor or voluntarily, *recipere* something accepted as a duty or an obligation. Cicero's choice of verb here should indicate that his undertaking is not voluntary. Landgraf, however, states that Cicero uses *causam recipere* and *causam suscipere* with no difference in meaning. There is a clear difference throughout the Verrine orations, especially in passages where Cicero uses both verbs, e.g., *ego in hoc iudicio mihi Siculorum causam receptam, populi Romani susceptam esse arbitror* (in *Caec.* 26); *Verr.* 2.2.1. But the line between duty and favor is slim.

Quia ... putareter In the rest of §2 and all of §3 Cicero describes with a series of three reasons why he has undertaken the defense. Schematically this is his argument:

- (1) Quia,
 - si qui istorum dixisset
quos videtis adesse,
in quibus summa auctoritas est atque amplitudo,
si verbum de re publica fecisset,
id quod in hac causa fieri necesse est,
multo plura dixisse quam dixisset putaretur.
 - (1), (2a) Ego autem
si omnia quae dicenda sunt libere dixerō,
nequaquam tamen similiter oratio mea exire ... poterit.
 - (2a) Deinde, quod ceterorum
neque dictum obscurum potest esse propter nobilitatem et amplitudinem
 - (2b)
neque temere dicto concedi
Ego si quid liberius dixerō
propter aetatem et prudentiam.
 - (2a) vel occultum esse
propterea quod nondum ad rem publicam accessi,
 - (2b) vel ignosci adulescentiae meae poterit;
tametsi non modo ignoscendi ratio verum etiam cognoscendi consuetudo iam de civitate sublata est.
- (3) Accedit illa quoque causa
quod a ceteris forsitan ita petatum sit ut dicerent,
ut utrumvis salvo officio se facere posse arbitrarentur;
- (3) a me autem ei contenderunt
qui apud me et amicitia et beneficiis et dignitate plurimum possunt,
quorum ego nec benivolentiam erga me ignorare nec auctoritatem aspernari nec voluntatem neglegere debebam.

Quia This causal clause, represented as a condition, gives only the first reason; although Cicero had implied by the singular *quae res impulit* that there was only one thing compelling him to undertake the defense, there are three, and his summation in §5 begins *his de causis*.

si ... dixisset ... putaretur This is not a mixed unreal condition, because Cicero speaks not of the past and present but of the present and future. Kinsey explains ([1987a] 847), "The words *qui ... putaretur* are a sort of indirect speech; Cicero is reporting the motive that activated him in the past and puts his past thought into historic sequence after *impulit*." The original thought would have been, "Si qui ... dixerit ... si verbum ... fecerit, ... putabitur."

in quibus ... est Cicero represents the standing of the *advocati* as a statement of fact, hence he uses the indicative, although this is a subordinate clause in indirect discourse (A&G 583); it is a good instance of the opportunities Latin offers for manipulation of perceived reality by grammatical devices. The preposition *in* is often used of people to indicate "a person's qualities of mind or character": L&S s.v. *in* I.A.3, adducing *Mur. 58 erat in eo summa eloquentia, summa fides*.

amplitudo This quality, when used of Roman citizens as individuals, is, along with *auctoritas*, peculiar to senators (*Clu. 150 quam multa sunt commoda quibus caremus, quam multa molesta et difficilia quae subimus! atque haec omnia tamen honoris et amplitudinis commodo compensantur*); the word *amplitudo* occurs frequently with one or more of *dignitas, gloria, honos* (e.g., *Fam. 1.9.25, 3.9.2, 5.8.5, 10.1.3, 11.5.3, 15.13.2*), thus the relative clause *in quibus ... amplitudo* serves as a circumlocution for senators. Although there is no one English equivalent which will serve in all cases, "position" comes close; at times, "clout" comes even closer (although this translation causes *amplitudo* to encroach upon the connotations of *gratia*). The state itself, of course, also possesses *amplitudo*, as may other institutions of suitable antiquity and venerableness, e.g., a temple, a philosophy (*Inv. 2.53 and 164; Mil. 90*). At *Inv. 2.166* Cicero defines this and other related words; *amplitudo* is *potentiae aut maiestatis aut aliquarum copiarum magna abundantia*. One usually obtains *amplitudo* through office-holding, as Cicero explains elsewhere (*Brut. 281; Off. 2.59*). In orations, Cicero frequently has recourse to the concept when describing the standing of individuals, e.g., *Verr. 2.4.80; 2.4.89; Manil. 48; Cat. 4.9; Mur. 8 & 16; Phil. 1.33*.

si verbum ... fecisset Landgraf notes that the singular *verbum* indicates that a political figure could not safely say a single word about the political situation. Elsewhere in Cicero where *verbum facere* occurs, there is either a negative expressed or implied (cf. §§28, 58 [bis]), or a conative sense (*Verr. 2.4.147, Pis. 29*). Cicero occasionally emphasizes the lack of even one word with *omnino* (*Quinct. 77*) or *ne ... quidem* (*Phil. 3.20, Sen. 54*).

de re publica etc. Cicero will argue both that the political circumstances facilitated the crime and that only the political circumstances permitted the subsequent accusation: see §3. Thus, he implies, it would be impossible to defend Roscius without mentioning both the proscriptions and the misbehavior and abuse of power of certain of Sulla's associates. Although such description could have been defended as statement of

fact, any man of substance who incorporated the events of the past two or more years into his defense might have been suspected of having an ulterior motive, wishing to denigrate Sulla or at the latter's expense to praise his own actions or political correctness; consequently *multo plura dixisse quam dixisset putaretur*.

§3 ego autem etc. Because he has no established reputation, has never held public office, does not have a well known name, Cicero can turn the ethical argument – judging the quality of the defendant from that of the pleader – into a discussion of the utility inherent, in this case, in lack of *auctoritas*. The pronoun *ego* is in emphatic position. This sentence forms a bridge between the first reason (the political ramifications of speaking) to the second (a less widespread and more pardonable reception of what the speaker will say).

si omnia quae dicenda sunt libere dixerō Cicero softens the expression two sentences later, to *si quid liberius dixerō*. The theme of free speech, either circumscribed by the political climate or asserted to be such by Cicero, recurs in §§9, 30–31, 61, 125, 140, 148. The conjunction *si* has the force of *etiāmsi* "even if" because *tamen* "nevertheless" occurs in the main clause. He frames the causal clause of the next sentence (beginning *deinde quod*) with two parallel statements in future more vivid conditions employing the same verbs (*dixerō* and *poterit*), creating a powerful assertion:

Ego autem si omnia quae dicenda sunt libere dixerō,
nequaquam tamen similiter oratio mea exire atque in volgus emanare poterit.

Deinde quod ceterorum neque dictum obscurum potest esse
propter nobilitatem et amplitudinem
neque temere dicto concedi
propter aetatem et prudentiam.

Ego si quid liberius dixerō,
vel occultum esse propterea quod nondum ad rem publicam accessi,
vel ignosci adulescentiae meae poterit;

tametsi non modo ignoscendi ratio verum etiam cognoscendi consuetudo iam de civitate sublata est.

emanare Cicero uses the verb six times in extant works. The literal meaning is of a fluid, especially water, seeping from a source (*Div.* 2.63, and so in other authors, e.g., Lucretius 3.583). Some metaphorical instances preserve the original notion, as at *Inv.* 2.7 *alii quoque alio ex fonte praeceptores dicendi emanaverunt*. But elsewhere in Cicero the image does not pertain to a fount; it is purely the gradual spread, or the leaking out, of something, especially of information. See *Verr.* 2.1.1; *Fam.* 8.6.2 (Caelius to Cicero); *Att.* 3.12.2, 7.21.1. The usage here belongs to this latter category; many other authors employ it in the same way.

Deinde quod ceterorum The causal *quod* introduces a second reason for Cicero's having undertaken the case and a second contrast between Cicero and more experienced men, amplifying the first: a pleading by the others would not only have had a political slant (1), but (2a) would have been bruited about and (2b) could not have been attributed to youth and inexperience.

nobilitatem et amplitudinem These words describe magistrates or ex-magistrates, that is, senators (again) and set up the contrast in the next sentence with

Cicero's lack of political experience (*quod nondum ad rem publicam accessi*) and consequent lack of any history as a supporter of one side or another in the civil strife of the Eighties BCE.

obscurum There is an inherent contrast between the words and actions of the others (*ceterorum*) whom he describes, as one of their qualities is being known (the primary meaning of *nobilitas*), and an action or word that will be "not known" (*obscurum*). Similarly, in the parallel condition beginning *Ego si quid liberius dixero* he characterizes his own words and actions by the participle *occultum* "kept secret", "hidden".

temere dicto concedi It is convenient for Cicero to use an impersonal passive and thus not need to name an agent who would, were the verb active, be the person to overlook or pardon what was said; the object *dicto* is dative because the verb is intransitive in both active and passive. It is modified by an adverb because the word *dictum* is a participle.

aetatem et prudentiam Cicero commences the part of the argument based on his youth: young people were not generally regarded as wise or careful. Ten years later he said (*Verr.* 1.1.52) that Scaevola was *sapientissimus*, as he had *prudentiam*. To add *prudentiam* to *aetatem* is an oxymoron when Cicero claims to have not much of either.

Ego As at the beginning of this section, the pronoun is in emphatic position, in contrast again with other potential advocates.

si quid liberius dixero The softened restatement of the previous supposition (*omnia quae dicenda sunt* is now [*ali*]quid; *libere* is *liberius*) renders the earlier claim trivial: "if I speak somewhat freely" is much less threatening than "even if I freely say everything that needs saying".

rem publicam Public life, affairs of state; the phrase *ad rem p. accesso* means to enter on a public career.

tametsi Cicero adds a limiting condition as a concession; *tametsi* almost always appears with the indicative (*A&G* 527 with Note 1).

ignosci adolescentiae Again, he employs dative with an impersonal passive, not naming an agent. Here Cicero has used a parallel construction (to *dicto concedi* above) that is not strictly grammatical. The indefinite pronoun *quid* at the beginning of the sentence, object of *dixero*, refers to the understood subject of *poterit* and thus of the two passive infinitives which depend upon it, *occultum esse* and *ignosci*. The latter, however, cannot have a subject when it is used in the passive (*A&G* 372). Contrast this to the preceding sentence, in which he repeats the object *dicto* in the appropriate case, having begun with *dictum*.

ignoscendi ratio The gerund repeats the same notion as *ignosci* just before; *ratio* here can mean consideration, notion, idea, habit, or practice, among many other things, but in this context it is virtually synonymous with *consuetudo*. The circumlocution is necessary for lack of an abstract noun. As *vel ignosci* belonged to the second half of an

alternative, one may expect that the first half (*vel occultum esse*) will be answered in the next phrase, and in a way it is, but Cicero finishes with a double entendre.

cognoscendi consuetudo The primary meaning of *cognosco* contains an opposition to *occultum esse*, for what is hidden away cannot be learnt. The verbs *cognosco* and *ignosco* appear together in Terence *Eun.* 42–3 *qua re aequom est vos cognoscere atque ignoscere / quae veteres factitarunt si faciunt novi* and *Heaut.* 218 *nam et cognoscendi et ignoscendi dabitur peccati locus*. Yet there is more to the phrase than a statement that a thing may be found out yet forgiven, or a contrast between the different meanings of the compounds (Holst no. 62 cites this passage as an example of paronomasia by homonyms with the same root but different prefixes). The device makes another point entirely, derived from a technical use of *cognosco*, "to hold a trial" (L&S s.v. *cognosco* III.A). Normal legal procedures had been suspended for some time.

Landgraf, citing Drumann, suggests that Cicero may have inserted this word-play after Sulla's time, when he published the oration. Berry (2004: 82–83) agrees. For discussion of date of publication, see the Introduction.

sublata est Perfect passive from *tollo*; see L&S s.v. IIB for the meaning "abolished".

§4 Accedit illa quoque causa ... quod The third reason, and third contrast: the final point is that Cicero had not enough standing to refuse. *Accedo* is often used, as it is here (and in §§8, 9, 22, 68, 86, 104) as the passive of *addo*. See note to §9 *Huc accedit*.

a ceteris ... a me The two prepositional phrases with *petitum sit ut dicerent* (another conveniently impersonal passive) and *contenderunt* respectively, are moved to the beginning of their clauses for the third comparison. The preposition *a* here means "of", not "by".

utrumvis ... facere "To do whichever you please" is equivalent to the English expression "say yes or no".

forsitan ... salvo officio Cicero says that the request "may have been" (*forsitan*) phrased in such a way (*ita petitum sit*) that obligations to the defendant would not be violated by a refusal. See Schol. Gronov. ad loc. Cicero is very careful not to accuse respected men of failure in their duty, although in effect that is what he does (Pötter 59 n. 1). See Pötter 59–60 on defense as a moral obligation.

ita petitum sit ut dicerent, ut ... arbitrarentur The first *ut*-clause is a substantive clause of purpose (also known as a jussive noun clause) after *petitum sit*; the second is a substantive clause of result also following *ita petitum sit*.

contenderunt There are marked differences in meaning between the verb used to ask the others, *petitum sit*, and the one employed on Cicero, *contenderunt*. Not only is *petitum sit* an impersonal passive but the meaning of the verb is neutral: "ask", "make a request". *Contendo*, on the other hand, means "to work very hard to accomplish something" (see L&S s.v. II): not only did those who asked Cicero's help not let up in their efforts, but the verb is in the active voice, and although its subject is not expressed

Cicero makes very clear that the men making the request were not people that he could refuse.

amicitia ... beneficiis ... dignitate These three politically important words, here marked out by polysyndeton, mean, in this context, "political friendship", "favor" (which must be repaid), "importance" (of those who offer their friendship and favor). Often there was inherent in the formal acceptance of friendship between parties of different rank or power, whether of an external people with Rome, or between two Romans, acceptance of obligation on the part of the weaker to support the stronger party. The obligation was not necessarily returned, although it might be if convenient; cf. Badian (1958: 60), "Clearly Roman *amicitia* was no guarantee except when it suited Rome." Especially to the point here, despite the period treated, is Saller (1990: 57), "To discuss bonds between senior aristocrats and their aspiring juniors in terms of 'friendship' seems to me misleading, because of the egalitarian overtones that word has in modern English. Though willing to extend the courtesy of the label *amicus* to some of their inferiors, the status-conscious Romans did not allow the courtesy to obscure the relative social standings of the two parties."

Friendship between different members of the ruling class, however, was often much closer to what moderns regard as friendship, with political differences a factor that only rarely destroyed genuine affection. One must be careful to assess the situation in which the word *amicitia* appears: see Brunt (1965).

The *beneficia* were, in general, the offices which one performed and by which one obtained *gratia*. As for *dignitas*, it is a truism that men were willing to wage war to maintain theirs: Caesar *BC* 1.9; Catilina in Sallust *BC* 35.3. See below, note to §8.

Again, Cicero does not reveal here the identities of these important people; in §149 he says that Messala gave him the case. In many respects his *captatio benevolentiae* is a real apology for his temerity: he says that when caught between a rock and a hard place, he chose the more honorable alternative, yet he does not want anyone to think that he actively sought to plead this case.

qui ... plurimum possunt The expression with adverbial *plurimum* avoids the unpleasant connotations of *potentia*, while still informing the hearers that those who asked had much influence; when the verb appears with a neuter adjective used adverbially its meaning is "have power", "have influence". The adverbial accusative indicates to what extent or how much power or influence the subject of the verb has. At *Quinct.* 9 Cicero is explicit: *quod eorum gratia et potentia ... in quibus, quo plus propter virtutem nobilitatemque possunt, eo minus quantum possint debent ostendere*. In that earlier oration Cicero did not spare the offensive words, as he was speaking of the opposition's supporters, not of those whose good will he wished to retain. See also note to §33 *tantum potuit*.

benivolentiam ... neglegere The nouns in the tricolon answer, although not in the same order (ABC/BCA), the three ablatives with *plurimum possunt*: *benivolentiam–beneficiis, auctoritatem–dignitate, voluntatem–amicitia*. *Ignorare* means "not think about", i.e., the *benivolentia* must be returned; *aspernari* means "not consider [worth anything]", which one cannot do in the case of someone's *auctoritas* when that someone has *dignitas*; *neglegere* means "take lightly", and one cannot take lightly the *voluntas* of powerful men. While friendship and will might seem not to be two sides of the same coin, inherent in political *amicitia* was the obligation of the weaker party to heed the wishes of the

stronger. Cicero frames his explanation with *amicitia ... voluntas*, a verbal representation of the nexus of relation and obligation which characterised his world.

debebam Cicero states that he had a *debitum* to honor: he was obligated, although he does not state exactly how, to accede to the wishes of those who asked him to defend Roscius.

§5 **His de causis ... huic causae** Holst no. 34 cites this passage as one example of etymological homonymns with the same or a different case-ending. Many terms have been applied to the phenomenon of a word repeated with a different meaning; depending upon the particular usage or effect produced, one may call this *tradio* (*Rhetorica ad Herennium* 4.14.20) or in Greek πλοκή. Cicero does not use a technical term for this or the other *orationis lumina* which he describes at *Orat.* 135 ("cum aut duplicantur iteranturque verba aut leviter commutata ponuntur, ... aut continenter unum verbum non in eadem sententia ponitur"). As word-play, it is a kind of paronomasia; cf. Quintilian 9.3.66–67. According to Quintilian 9.3.68, ἀντανάκλασις describes a somewhat different effect, the use of the same word with opposite meanings.

exstiti He means this literally as well as figuratively; it is the opposite of *sedeo*.

unus qui maximo ingenio I.e., he denies that he was solicited especially for some unique abilities which he may have been thought to have had. The summation of his introduction of himself includes a trio of juxtapositions, *electus/relictus* (Holst no. 151 cites this passage as an example of roots with alliteration, inner assonance and rhyme), *maximo/minimo*, *defensus/desertus* (Holst no. 146 cites this as an example of compound words with different roots but inner assonance and rhyme), and attendant plays on words, meanings, and sounds.

qui ... possem The relative clause is either a result or a causal relative clause; both are developments or kinds of relative clauses of characteristic: A&G 534, 535, 537. The categories of subjunctive overlap, although this slight ambiguity may not have existed in the statement as delivered orally, and the ambiguity is very slight, the difference between "I was chosen because I was the person who could" and "I was chosen as the kind of person who could".

neque uti ... verum uti Landgraf ad loc. (s.v. *verum*) discusses the difference between Cicero's diction in this oration and in his pleading *Pro Quinctio* of the year before. Throughout most of the *Pro Roscio* the high style prevails, marked by formal and archaising elements such as *sese* for *se*, *uti* for *ut* and *uti ne* for *ne* (both in this sentence), the epideictic *-ce* on the first-person demonstrative, *quemadmodum* or *quo modo* for *ut* (on which, see below).

neque ... desertus esset The second half of the sentence has two parts to balance the two parts of the first half; in both, Cicero saves the finite verb for the end or nearly the end of the second part. In the first half, both *electus* and *relictus* refer to *ego*, the subject of *possem dicere*. The second half of the sentence consists of two purpose clauses in which Roscius is the subject, but of passive verbs: this is an efficient way to make clear that the defendant is not a driver of the action. The construction of both purpose

clauses is parallel and both imperfect passives share the auxiliary verb *esset* that Cicero places only at the end.

His de causis ego huic causae patronus exstiti,
non electus unus
 qui maximo ingenio
sed relictus ex omnibus
 qui minimo periculo
possem dicere,
 neque uti satis firmo praesidio defensus Sex. Roscius
 verum uti ne omnino desertus esset.

omnino When used with a negative word or idea, *omnino* makes the negative absolute and here emphasises that Roscius would have been entirely deserted, left with absolutely no one to come to his defense, if Cicero had not stepped forward; cf. §§81, 92, 94, 95, 105, 118, 127. When used as a positive, *omnino* conveys the idea that an absolute negative was to have been expected: see example at §49 *nisi etiam quod omnino coluit crimini fuerit* and note.

§§5–8 Captatio benevolentiae: ab adversariorum persona

Forsitan quaeratis Cicero states the question he presumes to be in his listeners' minds. It is not a real question, but an opportunity for him to restate the grounds of accusation, so as to remove the allegations that the prosecutors have presented. He wants to surprise his opponents, and keep the jurors attentive, by describing what he says others have not mentioned and the jurors have had no opportunity to learn (cf. §60). It is a useful tactic, recommended by rhetoricians (*Rhetorica ad Herennium* 1.7 *adtentos [auditores] habebimus, si pollicebimur nos de rebus magnis, nobis, inusitatis verba facturos*; cf. Quintilian 4.1.33).

terror ... formido Both words refer to the same thing, although the *terror* is the active agent causing the *formido*, the subject of the following relative clause. Many years later, Cicero defined various types of fear (*metus*), including these, at *Tusc.* 4.18–19, and distinguished *terror* as a sudden onset of fear, while he defined *formido* as long-lasting or permanent fear. In *Quinct.* 1, Cicero contrasts the verbs *vereor* (a kind of awe) and *metuo*.

impediat quo minus ... velint *Quominus* (either one or two words; equivalent to *ut eo minus*) often appears after a verb of hindering if the verb is not negated (A&G 558b). Cicero's choice of construction allows him to imply that others would have been willing to defend Roscius, were they not afraid of something.

quem ad modum As Landgraf notes, in earlier orations Cicero often writes *quem ad modum* or *quo modo* for the simpler *ut*; in this speech the frequency of *quem ad modum* / *quo modo* to *ut* is about 1:2, including passages in which *ut* means 'how' (§§66, 79) or in formulaic expressions such as *ut fit*, *ut opinor*. While there are passages where *quo modo* or *quem ad modum* adds an aspect of manner to the sense (e.g., §7 *quo modo mihi persuadeo*, §84 *quem ad modum paratum esse audio*), other clauses are virtually identical to an expression with *ut*, for example, §§91 *quem ad modum ante dixi* and 143 *ut iam ante dixi*. This tendency persists, not perhaps quite so obtrusively, through the *Verrines*, and

never entirely disappears after that, with the idioms enjoying a revival of Ciceronian favor in the orations *post reditum*. The effect, in any period, is of more archaic diction.

fortunis No literal fortune(s) can be meant, since Roscius has already lost his; the word is formulaic. Cf. Landgraf ad loc. On the other hand, Cicero later addresses the question of the property and whether it was legally sold or not (e.g., §§82, 130), although he denies that he and his client are interested in anything more than an acquittal on the murder charge (e.g., §7).

Quod A coordinating relative: "this thing", the object of *ignorare*. *Quod* refers to the *terror* or *formido*, now made neuter singular. In the next sentence Cicero substitutes *quae res*, which, he explains, is the substantial property of Roscius maior, purchased by Chrysogonus. Cicero has avoided answering his own question: the fear cannot be the property. The hearers are to assume, having heard of the sale of the estate, that the eminent men who might have spoken are afraid of offending Sulla by taking on a case in which one of Sulla's dependents has involved himself.

adhuc "Up to this point" in the trial, i.e., in the remarks of the prosecutor. Erucius, according to Cicero, had said nothing about the farms that had belonged to Roscius maior. There was, however, probably no one on the senatorial jury who could not have learnt what had become of the property.

eius rei quae conflavit He refers literally to the *res* which occasioned the trial; both a 'thing' and 'property'. Cicero will soon tell the jurors that the defendant's father had owned a number of valuable properties that had been taken from his heir by the machinations of family members who were actually helping the prosecution. Landgraf ad loc. remarks upon Cicero's overuse of *res*, instead of a neuter pronoun, in the oration; this passage, however, presents two good reasons to write *res* rather than, e.g., *quod*: (1) the word-play, (2) the oblique case: a neuter such as *quod* in the genitive or dative case could be confused with a masculine or feminine.

On *conflavit*, see note on *iniuriam ... conflata* (§1). If Chrysogonus was Cicero's red herring, it was an excellent idea to introduce him with the notion of the prosecution's "conflation".

§6 Quae res ea est? Cicero redefines the grounds of the case, as he will do elsewhere, e.g., *Cael.* 20 and 25. Here also begins Cicero's attempt to involve the jurors through pathos, indignation, and their fears for their own reputations; the skill with which this must be done, according to Quintilian 6.2.5, does not belong to everyone, but (6.2.6) when done well will win a case.

Bona Real property: thus a tangible *res*. *Bona* is the subject of the main clause; there is no main verb, although the hearer can understand *est* from the preceding sentence. Three relative clauses of varying length and complexity comprise the remainder of the sentence; only the first two refer to the *bona*.

quae sunt sexagiens This clause is probably not part of the reported speech attributed to Chrysogonus, but even if not parenthetical, it is true whether or not it is a subordinate clause in indirect discourse (A&G 583). *Quae sunt sexagiens* is an abbreviated form of *quae sunt sexagiens centenis milibus sestertium*: "which are [worth]

sixty times one hundred thousand [of] sesterces". The ablative of price (A&G 416) is often omitted when using this idiom, as are the words one hundred thousand.

60 times 100,000 sesterces = 6,000,000

de ... L. Sulla ... dicit emisse Cicero represents the story as hearsay from the buyer, not necessarily as fact, and thereby gives Chrysogonus the responsibility for naming Sulla and creating invidium by referring to the sales of the property of the proscribed. If Roscius maior had been proscribed and his property confiscated, Chrysogonus would have purchased it at an auction, not privately from Sulla, but with Sulla as the primary mover of the sale: cf. *Verr.* 2.3.81, *Agr.* 2.56, *Arch.* 25.

viro ... Sulla Cicero describes the dictator's two spheres of operations: Sulla was *clarissimus* in the political arena, *fortissimus* in war. Both superlatives occur individually hundreds of times in Cicero; together, about two dozen times, describing powerful political figures who, as a rule, (1) had some claim to military glory (although in Milo's case this would have been for victories with his urban army) and (2) were either not *populares* or were not as given to demagoguery as the persons with whom they were contrasted (e.g., Caesar in the *pro Milone*; Ti. Gracchus the elder in *Prov. Cons.* 18).

quem ... nomino This relative clause is neither a subordinate clause in indirect discourse, nor an explanatory clause in indirect discourse, but a parenthetical remark. Compare *Quinct.* 28: *Quinctius accepta insigni iniuria confugit ad C. Flaccum imperatorem, qui tunc erat in provincia, quem, ut ipsius dignitas poscit, honoris gratia nomino.* The phrase need not be employed with total respect, e.g., *Verr.* 1.1.19 C. Curio, *quem ego hominem honoris potius quam contumeliae causa nominatum volo.* Use of the formula affords an automatic refutation of any notion that Cicero has introduced Sulla in a hostile or negative manner.

duobus milibus nummum Cicero carefully uses the exact numbers, 2000 sesterces (ablative of price), to make explicit the great difference between the property's value and its price.

vel potentissimus The contrast between Sulla and Chrysogonus (about to be named) is clear: while *clarus* is a word implying great influence, *potens* vilifies. Cf. *ad Brut.* 18.3.11 *numquam enim in honore extraordinario potentis hominis ... quando quidem potentia iam in vi posita est et armis.*

The particle *vel*, here intensifying *potentissimus*, has several uses in Latin: (1) similar to the English "very" or, more tentatively, "perhaps" as in "very most powerful" or "perhaps the most powerful", as in the present example and in §124 *vel maximam*; (2) concessive ≈ "even" as in "even those most hostile" *Fam.* 10.4.2 (Plancus to Cicero) *tamen vel inimicissimi iudicio.* Examples of (1), the more common usage, include §§8 and 21 below. (2) "Even" may be understood whenever *vel* occurs with *minima*, e.g., at the beginning of §8, and, in context, with other words: *Cael.* 35 *ut vel severissimis disceptatoribus M. Caeli vitam me probaturum esse confidam.*

Kinsey (1980: 186) believes that the relative importance of Chrysogonus, either to the case or in general, is grossly exaggerated, and he argues that the *nobiles* would not have left a genuinely threatening cause to the care of a woman, a young noble, and an unknown lawyer. Many other commentators have accepted the basic premises of the

story as Cicero had given them, although in recent years more have voiced doubts. Most recently, see Seager (2007).

hoc tempore A circumstantial ablative, strictly an ablative of time when, a reminder of the *iniquitatem temporum* (§1). In better times a Greek freedman would not have been *adulescens vel potentissimus*. One *adulescens* of the period who had so much influence that he faced down Sulla in 81, when the latter was still dictator, was Pompey.

L. Cornelius Chrysogonus A Greek, freedman of Sulla, and consequently named after him. Cicero states the whole name for effect, as he declares later (§60), and also, although he does not say so, to point up the relationship to Sulla. To save the subject for the end of the sentence heightens the suspense.

Offermann 1974: 66–69 argued that §6 is the key to the whole defense and to its structure. He discussed both the structure of the sentence and what Cicero gains by the order of presentation: Cicero answers *terror et formido* with (1) tangible *res* and their value, (2) Sulla's name, (3) the low purchase price and the reference to auctions, (4) the powerful young person not yet named, (5) the formal declaration of Chrysogonus' full name. Offermann is correct that saving the freedman's name for last creates the kind of suspense that a more straightforward statement could not achieve.

Is Chrysogonus becomes the focus of the pleading, his prominence indicated syntactically by the emphatic placement of the pronoun *Is* at the beginning of the sentence. Cicero deflects criticism of Sulla to his freedman, and, not for the last time in his career, argues that the defendant on trial is not the one who should be in the dock. Cf. the implication in the *Pro Caelio* that Clodia had poisoned her husband Metellus Celer. The tactic which Cicero uses in this passage, however, is not the same as counter-accusation, for he avers in §122 that he does not implicate Chrysogonus in either the planning or the execution of the murder, although he argues vigorously that the man interested himself in the case and profited from it. The technique employed here is called variously *sermocinatio* (*Rhetorica ad Herennium* 4.65) or *fictiones personarum* (προσωποποιία) (Quintilian 9.29–37; at 9.2.30 he observes *his et adversariorum cogitationes velut secum loquentium protrahimus [qui tamen ita demum a fide non abhorrent si ea locutos finxerimus quae cogitasse eos non sit absurdum]*).

a vobis ... postulat ut ... deleatis ... tollatis By writing Chrysogonus' purported desires as a jussive noun clause, Cicero introduces him as an interested party in the case, and one who had no right to ask the jurors to do anything unless he had been one of the prosecutors. Landgraf ad loc. notes that Cicero is fond of linking these verbs as well, citing *Quinct.* 70, *Verr.* 1.49, 2.4.80; *Vatin.* 23 [24], *Rep.* 3.23 [= 3.34 frg. 2, in Augustine *de civ. Dei* 2.22.6*]: *tollitur, deletur, extinguitur*. Add *Tusc.* 1.27.

quoniam ... quoniamque By using the subjunctive, Cicero can attribute these causal clauses to Chrysogonus without having to draw attention to his so doing. To state these reasons as facts, in the indicative, would signify Cicero reporting what he himself believes them to be. The subjunctive is more subtly damning, as it represents in virtual indirect discourse Chrysogonus' own reasons. The listeners, intent on hearing the rest of the sentence, will have accepted unconsciously Cicero's representation. The two causal clauses correspond rhythmically and in other respects, down to the position of a form of *pecunia*, repeated for effect.

Is a vobis, iudices, hoc postulat ut,
 quoniam in alienam pecuniam tam plenam atque praeclaram nullo iure invaserit,
 quoniamque ei pecuniae vita Sex. Rosci obstare atque officere videatur,
 deleatis ex animo suo suspicionem omnem metumque tollatis;
 sese hoc incolumi
 non arbitratur
 huius innocentis patrimonium tam amplum et copiosum posse obtinere,
 damnato et eiecto
 sperat
 se posse quod adeptus est per scelus, id per luxuriam effundere atque consumere.

alienam pecuniam *Pecunia* includes the real property as well as cash or other tangibles.

tam plenam atque praeclaram The effect of two adjectives is not reduplicative but alliterative; cf. *tam amplum et copiosum* below. Landgraf also supports *plenam* against Stanger's *amplam* on grounds of alliteration.

nullo iure This category of ablative specification, "where the ablative expresses that *in accordance with* which anything is or is done": A&G 418a, is included in the representation of Chrysogonus' reasoning. Cicero might have spoken in the freedman's persona — compare the treatment of Erucius in §58 — but the present method is less obvious, less likely to raise an objection, and consequently more effective. By relating Chrysogonus' thoughts he has the freedman say, "since I have taken over another man's property in accordance with no law ...".

obstare ... officere The two verbs mean virtually the same thing; Cicero uses them again together at §§112 and 145. In §112 he describes in general the result of entrusting business matters to untrustworthy men; in §145 he answers what he describes here as Chrysogonus' fears, by affirming (in Roscius' persona) that he no longer has any claim to the property.

The prefix *ob-* often gives the notion of hindrance to a verb, literally "in someone's way", or as in the current idiom "in your face". *Obstare* is rather more passive, if an unwieldy object is passive — to stand in the way — while *officere* requires action — to do something [so as to get] in the way. What is in the way of "that money" (*ei pecuniae*) is the defendant's life.

suspicionem *Suspicio* does not mean "suspicion", but a feeling of mistrust or apprehension, sometimes rendered into English by "grounds for suspicion" or perhaps better here, "a feeling of unease" or "anxiety". Cf. §§56–57 below, where Cicero discusses "suspicions" arising against innocent people: *innocens est quispiam, verum tamen, quamquam abest a culpa, suspicione tamen non caret*. The suspicion is not active but passive, about the suspect. See also §76 *argui suspiciose*. The word occurs most frequently in contexts of criminal trials.

hoc incolumi The pronoun in the ablative absolute refers to the same person as the pronoun *huius* in the possessive genitive which follows; see Landgraf's note ad loc. There is no rule broken herein, because *huius innocentis* is not an integral part of the

main construction (*sese ... patrimonium ... obtinere*); in any event, rules take second place to emphasis and sense.

huius innocentis "Of this innocent man": Cicero attributes this thought as well, with its characterisation of the defendant, to Chrysogonus. Schol. Gronov.: *Vide quemadmodum ad invidiam et odium ducit verba ipsius et postulationem nequissimam.*

tam amplum et copiosum The adjectives are synonymous, unlike *tam plenam atque praeclaram* above. Cicero emphasises the value of the estate to establish a motive for the crime. That this motive existed especially, and perhaps solely, for Roscius, before his father's death, is obvious. Cicero, however, leads conjecture away from the situation which obtained prior to the commission of the crime, and focuses it on what happened afterward. At §§84ff he accuses the T. Roscii of having planned and effected the murder; he begins his argument with the Cassian question "who profits?" and observes that since the T. Roscii obtained the property after the death, they were the ones whom ideas of profit (and ancient hostility) motivated in the first place. Kinsey (1980: 178–179) writes that the motivation of profit arose for them only after the murder had occurred, and since the arrangement with Chrysogonus about the property followed the murder, they would have had no way of knowing in advance that elimination of the man would have gotten them anything. Dyck 2003 also describes in great detail the case against the accused and adds other evidence of Roscius' guilt, e.g., the absence of townspeople in support of him, the absence of family members whom Cicero would have pointed out, had they been there, the clear motive entailing the property. These are excellent arguments, which hold, however, only if (1) one accepts other information from Cicero — namely, that the T. Roscii did not know Chrysogonus prior to the murder — and (2) one disallows the possibility that the T. Roscii could have planned to take advantage of the proscriptions in just this way (whether or not they knew Chrysogonus), as others had done. It may also be that no one named Roscius had any part in the murder. Keaveney (1982a: 176) seems to indicate such an eventuality when he writes, "The footpads who murdered the elder Roscius would seem to have been fairly representative members of a large and violent criminal class created by the late disturbances," although earlier (1982a: 152) he had observed, "some of the Sullans took the opportunity to liquidate, under cover of the general mayhem and confusion, personal enemies on their own side. The most famous of these was, of course, the elder Roscius." (Cf. Keaveney 1982b: 515, "We certainly know that in enemy Umbria Sulla had a supporter at Ameria in the person of the ill-fated Roscius." In n. 106 to that page Keaveney cites Cicero *Rosc. Am.* 15–16. But at 537 he writes: "The footpads we encounter in Cic. *Pro Rosc. Am.* 18 can hardly be an isolated phenomenon.")

posse The intrinsic meaning of the verb indicates future intent, as it does in the next line when it appears after *sperat*, although as a rule only a future verb should come after a form of *spero*. See A&G 468 Note ("Verbs of necessity, possibility, wish, and the like (as *possum*, *volo*, etc.) also have reference to the future") and 516d ("Any form denoting or implying future time may stand in the apodosis of a future condition. So the imperative, the participles in *-dus* and *-rus*, and verbs of necessity, possibility, and the like").

damnato et eiecto Sc. *hoc*; this ablative absolute is parallel to the preceding one. *Damnato* = found guilty and *eiecto* = expelled from the rights of citizenship and from the

state. The penalty for parricides, however, involved more than voluntary or involuntary exile, as Cicero's audience would have known. Perhaps the second participle is a hint at the form of execution employed; cf. §70 *insui voluerunt in culleum vivos atque ita in flumen deici*; §71 *ita postremo eiciuntur ut ne ad saxa quidem mortui conquiescant*. Landgraf, however, sees a formula (comparing *Verr.* 1.13 and *Sest.* 30) that Cicero used without paying special attention to its literal meaning.

per luxuriam etc. To create an even more negative image of the freedman, Cicero asserts that the illegal possessor will only squander the estate on frivolous luxuries; by using the infinitives *effundere atque consumere* with *posse* in indirect discourse Cicero indicates that Chrysogonus intends to do just that. Although in later orations Cicero is not averse to showing contempt for Greeks, in this case he is careful not to introduce his cultural prejudices so obviously, although he spares Chrysogonus nothing in his actual description (§§133–135). The general prejudice was that Greeks were effete, given over to artistic and intellectual pursuits to the neglect of more pragmatic activities, better at talking than doing: *de Or.* 1.48 *verbi enim controversia iam diu torquet Graeculos homines contentionis cupidiores quam veritatis*; cf. *Red. in Sen.* 14; *Sest.* 110; *Pis.* 70; *Scaur.* 4; *Mil.* 55.

Hunc sibi ex animo scrupulum ... qui se ... stimulat ac pungit The "scruple" and its demonstrative bracket the three words referring to Chrysogonus (*sibi ex animo*), in which Cicero juxtaposes the dative (*sibi*) and ablative (*ex animo*) of separation.

The second reflexive, *se*, refers also to Chrysogonus. For discussion of the use of a reflexive pronoun in a subordinate clause in the indicative, including the present passage, see Lebreton 1901: 122–124, who notes that although such a construction is more frequent in Cicero's earlier works, it may be encountered in later writings as well. His tentative conclusion, and that of the authorities whom he cites, is that this construction gives an intermediate sense between direct and indirect discourse, thus that *qui se pungit* is in meaning halfway between *qui eum pungit* and *qui se pungat*. Here the reflexive binds the thought represented in the clause closely to its intended author, but the indicative imparts "factual" authority.

scrupulum Literally, a *scrupulus* is a tiny stone. Metaphorically — as the verbs here indicate — the stone is thought to be sharp and pricking, like a thorn.

ut evellatis postulat, ut ... profiteamini The first *ut*-clause is a jussive noun clause after *postulat*; the second can be understood as a result clause but has a more subtle purpose. The reflexive adjective *suam*, referring back to Chrysogonus, the subject of *postulat*, shows that the clause *ut ... profiteamini* reveals Chrysogonus' purpose, as Cicero represents it, rather than a consequence resulting from the jurors' compliance.

ad hanc suam praedam tam nefariam adiutores Cicero argues that a guilty verdict will make the jurors (unpaid) partners in Chrysogonus' theft. When *adiutor* is not used "absolutely", the purpose formulation with the preposition *ad* most often accompanies it, although other constructions are possible. For parallels, see *Verr.* 4.93; *Am.* 35 *adiutores essent ad iniuriam*; with the gerundive, *Sest.* 12; *Phil.* 10.24.

In other trials and under other circumstances, Cicero tried to sway the jurors with similar arguments, that a verdict against his client will result in the jurors' aiding and abetting a criminal enterprise. Examples include *Rosc. Com.* 25, *Sest.* 2, *Mil.* 31.

§7 **aequa et honesta postulatio** Cicero gives the ironic phrase an unexpected twist as the sentence continues. His own *postulatio* is addressed not only to the jurors, but to Chrysogonus. Some editors have remarked that this phrase requires a demonstrative (i.e., "this request"). But Clark, Kasten, and Enk do not print a demonstrative and Richter–Fleckeisen and Landgraf indicate by their silence that they do not miss one.

contra *Contra* here is an adverb, not a preposition, and here is equivalent to *vicissim*, "in turn" (L&S s.v. I.A.3). Here, in combination with the verb *adfero* ("bring forward", "offer") and its object, Cicero is saying, "I have a counter proposal".

quo modo mihi persuadeo It is the opinion of commentators (Richter–Fleckeisen, Landgraf) that Cicero rarely used *quo modo* or *quem ad modum* for *ut* outside of his early works and letters. While the idiom certainly appears in the letters and early works (frequently in this oration and in the *Verrines*, also in *pro Quinctio* and *pro Roscio comoedo*), it also occurs in the orations of all periods, through the *Philippics*, and in other late works, e.g., *Sen.*, *Am.*, *Off.*, not, however, as regularly as in the present oration. Cf. note to §5 *quem ad modum*. About half the examples involve a correlative *sic* or *ita*; occasionally, the use of *ut* provides a reason for him to employ a different idiom to avoid confusion (e.g. *Verr.* 2.2.178 *ut, quem ad modum paulo ante dixi*; *Am.* 57 *ut, quem ad modum in se quisque sit, sic*).

The personal (active) use of the verb *persuadere* appears in Cicero usually in the first person singular, and then not often: there are several examples in the orations, one in the *De Oratore*. Exact parallels to the present example may be found at *Verr.* 2.3.26, *Caecin.* 6 and *Mur.* 7; variants at *Marc.* 2 and *De Or.* 2.33. The equivalent in the second and third persons singular also occurs, but only once in the orations (*Vatin.* 38 *quod ita tibi persuaseris*). The impersonal passive ("be persuaded", "be convinced", "believe") is more common.

Primum a Chrysogono peto Cicero both reinforces his assertion that Chrysogonus is *vel potentissimus hoc tempore*, and asks the jurors to reassert their authority. When he addresses Chrysogonus he begins with the man's name and brackets the two balanced clauses with the verb *peto* used in two senses (*traductio*; cf. note to §5 *his de causis*; this example of paronomasia is Holst no. 47); in effect, he asks *peto ut ne petat*.

deinde a vobis The request of the jurors is a tricolon auctum, with each clause ending with a jussive subjunctive in the second person plural:

ut
audacium sceleri resistatis, 4–3–4
innocentium calamitatem levetis 5–5–3
et in causa Sex. Rosci
periculum quod in omnis intenditur propulsetis 4–8–4

audacium sceleri ... innocentium calamitatem The adjective *audax*, its adverb, and the noun *audacia* recur frequently in this oration (31 times) and in most of the others, often modified by *singularis* (§§38, 62), and in company with one or more other nouns, adjectives, or adverbs denoting other defects of character, e.g., *amentia* (§62),

stultitia (§104), *improbitas* (§104, 118 bis), *impudentia* (§§96, 118), *cupiditas* (§§12, 101), *furor* (§62), *scelus* (§§12, 18, 28), *potentia* (§§35, 36), *perfidia* (§118). Although "daring" can be an admirable quality, as it often is in historians, or when used of a person in favor with the speaker (e.g., Cicero himself at §§2, 31), in Cicero "daring" almost always means "overbold" with either criminal or political connotations, or both. See Wirszubski (1961), who assembles (p. 21) a list of the politically active who are so described.

Although Cicero usually employs the adjective *audax* as an attribute of a noun, there are a few places (*Red. in Sen.*, *Sest.* 86, 139, *Q.f.* 3.7.1) where *audaces*, in an oblique case, appears as a noun. Lebreton 1901: 47–48 has other examples of abstract nouns modified with a genitive indicating persons, or with a possessive adjective. In this passage the second clause parallels the first: genitive adjective used as noun (the first subjective, the second objective) — abstract noun as object (the first dative, the second accusative) — verb.

For requests to lessen the effects of calamity, see also *Div. in Caec.* 57, *Sulla* 62 (and Berry's commentary 127–8), *Red. in Sen.* 24. The word *calamitas*, which occurs seven times in this oration, originally denoted agricultural ruin from hail (or other inclement weather: Cato *Ag.* 1.2) or disease which afflicts produce or animals (Varro *R.R.* 2.1.27). Its extended meanings have to do with either sudden onset or total ruin, or both; *calamitas* frequently means ruin through prosecution (see §83 for an especially clear example).

sceleri resistatis While one may "fight crime" (parallels at *Mur.* 80; *Sest.* 86; *resistere* occurs with other abstracts as well, e.g., *Font.* 44–5 *isti immani atque intolerandae barbariae resistemus. ... resistere istorum cupiditati*), what Cicero means here is that the jurors should *resistere sceleratis hominibus*. Cf. §12 *ut quam fortissime hominibus audacissimis resistatis*. Similarly, Cicero might have asked the jurors to assist the unfortunate, but while he does use the adjective *calamitosus*, the noun *calamitas* occurs much more often.

periculum Cicero makes the threat universal when he equates defending Roscius with protecting everyone (cf. *De inv.* 1.23). Compare the opening remarks of the *Pro Cluentio*, *Pro Rabirio perduellionis reo*, and *Pro Caecina*. He avoids the monotony of a third parallel construction (e.g., *omnium periculum propulsetis*) by the additions of a prepositional phrase and a relative clause. He returns to this theme in §§150ff, and echoes his plea to Chrysogonus as he begins.

§8 **Quod si ... secuti** Cicero argues (1) that there is no basis for making the charge; (2) that the only cause in the case is the *praeda*. He further adds a promise that the defendant's innocence is so absolute that he can wager his client's life on it: he agrees to accept a conviction if there is even a hint of wrongdoing on Roscius' part. Cf. *Mil.* 6, *Planc.* 3, and the variants at *Har. Resp.* 11, *Clu.* 18, *Agr.* 3.2. Here Cicero grants an invidious concession: if there is a shred of guilt in Roscius, then he may be handed over to his enemies' *libido* — not, however, to justice. Preiswerk 1905: 12 calls this the kind of argument where "Oratores rei modestia, adversariorum audacia exponuntur."

Quod si
aut causa criminis
aut facti suspicio
aut quaelibet denique vel minima res

reperietur
quam ob rem videantur illi non nihil tamen in deferendo nomine secuti,
postremo si
praeter eam praedam quam dixi
quicquam aliud causae inveneritis,
non recusamus quin illorum libidini Sex. Rosci vita dedatur.

aut causa ... reperietur The tripartite subject is another tricolon auctum: nominative / genitive, genitive / nominative, nominative modified by two adjectives, each with its adverb. Cicero introduces in the third member the first of a series of negatives or virtual negatives loaded into the first two sentences of this section: *quaelibet vel minima res ... non nihil ... quicquam aliud causae ... non recusamus quin ... sin aliud agitur nihil nisi ... ne quid desit ... satis nihil est ... hoc solum ... nonne.*

quaelibet ... vel minima "any at all ... even" (for the particle *vel* see note to §6) a tiny thing (or reason, with *quam ob rem*). He follows *res* with *quam ob rem*, using *res* literally in the phrase, as occasionally elsewhere, e.g., *Verr.* 2.3.162 (*nulla res est quam ob rem ego istum nolim ex paternis probris ac vitiis emergere*). See also Landgraf ad loc. for references to other discussions.

illi ... illorum Cicero does not specify by name who "those men" are but as *illi* are the ones who prosecuted (see note below on *deferendo nomine*), he must include Erucius and at least one other, even though he had been speaking of Chrysogonus; from information later in the oration we learn that one of the men supporting the prosecutors is T. Roscius Magnus.

non nihil Some basis for accusation = *aliquid omnino*. In this example of litotes the double negative has unusual force, although it often means no more than *multum*. Here it is not "affirmation of x by negation of not-x", but a formula for "any amount > 0". Compare the adverbial usage (e.g., *Quinct.* 1 *eloquentia Q. Hortensi ne me in dicendo impediatur, non nihil commoveor [= multum commoveor]*), which occurs twice as often in Cicero as the substantival. The formulations *non numquam*, however, or *non* + some case of *nullus* occur hundreds of times.

tamen *Tamen* emphasises *non nihil*. Landgraf says that here "*tamen* = *saltem*," as in §104 *quod paulo tamen*. The English equivalent is "on the other hand" or, with words indicating indefinite size or quantity, "nevertheless" in the sense of "at least", e.g., "this is something, nevertheless"; cf. *Div. in Caec.* 47 *est tamen hoc aliquid, tametsi non est satis*.

deferendo nomine This is the gerundive construction. With *nomen*, the verb *defero* forms a technical term for indicting someone, lodging a formal accusation; the phrase recurs in §§28, 64 and 132; see also *Div. in Caecil.* 10; *Verr.* 2.1.15, 2.2.68 & 94, 2.4.100; *Cael.* 56 and 76. The corresponding abstract noun *delatio* may also occur: *Div. in Caecil.* 64, *Clu.* 25.

non recusamus quin ... dedatur Thus ends a mixed condition where the present indicative of the apodosis responds to the future (*reperietur*) and future perfect (*inveneritis*) of the protases. This usage is colloquial, or poetic (or both at once in Terence): A&G 516.2a Note; 468. *Quin* appears after negated "verbs and other

expressions of hindering, resisting, refusing, doubting, delaying, and the like" (A&G 558).

Sin "But if" responds, in a more direct way than the preceding alternatives (*Quod si ... postremo si*), to *Si vobis aequa etc.* from the beginning of §7. There will be two parts to this formulation as well. These are not future conditions, but, like the first condition in §7 (*Si ... videtur*), simple present.

The beginning of the sentence is notable for the N sound of negation (see the next note), and the end for prominence of the sounds of M, P and R, often together in alliteration combined with assonance (*praeter eam praedam quam ... quicquam ... illam opimam praeclaramque praedam damnatio*).

Each of the two protases is followed by a purpose clause; the single apodosis (*nonne ... indignissimum est*) is adorned with various clauses. For further on the structure, see below, note on *vel hoc indignissimum*.

Sin aliud agitur nihil
 nisi ut eis ne quid desit
 quibus satis nihil est,
si hoc solum hoc tempore pugnatur
 ut ad illam opimam praeclaramque praedam damnatio Sex. Rosci velut cumulus accedat,
nonne cum multa indigna tum vel hoc indignissimum est,
 vos idoneos habitos
 per quorum sententias iusque iurandum id adsequantur
 quod antea ipsi scelere et ferro adsequi consuerunt?

aliud ... nihil nisi *Nihil* is emphatic in this position; the usual order is the reverse (*nihil aliud*): of over fifty examples in the orations with a negative (usually *nihil*; cf. §§95, 108, 152 below), and over twenty with the virtual negative *quid aliud*, only four others show *aliud* preceding: *Font.* 17, *Clu.* 104, *Pis.* 41, *Rab. Post.* 48. The word order contributes to the alliteration: *aliud nihil nisi ut eis ne quid desit quibus satis nihil est*.

Various constructions can follow *nisi*, commonly *ut* or *ne* (or both, as here) or a corresponding relative clause; sometimes one finds an infinitive or noun in apposition with *aliud*, or a substantive clause in apposition with a neuter, e.g., *nisi hoc, ...*. See note to §108 where Cicero has *nihil aliud* answered by *nisi* with the perfect indicative.

ut eis ne quid desit quibus satis nihil est The displacement to a prominent position of the relative pronoun's antecedent *eis*, and the insertion of the relative clause, again emphasises the negative; strictly the *ut-* or *ne-* (or *ut ne*) clause should follow immediately after the *nisi*. Cicero's use of the indicative in the relative clause verifies his characterisation of these people.

si hoc solum ... pugnatur ut Parallel to the first protasis and its subordinate clause, this is the positive restatement of the negatives that preceded: *hoc solum* for *aliud ... nihil*, and a positive final clause where the first protasis had introduced a negative one.

Cicero occasionally follows *pugnare* with an object clause, as in §137, *Mur.* 47 *esse pugnatum ut ... tollerentur*; *Lig.* 13, *Phil.* 8.8, 10.22. *Pugno* in this sense of "strive for" (see L&S s.v. II.B) can be active (e.g., *pugno ut*) or, as here, impersonal passive.

damnatio ... velut cumulus Cicero maintains that Roscius' condemnation (*damnatio*, the subject of *accedat*) is all that is lacking to make the opponents' illicit rewards complete. The word *cumulus* is the heap added to a(n already) full measure, in other words, icing on the cake, as here and, e.g., at *Att.* 4.19.2, although at *Verr.* 2.3.100 it is rather what little is left over. Here *velut* is necessary due to the metaphorical sense of *cumulus* when it is equated with *damnatio*.

nonne etc. A rhetorical question replaces a direct apodosis in the simple present condition, extending the sound of N.

multa indigna *Sc. sunt*, to be supplied from *est* at the end of the clause.

vel hoc indignissimum For the particle *vel* see §6 note: this is an example of the first meaning. The argument here is one which Cicero will use again in pleading this and many another case, the technique of ethical blackmail. Compare the arguments used in *Verr.* 1 *passim*; *Rab. Perd.* 3–5; *Mil.* 3ff. Cf. his advice at *Inv.* 1.22 on gathering goodwill *ab adversariorum persona: in odium ducentur si quod eorum spurce, superbe, crudeliter, malitiose factum proferetur*.

There follow two substantive clauses in apposition to *hoc* (A&G 289d) set forth in chiasmic order, the second appearing as an independent sentence with Clark's punctuation:

nonne hoc indignissimum est

A vos idoneos habitos

B per quorum sententias iusque iurandum id adsequantur
quod antea ipsi scelere et ferro adsequi consuerunt?

B qui ex civitate in senatum propter dignitatem,
ex senatu in hoc consilium delecti estis propter severitatem

A ab his hoc postulare homines sicarios atque gladiatores
non modo ut supplicia vitent
quae a vobis pro maleficiis suis metuere atque horrere debent
verum etiam ut spoliis ex hoc iudicio ornati auctique discedant?

per quorum sententias iusque iurandum Hendiadys: "verdict and oath" means "sworn verdict", "verdict given under oath". To say *per quorum sententias iusque iurandum* is equivalent to saying *per quos*, using the jurors as instruments. (A&G 405b: "The personal agent, when considered as instrument or means, is often expressed by *per* with the accusative".)

qui ex civitate ... ex senatu *Qui* means *vos*, the jurors. Sulla had restored to the senators the exclusive right to sit on juries; this situation obtained for a decade after the date of this speech. Here Cicero means literally "out of", first, the whole citizen population (*civitas*), and, second, the senate: a progressive winnowing of seed from chaff. Although in theory any adult male citizen could become a senator, for instance (after Sulla) by being elected to the quaestorship, in practice very few men outside of the upper classes ever were elected, and although Sulla had filled the ranks of the senate with a number of men from non-senatorial families, these people did not automatically find themselves welcome to stand for the higher offices, nor to become accepted by the established *nobilitas*: Gruen (1974: 9). The word-play in the relative

clauses arises from the use of the same word with different prepositions (*in senatum ... ex senatu*); Holst no. 122 compares *Cat. 1.27 non emissus ex urbe, sed immissus in urbem*.

The sequence of this part of the request is ABCCBA without adherence to exact parallel of grammatical structure. Cicero begins with a relative clause characterising the jurors sociopolitical standing (*dignitas*) and their suitability to punish malefactors (*severitas*), then juxtaposes them (*ab his*) with the accusers (*homines sicarios atque gladiatores*), who ought to be the accused (the relative clause containing *metuere atque horrere debent* responds to *severitas*), and balances off the jurors' *dignitas* with the image of the accusers leaving the courtroom *spoliis ornati auctique*:

- A present standing of jurors
- B severity of jurors
- C identity of jurors
- C identity of assailants
- B punishment which assailants ought to fear
- A future standing of assailants

propter dignitatem Cicero again reminds the jurors of their *dignitas* in §§9 and 54. This term, often combined with *auctoritas*, was one of the operative words in Roman political life, and not to be defined readily without a number of English words, e.g., Ramsey 1984 on Sallust *BC 35.2*: "*Dignitas* describes both the respect and worthiness that were felt to belong to an individual and ultimately rested upon the tenure of high political office. It could be acquired by holding office, but it could also, like *nobilitas* ..., be inherited from one's ancestors." Mitchell (1991: 47) defines it as "the esteem and standing enjoyed by an individual because of the merit that was perceived to exist in him." Cicero attributes *dignitas* not only to senators, but to that which they controlled: the *imperium*, the *res publica*, the *populus Romanus* (e.g., *Verr.* 2.4.25; *Font.* 15; *Manil.* 11; *Agr.* 1.2). See discussions of both the general term, and its application to the fall of the senatorial government, in Hellegouarc'h 1963: 362–424; Piscatelli 1979: 253–267; Gruen 1974: 497; Wood 1988: 32–33, 210–211. The word occurs almost a thousand times in Cicero's extant works; nine times in this oration, used of the nobility in §§16 and 136 (bis) (cf. *Manil.* 63 on Pompey's remarkable career) and certain members of the nobility in §4, Scaevola in §33, Caecilia's male relations in §147; Cicero's lack in §9.

ab his hoc postulare After the description in the relative clause of the jurors' senatorial *dignitas* and their *severitas* appropriate to their function, the appearance of the demonstrative antecedent *his* is emphatic ("of these men to ask"), made the more so by the postponement (and nature) of the subject of *postulare* (*homines sicarios atque gladiatores*). Cicero continues the construction from the previous sentence (*vos idoneos habitos [esse]*); *hoc postulare* continues to answer *nonne ... vel hoc indignissimum est. Hoc*, the object of *postulare*, is in apposition with the jussive noun clauses *ut ... vitent* and *ut ... discedant*.

sicarios ... gladiatores Two of Cicero's favorite terms of disapproval, the latter found perhaps thrice as often as the former. The two occur together here and at *Sest.* 78, *Cat.* 2.6, *Dom.* 49.

A *sicarius* is an assassin; there was a special *quaestio* set up to investigate murders, and this trial probably belonged to that category (see Introduction). No class distinctions were implied: a senator could be tried *inter sicarios*. Not counting the phrase

which indicates the court, *sicarius* recurs in this oration at §§39, 74, 76, 80, 81, 87, 93, 94 (ter), 103, 151, 152: more than one-third of the occurrences of the word in extant works. David 1992: 254–255 n. 92 observes that the repetition of *sicarii*, combined with the reference to the killing of Scaevola in §33, serve to put Chrysogonus (because of his association with the T. Roscii) in opposition to Sulla's restoration of law and order, thus allowing Cicero to blame Chrysogonus (indirectly) while pretending that Sulla was not responsible. Cf. David 1992: 293.

A *gladiator*, on the other hand, was a slave. Thus the class implications make this word more insulting than *sicarius*, and in Cicero it will be found used of especial enemies such as Catilina, P. Clodius, and M. Antonius. For discussion see Imholtz 1972.

pro Not "on behalf of" but "in return for", "because of".

metuere atque horrere This doublet, unlike *terror et formido* (§5), encompasses two different things: both the emotion and its physical manifestation in the frightened person.

spoliis Roscius' life, from the literal meaning of the word: usually *spolia* are arms taken from an enemy killed in battle, and by extension other spoil, but according to Cicero Roscius has nothing left to give, except his life.

discedant The verb often occurs in military contexts, of soldiers leaving camp, or coming off well (or ill) from a battle: L&S s.v. A.2.a & b. It is an appropriate image for those marching off with their booty (*spolia; praeda* occurs in the preceding sentence).

§§9–11 Captatio benevolentiae: a nostra et ab iudicum persona

commode ... graviter ... libere The tricolon with anaphora (*satis* is repeated) opens the triple interlacing (ABCABC); Cicero refers back to his opening apology for his youth, lack of status and experience. In contexts of invention or discourse, *commode* means "properly", or "with skill", a question of style or ability (as shown by *ingenium*); cf. §§33 and 54 below, and §61, which echoes this passage. The adverb *commode* may also mean "easily", "conveniently". Cicero seldom uses the word in the orations, but as a literary term it occurs frequently in the oratorical and philosophical works. The second adverb describes the dignity which comes with age (*aetas*) and position. The third is a function of the political circumstances (*tempora*). The three adverb–verb combinations, in which the verbs (*dicere, conqueri, vociferari*) are not precisely equivalent in meaning but all have to do with speaking, are explained in the next sentence, in which the nouns (*commoditas, gravitas, libertas*) equivalent to the adverbs (*commode, graviter, libere*) replace the adverbs, in the same order:

His de rebus tantis tamque atrocibus
neque satis me commode dicere
neque satis graviter conqueri
neque satis libere vociferari
posse intellego.
Nam commoditati ingenium,
gravitati aetas,
libertati tempora
sunt impedimento.

me ... posse intellego The indirect statement frames the tricolon. Cicero repeats the words in line 14, another possibly unconscious repetition of construction (cf. note to §1 *propterea quod*). Laughton (1950: 78) discusses these two passages: "This is another instance of sound-persistence; on its second occurrence the clausula does not altogether suit the natural sense of the passage, which is rather: 'plus me oneris, quam ferre possum, sustulisse intellego.'"

commoditati ... impedimento *Impedimento* is a dative of purpose (A&G 382); combined with the datives of reference *commoditati*, *gravitati*, *libertati* it completes the construction known as double dative (A&G 382 Note 1). A literal translation does not work in English and it is best to render the dative of purpose as if it were in apposition to the nominatives: "my intellect is an impediment to ease of speech, my age is an impediment to dignity, the times are an impediment to freedom (of speech)."

Huc accedit Literally, "hither there approaches" i.e., in addition to these things there is added fear. The collocation recurs three times in this speech (§§22, 68, 104), and not again in the orations until *Phil.* 13.3. The verb *accedo* occurs with the same meaning, without *huc* but either with a subject or with *ut*, with *eodem* or some other variant: e.g., §4 *accedit illa quoque causa*; §86 *quid si accedit eodem*, and often. This is one of many examples of a formulation characteristic of Cicero's early style that is rare or absent in his later works.

timor etc. The *timor* affecting Cicero is broader and somewhat lesser than the *terror* and *formido* which afflict Roscius' silent supporters (§5). It is essentially nervousness, part of the *captatio benevolentiae*, fitted to the circumstances: one's shortcomings and the jurors' excellence are usual features; a word about the difficulty of the case is also in order, and perhaps a compliment to the opposing attorney's oratorical powers (as at *Quinct.* 77). In this case Cicero claims also that *timor* arises from the real power of his opponents. For other examples of fear engendered by the circumstances, see *Mil.* 2, *Deiot.* 1, and of fear denied, *Marc.* 1. Roscius' endangered position (*pericula*) is an extension of the same idea. One would not be so nervous in a civil suit, although Cicero's "nerves" were always a factor, as he stated at *Clu.* 51.

natura ... pericula *Natura pudorque* is a hendiadys to which the singular verb *attribuit* is attached; this first of four subjects commences in the relative clause a double chiasmus of noun and possessive (adjective or genitive) [*natura pudorque meus* (AB), *vestra dignitas* (BA), *vis adversariorum* (AB), *Sex. Rosci pericula* (BA)] in which Cicero's fear and Roscius' danger frame the whole. This congeries of sources of disquiet comes mostly after the verb, with the last three added not in afterthought but as accumulation. *Vestra dignitas et vis adversariorum* echoes the order of the rhetorical question in §8; *Sex. Rosci pericula* (or *periculum*; Bake's emendation) recalls *Sex. Rosci periculum* (§7) which Cicero had warned was a threat to all citizens.

Bake suggested reading *periculum* for *pericula* ("fort. recte" Clark); one may defend the manuscript reading (if the archetype had the word spelled out; see Clark's app. crit.) in two ways: (1) Roscius faced danger, according to Cicero, both from direct threats to his life (§§26–7) and from the trial (§28); (2) there are some Ciceronian parallels for a plural used instead of singular in a general sense, the best being *Red. in Sen.* 31, where Cicero discusses his *periculum* and *pericula* in the same sentence: *nostra*

memoria senatores ne in suis quidem periculis mutare vestem solebant: in meo periculo senatus veste mutata fuit, quoad licuit per eorum edicta qui mea pericula non modo suo praesidio sed etiam vestra deprecatione nudarunt. See also *Verr.* 2.1.77, 2.5.77, *Sest.* 40, *Phil.* 12.30.

oro atque obsecro This collocation is frequent in forensic oratory; it is also found in §78 (in the third person). It occurs more often in the third person, representing Cicero's client(s), than in the first.

attente bonaque cum venia ... audiatis Although Cicero often requests a fair hearing, he does not use *bona venia* again in orations, possibly because later in life he felt no need to ask pardon. Adverbs of choice with *audire* are *attente*, *benigne*, or both together, e.g., *Clu.* 8; *Dom.* 32; *Phil.* 1.15, 2.10.

§10 Fide sapientiaque vestra fretus The locative ablatives (A&G 431a) found in Cicero with the adjective *fretus* are most often intellectual concepts, with *prudentia* and *sapientia* (usually modified by a second-person possessive) heading the list; other compliments to the audience include *humanitas* and *intelligentia* (*conscientia*, *consilia*, *fides*, *scientia* also occur). Other abstract qualities, both good and bad, are frequent as well; these concepts are nearly equivalent to, and indeed sometimes are, concrete supports, e.g., *auctoritas*, *dignitas*, *gratia*, *industria*, *innocentia*, *sententia*, *audacia*, *impudentia*; *copiae*, *crimina*, *testes*, *sanctitas* *tribunatus*. Occasionally, Cicero refers merely to the people upon whom he relies: the senate, the second person singular or plural, or others.

Cicero begins his plea to the jurors with an appeal to their *fides*; he ends this section with an affirmation of his own (*cum fide*, below). The word does not mean exactly the same thing in each case, although the English expression "good faith" can cover both. Freyburger 1986: 214 cites this passage, with *Quinct.* 5, *Verr.* 2.5.130, *Cael.* 21, *Mil.* 105, as an example of a situation where their *fides* requires juror(s) to be impartial: their "good faith" means "without prejudice". The duty of the person undertaking the defense is to offer protection: Cicero's "good faith" is to continue with a defense which he has undertaken, and which was entrusted to him in good faith. See also *qui cum fide defendat* §30, with note, and discussion of the phrase *in fidem* §107.

For some of many discussions of what *fides* can mean in a variety of circumstances, see Freyburger 1986; Hellegouarc'h 1963: 23–62 (Part 1 Chh. I–II), 275–6 (the first of the *virtutes* of the *patronus*).

plus oneris sustuli quam ferre me posse Cicero employs the image of a physical burden and the strength required to uphold and carry it; he continues on the same theme when he asks for help carrying a load which by its nature, or his, is too heavy for him to bear alone. He indicates the moment of first lifting the *onus* by a form of *tollere*. He reiterates the noun *onus*, further defined as the *onus* of *officium* below, and the effort of carrying it (*ferre* or *perferre*, with a form of *posse*) at least once in each of the next two sentences. The whole of §10 abounds with explosive and alliterative Ps, reproducing, perhaps, the effect of exhalation after physical exertion. The use of *perferre* in an unusual (i.e., usually post-classical) sense of "carry through to the end" enhances this effect. The word-play is that of the distinction between a simple and compound form of the same word: Landgraf; Holst no. 92, citing Seneca *Thyestes* 307 *leve est miserias ferre, perferre est grave*.

Amid the repetition of forms of *onus, ferre, posse* occur six other verbs (underlined in the scheme below) which indicate, each in a different way, what one might do, or have done to one by, the burden.

Fide sapientiaque vestra fretus plus **oneris sustuli**
quam **ferre** me **posse** intellego.

Hoc **onus**

si vos aliqua ex parte adlevabitis,
feram ut **potero** studio et industria, iudices;
sin a vobis,
id quod non spero,

deserar,

tamen animo non deficiam et

id quod suscepi
quoad **potero**

perferam.

Quod si **perferre** non **potero**,
opprimi me **onere** officii malo

quam

id quod mihi cum fide semel impositum est
aut propter perfidiam abicere
aut propter infirmitatem animi deponere.

Hoc onus The burden is the defense, which occupies an emphatic position at the beginning of the sentence, and the necessity of conducting it successfully while avoiding *invidia*.

aliqua ex parte The sense is *si vos aliquam partem huius oneris adlevabitis*. The same expression is found at *Brut.* 12. It seems natural, when speaking of help in support of a burden, for Cicero to specify what part of it the others will carry, as if he were asking them to lighten the load by holding up one corner for him. Alternatively, in *Div. in Caecil.* 9 Cicero specifies the place where he believes support is most needed: *fateor me salutis omnium causa ad eam partem accessisse rei publicae sublevandae quae maxime laboraret*.

feram ut potero This expression corresponds to *ferre me posse* in the previous sentence, with the verbs now in the future indicative, *quoad potero perferam* at the end of the sentence, and the expression turned round again at the beginning of the next (*quod si perferre non potero*). This is the type of introduction where the "orator promittit, se praestitutum, quod praestare possit": Preiswerk 1905: 11 compares *Verr.* 1.1.3, also, less aptly, *Clu.* 7 and *Sest.* 5 (where Cicero does say *si consequi potero*, but does not also continue with a statement of his determination in case he does not succeed: there is no *sin-* clause). At *Mur.* 9 Cicero explains what infamy is connected with a refusal to undertake a defense.

sin a vobis ... deserar The alternative future condition parallels, in the same order of actor and recipient of action, the first: 'if you help, I ... but if by you I am not helped, I ...'. Cicero emphasises the jurors' anticipated agency by using the active voice in the first clause, passive in the second.

spero This sentence offers an excellent example demonstrating that *spero* means "expect", not "hope" in the sense of "wish".

animo Locative with *deficiam*; cf. Seneca *Ben.* 2.35.3 *ne ut intolerabili sarcina pressi deficiamus animo*. Cicero uses the expression only here; it occurs more often in Caesar and in other writers, especially Livy.

id quod suscepi Cicero continues to speak as if of an actual physical burden: he follows with *quoad* in the spatial sense as well as temporal.

opprimere me onere officii Alliteration; *onere* is also echoed by *deponere* at the end of the sentence.

cum fide ... impositum Cicero does not use the verb in the sense of English "imposed" but describes a thing having been put into place on his shoulders or back, i.e., a thing which he has picked up and still bears. There is a word-play between the two compounds of *ponere* (*impositum ... deponere*; Holst no. 63). The faith with which the burden was placed on him is not his own, but the faith that others have in him.

perfidiam ... infirmitatem animi These words correspond to *cum fide* and *animo non deficiam*. Holst no. 93 discusses *cum fide ... perfidiam*; see also Cicero's etymology *per fidem* in §116, and Freyburger 1986: 85.

abicere ... deponere The difference in meaning between the two verbs, each a method of ridding oneself of a burden, fits the immediate cause in each case. Cicero says that rather than throwing away the *onus* because he lacks good faith, or setting it down because he lacks strength, he will struggle through until the point where, having refused to relinquish his *onus*, he will be crushed by it.

§11 magno opere ... quaeso There is only one other place in the orations where Cicero uses the adverbial *magno opere* with a verb of asking (*Planc.* 56 *illud unum vos magno opere oro atque obsecro*); this or the equivalent (*tanto/maximo opere orare*) occurs frequently in Plautus (see examples in Landgraf ad loc.). The expression often appears in Cicero with a verb of will (*velle, nolle*) or emotion, positive or negative (*desiderare* §34 and *Verr.* 1.1.44, 2.4.17; *delectare* is especially frequent).

M. Fanni See the Introduction for discussion of Roman courtroom procedures and the responsibilities of the presiding praetor. M. Fannius (*RE* 15) (a plebeian; the *gens* first became prominent in the second century) was presiding judge at the *quaestio*. He was praetor in this year, plebeian aedile c. 83, iudex quaestionis de sicariis in 81 (? the evidence is this passage: Broughton); F. Münzer in *RE* 6 (1909) 1993 says that he was plebeian aedile and in charge of the mint, with L. Critonius (*RE* 4.2 [1902] Critonius 2), in 82 or shortly before.

huic eidem quaestioni Fannius had already (*iam antea*) presided over a criminal court (*quaestio de caede*), but there is no good evidence for when he did so. But if this was the first regularly constituted criminal proceedings in a long time (*longo intervallo ... hoc primum* below), then did Fannius serve before Sulla's return? It is difficult to find Fannius' earlier service praiseworthy while reconciling Cicero's statements about trials in the recent past, yet he clearly intends to render Fannius a compliment.

et nobis et rei publicae Cicero again identifies his client's case with the state's condition; he requests a verdict based, in principle, on facts and testimony, not on political considerations. Sulla's reforms had ostensibly restored the republic to regular working order. By asking for stern treatment, Cicero places himself on the side of those who wish to reestablish "law and order"; he argues, however, that the wrong person is on trial.

impertias Cicero uses this verb for *variatio*; here it means about the same thing as *praebeo*.

Quanta multitudo hominum The *corona*, or circle of spectators, was always large for good speakers or notorious cases, and provided instant publicity afterwards, as the spectators dispersed to describe the events and their outcome. The only time in the orations that Cicero says the word *corona* is in the *praefatio* to *pro Milone*, noting the absence of an audience of the usual sort. In the *Brutus* (192) he has Brutus say that if the *corona* deserts him, even in a judicial case, he cannot speak. Cicero's longest exposition on the topic, in the context of what is necessary to a speaker, is at *Brutus* 289–90.

The sound of M, usually associated with complaint, dominates this and the next sentence, in homoeoptoton and assonance (*hominum, iudicium, omnium, mortaliū, primum; indignissimae, maximae; dignissimam, futuram*) or alliteration (*manifestis maleficiis*). In the second sentence S hisses in accompaniment:

Longo intervallo iudicium inter sicarios hoc primum committitur, cum interea caedes indignissimae maximaeque factae sunt; omnes hanc quaestionem te praetore manifestis maleficiis cotidianoque sanguine dignissimam (vel dimissui) sperant futura.

mortaliū *Mortalis* is usually a poetic word (except in Sallust) when used of people, unless contrasting them to immortals (when *mortales* = *θνητοί*), although sometimes, as here, when Cicero strives again for *variatio*, it means the same as *homines* (*ἄνθρωποι*); see below §95; *Clu.* 202; *Pis.* 33 and 96 *omnes mortales omnium generum aetatum ordinum*. Landgraf says that Cicero uses *mortales* to mean *homines* only with the adjective *multi, omnes, and cuncti*.

expectatio Not anticipation of an "expected" result, but an "awaiting" to see if control of affairs had really returned to the state (senate), another reminder of the force of public opinion.

quae cupiditas ... intellegis Understand *sit* from the preceding clause to complete the indirect question. A noun of will can introduce a jussive noun clause (*ut ... fiant*) as if it were a verb. The same phenomenon occurs with other words of will such as *voluntas, spes*: this usage is not noted in A&G but can be found in Leumann–Hofmann–Szantyr 2.647 (§350).

Longo intervallo ... hoc primum Cicero is deliberately vague: he may mean since the battle of the Colline Gate in November 82, or he may mean since the civil disturbances had begun some five years before. Alexander 1990 lists seventeen trials or threats of prosecution for the years 87–81 (nos. 112–128), some of which (nos. 120, 121, 125–127) were civil litigation. Most were political prosecutions, e.g., nos. 113 (Sulla), 114 (Ap. Claudius Pulcher), 115 (Catulus), 116 (L. Cornelius Merula, cos. suff. 87), 117 (Sex.

Lucilius and two other tribunes), 118 (perhaps the same as 117), 119 (Scaevola; cf. §33 below); except for the first and last, these trials ended with convictions, exile, execution, or the defendant's suicide. Even, however, a regularly organized court sitting during 87–82 while Sulla was away from Rome could now be characterised as illegal. For further discussion, see the Introduction.

judicium inter sicarios The official term is *quaestio de caede*, a murder trial. Cloud (1968: 142-143) discusses this rare phrase (seven times in Cicero and once in Asconius; nowhere else) and concludes that it must have been the expression current before Sulla established permanent *quaestiones*.

committitur The verb *committo* in this sense ("begin", "commence") is usually employed of joining battle (e.g., §151 *proelium committunt*) or commencing games. The image is of a contest begun between the system of criminal justice and a lawless society, a war on crime. Elsewhere in this oration *committo* carries the more familiar range of meanings of "commit": to commit a crime, or to entrust a commission.

caedes indignissimae Cicero contrasts the restoration of murder investigations with the murders of the recent past; it is remarkable that he characterises the spate of murders in this way, although in the context of his comparison of judicial investigation with deaths left uninvestigated and unpunished, he claims that he means both those improperly killed under pretext of being proscribed (cf. §§94 and 139 below), and those who died following Marius' return to the city. Nevertheless one cannot help thinking of the proscriptions.

Threats of more *caedes*, as opposed to proper proceedings, follow soon after: §12 *caedes futurae sint*. Keaveney 1982a: 176 observes that the establishment and proper functioning of the *quaestio de sicariis et veneficiis* was especially important: "The particular emphasis placed on this kind of offence would seem to be a reflection of the lawlessness of Rome in the period immediately following the Civil War, when the city ... was thronged with demobbed soldiers and homeless Italians."

dignissimam There is a textual problem here; *dignissimam* is Madvig's suggestion, adopted by Clark. The transmitted reading is *dimissui* (or *dimissius* or some variant). Some editors prefer to print *remedium* (or *remedio*, dative of purpose) and change *sanguine* to *sanguini*, "a remedy for". Landgraf argues ad loc. for the transmitted *dimissui*. He assembles parallel examples from Cicero and other authors of perfect passive participles displaying a fourth-declension dative form, e.g. *despicatui ducere* (*Flacc.* 65), *despectui esse* (*Rhetorica ad Herennium* 4.51; see also Tacitus *Hist.* 4.57; [Cicero] *In Sallustium* 15). In theory, any supine stem can generate a fourth-declension noun. Livy uses *divisui* occasionally (1.54.10, 33.46.8, 45.30.2); Sallust writes *nisui* at *B.I.* 94.2, Seneca *offensusui* at *Controv.* 2.1.33, and Tacitus *indutui* at *Ann.* 16.4.

With any dative here, one must read *sanguini* as well, and translate "they all expect that this trial, with you as praetor, will be a [sign of] dismissal for blatant criminality and daily bloodshed". The sense of *dignissimam* is harder to understand: "this trial will be most appropriate [in some respect?] to ..." i.e., a severe and fair condemnation of criminality and bloodshed, "just deserts". *Dignissimam* does go well with the preceding *indignissimae*, as Holst (no. 64) notes, although he lists the transmitted reading as word-play on compounds of *mittere* (*committitur ... dimissui*).

§12 **Qua vociferatione** Cicero has placed the ablatives governed by the verb *utor* at the beginning, rather than after the verb, in both the relative clause and in the main clause that follows:

Qua vociferatione in ceteris iudiciis accusatores uti consuerunt,
ea nos hoc tempore utimur qui causam dicimus.

This is a reversal: Cicero usurps the outcry usually raised by prosecutors, that the jurors punish a heinous crime. As defending attorney, Cicero makes the same plea, for punishment of the false accusers.

causam dicimus This is a technical term meaning to make a defense, to plead a case.

Petimus abs te etc. *Anticategoria*. The long sentence contains a tripartite request:

(1) *ut ... vindicetis*

(2) *ut ... resistatis*

(3) *ut hoc cogitetis*

This is a tricolon auctum of a sort, the first two members in parallel (*quam* with superlative adverbs — object — verb), the second longer than the first. The last clause, shorter per se than the preceding two, but longer because of the substantive clause attached to it, breaks the pattern and gives a pause before the long condition (*nisi ... sint*) in apposition to *hoc*. Sound effects are again noticeable, especially in repetition of M and S:

Petimus abs te, M. Fanni, a vobisque, iudices,
ut **quam acerrime** maleficia vindicetis,
ut **quam fortissime** hominibus audacissimis resistatis,
ut hoc cogitetis,
nisi in hac causa
qui vester animus sit
ostendetis,
eo prorumpere **hominum cupiditatem** et scelus et audaciam
ut non **modo clam verum** etiam hic
in foro
ante tribunal tuum, M. Fanni,
ante pedes vestros, iudices,
inter ipsa subsellia
caedes futurae sint.

qui Here *qui* is close in meaning to *qualis*, not merely "what?" but "what kind?" in the indirect question with *ostendetis*.

ostendetis The future indicative stands in a conditional clause in indirect discourse introduced by *cogitetis*; the condition in direct discourse would have been *nisi ostendetis, eo prorumpet*. Lebreton 1901: 365ff. cites numerous instances of indicatives in indirect discourse which seem not to conform to certain accepted rules (that is, indicates may be used for parenthetical remarks, relative clauses standing in for nouns, and so on). While retention of the indicative future (after a present tense, not merely any primary verb) seems to be one of these rules, Cicero nevertheless would write what he

wanted anyway, rule or no, for the sake of retaining sense or vividness (Lebreton 1901: 366).

There is a connection in thought between what Cicero asks the jurors to show and what he tells them will be the consequences if they do not: the *descriptio* (so named in *Rhetorica ad Herennium* 4.51), or *consequentium frequentatio* (*Part. Orat.* 55). His restatement of these possible consequences in the peroration (§153) is even stronger.

eo ... ut Although *eo* ("to that point") is spatial Cicero does not write its correlative *quo* ("where") because he is predicting a result. Landgraf observes that Cicero uses *ut* in result clauses with the periphrastic subjunctive a number of times (e.g., *Off.* 3.85 *ea condicio, ut ... futurus sit*) after *is, eo, ita, sic* and *huiusmodi*.

prorumpere The present infinitive replaces the expected future infinitive. Landgraf explains that Cicero makes this substitution on occasion to avoid a repetition of the form *-urus*, citing also *Agr.* 1.8. Here *futurae sint* follows, at some little distance. Leumann-Hofmann-Szantyr 2.357-8 (§195γ), citing Landgraf ad loc., add that in early Latin the present infinitive can often be found after verbs of saying and *spero*, and give examples of situations even in classical Latin after *iuro, minor, polliceor, promitto*. There is of course a sense of threat or warning here, although an actual verb with that meaning is lacking.

hic Spatial: "here", not "this (man)". Trials at this time were held outdoors in the forum. A raised tribunal was provided for the praetor and benches (*subsellia*) for the jurors; below these, more benches for the parties involved. Spectators stood.

For the multiplication of spatial detail (*non modo clam verum etiam hic, in foro, ante tribunal tuum, ... ante pedes vestros, ... inter ipsa subsellia*), compare, at the earliest, Homer *Il.* 1.30, where, as here, the descriptions of place become successively narrower and more personal. Cicero makes the locative description more immediate by invoking Fannius and the jurors. Vasaly 1993: 36 observes in relation to this passage (and others in other orations): "Other allusions to the visible milieu were intended simply to add vividness to abstract formulations. In the *Pro Roscio Amerino*, for instance, Cicero's claim that an unjust decision by the jurors will unleash violence and anarchy is supported by his declaration that it is now up to the jurors to prevent murders from being committed 'here in the Forum, ...'." He reiterates his assertion in §13 (*ne hic ibidem ante oculos vestros trucidetur*).

§13 Etenim quid aliud hoc iudicio temptatur nisi ut id fieri liceat? Landgraf, citing Fortunatianus p. 110, 20 Halm, calls this a προέκθεσις, a Stoic term indicating a descriptive excursus inserted before the *narratio*; Fortunatianus defines it as *cum ante narrationem aliquid causa docilitatis adferimus, ut fecit Cicero pro Roscio*. Quintilian's definition (9.2.106) of προέκθεσις differs: *quod est dicere quid fieri oportuerit, deinde quid factum sit*.

The long second sentence of the section is an extended antithesis demonstrating the role-reversals (cf. *Part. Orat.* 57, beginning *nihil est enim tam miserabile quam ex beato miser*, and *Quinct.* 95). There is a double anaphora, parallel in each of the four parts, with varying structures of relative clauses, the first two marked by *homoeoteleuton* (*invaserunt, reliquerunt*, echoed subsequently by *cupierunt; fuit, attulit*):

accusant ei (Chrysgonus' friends) + relative clause (*qui, quibus, qui, quos*)

causam dicit is (Roscius) + relative clause (*cui, cui, qui, qui*)
The period both sums up his *insinuatō* and anticipates the *narratio*.

Accusant ei
 qui in fortunas huius invaserunt,
causam dicit is
 cui praeter calamitatem nihil reliquerunt;
accusant ei
 quibus occidi patrem Sex. Rosci bono fuit,
causam dicit is
 cui non modo luctum mors patris attulit
 verum etiam egestatem;
accusant ei
 qui hunc ipsum iugulare summe cupierunt,
causam dicit is
 qui etiam ad hoc ipsum iudicium cum praesidio venit
 ne hic ibidem ante oculos vestros trucidetur;
denique accusant ei
 quos populus poscit,
causam dicit is
 qui unus relictus ex illorum nefaria caede restat.

fortunas ... calamitatem (1) Robbery vs. ruin. *Calamitatem* is also the last word of this part of the oration (§14; the *narratio* begins at §15). Cicero will extend Roscius' personal ruin to embrace the republic. The accusers play an active role (*invaserunt*) and Roscius is the person indirectly affected by their action (*cui ... reliquerunt*).

quibus occidi ... bono fuit (2) Profit vs. penury. *Occidi patrem Sex. Rosci* is subject of *fuit*. The Cassian question *cui (quibus) bono fuit* is the most famous of double datives: who profits? Cf. *Phil.* 2.35, and below §§84, 86. Both the accusers and the defendant are persons indirectly affected (*cui ... quibus*) by the death of Roscius maior.

iugulare ... ne ... trucidetur (3) Murderous intent vs. the need for self-defense. *Cum praesidio* is not necessarily an armed bodyguard; it refers to the escort of friends, *advocati*, who surround the accused. The accusers return to an active role (*cupierunt*), wishing to commit violence, but now Roscius takes action (*venit*) himself to thwart them.

The verb *iugulare* denotes a violent death, slaughter either of an animal or a human being, originally by cutting the neck (cf. *Dig.* 29.5.1.17). The verb does not occur frequently even in historians, except under special circumstances, often related to civil war. The six occurrences of *iugulare* in this pleading comprise one-fifth of the total for Cicero, who rarely uses the verb except in the orations, and then not often.

summe This adverb, which means approximately the same thing as *maxime*, or perhaps *imprimis*, occurs infrequently. Cicero employs it only in his earliest orations, although it appears in rhetorical and philosophical works, and occasionally in the letters. When *summe* modifies a verb in the orations, the verb is usually one of intention, anticipation, or desire, e.g., *cupio, contendo, exspecto*.

hic ibidem Landgraf has a long note on the pleonastic adverb *ibidem*, more suited to conversational than to formal speech, and adduces a number of parallels (to which add Plautus *Capt.* 26 *ibidem* in *Alide*, *Rud.* 391 *ibidem* in *navi*, 878 *ibidem* *ilico*; *Inv.*

2.154 *in navi ibidem*; *Verr.* 2.3.14 *ibidem in Sicilia*). He illustrates both in that note and in others that Cicero allowed many more elements of common speech, even in formal writings, early in his life. Informal writing is another matter, although when he writes to Atticus *ibidem ilico* (*Att.* 2.12.2), *ibidem* is temporal, as it may be in this passage ("here this instant before your eyes" rather than "here on the spot before your eyes").

populus poscit ... unus relictus ex ... caede (4) The final restatement of the reversal. The accusers have become the object (*quos*) of the Roman people's desire for justice. Cicero changes here from the particular crime and its effect on Roscius to a general statement about the accusers wherein Roscius becomes a symbol, the exception who proves the rule. *Poscit* means to demand for punishment: L&S s.v. II.A. *Vnus relictus ... restat* is both exaggerated and redundant; one does not need both *relictus* and *restat*, and *unus*, while not strictly true, is Cicero's way of asserting that the opponents have always been able to murder everyone else at will. Thus Roscius may not be the only man to have escaped their clutches, but he is, Cicero avers, the first. The phrase *unus relictus* also creates a bond between client and patron, for Cicero himself had said he was *non electus unus ... sed relictus ex omnibus* (§5) who could plead the case.

§14 ut facilius ... possitis Usually in final clauses containing a comparative adjective or adverb, one finds the relative *quo* instead of *ut*, as in *quo facilius* below, and in the various other transitions or examples where Cicero uses this same expression, or something very close to it (e.g., *Quinct.* 11, *Verr.* 2.2.18, 2.3.106, *Mil.* 23, *Leg.* 1.34, *N.D.* 2.81).

quae facta sunt indigniora esse quam haec sunt quae dicimus Subordinate clauses in indirect discourse may be in the indicative if the statements are true anyway (A&G 583), and if the speaker wishes to acknowledge this reality (as here). The repetition of *sunt* after *esse* is unnecessary save for emphasis on the existence of these things (*haec*).

ab initio res quem ad modum gesta sit vobis exponemus Prolepsis: As often, the subject or object of the subordinate clause precedes the words which introduce it. See also §§3 *ego si quid liberius dixerō*, 18 *id ... nisi perspicuum res ipsa fecerit*; 49 *quid censes hunc ipsum ... quo studio ... esse*; *Quinct.* 84 *omnia sunt ... eius modi quivis ut perspicere possit*.

huius hominis innocentissimi Reaffirmation in his own voice of what he had reported earlier (§6) as part of Chrysogonus' worried thought.

illorum audacias When appropriate, abstract nouns appear in the plural; examples from Cicero display plural possessives with plural abstracts, e.g., *Verr.* 2.3.208 *istorum audacias ac libidines*; *Sulla* 76 *quas vos in his libidines, quae flagitia, quas turpitudines, quantas audacias, ... reperietis!*; *Att.* 9.7.5.

et rei publicae calamitatem The third object of *cognoscere*, placed after the verb, is left for emphasis, added after the sentence appears to have concluded.

§§15-36 Narratio. In his early work on rhetoric, Cicero defined the *narratio* as *rerum gestarum aut ut gestarum expositio* (*Inv.* 1.20). *Probabilis erit narratio, si in ea videbuntur*

inesse ea, quae solent apparere in veritate (Inv. 1.29). In *de Or.* 2.80, 83, and 264 he describes its contents as *veri simile*. The author of the *Rhetorica ad Herennium* 1.16 warns that even when one is telling the truth it is necessary to make the narrative sound like the truth. One finds similar descriptions in Quintilian (e.g., 4.2.31: *Narratio est rei factae aut ut factae utilis ad persuadendum expositio*).

Cicero introduces the deceased, Sex. Roscius, and the other actors in the drama, T. Roscius Capito, T. Roscius Magnus, fellow townsmen and relations, Magnus' freedman Mallius Glaucia, and Sulla's freedman Chrysogonus, already mentioned. After praise of the victim's political correctness (§§15–16), he describes the antecedents of the T. Roscii and Glaucia in a prejudicial manner (§§17–19) in the course of his narration of the events surrounding the murder. He devotes most of this section of the oration to the machinations of Chrysogonus and the T. Roscii, who conspired, he says, to deprive the bereaved son of his property. He will return to the same narrative at §§84ff, where he mounts his counter-accusation of the T. Roscii.

Landgraf discusses the common thematic elements found in Cicero's *narrationes*, which begin with persons, and provides a comparison of the beginning of the *narratio* in the *pro Cluentio* (11) with the opening sentence here, to demonstrate the similarities.

§15 municeps Amerinus Ameria was a *municipium* in Umbria, a self-governing town with local magistrates and senate. During or after the Social War, the citizens of Ameria were enrolled in the tribe Clustumina: Harris 1971: 336.

cum genere et nobilitate et pecunia *Cum* is correlative with *tum* in the second half of the sentence. In the first half, Cicero enumerates the qualities (all ablatives of specification) that mark the elder Roscius as a leader in his community. He cites three qualities that one must have to count in Roman society: *genus* is birth into a respectable family, *nobilitas* comes from holding office, or from having descended from someone who did, and *pecunia* ensures that the two kinds of (local) distinction are worth something. Roscius maior had not held office at Rome, but had been a prominent man in his home town. Cicero distinguishes between Roscius' local position (*nobilitate ... primus*) and that of his Roman patrons (*hominum nobilissimorum*).

nobilitate ... nobilissimorum A type of *traductio* or *derivatio*, also called *reduplicatio* (Lausberg §648; Quintilian 3.7.25, however, equates *derivatio* with use of synonyms). The noun refers to Roscius maior, the adjective to his friends at Rome; in §16 Cicero reverses the order of persons when he avers that Roscius owed his own honorable position to that of his Roman friends: *honestate ... honestissimus*.

facile primus The adverb *facile* with superlatives and other words of similar degree of absoluteness (e.g., *princeps*, *superare*) means not "easily" but "certainly", "without question": L&S s.v. II.B.1(β), Landgraf on §17 *facile superavit*. It is similarly understood with other words, e.g. *vincere*, *antecellere*, *doctissimus*, *perspicuus*, possibly *omnis*. According to Landgraf the idiom is frequent in Cicero and in the comic poets but not elsewhere.

gratia atque hospitiiis florens Roscius maior was "prosperous" with respect to influence and connections: another sort of distinction: he had the favor of and had an inherited relationship of guest-friendship (*hospitium*) with influential Romans. Harris

1971: 100 infers from this statement that the elder Roscius, and the other citizens of Ameria, had not had citizenship before the Social War, "if [Cicero] was using the word *hospitium*, as he regularly did, in its strict sense, to refer to a relationship between a Roman and a *peregrinus*; that contributes to the view that Ameria had a *foedus* with Rome, for it eliminates the only other real possibility — that the Amerini were Roman citizens." How much *gratia* could belong to a man who had only acquired citizenship under (probably) the *lex Iulia* of 90 is a matter for conjecture. The elder Roscius' *gratia* would presumably have depended upon the nature and extent of his relationship with his noble patrons and, possibly, with the amount and kind of support that he had displayed for Sulla's side. He was, as Cicero says in the next section, *nobilitatis fautor*. A final factor is Roscius' standing in his own community: now that the men of Ameria were able to vote in elections — and Ameria was not too far from Rome for people to travel for an important contest — he may have been in a position to deliver votes. Hellegouarc'h 1963: 202 introduces his section on *gratia* with observations about elections. Wiseman 1971: 34–37 discusses how various aspects of *hospitium*, *amicitia*, and *clientela* worked out in practice.

Metellis etc. The Metelli, Servilii, and Corneli Scipiones were all leading Roman families. Roscius took refuge with Caecilia Metella to escape his enemies (see §27). One P. Scipio, evidently the man later known as Metellus Scipio (*RE* 99), consul in 52, and adopted by testament of Metellus Pius, had assisted Roscius in the earlier stages of the investigation (see §77). Gelzer 1969: 21 n. 29 notes that Servilius might be a member of the family of P. Servilius Vatia (consul in 79), who was related to the Metelli. The Metelli had had a long history of hostility with C. Marius, and upon Sulla's return from the east they (especially Q. Caecilius Metellus Pius, whose father had gone into exile during Saturninus' second tribuneship) became political allies of Sulla, although perhaps opportunistic ones. For the background, see E. S. Gruen, "The Exile of Metellus Numidicus," *Latomus* 24 (1965); Livy *Per.* 69, Appian *BC* 1.29, Plutarch *Marius* 29; other sources can be found in Broughton I.575–576. Cf. Gruen 1968: 265–266, 270–271.

domesticus usus et consuetudo Actual friendship in private life, opposed to the formality of an hereditary relationship. Roscius maior visited Rome frequently (§16).

honestatis amplitudinisque gratia *Honestas* means honorable position, *amplitudo* means distinguished position; see the note to §2. In the next section Cicero returns to the theme of the *honestas* of Roscius' Roman patrons and the positive influence of their position upon his. Cicero likes to use abstracts when describing partisans of the recent "class warfare". See note to §16 *honestate*, and §136 with commentary.

commodis Useful things: standing, money, friends at Rome.

hoc solum Friends at Rome; the rank would be worthless without the *patrimonium*, although the *fama* and *vita* were worth defending.

domestici praedones Cicero states that the T. Roscii, whom he will soon introduce, were kinsmen of the deceased.

vi ereptum possident This is a concise way of saying "they took it by violence and keep it".

fama et vita ... defenditur Lebreton 1901: 2 observes that when two or more abstract nouns are subject of the same verb, the verb is almost without exception singular. The examples which he cites on pp. 2–4, including the present passage, are chosen as the best arguments for the rule.

paternis One often finds in Latin an adjective used instead of a possessive genitive (A&G 343a); cf. the adjective *Sullanus* instead of the genitive *Sullae*. See note to §34 *illi dicto atque facto Fimbriano*.

§16 **hic** Refers not, as one would expect, to the defendant, but to his father, as the subsequent sentences make clear: it was not the son but the father who frequented Rome after the civil disturbances had come to an end.

cum Correlative with *tum*. Normally the parallel clauses with *cum ... tum* have the same mood when they mean "not only ... but also"; the subjunctive here is due to the circumstantial force of *cum*. While originally *cum*, when correlative with *tum*, governed whatever mood of the verb was appropriate to it, its force began to be lost by the classical period, yet there are not a few traces of the earlier construction in Cicero. And rightly: if *cum* has causal, concessive, or circumstantial meaning, then this should be made clear, whether or not *tum* follows. See Lebreton 1901: 338–346.

nobilitatis fautor Roscius maior had supported the Roman senatorial aristocracy, men whom in another time and place one would call the *boni* or *optimates*, who at this time supported Sulla, whose reforms were said to have been aimed at keeping political authority with the senate. Historically, the local nobility in Italian towns had supported the Roman ruling class in return for real advantages, sometimes including Roman citizenship. Cicero states the *quid pro quo* relationship explicitly below: *rectum putabat ... numerabatur*. Landgraf discusses the different meanings of *fautor* depending upon whether it is used with a genitive or dative: in most cases, a person in the dative is a supporter in the sense of patron, while one in the genitive is a dependent. But he notes that even in Cicero the distinction may not be rigidly observed.

hoc tumultu proximo Cicero may mean either the events beginning in 87 with Marius' and Cinna's return to the city, or perhaps only the more recent battles of 83–82, culminating with Sulla's victory at the Colline Gate on 1 November 82. In military terms, *tumultus* is a civil disturbance: cf. *Phil.* 8.2ff (quoted in L&S s.v. *tumultus* I.B). Although Cicero's deliberate temporal vagueness may allow one to encompass the earlier period from the beginning of the Social War as well, there is no evidence for what role, if any, Roscius maior played in events of that time, and the characterisation of the conflict as one in which *omnium nobilium dignitas et salus in discrimen veniret* refers to the *Cinnanum tempus* of the late eighties rather than to the earlier period. Marian (or Cinnan) partisans who had opposed Sulla included disaffected Italians who had not given up on the idea of secession. Decades later Cicero did mark out temporal limits of a *tumultus*; it began in the late eighties according to what he wrote in *Brutus* 311: *tumultus interim in recuperanda re publica et crudelis interitus oratorum trium Scaevolae Carbonis Antisti, reditus Cottae Curionis Crassi Lentulorum Pompei, leges et iudicia constituta, recuperata res publica*.

dignitas et salus Position and existence, the first as important as the second, or, in Caesar's words, more important: *BC 1.9 sibi semper primam fuisse dignitatem vitaque potioem*. The singular verb is a regular grammatical feature (see note to §15 *fama et vita*); the use of the singular tends to make one idea of the abstracts.

in ea vicinitate His part of Umbria: Sulla's battles were not confined to Rome.

eam partem causamque The side (usually plural, *partes*) of the nobility, which Sulla professed to defend and vindicate.

opera From *opera*, *-ae*, and although singular, brings to mind for the later reader the "private armies" or gangs (*operae*) which played such a major role in Roman politics of the coming generation.

honestate ... honestissimus I.e., their *dignitas*, upon which his own depended. Cf. the abstract nouns that Cicero uses in §136 to describe the recent civil disturbances.

victoria This may be meant to imply victory over the Italians still in revolt, but specifically indicates the victory in the battle outside Rome in late 82 (the battle of the Colline Gate), and the capture of those places and armies still opposed to Sulla.

ab armisque The enclitic conjunction *-que* is strangely placed, as it is meant to join the two verbs (*constituta est* and *recessimus*); attached to the noun *armis* it nearly makes a single idea of *ab armis recedere*.

cum prosciberentur The proscriptions were an unpleasant aspect of Sulla's victory, but one which Cicero must explicitly state in order to make his case that Roscius maior had never been counted among the dictator's opponents. By frequent references to the proscriptions and violence in general (§§11, 16, 21, 27, 32, 89–91, 125, 128, 137, 143–145, 152, 153) Cicero creates a feeling of unease, which he reinforces by his threats that the days of violence are not over. Dufallo 1998 and 2007: 38–44, with special attention to §§66–67 (the Furies) and the peroration (§154), demonstrates how Cicero uses the dead to threaten and warn the living.

ei qui adversarii fuisse putabantur This is a circumlocution for Sulla's real or imagined *inimici*. The use of *putabantur* saves Cicero from having to pass judgment either on the proscribed or on those who listed them as enemies, and also allows him to embrace injustices within a broader category of mistakes.

erat ille Romae frequens atque in foro et in ore omnium cotidie versabatur This is *copia*, in both spatial (*Romae, in foro, in ore omnium*) and temporal (*frequens, cotidie*) description, which emphasizes the point that Roscius maior spent most of his time at Rome. Here Cicero distinguishes between Roscius maior, who was at Rome frequently and in public, and others who had to be tracked down *ex omni regione*. Cf. descriptions in Plutarch, *Sulla* 31.5–12, Appian *B.C.* 1.11.

The adjective *frequens* in apposition with the subject *ille* has the force of an adverb and means "often" (A&G 290).

magis ut exultare ... videretur quam timere Cicero assures his listeners that Roscius maior was at Rome in open support of Sulla's faction, not in activities meant to allay suspicion of his sympathies. See below §40.

ne quid ... calamitatis sibi accideret Although *calamitas* is a strong expression, to say *ne quid calamitatis sibi accideret* rather than *ne trucidaretur* is euphemism, much as we might pray that "nothing happen" to someone. Use of the word is also reminiscent of the *calamitas* threatening the republic (§14) and the defendant (§§7, 13, 49, 146).

ex ea Sc. *victoria*; *ex* is causal. It is paradoxical that some calamity would befall a right-minded person as the result of a victory represented as that of the right-minded, thus reasonable that Roscius maior was not concerned for his safety.

§17 **ei** A dative of possession that refers to Roscius maior. Cf. §15 *erat ei non modo hospitium ...*; the dative of possession properly is used to inform the listeners of the existence of something that they might not have been aware the owner possessed.

inimicitiae Political or personal enmity with fellow citizens; the noun is always plural in Cicero except for two examples involving classification or definition, at *Tusc.* 4.16 and 21, where Cicero says that *inimicitia* is a kind of anger that looks out for revenge in accordance with the ancient Greek notion that one should go out of one's way to help friends and harm enemies. To cherish *inimicitiae* was not in itself, however, regarded as wrong, as two examples demonstrate: *Rab. Perd.* 2 *non enim C. Rabirium culpa delicti, non invidia vitae, Quirites, non denique veteres iustae gravesque inimicitiae civium in discrimen capitis vocaverunt, ...*; *Prov. Cons.* 22 *quae fuerunt inimicitiae in civitate graviores quam Lucullorum atque Servili? quas in viris fortissimis non solum exstinxit rei publicae <utilitas> dignitasque ipsorum, sed etiam ad amicitiam consuetudinemque traduxit.* In this instance, the *inimici* are members of the deceased's family. Cicero will soon name them more precisely.

By beginning the *narratio* not with the events but with the people involved, whether they all were involved or not, Cicero is preparing for the refutation of the charge. It was essential in a defense to lay the groundwork for argument in the very retelling of events: *Part. Orat.* 13, 31; Quintilian 4.2.54 and 56.

alterum ... video One of the two, T. Roscius Magnus, was present at court in support of the accusers. Cicero will frequently note his presence throughout the counter-accusation (§§83 ff.).

alterum ... audio Ostensible hearsay, although often *audio* is used to supply information that the speaker knows very well: this one is T. Roscius Capito, presumably busy managing three of Roscius' (*huiusce*) farms (§21).

quas inimicitias ... viveret The correlatives *tam ... quam* indicate inequality: "if he had been able to be on guard to the same extent that he feared them ..." or "if his precautions had equalled his fears."

neque iniuria *Iniuria* = *sine iure* ("without right"); litotes, a translation of which is "not without right" (the meaning is closer to "not without reason"). The English word

"injury" has nothing to do with this expression, which is relatively rare in Cicero, although it recurs at §116 below, and in other authors is found only in Plautus *Miles* 58.

nam duo isti sunt T. Roscii Commencement of a short digression introducing the characters whom Cicero will first delineate as 'not the right sort' (*homines eius modi*), and later accuse of having planned and executed the murder.

alteri Capitoni cognomen est, iste ... Magnus vocatur *Variatio*, both of construction and in using *iste* for the second *alter*; the first construction employs the usual dative of the name in apposition with the owner, rather than nominative with *cognomen*. Preiswerk 1905: 85 cites this passage as "notatio hominum ferorum", with *Verr.* 2.3.146, *Phil.* 2.63, 3.31 "et saepius in Philippicis". Schol. Gronov.: "Novimus quia gladiatores ex factis nomen accipiunt. Si facili ictu caput percusserit, Capito dicitur; si multos vicerit, Magnus." There are reasons to distrust the scholiast's etymology, although the cognomen Capito appears to be the same word as the fish *capito*, evidently a fish with a large *caput* (the fish is named by Cato *Agr.* 158.1 and Cicero *N.D.* 1.80). The cognomen Capito is common and found in a number of families of the late republic and of the empire.

alter Capito.

plurimarum palmarum This is an attributive genitive, with *nobilis*, meaning "famous for": cf. L&S s.v. II.D.2.d–e, and Landgraf's long note ad loc. The only parallel passages that I find with *palmae* are post-classical, one in Apuleius *Met.* 10.25 (*sed uxor ... medicum convenit quendam notae perfidiae, qui iam multarum palmarum spectatus proeliis magna dexterarum suarum tropaea numerabat*), the other in the SHA *Commodus* 12.11: both later passages adequately convey the disapprobation inherent in the expression.

vetus ac nobilis gladiator habetur The word *gladiator* was one of several used metonymically for the concept of "thug": see note to §8. The adjectives appear in a negative sense: for *vetus* see Landgraf ad loc. and below, note to §28. *Nobilis* here means *notus* as well as excellent; at *Flac.* 52 and *Cael.* 31 Cicero plays on the relation of the words *nobilis* and *notus*. By using the verb *habetur* Cicero states that Capito was considered to be a gladiator; he never actually fought in the games.

hic autem Magnus; the pronoun should be *iste*; this is an example of more *variatio*.

eum lanistam Capito; he continues the metaphor by calling Capito a gladiator-trainer who coached Magnus in his profession.

quique Not "each" but *et qui*, the conjecture of Madvig. The mss. have *qui*, which gives an abrupt asyndeton. The person is still Magnus.

hanc pugnam This more likely means the murder of Roscius maior than the recent proscriptions, although given the following proviso (*quod sciam*), ambiguity is preferable, and probably what Cicero intended.

tiro A newly-recruited soldier (e.g., Caesar *B.C.* 3.28.4; Cicero *Phil.* 12.27; Livy 22.41.6), frequently extended to a beginner in any field, especially in public life or public speaking, as at *de Or.* 1.218 *nulla in re tironem ac rudem nec peregrinum atque hospitem in agendo esse debere.*

quod sciam This is a relative clause of characteristic expressing restriction or proviso (A&G 535d). Although Cicero admits that he does not know whether Magnus practiced his trade upon others before Roscius, he hints that he may have. There is no real violation of sequence of tenses; the parenthetical remark is not logically (nor grammatically) subordinate to *esset*, which in any event, in context with all the indicatives present, may count as well for a primary tense as for a secondary.

§18 nam cum hic Sex. Roscius ... T. autem iste Roscius Cicero employs the demonstratives here as the verbal equivalent of a pointing finger: *hic* is Roscius the defendant, *iste* is Magnus.

adsiduus The adjective is adverbial with the verb *sum*, as at §§51, 81 (bis), 92, 94; *Cael.* 10. Cf. *frequens* in §16 and just below. With other verbs Cicero uses *adsidue* (e.g., *Cat.* 3.6; *Mil.* 93). More often he modifies a noun with a form of the adjective, e.g., §§47 and 67. The point of this clause and the next is to affirm not only that Roscius was at Ameria on the day that his father was killed, but that he was always (*adsiduus*) there, and not likely to be anywhere else.

voluntate patris Cicero inserts this phrase here because the prosecution had argued (as he reveals in §42) that Roscius maior had "relegated" his son to the country, and that there was ill-will between father and son. Thus Cicero must argue (as he will do at length) that the son's position was rather one of dutiful observance of an approving parent's wishes, not a banishment.

ipse autem Clark accepts Eberhard's emendation against *iste* of the codices. I agree, however, with other editors and commentators that the manuscript reading should be retained. *Ipsa* would mean Roscius maior, but since the next clause makes it obvious that he was in Rome when he was killed, to say that the victim *frequens Romae esset* is otiose (and was already said in §16). Cicero is extending a contrast between the son and T. Roscius Magnus: Sex. Roscius the defendant was at Ameria, T. Roscius was at Rome; Sex. Roscius the son was always at Ameria, T. Roscius was usually at Rome; Sex. Roscius the father was killed at Rome.

occiditur Cicero uses the historical present for his narrative of the murder and subsequent events, through §21.

ad balneas Pallacinas *Ad* means near; the baths were near the Circus Flaminius.

rediens a cena Cited by Laughton (1964: 22) as an example of an "ordinary concomitant participle". Although Cicero later recreates the murder scene, he never says where the victim had dined nor where he was staying at Rome, nor how few or many were the attackers, or how the two slaves accompanying Sex. Roscius escaped.

ex hoc ipso The preceding account of who was where. Cicero argues that Roscius had had no opportunity to kill his father, but that Magnus did. Although he argues this at much greater length later (§§84 ff.), as noted above, it was good defensive practice to sprinkle the seeds of the defense throughout the *narratio* and *argumentatio*: Quintilian 4.2.54 and 56.

non esse obscurum The future infinitive is usual with *spero* because the expectation is one of subsequent action. Here Cicero speaks plainly of the present when he hints at what the jurors ought already to have realized.

id quod ... suspiciosum Hyperbaton. *Suspiciosum* means grounds for suspicion; cf. *suspicio maleficii* just before and see the note to *suspicionem* in §6. The contrast here is between what one merely suspects (*adhuc suspiciosum*) and what one might expect — and Cicero tries diligently — to prove because it appears so obvious (*perspicuum*). See the note on *perspicuam* at §40. The word-play arises from the common root of *suspiciosum* and *perspicuum* (Holst no. 143); Landgraf cites two passages where *Rhetorica ad Herennium* (11 and 53) uses the same adjectives together to create a similar effect.

perspicuum Refers back to *id* in the preceding line, i.e., *nisi res ipsa fecerit perspicuum id quod adhuc est suspiciosum*.

res ipsa "The thing itself" means the account that Cicero prepares to set forth.

fecerit The future perfect indicative in the protasis is answered by the future imperative *iudicatote* in the apodosis.

adfinem culpae *Culpae* could be either genitive or dative; Cicero uses both elsewhere (either construction also occurs with people, where *adfinis* means relation: *Verr.* 2.2.136 and *Vat.* 29), although the dative is much more common.

Regarding his client's complete innocence, Cicero makes the same promise at §76. Cf. *Clu.* 18.

iudicatote The future imperative is said to be used in classical Latin to indicate something that will be done at some later time in the future, as opposed to the ordinary imperative, which is for some action to be taken immediately: see discussion in Lebreton 1901: 194-200. Examples collected from Cicero demonstrate that when an imperative is used with a subordinate clause that will contain a future, future perfect (or equivalent in sense), the imperative will almost always have the *-to-* form. See also §§57 *latratote*, 93 *contendito*, 109 *iudicatote*, 118 *putatote*. The rule applies to a succession of imperatives as well as to conditional sentences.

§19 primus Ameriam nuntiat *Primus* is predicate (adverbial), as is *primus* near the end of the sentence (*primus adferret*); with the phrase *primo diluculo* and the verb *pervolavit* intervening, Cicero describes a race against time. The historical present adds vividness as well.

Lebreton 1901: 162 cites this passage as one of literally hundreds of instances where Cicero uses a transitive verb absolutely, although an object (*mortem Sex. Rosci*) can be supplied from the context. Cf. §§96 (*occiso Sex. Roscio quis primus Ameriam nuntiat?*) and 98 (*non orat ut ... Capitoni quam primum nuntiet?*).

Mallius Glaucia quidam The pronoun *quidam* may often be contemptuous when used with a proper name, although it can equally be laudatory or neutral. In general, the pronoun introduces a person who may not necessarily be known by name to the listeners. When denoting disrespect with *quidam*, Cicero adds descriptive terms or clauses to make his meaning clear. Examples include *Verr.* 2.2.22 (Naevius Turpio), 2.4.148 (Theomnastus), *Clu.* 36 (Avillius), *Phil.* 3.16 (Bambalio). The pronoun retains the same force at times without proper names, especially when one uses it to indicate a person or persons by office rather than by name, e.g., *Pis.* 8 and *Phil.* 3.20. In this passage the prejudicial description of Glaucia depends upon his social and financial standing, and his relationship with Magnus, but not in any action or character trait of his own.

tenuis etc. There is a logical progression from bad to worse through descriptive terms of successively greater length: of slender means, an ex-slave, client and friend of Magnus.

cum ... occisus esset The concessive clause is in secondary sequence, either because *venit* is perfect or, if it is present, because an historical present can be a past tense for purposes of sequence. Actual treatment of the historical present varies depending on what an author wanted to write: see Woodcock 284.

post horam primam noctis Day and night each had twelve hours, which were longer or shorter according to the season. "After the first hour of the night" would correspond, in modern terms, to after 9:00 p.m. or later in June, after 5:00 p.m. or earlier in December, depending upon latitude. Since Cicero treats Glaucia's journey from Rome to Ameria as a marvel of velocity, it would be useful for the modern reader to know, as contemporaries did, in what month Roscius died. In §128 Cicero says that the proscription lists were closed on the first of June (81) and that *aliquot post mensis et homo occisus est et bona venisse dicuntur*. It is not clear why he is so vague about the date, which he ought to have known, but it would not be unreasonable to assume some time August–October. Some commentators assume from §128 that the murder occurred in summer. Kinsey 1967: 65 believes that Cicero would have made more of a point of the short hours if that had been the case, and that his emphasis is rather upon night travel.

primo diluculo "At the crack of dawn"; the noun *diluculum* is classified as ante- and post-class. except for this passage and at *Att.* 16.13.1.

decem horis nocturnis That someone had to travel at night was not remarkable: once the murder of a prominent man had been discovered, someone would have sent a person to tell the family.

sex et quinquaginta milia passuum Fifty-six Roman miles is approx. 82.5 K = approx. 51.5 U.S. miles. On the shortest night of the year, the carriage would have had to travel faster than than 12 km/hr to make the distance.

cisiis The form of conveyance indicated by the noun may have been common in the Roman world, but the word itself rarely occurs. Outside of this passage and Vitruvius *Arch.* 10.1.6, who lists it with a number of common implements, all in the

plural, the word is used in the singular: either Cicero wanted a poetic plural, or he wished to imply that Glaucia employed relays (the assumption of Richter–Fleckeisen). Judging from other passages, the vehicle was for rapid travel. Cicero uses the word (in the singular) when describing M. Antonius' frivolous journeys at *Phil.* 2.77 (*celeriter ad urbem advectus*). In the *Appendix Virgiliana* (Catalepton 10) one finds the word, with *volare*, used in a parody of Catullus.

pervolavit This rather rare verb, poetic in the classical period, imparts a mock epic tone.

exoptatum Cicero favors forms of *exoptare*, which occurs frequently in Plautus and occasionally in Terence. Save for Cicero's usage, the word might be characterised as primarily poetic in the classical period, ante- and post-classical in prose authors. At *Clu.* 18 Cicero uses language similar to that employed here, to the same effect: *ipsa [mater] denique nuper Larino huius opprimendi causa Romam advolavit; praesto est mulier audax, pecuniosa, crudelis, instituit accusatores, instruit testis, squalore huius et sordibus laetatur, exitium exoptat, sanguinem suum profundere omnem cupit, dum modo profusum huius ante videat.*

inimico ... inimici The position of *inimico* indicates that one should understand it with *exoptatum* as well as with *adferret*. When Cicero uses the same word for the two people he reinforces the notion for his audience of this inveterate enmity. The first is active (Capito hated Roscius maior), the second, by context, passive (Roscius maior was hateful to Capito).

cruorem ... extractum The details add insult to injury: gloating, cruelty, more than just a murder for gain, but for enjoyment. He says the T. Roscii obtained the estate, also that they hated the dead man; the implication is that they killed him. Clearly he is trying to cover all contingencies, e.g., in the case the prosecution uses the *cui bono* argument (cf. §84) more pointedly than he does: see note to §6 *tam amplum et copiosum*.

telumque If Glaucia really had the murder weapon, Cicero does not make an issue here of how he obtained it. He does not discuss the delivery of the weapon in the counter-accusation.

ostenderet The original purpose clause (*ut ... adferret*) continues. English logic would require *ut* to precede *non modo*, or to be repeated with *sed etiam*.

§20 Quadriduo quo This expression of time or an equivalent is not in A&G; it is comprised of an ablative of time combined with an ablative of comparison: L&S translate "on the fourth day after" (i.e., "in the period of four days, than which day"). Landgraf says that the (first) ablative marks the endpoint of the time period in question. Cicero uses the same phrase in §105 when he reviews these events. There are no parallels; Cicero and some other writers employ other expressions with *quadriduum*, among which the following ways of indicating difference of time are more regular: *quadriduo ante* (*Fam.* 9.15.1, *Att.* 14.9.1, *Brut.* 9.2.1); *quadriduo postquam* (*Livy* 28.6.1; *Varro R.R.* 3.9.12).

ad Chrysogonum in castra L. Sullae Volaterras There are three constructions of goal of motion: to (*ad*) a person, into (*in*) a kind of place (common noun), to (accusative of destination with no preposition) a named place, thus effecting a compounding of details (cf. above §12 *hic in foro*). Sulla's forces did not take Volaterrae until as late as early 79 (Harris 1971: 257–258). Keaveney (1982b: 512; cf. 525) wrote: "Volaterrae long held out and was not subdued until after the war was over." He cited as sources Appian B.C. 1.87 & 89, Livy *Per.* 89, Licinianus 32F, Cicero *Rosc. Am.* 20. The fragment of Granius Licinianus indicates that the people of Volaterrae surrendered in the year when Claudius and Servilius were consuls (79 BCE).

defertur ... demonstratur ... commemoratur *Homoeoteleuton*. Here Cicero deliberately uses the passive to avoid naming the messengers. When he changes to the active voice he has already established anonymity: "they" explain (*demonstrant*) and promise their support (*pollicentur*).

bonitas praediorum Cicero is unique among Republican writers in his fondness for the abstract noun *bonitas*. The word may be used of things ("good quality"), as here and in §49, or of people ("goodness": §150).

decem et tris Cicero does not use the word *tredecim*. He writes the number thirteen twice only, both in this oration (here and at §99), Landgraf says he uses the periphrasis to distinguish the three farms given to Capito from the ten which Magnus manages for Chrysogonus.

Tiberim fere omnes tangunt The river was important for farmers (who sometimes illegally tapped into aqueducts) both for irrigation and for transportation of their produce to Rome or Ostia.

bonitas ... inopia et solitudo commemoratur For the singular verb, see the note to §15 *fama et vita*. The first subject is separated by a parenthetical remark from the last two, which essentially form one idea. Without the parenthetical *nam ... tangunt* there would be an obvious need for a conjunction linking the first subject to the others. At the time of this report to Chrysogonus, Roscius, the sole heir to his father's estate, was not *inops* in any financial sense. But he was essentially *solus*, as Cicero's description of his lifestyle will make plain (especially §52), and consequently helpless. And if he was not, Cicero found it useful to the defense to argue that he was. For similar pleas, see *Quinct.* 5 *nullo praesidio fuisse videbere contra vim et gratiam solitudini atque inopiae, improbitatem et gratiam cum inopia et veritate contendere*; *Clu.* 57 *inopia et necessitate coactus*. Cicero in his earliest rhetorical work uses *inopia* and *solitudo* together in one of the commonplaces an orator should use in a *conquestio* (*Inv.* 1.109 *decimus, per quem inopia, infirmitas, solitudo demonstratur*); the author of the *Rhetorica ad Herennium* uses them with *calamitas* in one of his examples of how to secure goodwill *a nostra persona* (from the identity of the speaker or defendant) (1.8 *item si nostra incommoda proferemus, inopiam, solitudinem, calamitatem*).

splendidus et graciosus *splendidus* is to an equestrian what *amplissimus* is to a senator; *graciosus* = influential (full of *gratia*) (above §15).

perfacile Cicero is very fond of compounds with *per-*, and employs over one hundred different ones, including many which appear only once or rarely. Those in this oration are forms of *pervolo* (see note above to §19), *permulti* (§§48, 90, 92, 94), *perraro* (§52), which only appears in this adverbial form, the *hapax legomenon* (for Cicero) *pervigilo* (§98), and *perliberaliter* (§108; elsewhere in Cicero only at *Att.* 10.4.10 and 15.15.4).

hunc ... ignotum Roscius is an easy victim for three reasons: his natural lack of suspicion (*incautum*), his lack of experience in affairs of the world (*rusticum*), his lack of a reputation or supporters where these count (*Romae ignotum*).

de medio tolli posse *De medio* is an idiom (literally, "from the middle") which may be translated in various ways depending on the context. It may more easily be understood from its opposite, "in the middle", i.e., "out in the open", "in the sight of everyone", "in common", although *de medio* may indicate as well the common stock from which something may be taken. The expression *tollere de medio* means "to take out of the way", "to dispose of", "to kill". The context might also imply the surreptitious or illegal removal of something (below, §23; *Verr.* 2.2.175 [bis], 177, 181). With other verbs, however, the prepositional phrase is neutral (below, §112). Cicero employs the idiom much more often than any other writer; he rarely uses the equivalent *e medio*.

ne diutius teneam *Sc. vos.* This is a negative purpose clause with the main clause omitted (A&G 532): "not to keep you longer [I shall tell you that] a partnership ...". Cf. English "to make a long story short". See Preiswerk 1905: 30–31 for other examples.

societas A *societas* is an arrangement of any sort into which one enters with others. It may be a foreign alliance between Rome and another state, or a domestic political arrangement, either for good (*Phil.* 2.25) or bad purposes (*Phil.* 2.24). Cicero often uses the word to describe the principle of human association, e.g., *Planc.* 5, *Rep.* 1.42 and 49, *Am.* 19, or even between humans and other entities, whether gods (*Marc.* 7) or animals (*Fam.* 7.1.3). As a business term *societas* may be used either of corporations engaged in public business, as the tax farmers were (*Div. in Caecil.* 62, *Sest.* 32), or of business dealings between individuals which may or may not have had an impact upon public business (e.g., *Quinct.* and *Rosc. Com.*, *passim*). The usage here, and every other occurrence of the word in this oration, save at §111, belongs to this latter category.

coitur *coeo* is transitive in the idiom *coeo societatem* or its passive, otherwise it is absolute or followed by a prepositional phrase: L&S s.v.; Lebreton 183.

§21 cum nulla iam proscriptionis mentio As indicated by the temporal adverb *iam*, Roscius maior was murdered after the proscription lists were closed (1 June 81; below §128). In §§125–6 Cicero discusses the Valerian and Cornelian laws governing the proscribed and asserts that the elder Roscius was liable under neither.

qui ante metuerant redirent The antecedent of *qui* is omitted; the relative clause *qui ante metuerant* stands for a noun ("the fearful", or perhaps, "the vulnerable") and is the subject of the verb *redirent*. As Latin does not have the facility of Greek for creating nouns out of participles, a relative clause frequently serves the same function. Usually the verb which accompanies the relative will be indicative in such cases, despite the

syntax of surrounding clauses; this is not, however, an invariable rule: the clauses of §30 *qui libere dicat, qui cum fide defendat* not only replace nonexistent nouns modified by adjectives (cf. note ad loc.), but describe certain qualities, and require subjunctive verbs. Cf. §85 *ei quibus causa dicenda est*, §93 *qui ab eis conducebantur*, and especially §136 *qui vicerunt* (with note ad loc.).

Before (*antea*) the lists were closed, no one knew from one day to the next whether or not his name would be added. Once the lists were closed, the proscribed could still be hunted down but those not on the list evidently felt free to resume normal activities.

defunctos The collocation (*de*)*fungor periculo/periculis* is uncommon: cf. *Mur.* 4 *eadem pericula quibus nos perfuncti sumus* (with Quintilian 5.11.23 on this passage); *Sest.* 10 *memoriam perfuncti periculi* (note the attributive use of the participle). As the ancient commentators observe, with *periculum* or a similar word as object, the sense of (*de*)*functus* is *liberatus* (one who has fulfilled an obligation to danger is free of it).

nomen refertur This does not have the same meaning as *nomen deferre* (to accuse; see §8). *Referre* = to enroll (*in* = among), usually used with a word for the place in which something is entered, e.g. *in tabulas, in librum, in proscriptos* (§27): L&S s.v. *refero* II.B.3.e.

tabulas Cicero does not specify which *tabulae*; one assumes he means the proscription lists; at any rate, property which went for auction was advertised on *tabulae publicae*. See Hinard 1985a: 32–33, 59–66, 74–77. Butler 2002: 20–22 argues that Sex. Roscius' property might have been seized for some other reason, e.g., a debt (real or invented), and sold after having been listed on the *tabulae publicae*, or that Chrysogonus put the property up for sale without listing the man's name on Sulla's *album* of the politically proscribed, and that Cicero plays upon this ambiguity to keep his listeners uncomfortable. He similarly uses *proscribere/proscriptio* and *tabulae* in the *pro Quinctio* (§§15, 16, 17, 20, 25, 51, 56, 61, 67, 91) but in that oration he means *proscriptio bonorum*.

hominis studiosissimi nobilitatis The phrase recalls *nobilitatis fautor* of §16; Cicero is able to use the point he had established previously against the T. Roscii here and, conversely, to have their reported conversation corroborate his earlier description of the murdered man.

manceps A purchaser (of the confiscated estate) at public auction.

propria Predicate: three farms [to be] his own. Cicero does not explain why three farms were handed over immediately to Capito when Chrysogonus could have bought all thirteen for himself. Capito may have had a claim or suit against the elder Roscius, perhaps involving the *veteres inimicitiae* Cicero mentions in §17, or the three farms were the price Chrysogonus paid to Capito not to contest the disposition of the others, or as a "finder's fee", or some combination of these reasons.

iste T. Roscius This expression always indicates Magnus in the speech; he refers to the other one (who has three farms and is absent from court) as Capito. Adams 1978: 156 observes, "Cicero employed an economical system of reference which permitted him to avoid *cognomina* as much as possible, and the complimentary *Magnus* entirely."

quem ad modum ipse dicit Magnus has not yet produced written evidence nor given testimony, as these parts of the trial came after the opposing counsels' speeches. Either he spoke as one of the prosecutors, which Cicero does not indicate, or he has made no secret of his business relationship with Chrysogonus.

in reliquas ... impetum facit Cf. *in praedia huius invadit* §23. The expression is more often used, in other authors, of an invading army, and occurs in military contexts occasionally in Cicero's orations. He uses *impetus* of other kinds of attacks or seizures, as here (and at §§57, 98, 137) and in other appropriate places, e.g. *Verr.* 2.1.91, 2.3.142, 2.4.148. He extends the notion of sudden onset to other impulses as well, not in a negative sense: *Am.* 63 *impetum benivolentiae*; *Deiot.* 6.

Haec omnia, iudices Introduction of a digression exculpating Sulla.

imprudente L. Sulla *Imprudens* means "unaware", "without [his] knowledge". Whether or not Sulla kept himself apprised, or learnt what had happened, even after the fact, Cicero must absolve him of blame or it would be dangerous for anyone to vote for acquittal after the defense had implicated Sulla's subordinate. He reiterates his belief in Sulla's ignorance at §§25, 91, 130–131.

The word *imprudens* often means "by accident", that is, "without meaning to" or "without noticing", and this connotation would be the basis of the English "imprudent". In a military context *imprudens* is used of the unprepared, or those taken unaware, e.g., Caesar *BG* 3.29.1. At times the word means not much more than *ignarus*, and is sometimes found in company with that adjective, and uses the same construction, e.g., *Sest.* 16 *ignarus quidem certe et imprudens impendentium tantorum scelerum et malorum*.

certo scio Landgraf quotes Haase's explanation of the difference between *certo* and *certe* with *scio*: "*certe scio*: it is certain that I know; ... *certo scio*: I know with certainty", the difference between being certain that one knows a thing and knowing that something is certain: "I know for sure". Similarly explained in L&S s.v. *certe* I.2. Berry 2004: 83 finds the assertion impertinent and does not believe that Cicero would have said this at the time of the trial. Dyck 2003: 240 thinks that the assertion is false, and that it is almost as damning to speak of Sulla's putting a name on the lists as to speak of his being ignorant that such a thing was done. There was no reason, however, why Sulla should have minded hearing that he had proscribed one or another person if he had in fact done so: the proscription lists were the opposite of secret.

§22 This may be the section of the oration most discussed by scholars because of the treatment of Sulla. The main issues are whether Cicero actually said these words during the trial and what he meant by them, whether he spoke them at the time or added them later, yet even those who argue for later tinkering with his sentiments for political reasons usually maintain that whatever Cicero wrote still had to make sense in context.

neque enim mirum This is the main clause, the apodosis to *si aliquid non animadvertat*. To complete a future less vivid condition one should supply *sit*. The general rule, however, that a present subjunctive in a condition refers to an hypothetical future is not always true in early Latin, or even in Cicero. It can be used to "represent a hypothetical condition more vividly by not excluding the idea of fulfilment" (Woodcock 198). In effect, a present subjunctive in a condition is a present unreal which has not

conclusively been demonstrated to be impossible. And Sulla could yet fail to notice some thing(s). The alternative is that Sulla is aware of everything and fails to intervene.

The conjunction *cum* begins a long series of circumstantial clauses, some pairs exhibiting *homoeoteleuton*, which comprise the bulk of the sentence. The structure is as follows:

neque enim mirum

cum eodem tempore
et ea quae praeterita sunt reparet
et ea quae videntur instare praeparet
cum
 et pacis constituendae rationem
 et belli gerendi potestatem
solus habeat
cum
omnes in unum spectent
unus omnia gubernet
cum tot tantisque negotiis distentus sit
 ut respirare libere non possit

si aliquid non animadvertat

cum praesertim tam multi
occupationem eius observent
tempusque aucupentur
ut
 simul atque ille despexerit
aliquid huiusce modi moliantur

ea quae praeterita sunt ... ea quae videntur instare Circumlocutions here serve as euphemisms for past (misfortunes or mistakes) and future (problems).

reparet This is a reading which Lambinus reported; Kasten and Enk prefer Rinkes' emendation *sanet*, which Landgraf rejects on metrical grounds. And *reparet* answers *praeparet* in a manner typical of Cicero; cf. Holst no. 65.

pacis constituendae rationem Sulla was reworking the constitution. In time the formula or pretence of restoring the government and the republic became tediously overused, e.g., as in Augustus' *Res Gestae* 1.

solus Sulla and Metellus Pius were consuls in 80 BCE. Whether or not there were consuls, from the time he became dictator Sulla retained sole control of the state. If he were not still dictator at the time of the trial, the adjective *solus* would have been *de iure* meaningless and offensive to the other consul, who in principle had the same authority as his colleague. Cicero uses the present subjunctive throughout the sentence, the mood required by the construction of the several clauses. A present indicative might be argued away as a gnomic or generalising present, referring to the past time when Sulla was dictator, but present subjunctives are present tending to future. Either Sulla was still dictator or Metellus was a cipher, or absent from Rome.

omnes in unum ... unus omnia This is an especially nice chiasmus: the phrases in asyndeton unite Sulla and everyone else in word as they are united in action. In a similarly constructed passage Cicero says of Pompey *hoc tantum bellum ... quis umquam arbitretur aut ab omnibus imperatoribus uno anno aut omnibus annis ab uno imperatore*

confici posse? (Manil. 31). He evidently liked the opposition *unus omnia* so much that he repeated it at §139: *Dum necesse erat resque ipsa cogebat, unus omnia poterat*. Elsewhere in this oration (see §§5, 37, 132, 139) and frequently in others he creates many forms of comparison between one and all; some of hundreds of examples are *Caecin.* 70; *Verr.* 1.1.20 *omnia in unius potestate ac moderatione*; *Manil.* 5 *unum ab omnibus ... deposci*; 13 *unum virum esse in quo summa sint omnia*; *Marc.* 22 *ex unius tua vita pendere omnium*; 33 *non ut de unius solum sed ut de omnium salute*.

distentus Sulla was, figuratively, kept asunder, with the same meaning as English "distracted". The verb *distento* occurs only four times in the orations (*Planc.* 79, *Phil.* 11.6, 12.28) and somewhat more often in the letters. Cicero occasionally employs the verb *distraho* in the same way, but more often it literally means pulling away.

To this passage as a whole, compare *N.D.* 3.93 (the only occurrence of the word *distento* in the rhetorical or philosophical works) where the subject is the highest god: *Fac esse distentam, caelum versantem terram tuentem maria moderantem: cur tam multos deos nihil agere et cessare patitur, cur non rebus humanis aliquos otiosos deos praeficit, qui a te Balbe innumerabiles explicati sunt?*

respirare Cicero wrote *respirare libere* also at *Quinct.* 39; when he writes the verb, as he usually does, without any adverb or adverbial phrase, it often has the sense of "to stop holding one's breath". The verb occurs only a dozen times in the orations (four of them in *Quinct.*, two in this pleading) at any rate, and more often in the philosophical works and letters, but in no other prose author of the Republican period.

si aliquid non animadvertat Euphemism. Usually *quid* appears after *si*, but *aliquid* is also permissible, especially to emphasize the existence of the thing or person. Failure to notice is the verbal equivalent of the adjective *imprudens*. Cicero does not say *nisi (ali)quid animadvertat* because a *nisi*-clause restricts the whole of the main clause ("it's not a wonder, unless he notices something [in which case it is a wonder]") and *si non* negates one word in the *protasis* ("it's not a wonder, if he does not notice something"): A&G 525a.

cum praesertim This is the final and most apposite circumstance, the list having been interrupted (for variety and because of emphasis) by the *si*- clause which answers all of the preceding circumstances. The previous *cum*- clauses were all "positive" statements of Sulla's activities and responsibilities; this final one is "negative", the affirmation that his associates take advantage of his preoccupation.

occupationem eius observent tempusque aucupentur The collocations employed here are unique in Cicero, and the choice of *occupatio* and *aucupor* are paronomastic (cf. Plautus *Truc.* 963–4). Plautine language recalls the crafty slave spying on the master, awaiting opportunity. Except for this passage, Cicero does not use *occupatio* absolutely in the singular. The intransitive verb *aucupor* (perhaps pronounced *ocupor*) means to go bird-hunting (see, e.g., Plautus *Asin.* 214ff. and *Miles* 990), and with an object means to chase after or watch out for, or to pay close attention to; in Cicero it often approaches *ausculto* in meaning, especially when the object is *orationem, verba, verborum vim, rumores*.

ut ... moliantur A purpose clause, despite the presence of *tam multi* in the sentence.

despexerit Cicero nowhere else uses the word in the sense of "to look aside"; the verb means to look down upon, to despise: cf. §135 *videtis ut omnis despiciat*. The comparison of Sulla to Jupiter (§131) suggests that Cicero imagines Sulla looking down from a height and failing to notice activities occurring beside him.

quamvis See note to §47 *quamvis multos*. The concessive use of *quamvis* (one word) arose from the jussive: *quamvis felix sit* means "let him be as fortunate as you please". See Woodcock 246–7 for discussion.

felix Sulla's cognomen was Felix: I would like to see the word here with upper-case F, for this is surely how Cicero's listeners heard it, and presumably enjoyed the double entendre of *sicut est* (Holst no. 14). A comparable sentence, not complimentary, occurs years later (*Phil.* 2.68). This play on Sulla's name has been singled out, most recently by Berry 2004: 83, as likely to have been added when Cicero wrote up the oration, rather than spoken at the time.

Sulla styled himself Sulla Felix, and named his children Faustus and Fausta, because he believed that he was the darling of Fortune (or Venus). Scholars have expressed a variety of opinions relating to Sulla's cognomen (he used Ἐπαφρόδιτος rather than Εὐτυχής in Greek; see Latte 279-80), his conception of his own relation to the divinities who fostered Rome, and his propaganda. For a recent work with bibliography and summation of opinions, see Cabrero 1994.

nemo potest esse This clause is to be taken only with *in tanta felicitate*, which sets up the relative clause of result *qui neminem ... habeat*.

in magna familia The prepositional phrase is circumstantial and is not to be construed with *esse*. It means "when he has a large family", i.e., "in the case of a large family": L&S s.v. *in* I.C. The *familia* included not only family members but slaves and freedmen.

neminem Modified by *improbum*, in apposition with *servum* and *libertum*. Similarly, at §57 Cicero writes *neminem alium*.

neque ... neque The negatives following the general *neminem* do not negate but subdivide it (A&G 327.2), and in this case also exclude Sulla's blood-relations.

§23 Interea Signals resumption of the narrative; Cicero returns to the use of the historical present throughout the sentence.

vir optimus, procurator Chrysogoni Irony and insult by definition: the description of the free man as the agent of the ex-slave encompasses a reversal of their expected roles. Other examples of *vir optimus* can be found at §§ 104 (vocative), 109; *Quinct.* 16, 19, *Verr.* 2.1.124, *Caecin.* 16, *Agr.* 1.14 and 2.69, but there are no examples from the orations later than 63; when the word is not ironic in the orations, Cicero almost always adds another adjective, e.g., *honestissimus* or *fortissimus*, or some other word(s) to indicate as much.

nondum etiam Landgraf discusses the temporal force of *etiam*, with parallels; see other examples at L&S s.v. *etiam* II.C.

paterno funeri Literally, to his father's burial, i.e., to the burial rites of his dead father. Where English uses a genitive, an equivalent adjective is often found in Latin: "The chief function of the genitive in Latin is to qualify nouns. ... The genitive inflexion thus turns a noun or a pronoun into a sort of indeclinable adjective, which is sometimes interchangeable with an adjective: compare, for example, *fratris mors* with *fraterna mors*, 'a brother's death'; *domus regis* with *domus regia*, 'the king's house'" (Woodcock 69). Note also *focis patriis* in the next line and *sepulcrum patrum* in §24.

iusta solvisset *Solvo* means to pay or discharge a debt owed; in this case the debt encompasses the necessary funeral ceremonies. Offerings and a feast (*novendiale*) were given for the dead on the ninth day following the funeral (the cremation of the body).

icit domo atque focis patriis disque penatibus praecipitem, iudices, exturbat The three expressions mean the same thing, ablatives of place from which, the tangible (*domo* and *focis*) with *icit*, the figurative (*penatibus*) with *exturbat*. There is some alliteration (*focis patriis disque penatibus praecipitem*: the sound of P is noticeable throughout the sentence). Cf. *Quinct.* 83 *iam de fundo expulsus, iam a suis dis penatibus praeceps eiectus*; *Verr.* 2.4.67 *praeceps provincia populi Romani exturbatus est*. Cicero usually construes *exturbare* with *ex*, but sometimes with the ablative alone, even when he describes expulsion from a physical location, as in the passage from the *Verrines* just cited, *Quinct.* 95, and *Verr.* 2.2.46.

The position of the vocative is intended to involve the jurors emotionally.

Qui in sua re Describes Magnus in his previous station, with his own financial resources. There are few parallels; see *Quinct.* 54, *Flacc.* 77, *Att.* 5.12.3; and in the plural at *Verr.* 2.3.14 *voluerunt eos in suis rebus ipsos interesse*.

egentissimus On words for "poverty" and "poor" preferred by Cicero and other Latin authors, see Landgraf ad loc., who observes that Cicero almost never uses *pauper/paupertas*.

ut fit Cicero reveals his socio-economic prejudices, and appeals to his hearers', when he asserts that poor people are likely to be carefree with others' possessions (*in aliena [re]*).

insolens The word is used here in the sense of "spendthrift", "wasteful" (Landgraf, citing *de orat.* 2.342, *Phil.* 9.13, *Fam.* 9.20.1).

multa ... plura ... non pauca ... reliqua Tetracolon with *homoeoteleuton* of objects and verbs (as well as *palam/clam*), with litotes in the third member. The first two isocola balance each other by means of the adverbs *palam* and *clam*; there is no third possibility. *Non pauca* would be anticlimactic if the sentence ended after *donabat*, but the addition of *reliqua ... vendebat* conjures an image of Magnus squeezing a bit more spending money from a few sorry pieces that no one else wanted.

de medio "Out of sight"; a slightly different meaning from that used of getting rid of Roscius in §20.

constituta auctione An official auction. A spear (*hasta*) was set up to advertise the sale and there was a magistrate present to note down the highest bidders.

§24 **Quod** The proceedings described in the last six sections.

usque eo With *visum est indignum*, signals the result clause ("it seemed to them outrageous to such an extent that ..."); cf. §57 *cui vos usque eo inimici estis ut ... oderitis*. Although Cicero usually uses *usque eo* with verbs (every other instance in this oration: §§45, 60, 66), it does occur with predicate adjectives, e.g., *Verr.* 2.2.94, 2.4.86; *Sest.* 110; *Phil.* 13.40. See also the variant *usque adeo* at the beginning of §26.

fletus gemitusque fieret For the singular verb, see note to §15 *fama et vita*. This is another example of two nouns creating essentially one idea. There is a parallel at *Verr.* 2.4.110 *tanti gemitus fletusque fiebant*.

versabantur Here the verb means *erant* (L&S s.v. *verso* II.B.1), although there may be some force left of the idea of turning or passing by if one imagines moving images, or a series of static ones in the *enargeia*. Cicero reproduces the picture with a variety of structures belonging to a string of nominatives in apposition with *multa*. The first two things are the death and the son: the change in word-order not only provides *variatio* but places the most important thing first in its phrase and allows each to end with the feminine singular superlative adjective (*homoeoteleuton*). The interposition of the dead man's name both separates his own superlative adjective, *florentissimi*, from *crudelissima* and gives the latter greater prominence. The relative clause interrupts the list at the crucial chronological point: after the father's death and the son's impoverishment, impiety is thrust upon the dispossessed heir. Cicero then resumes the previous construction with the important word "property" (*bonorum*), with its nominative and attached adjective, and flings out four more nouns for good measure. These last correspond loosely, although in different order, to the clauses at the end of §23.

Etenim multa simul ante oculos versabantur:
mors hominis florentissimi, Sex. Rosci, crudelissima,
fili autem eius egestas indignissima,
cui de tanto patrimonio praedo iste nefarius ne iter quidem ad sepulcrum patrum reliquisset,
bonorum emptio flagitiosa,
possessio,
furta,
rapinae,
donationes.

Landgraf's text has *emptio falsa*, which he defends on the grounds that the middle part of the sentence should display the same degree of developed symmetry as the beginning and the end.

praedo Cicero uses the word often in the orations, especially in the *pro Flacco* and *passim* in the *Verrines*, and in other formal writings, but only once in the letters. It

must be a word he saves for public effect. Following *patrimonio* the word is paradoxical, similar in sound, and contradictory in meaning: a *patrimonium* is an inheritance which an individual, ideally the rightful heir, receives by proper legal procedure, while a *praedo* is one who seizes property as booty, especially in war.

iter A right of way. As Cicero had stated in the previous section, Roscius had not yet finished the observances due to this father. Landgraf ad loc. discusses the legal ramifications of the issue, citing *Dig.* 42.12.5. Whenever a property was sold, the previous owner had the right, if there was a family burial-place contained within the boundaries, to specify in the contract of sale a right of way to enable him to tend the grave(s). **Reader says to see p. 142 of Loeb for note on this.

emptio Cicero would have called the sale (*reliqua constituta auctione vendebat* §23) *flagitiosa* no matter how it was conducted, but if Roscius maior had been proscribed legally and his possessions disposed of properly, all would have been sold at auction, not merely what was left after Magnus and his friends had taken what they wanted.

possessio This is a legal term for taking possession, i.e. seizure: *ipse amplissimae pecuniae fit dominus* §23. Cicero does not say specifically that the town fathers objected to the fact of possession, although they may have done, but to the manner.

furta, rapinae These words correspond to *plura clam ... removebat* and *multa palam ... auferebat* (§23), respectively.

donationes Often the word appears in conjunction with the verb *do* or *donare* (*donabat* in §23); cf. *Verr.* 2.3.185–187 (four times); *Agr.* 3.10; *Balb.* 48. Twice in later orations when speaking of "donations" Cicero refers to seizures under Sulla or others: *Agr.* 3.10 and *Phil.* 4.9. That is, the noun *donatio* means the action of giving, not the physical object, gift (*donum*).

ardere omnia *Omnia* is the subject; *ardeo* is intransitive.

videre ... T. Roscium When a verb of sense-perception is used in its literal sense, not as a verb of mental perception, it is followed by a participle, as in English. Cicero continues to represent the images in the minds and before the eyes of the citizens of America.

Sex. Rosci, viri optimi atque honestissimi Another reminder of the difference between the dead man and the possessor of his estate; the words echo *hominis florentissimi*, *Sex. Rosci* just above.

§25 **decurionum** The *decuriones* were the local senators, the chief of whom were the *decem primi*.

decurionum decretum fit ut This means *decuriones decernunt ut* (+ jussive noun clause), followed by four verbs representing the actions to be taken, in chronological order. Cicero resumes the historical present here.

doceant Cf. §26 *de his rebus Sullam doceri* (also §§110 and 127). For the sake of variety, Cicero uses an alternative construction in these two passages which occur close together. In this passage *doceant* means "inform". The verb admits of several constructions (A&G 396): the person told or informed is always accusative, while the thing told can be accusative, the object of the preposition *de*, or, as in this case, with an indirect question.

qui ... fuerit In this indirect question *qui* serves for *qualis*. Although Roscius maior was friendly with the Metelli, he did not know Sulla personally.

conquerantur In general, Cicero uses the uncompounded verb *queror* much more often; he reserves the form with the intensifying prefix for occasions when an especially strong complaint is required. In this oration, however, *conqueror* (§§9, 25, 125) appears almost as frequently as *queror* (§§29, 138, 141, 143).

conservatas With both *famam* and *fortunas*. The perfect infinitive (*esse* omitted) with *velit* is a more emphatic expression of the decurions' statement than the present.

Legati ... veniunt This is the only part of the mandate which the *decem primi* were able to fulfill.

Intellegitur ... fieri Cicero inserts a parenthetical reminder; cf. the end of §21.

scelera haec et flagitia fieri *Flagitia* encompass shameless behaviors of any sort, among which one might expect to encounter actual criminal activity: §§117–118 below (cf. §§38, 50, 68, 134). The words occur together in a few other places, e.g., *Verr.* 2.1.21, *Mur.* 63, and especially *Verr.* 2.1.82 *propter tuum scelus atque flagitium*. This instance is remarkable for its alliteration and word order: in addition to *flagitia fieri*, the postponement of the demonstrative until after the noun produces *Sulla scelera*, where one might see association by juxtaposition.

Chrysogonus et ipse ad eos accedit The conjunction *et* means "both", with the following *et*. By making Chrysogonus subject of two verbs, Cicero can move the man's name to a prominent position, illustrating the tactic which he claims to have instituted of repeating "Chrysogonus" to provoke consternation among the prosecutors (§60). With the adverb *statim* Chrysogonus appears to have been lying in wait to head off just such inconvenient legations.

When *accedo* means "approach", as it does here, it has a number of shades of meaning, from the spatial (§92 *qui multis annis Romam omnino non accesserit*) to the figurative (§3 *nondum ad rem publicam accessi*; *Rab. Perd.* 5 *deinde vos, Quirites, quorum potestas proxime ad deorum immortalium numen accedit*). There is sometimes more than mere movement implied, as there is in the wider meaning of English "approach", and in this passage Chrysogonus approaches the *decem primi* with the intention of making some kind of arrangement. Cf. *Verr.* 2.5.116.

Eos are the *decem primi* from Ameria.

et homines nobiles adlegat The verb *allego*, to give someone a commission, or to get someone to do something for one, eventually acquired the force of English *allege*

(Tacitus *Hist.* 4.84; Suetonius *Aug.* 5.1 and 47.1). Cicero uses it rarely: *Verr.* 2.1.39 and 2.1.149, *Phil.* 5.14.

qui peterent ... et ... pollicerentur Relative clause of purpose. Cicero prudently does not reveal (and cannot therefore be challenged regarding) the identities of these *nobiles* who do Chrysogonus' pleading for him and persuade the representatives of the Amerian council not to meet with Sulla.

et omnia etc. The word order weaves Chrysogonus into the business and places him squarely next to "everything", the position that Sulla himself ought to occupy (§22). The order of sense is [*homines nobiles*] *pollicerentur Chrysogonum facturum esse omnia quae [decem primi] vellent*.

§26 pertimuerat Cicero is fond of this compound and uses it frequently (as he uses compounds of *per-* generally: see note to §20 *perfacile*); although he usually gives *pertimeo* a direct object, he occasionally follows it with a substantive clause with *ne* (e.g., *Verr.* 2.1.72, *Mur.* 48), or a prepositional phrase with *de* (*Div. in Caecil.* 71. *Sest.* 94). The absolute use of the verb occurs perhaps a score of times, at all periods. Examples include *Verr.* 1.1.3 and 5, 2.2.74; *Manil.* 45; *Cat.* 2.1, 6, 14; *Phil.* 8.21.

mori mallet quam ... Sullam doceri Cicero has used two different constructions with *malo*, a complementary infinitive (*mori*) and object-infinitive (*Sullam ... doceri*). The latter is equivalent to a jussive noun clause but the former is not. The infinitive is regarded as complementary when the subject of the verb of will is the person whose action is described by the infinitive, and this person has the power to effect the action so described, e.g. *volo laudare [aliquem]*. If the subject of the verb of will cannot control the action implied by the infinitive, the construction becomes one of object-infinitive: *volo me laudari*, *volo eum laudare [aliquem]*, and *volo eum laudari* all describe activities desirable to the subject of *volo* but that cannot necessarily be effected by that person.

Sulla is the subject of the passive verb *doceri*; for *variatio* Cicero has both used a passive (if the verb were active, Sulla would be the direct object) and employed a prepositional phrase with *de* (cf. the note above to §25 *doceant*).

Homines antiqui The adjective describes their *mores*, not necessarily their years (L&S s.v. II.C). *Antiquus* (or the noun *antiquitas*) is often used in the sense of "old-fashioned" (and therefore laudable), with direct reference to men of prior generations: *Mur.* 17, *Phil.* 13.15. By extension, the living may be praised for exhibiting similar qualities, as at §27 *vestigia antiqui officii*; *Quinct.* 72 *hominem antiqui officii*; *Verr.* 2.3.210 *in illo antiquissimorum clarissimorumque hominum ... numero*. It can also mean something of the highest importance (*Off.* 1.155 *officia iustitiae ... qua nihil homini esse debet antiquius*; cf. Lepidus at *Fam.* 10.35.1).

Not all words for "old" mean "admirable". Cf. *vetus ac nobilis gladiator* in §17, and note to §28 *aliquem accusatorem veterem*.

ceteros fingerent etc. The relative clause of result, literally says "make the rest out of (the substance of) their own natures"; Cicero states a truism of human nature, both good and bad, that people imagine that others will think, believe, and react as they themselves do.

ille ... sese ... exempturum ... traditurum Chrysogonus' promise, to erase the name of Roscius maior from the list, will free the son from the laws governing the heirs of the proscribed, thus he promises also, in his own name, to return the property to Roscius. After Cicero's description of Magnus' treatment of the property in §23, *praedia vacua* seems ironic, but the adjective when used of property can mean "without any [other] owner": L&S s.v. II.D.

Capito ... appromitteret This is the first notice that Capito was one of the *decem primi*. The verb *appromitto* is a *hapax legomenon*, coined effectively to connect Capito with Chrysogonus. While Capito's position among the *decem primi* would have been established before the legation (and Cicero's use of *legati* here obscures that fact) and he would not have been excluded from participating in a task entrusted to these persons, the other legates from Ameria must have been peculiarly oblivious to the personal relationships in their own town to trust the assurances of a man whom Cicero describes as an enemy of the deceased. Cicero has stated as a fact that the *veteres inimicitiae* (§17; cf. *T. Capitonis inimici* §19) existed; he never explains their causes and extent. Up to this point it is Magnus who has been acting against the accused, while Capito has merely been described as an *inimicus*. Although the T. Roscii should be related to each other if they are related to Sex. Roscius (§87 *Inimicitias tibi fuisse cum Sex. Roscio et magnas rei familiaris controversias concedas necesse est*), Cicero does not make their relationship to each other clear either.

re inorata The *decem primi* may have believed that they had stated their case, but as they did not see Sulla it effectively went unheard.

rem differre ... isti coeperunt The verb *coeperunt* governs only the infinitives in its own clause; those that follow are better taken as historical infinitives. While it seems strange to say that Chrysogonus and his friends began, in effect, to do nothing, a better English idiom would be "they began [to handle the problem] by doing nothing". *Isti* are Chrysogonus and his friends.

procrastinare An extremely rare word, which Cicero seems to be the first Republican author to use.

deinde aliquanto lentius As it stands, the text reads, "next they were doing nothing and being deceitful a little more slowly". Some editors bracket *nihil* (thus "they went a little more slowly") or change *lentius* to *insolentius* or *licentius*. *Lentius* may not make strictly logical sense in its own clause, but it follows the sense established in the first part of the sentence. Landgraf ad loc. compares *Bell. Alex.* 71. Cicero's humorous intent aside, it is likely that he has some specific avoidance techniques in mind. A modern parallel is that of counsel who constantly files motions for continuance to avoid bringing a case to a conclusion.

deludere The verb *deludo* is a transitive verb but here is used absolutely: cf. Lebreton 1901: 159.

intellectum est This impersonal passive is equivalent to *intellegi potest*.

vitae A dative of disadvantage with *insidias parare*.

sese Subject in indirect discourse of *posse; arbitrari* continues the historical infinitives.

domino incolumi To call Roscius the *dominus* of the property is to state as a fact what Cicero is trying to prove.

obtinere "Hold on to": it is not a question of obtaining what they have already seized.

§27 **Quod hic** The neuter pronoun, object of *sensit*, refers to the last sentence, especially the plot against the defendant (*hic*).

de sententia The phrase usually means "in accord with their wish" (see §104 below), but "advice" suits the meaning better here. The phrase occurs with a genitive of the person(s) whose wish or advice is given, or, as at *Vat.* 16, with a possessive adjective. For parallels to the present passage, see *Verr.* 2.1.11, 2.2.91; *Clu.* 177, 184; *Cael.* 68 (bis), *Mil.* 65.

sese The object of *contulit*.

Caeciliam ... filiam The manuscript reading is *Nepotis filiam*; cf. §147 line 25. Scholars do not agree on her identity, nor why she was apparently independent: if she were not, Cicero would have named a male relation instead. See the discussion of people in the Introduction.

qua ... usus erat L&S s.v. *utor* II.A: to enjoy someone's friendship (the idiom is used of persons of either sex); cf. §15 for the corresponding noun: *cum Metellis ... domesticus usus et consuetudo*. When Cicero says that Roscius' "father enjoyed her [friendship] a lot", he means that Roscius maior and Caecilia had a long-standing friendship, and probably that he would visit her whenever he was in Rome.

quasi exempli causa Here, *exemplum* means a model to follow, a common meaning of the word, although not usually with *causa*. In general, *exempli causa* means "as an example", as at *Mur.* 27 *in omni denique iure civili aequitatem reliquerunt, verba ipsa tenuerunt, ut, quia in alicuius libris exempli causa id nomen invenerant, putarunt omnis mulieres quae coemptionem facerent 'Gaias' vocari*. Thus Cicero uses *quasi* here, both because he uses the phrase with an unusual force and because he calls Caecilia herself, not the naming of her, the example. At *Rep.* 3.8 Cicero has Laelius call Philus *quasi unicum exemplum antiquae probitatis et fidei*.

vestigia antiqui officii Cf. *homines antiqui* above. Cicero occasionally uses *vestigia* with an abstract idea in the genitive, but the word usually retains a literal or figurative meaning of traces (see §§62, 74, 91). The word does not imply that there is nothing but a faint trace remaining, as it does, e.g., at *Verr.* 2.2.160 *vestigium statuarum istius in tota Sicilia nullum esset relictum*. Caecilia's sense of duty (*officium*), being old-fashioned, is uncontaminated by more modern notions of expediency. Rather, there is little evidence anywhere of *antiquum officium* in the present time that Cicero portrays (*etiam nunc*), but those few people in whom it exists retain a full measure of it (*id quod omnes semper*

existimaverunt). Although Cicero does not in this passage make the point expressly, he alludes to a society affected by civil war and the inevitable changes in human behavior (cf. Thucydides 3.82.2 and 8 and 2.53). He addresses the situation explicitly in the peroration.

Ea ... Eius The pronouns at the beginning of the next two sentences are emphatic by position. This sentence is well framed by *Ea Sex. Roscium inopem ... opitulata est*, although grammatically *Sex. Roscium* is object only of *recepit*.

inopem The adjective is in apposition with Roscius (A&G 282b), as are the three participles that follow (*eiectum, expulsum, fugientem*).

eiectum ... minas Another tricolon auctum, delineating Roscius' position first as a man who has been forced to move (*eiectum, expulsum*) and then as one who moves on his own (*fugientem*) to escape violence. Landgraf ad loc. observes that Cicero likes to combine *tela* with *minae*.

expulsum ex suis bonis Lebreton 1901: 114ff. collects examples of places where Cicero uses a reflexive to refer to a logical person, not necessarily the subject of the main verb: after an infinitive, a participle or adjective in *-ndus*, a participle (as here and at §50 *quem sua manu spargentem*), a verbal noun or adjective (§98 *illum miserum, ignarum casus sui*), or in certain other circumstances and expressions.

desperatoque ab omnibus *Oppresso* and *desperato* are dative objects of the deponent *opitulata est*. The ablative of personal agent applies only to *desperato*, not *oppresso*. There are only two Ciceronian parallels: *Pis. 99 numquam ego sanguinem expetivi tuum, ... sed abiectum, contemptum, despectum a ceteris, a te ipso desperatum et relictum, ... videre te volui. Q.F. 1.1.1 nam superioribus litteris non unis sed pluribus, cum iam ab aliis desperata res esset, tamen tibi ego spem maturae decessionis adferebam*.

opitulata est Landgraf has a lengthy note on this somewhat rare verb; Republican writers, especially dramatists, prior to Cicero's time used it, and it appears about two dozen in times in Cicero's writings of all genres and periods, but there are few examples of its use after the first century BCE.

virtute, fide, diligentia Caecilia displays qualities essential to a patron and person of standing. See §147 for further description of her. Her *fides* is that of a patron to a client: cf. §§93 and 106, where Cicero asserts that the T. Roscii are clients of Chrysogonus and in his *fides*. He mentions his own *fides* to the defendant at §30. *Diligentia* is a quality that enables a person to fulfill the demands of *virtus* and *fides* by paying careful attention to matters at hand. On *fides* see also the note to §10 *fide*.

factum est ut The impersonal verb introduces a result clause.

hic ... referretur See the note to *nomen refertur* §21. This expression is used of writing things down in records of all sorts, especially financial, e.g., *Verr. 2.1.158, 2.4.12, Clu. 121, Phil. 8.28*. For *refero in reos* cf. *Verr. 2.5.109, Phil. 2.56*.

§28 caedis faciendae potestatem dari *Dom.* 6 is close to this passage: *instaurandae caedis potestatem non fecisse*. See also §73 *vel respondendi vel interpellandi tibi potestatem faciam*. *Potestas* can mean "opportunity" as well as "power"; Robert Kaster observes that the English word "capacity" embraces both ideas. *Potestas* often appears with a gerund or gerundive in the genitive, as here (e.g., *Quinct.* 87, *Div. in Caecil.* 63, *Clu.* 8), occasionally with *ad* + gerundive to express purpose (e.g., *Verr.* 2.2.178 *et mihi summa facultas ad accusandum daretur, et iudici libera potestas ad credendum*). At §122 *potestas data est* is used absolutely.

consilium Their plan of action is explained by the three substantive clauses which follow (*ut ... deferrent, ut ... compararent, ut ... pugnarent*). The first clause explains their plan; the second two, the method of achieving their aim.

de parricidio "On a charge of parricide". For discussion of the law and punishment, see the Introduction.

ad eam rem This is the first of three expressions involving *res* in this one sentence. *Res* does not refer to the same thing each time. The first means "to that end", *de ea re* is "concerning this accusation", and *in qua re* refers to the whole process of hiring a professional accuser.

aliquem accusatorem veterem ... aliquid *Vetus* often occurs in the negative sense of "an old hand", as opposed to *antiquus*, which is a positive word; cf., however, the force of the word at §48 *in his veteribus municipiis* and 106 *veteres ... patronos hospitesque*. Cicero adds the indefinite *aliquis* to indicate that any accuser at all would do as long as he said something (*aliquid*). The professional accuser in question is named Erucius (§35).

nulla subesset suspicio Since Erucius did not hold any of the dead man's property, he would avoid suspicion of a personal financial interest in bringing the prosecution. On the other hand, as Cicero later argues, prosecutors usually did have some interest in the case which they pursued, although there may have been those who claimed to be motivated by a disinterested concern for the public good.

Some Republican authors use forms of *subesse* to mean merely "be near" or "be at hand" spatially or temporally (e.g., *Caesar B.G.* 1.25.5, 5.23.6, 5.29.3, *B.C.* 3.97), as Cicero does at *Sest.* 64, *Mil.* 42. The spatial notion of the literal idea "to be under" can be either physical or metaphorical, the latter especially for subordination of categories; cf. *Top.* 27, *Inv.* 1.32 and 42. The accessory meaning of "to lurk" then develops naturally, and in such contexts *suspicio* often appears as well: *Quinct.* 66, *Clu.* 44, *Marc.* 32 *subesse aliquid putas quod cavendum sit*, *Phil.* 9.4 *at ea fuit legatio Octavi in qua periculi suspicio non subesset*.

crimine ... tempore ipso Cicero argues that the political circumstances (*tempus*) were the only point in the prosecutors' favor in the absence of real grounds for accusation (*crimen*). He had already mentioned *tempora* at the beginning of the oration (§§1 and 9), and he argues again at §58 that Erucius was counting on the times to aid his prosecution; in the peroration Cicero pleads with the jurors to fight against the cruelty engendered by the recent civil war (150 *ea crudelitas quae hoc tempore in re publica versata est; populum Romanum ...* 154 *hoc tempore domestica crudelitate laborare*).

loqui Historical infinitive. The verb is followed by indirect discourse despite the quotation marks printed in the text. The sequence after an historical infinitive is secondary (Lebreton 19091: 242).

homines The T. Roscii and their associates; if Cicero meant "people in general" he implied thereby not only that everyone thought the first trial of the reconstituted courts ought to end in a conviction, but that everyone knew not only about the role of Chrysogonus' influence in the affair, but about the *societas*. This would accord ill with what Cicero had said was a surprise (§§5-6), although at this distance from the introductory remarks strict logic is unnecessary.

quod ... facta non essent The subjunctive employed for most subordinate clauses in indirect discourse became a standard feature of classical Latin, a convenient way of marking indirectness, especially after an historical tense. Compare English indirect discourse "he said he would go" with "he says he will go" (direct discourse is "I'll go"). On the other hand, a writer used the indicative even in indirect discourse for a variety of reasons, e.g., to add a statement that was not part of the reported speech or thought, to say something that was true independently (see note to §12 *ostendetis*), in a circumlocution such as a relative clause which is a substitute for a noun. For similar reasons, causal clauses in the indicative give the speaker's reason, while those in the subjunctive represent reasons reported, which may or may not be genuine (see note to §6 *quoniam*). Since this causal clause is in indirect discourse in secondary sequence it would be subjunctive for that reason alone, whether or not Cicero would vouch for the truth of the reason given. See discussion in Woodcock 284–288.

iudicia Regular sessions of the law courts; *quaestiones*. Before leaving public office, Sulla both reinstated what one might call the rule of law. He reinstated standing courts that had existed previously (e.g., for *res repetundae*) and sponsored legislation specifically establishing new ones (*quaestio de falsis*, possibly the *quaestio peculatus*) or redefining the old. He combined prosecutions for murder (*de sicariis*) and poisoning (*de veneficiis*) and gave that court oversight in cases of parricide as well. See Gruen 1968: 258–265, Keaveney 1982a: 176–177, Hinard 1985b: 245–252, Hantos 1988: 154–161, Cloud 1994: 503.

condemnari ... esset Cicero represents the opposition's belief that the first regular trial would conclude with a guilty verdict to signal a return to law and order. *Oportere*, the main verb of the clause, does not here mean "fitting" or "proper", but "ought" or "must" in the sense of what is probable, even inevitable, not what duty demands.

huic Roscius (dative with *defuturos*); in choosing this pronoun Cicero represents the others' talk from his own standpoint.

patronos Cf. §30 *patronos huic defuturos putaverunt; desunt*. The plural indicates actual attorneys of established reputation as well as *advocati*. Cicero had begun his oration with an explanation of why he was the only one pleading the case; he returns to the theme in §58.

gratiam Chrysogonus' influence is due to his enjoyment of Sulla's favor, and the ability to do favors for others: see note to §15 *gratia atque hospitium florens*.

ista societate Cicero alleged the existence of this business arrangement in §21; he had mentioned the purchase of the property in §§5-6. The second-person demonstrative indicates that he speaks for the opposition from his own point of view.

neminem The subject of the infinitive *esse facturum*. Cicero sometimes emphasises *nemo* by placing it at the end of the sentence or clause, e.g., *Cat.* 4.5 (cf. *Phil.* 2.14); *Verr.* 2.2.36 *eum praeter Marcellos patronum, quem suo iure adire aut appellare posset, habere neminem, Marc. 7 huius gloriae ... socium habes neminem; Lig. 11 hoc egit civis Romanus ante te nemo*.

fore ut ... tolleretur A periphrasis for the future passive infinitive, literally, "it will be that he be done away with". Cicero uses the future passive infinitive slightly more often, in all genres, than the periphrasis seen here, which he would use when a complicated construction followed (e.g., *Div. in Caecil.* 68). In this case, however, the periphrasis is preferable to *sublatum iri*.

nullo negotio ... ab nullo defensus All of the clauses in this reported speech contain negatives or virtual negatives: *facta non essent, defuturos, neminem, nullo negotio tolleretur, ab nullo defensus*. The succession of negatives supports his contention that his client had been isolated and defenseless.

§29 atque adeo This idiom is used to make a correction, and when these two words appear together *atque* does not mean "and"; the expressions means "or rather" (L&S s.v. 2 *adeo* II.B.5).

quem ... occidere Hyperbaton. The relative clause, interrupted by the *cum* clause, is placed first, before the antecedent *eum*, to make prominent the clause of which *eum* is a part: *him* they handed over to be murdered by you. This concluding statement of the *narratio* is the statement "qui status controversiae sit" (Preiswerk 1905: 31). Yet the summation derives not strictly from the facts of the case, but from Cicero's interpretation of them.

iugulandum ... tradiderunt As in the passive periphrastic construction, when the gerundive is used with verbs meaning to give, hand over, confer, and so on (e.g., *committo, concedo, defero, relinquo, trado*), it indicates necessity or intention (Lebreton 1901: 395). Cicero rephrases this moral blackmail in his peroration (§151), and uses a similar argument many years later in his defense of Milo (*Mil.* 31).

vobis By its position, the pronoun may be taken with both the gerundive *iugulandum* and the verb *tradiderunt*, thus stressing the idea of the jurors' complicity.

Quid primum querar etc. Cicero interrupts his representation of the other side's plans, which he calls *amentia*, to insert a double tripartite *aporia* where the last of the first three questions (*aut quod aut a quibus auxilium petam* is in effect one question), indicating possible actions, introduces with the fourth question three possible sources of help. He will return in §33 to the subject of the opponents' madness, and to his client's unfairly

isolated position. Canter 1931: 460–461, writing on this passage and §124 as well as places in various other orations, says: "Irony is employed also when Cicero affects to be at an impasse" (with n. 11 "This figure of doubt ... is to be distinguished ... from the ordinary rhetorical question, which, while forcefully presenting the orator's views, does not aim to portray embarrassment or perplexity on his part.").

Quid primum querar
aut unde potissimum, iudices, ordiar
aut quod aut a quibus auxilium petam?
 deorumne immortalium,
 populine Romani,
 vestramne
 qui summam potestatem habetis hoc tempore
fidem implorem?

deorumne ... populine ... vestramne qui The enclitic *-ne* introduces alternatives. *Vestram*, as well as the two preceding genitives, modifies *fidem*. The relative *qui* has for antecedent the pronoun *vos* implied in the possessive adjective. While Cicero ostensibly speaks of *fides*, he avers that it is the jurors who wield the actual power in this instance.

§30 The first sentence embraces a four-part statement of increasing complexity: the father's fate, the attack on the household, the theft of the property, the son's endangerment. The progression is both chronological and cause-and-effect (or the type of argument called *post hoc ergo propter hoc*, i.e., to argue that if X happened after Y, then Y caused X), as each crime leads to that which follows:

Pater occisus nefarie,
domus obsessa ab inimicis,
bona adempta,
 possessa,
 direpta,
fili vita infesta,
 saepe ferro atque insidiis
 appetita.

ab inimicis Cicero places the one statement of agency at the end of the second clause, where it seems to embrace the whole of the sentence. Although he states only that the enemies have "besieged" the house, he has also described how these same enemies have made away with the moveable property (§23) and have attempted to remove the son (§§26ff.), thus *ab inimicis* need not, and should not, be understood with *obsessa* alone. By implication, then, the enemies have also killed the father (a hint at §18, extended *anticategoria* in §§84ff.).

adempta, possessa, direpta The third verb breaks the logical progression, unless the force of the prefix *dis-* is meant to convey the image of the possessions scattered among the friends and associates of Magnus (§23).

infesta In the primary sense, "unsafe"; at §88 Cicero, as he almost always does in the orations, uses the adjective with the more usual meaning, "hostile". When *infestus* means unsafe it generally occurs either with a verb of "making", e.g., *habeo, reddo* (*Verr.* 2.1.38, *Tull.* 19), or with an ablative or other construction of cause (*Agr.* 2.81, *Rab. Perd.*

10, *Cael.* 10, *Prov. Cons.* 4, *Planc.* 1), or both (*Inv.* 2.111 *excursionibus et latrocinii infestam provinciam redderent*). Cicero offers no parallels for the absolute construction employed here.

Quid ... sceleris Hyperbaton. *Scelus* sometimes occurs elsewhere as a partitive genitive with *quid* interrogative (e.g., *Cat.* 2.7, *Q.F.* 1.3.7, *Att.* 9.11.4) as well as other neuters such as *aliquid* or *nihil* (*Phil.* 14.4, *Clu.* 188 and *Mil.* 32). A neuter adjective modifying *scelus* would make a different statement: *quod scelus* means "which [particular type of] crime [is this]?" while *quid sceleris* asks "which [particular type] of [all] crime?"; here that would mean "is there any type of crime which is absent?" The separation of the neuter and genitive by *ab his tot maleficiis* makes more explicit the universal quality of the partitive. See also the note to *tantum scelus* §71.

nefariis This word appears thrice as a substantive in Cicero and occasionally elsewhere. Cf. *Verr.* 2.4.60 *Venio nunc non iam ad furtum, non ad avaritiam, non ad cupiditatem, sed ad eius modi facinus in quo omnia nefaria contineri mihi atque inesse videantur*, to which compare §37 *scelustum, di immortales! ac nefarium facinus atque eius modi quo uno maleficio scelera omnia complexa esse videantur!*; *Off.* 2.28.

cumulant Here the word means "increase" rather than pile up: cf. note to §8 *cumulus*. Cicero does not write this verb often in finite form (as opposed to a participle); the only other example in the orations is at *Cat.* 1.14 (*nonne etiam alio incredibili scelere hoc scelus cumulavisti?*).

adaugent The prefix multiplies the increase. This verb is rare in Latin prose authors or even in poets up to Cicero's time. It occurs four times in *De inventione* and several times in the contemporaneous *Rhetorica ad Herennium*. Years later it is found at *Red. in Sen.* 36, contrasted to *minuo*.

confingunt See note to §35 *confictionem*.

testis in hunc et accusatores huiusce pecunia The genitive *huiusce* reminds the jurors that the defendant's own resources allow his enemies to persecute him. Cicero never had much regard for witnesses brought forward by the other side, and as a matter of habit claimed that the opposition had paid for or perhaps extorted the testimony (e.g., *Cael.* 21–22 and cf. 54 where he recommends his own witness, or *Mil.* 60).

condicionem misero ferunt Latin *condicio* embraces the same range of meanings as English "condition" (e.g., *Tusc.* 3.36 *qui mortalis natus condicionem postules immortalium*; *Quinct.* 85 *dum ipse, si quid peteret, pari condicione uteretur*; *Clu.* 129 *condicionem supplici*). The phrase *condicionem ferre* means to offer terms. Cf. *Vat.* 28, *Phil.* 7.2, 13.36.

optet utrum ... an Here *opto* means to have a choice: the opponents have, however, proposed a dilemma. See Craig 1993: 33ff. It is a clever verb to use for deciding between two undesirable alternatives; Landgraf ad loc. notes that the primary meaning of *opto* is "to choose" and that the same root appears in the adjective *op-timus*.

cervices This noun is always plural in Cicero. The expression *cervices dare* means to undergo execution (by whatever means) (*Sest.* 89, *Phil.* 5.42 and 12.15); cf. however, *iugulum dare*, e.g., *Mil.* 31. The execution itself is often described by *cervices frangere* (*Verr.* 2.5.110 and 147, *Vat.* 26). Yet if found guilty Roscius will undergo a different sort of execution, the sack. Cf. Landgraf ad loc.

insutus in culleum The penalty for parricides was to be sewn up in a sack and drowned; Cicero speaks at greater length about this peculiar punishment at §§70–72. Neither in this oration nor at *Inv.* 2.149 does he say that the sack was to contain other creatures with the condemned person. When the word *culleus* appears in Latin, it is either in an agricultural context or it refers to the punishment of a parricide. Justinian's *Digest* 48.9.9 preserves a late account of the details: in accordance with the custom of the ancestors the parricide is to be beaten then sewn into a sack with a dog, rooster, viper, and monkey and thrown into the deep sea – but only if the sea is nearby. Otherwise, in accordance with a ruling of Hadrian, the parricide is to be thrown to the beasts. Other than this passage in the *Digest*, when authors later than Cicero mention the sack, they too usually neglect to name the animals. Juvenal *Sat.* 8.213–214 is an exception: *cuius [Neronis] supplicio non debuit una parari / simia nec serpens unus nec culleus unus*. For discussions see Radin 1920, Robinson 1995: 46–47.

Patronos For the third time, Cicero does not count himself as an established advocate. The sentence prefaces an emotional appeal, and commences a repeated *captatio benevolentiae* (cf. §9).

qui libere dicat, qui etc. The relative clauses of characteristic serve both as nouns (Latin has no complimentary word for free speaker, nor a term for faithful defender; translate "he who" or "one who") and as antecedents of the unexpressed subject of *deest*. On *fides* see note to §10 *Fide sapientiaque vestra fretus*.

§31 **temere** The adverb should be taken with *fecerim*, although by position it flavors *impulsus* as well.

adulescentia Ablative of cause with *impulsus*. Cf. §3 *ignosci adulescentiae meae poterit*; a common argument will attribute action to a person's age, not to the person.

semel Indicates priority of time with *quoniam*, not a statement of having done a thing once only: "since I have once undertaken it", i.e., "now that I have undertaken it". See Landgraf's long note ad loc.

omnes minae terrores periculaque impendeant omnia The first two members are in asyndeton; cf. §71 *caelum, solem, aquam terramque* and §131 *caelum terra mariaque*. For effect, although it is not necessary to sense or grammar, Cicero repeats *omnia* with *pericula* and leaves the adjective emphatically last in its clause.

succurram ac subibo The first verb is absolute, or one may imagine the whole case, or Roscius, as object. Lebreton 1901: 164 and 167 notes *succurram* and *subibo* as transitive verbs lacking an object. The understood objects of *subibo* are the *minae*, *terrores*, and *pericula*: Cicero uses *subeo* in the sense of "undergo", "submit to", and it requires an object. See *Verr.* 2.5.157, *Cacl.* 16, *Prov. Cons.* 41, *Phil.* 11.9.

Certum est deliberatumque Cf. §83 *quod certum est non facere*. Cicero usually employs a dative, or the verb *habeo*, with such expressions, which are virtual passives, even when it is clear who is deciding, e.g., *Rosc. Com.* 44 *si iam tibi deliberatum est*; *Verr.* 1.1.53, *Caecin.* 24 and *Clu.* 1 *mihi certum est*; 2.3.95; *Agr.* 1.25 *cum mihi deliberatum et constitutum sit*. By omitting a verb or *mihi*, Cicero can avoid taking full responsibility; cf. English "it has been decided".

quae ... arbitrator This relative clause (not an indirect question) is proleptic; Cicero has reserved *omnia*, the delayed antecedent of *quae*, for a more prominent position. *Omnia* also recalls the nouns which that adjective modified in the last sentence: Cicero will undergo all dangers, and will tell all.

omnia non modo dicere etc. Cicero implies that another advocate might have chosen to ignore the Sullan connection, but that he sees his only hope of victory in a daring exposure.

libenter audacter libereque The third adverb relates back both to his description of himself above (*qui libere dicat*) and to the *exordium*, especially §3 (*si omnia quae dicenda sunt libere dixerō ... si quid liberius dixerō*). The first two add extra dimensions to his self-portrayal: his first advice is that he is happy doing the defense (*libenter*). *Audacter* (cf. §2 *ego audacissimus*) is self-deprecatory and ironic, as it is a word which he regularly uses of only the basest people, e.g., of Fimbria in §33, and of Roscius' opponents throughout this oration.

tanta "So important", or perhaps, "so powerful"; with the result clause *ut possit ... adhibere*.

metus quam fides The contrasted subjects of *possit*.

§32 **tam dissoluto animo** When used of persons or their actions, *dissolutus* means "lax", "negligent", or worse, because there are no proper bonds holding things together. For some examples of the notion of negligence, see *Quinct.* 38, *Verr.* 2.3.123 & 163, *Cat.* 1.4.

Patrem meum iugulastis ... occisum *Prosopopoeia*. Cicero now speaks in the person of his client, addressing his accusers. Laughton 1964: 17-19 discusses the *figura etymologica* (use of a past participle of a verb immediately after using a finite form of the verb) in early Latin, with examples from Plautus, Terence, Cato, Scipio Aemilianus, Sisenna, and the *Rhetorica ad Herennium*, and in Cicero. He cites two examples of the traditional pattern (*Caecin.* 23 *improbis fuit quod homines coegit armavit, coactis armatisque vim fecit* and *Verr.* 2.5.61 *pretio certo missos facere nautas, missorum omne stipendium lucrari*). But the pattern is modified here by the substitution of a synonym: *patrem ... iugulastis, occisum ... rettulistis*, and so in most of Cicero's subsequent works there will be similar modifications of vocabulary and syntax to create a more subtle effect. Landgraf ad loc. has a very long note with many examples.

me domo mea The verb *expello* uses a preposition (repeated *ex*, or *de*) more often than it governs a simple ablative. Cicero often, but not always, follows a general rule

that spatial relationships require a preposition while others do not. Thus, expulsion from the state is usually *ex Italia, ex urbe, ex patria*: *Cat.* 3.24; *Mur.* 6, 32; *Flacc.* 5; *Sest.* 29, 30, 63; *Mil.* 101, 104; *Phil.* 2.54; but he has *civitate* at *Flacc.* 96, *Att.* 10.4.2. Other connections show a lack of strict adherence to a principle: §27 *ex suis bonis* and §147 *e patrimonio tamquam e naufragio*; *Quinct.* 28 *e praedio*, *Clu.* 188 *ex matrimonio*; and without preposition *Manil.* 12 and *Mur.* 33 *regno*.

patrimonium meum This is the fourth reference to "me" in the sentence.

etiamne ad subsellia Cf. §12 *inter ipsa subsellia caedes futurae sint*.

Quid voltis amplius? Cf. §145 *Quid vis amplius? ... quid quaeris amplius?* and Terence *Phorm.* 1035 *ignosce: orat confitetur purgat: quid vis amplius?*

aut iuguletis aut condemnetis Cf. §151 (*ad eamne rem vos reservati estis, ad eamne rem delecti ut eos condemnaretis quos sectores ac sicarii iugulare non potuissent?*). In the present passage *venistis* is a perfect (not a simple past), and governs primary sequence: Lebreton 1901: 255-7.

Cicero does not often use *iugulo* in the orations, although one might have expected that he would: six times in this speech (§§13, 29, 32 bis, 64, 151), thrice in *pro Quinctio* (44, 51, 95), twice in the *Verrines* (2.2.64 and 2.3.126), *Font.* 32, *Clu.* 68 (metaphorical), *Planc.* 71, *Mil.* 31, and, all referring to the same event, seven times in the *Philippics* (3.4, 10, 30, 5.22, 6.13, 7.17, 13.38); it always appears with a direct object or in the personal passive. *Condemno*, of course, occurs frequently, and, when it means "condemn", has an object if it is not passive. There are a few passages where Cicero uses this verb without an expressed object, but in those it has a context indicating that it means "vote for a guilty verdict", as opposed to "vote for acquittal": *Caecin.* 29 *maluisse condemnare quam absolvere*; *Clu.* 83, 108, 113, 127, 131. Roscius is the object of the two verbs here, but whether he should be third person or first is open to question. The mss. have *Sex. Roscium*, and Clark, following Lambinus, deletes it. The verbs are odd if used absolutely, and one can see why a scribe would have added an object. On the one hand, it is especially pathetic if one imagines Cicero still delivering the sentence in Roscius' voice and inserting Roscius' name, and Richter-Fleckeisen adduce in support of this interpretation *Il.* 19.151 and Livy 30.30.29 *Hannibal peto pacem*. Landgraf ad loc. defends the name also, and compares Sophocles *Aias* 864 τοῦθ' ὑμῖν Αἴας τοῦπος ὕστατον θροεῖ. Nevertheless the proper noun sounds more odd, in the midst of *prosopopoeia*, than lack of object: I would prefer to see *me: ut me hic aut iuguletis aut condemnetis*. If Cicero had written *me*, a marginal explanation *Sex. Roscium* might have crept in and replaced the pronoun.

§33 A brief digression, introducing an analogy.

C. Fimbria *RE* Flavius 88. Cicero elsewhere (*Brutus* 233) describes his oratory as in keeping with his character. C. Flavius Fimbria was one of the supporters of Marius and Cinna in 87. He was responsible for the deaths of P. Licinius Crassus Dives and one of his sons, and the murders of C. and L. Caesar in their own homes. In 86 Cinna sent Fimbria as legate to accompany L. Valerius Flaccus and his army to relieve Sulla of his eastern command against Mithradates VI (Appian *Mith.* 12.51). Fimbria killed Flaccus and took over his command, not without some success (Appian *Mith.* 12.52-53), but at

the end of the year he committed suicide after Sulla confronted him and his men refused to fight (Appian *Mith.* 12.59–60). Elsewhere Cicero mentions Fimbria without *invidia*.

nisi inter eos qui ipsi insaniunt insanissimum When *nisi* means "except" it should be accompanied by an interrogative or negative (L&S s.v I.B.1). Landgraf ad loc. observes that *nisi* without a negative is a feature of archaic Latin. The juxtaposition of *insaniunt* and *insanissimum* is a figure of speech called *tradio*.

in funere C. Mari Marius died early in 86, the year of his last consulship.

curasset ... ut Q. Scaevola vulneraretur Purpose clause. The use of *cur* and the passive imply that Fimbria had the murder attempt carried out by someone else. This is Q. Mucius Scaevola the Pontifex (*RE* 22), consul in 95. David 1992: 254-255 n. 92 and 293 discusses the effect Cicero intends to elicit from the jury by reminding them of Scaevola's death, one of the last murders of the Marians.

sanctissimus atque ornatissimus *Sanctissimus* as pontifex; *ornatissimus* as a prominent orator and advocate. The two superlative adjectives denoting Scaevola contrast directly with Fimbria's description as *audacissimus* and *insanissimus*.

de cuius laude etc. Cicero advances two reasons for not wishing to speak at length in praise of Scaevola; each has a different construction: (1) *neque hic locus est* + final clause, (2) *neque ... plura dici possunt* + clause of comparison introduced by *quam*.

ut multa dicantur This is a variety of negative purpose clause with the main clause omitted (A&G 532); the negative is attached not to the verb of the purpose clause, however, but to the first of the two alternative clauses that are statements of fact: *neque hic locus est ut ... neque plura tamen dici possunt*.

diem Scaevolae dixit The subject of the verb is Fimbria (*Is*, the first word in the sentence); Cicero uses the proper name as object both for clarity and because he has interrupted his sentence by several lines of praise for Scaevola. Evidently Fimbria abandoned the prosecution when he was assigned to Flaccus as legate with the army in the East (Gruen 1968: 235). *Diem dicere alicui* means to accuse, to prosecute someone, by having the praetor set a date for the hearing.

eum posse vivere Cicero might just as well have said *eum vivere*, but *posse* indicates that although Scaevola was likely to make a fair recovery, he was still recuperating from the wound when Fimbria announced his prosecution.

cum ab eo quaereretur The passive conveniently allows omission of an actual interlocutor, whom Cicero may not have known or may not have wished to name, and implies simultaneously that there was more than one person asking the question: "it was asked" = "people asked". The narrative has the flavor of a well known *mot* circulating about the city.

quid "Why?" answered by *quod ... recepisset* below.

tandem Often used with a sense of exasperation in the interrogative clause to emphasize the question mark: why ever will you accuse him? or what reason at all do you have to accuse him? Cf. its use below in §§38, 46, 113, 118; *quo tandem animo* at *Manil.* 11, 12 and 16; *Mur.* 3 *a quo tandem*, [who better?] *M. Cato, est aequius consulem defendi quam a consule?*

hominem One difference between *homo* and *vir* is that *homo* can be used contemptuously of a male human being. This passage provides an excellent example, where Fimbria is described as *hominem longe audacissimum ... hominem, ut erat furiosus*, while Scaevola is *vir sanctissimus atque ornatissimus*.

quod ... recepisset A variation on the people's shout to a defeated gladiator, "recipe ferrum!" Cf. *Sest.* 80 and *Tusc.* 2.41. Gruen 1968: 235 observes, "The story may be, in part, apocryphal, but Fimbria's reported comment is a neat and eloquent summation of the judicial circumstances. Charges no longer mattered."

eiusdem viri mortem Late in his life Cicero still remembered Scaevola with veneration, and hinted that his own fate would be similar: *Att.* 8.3.6; *Am.* 1; *N.D.* 3.80.

tantum potuit *Possum* and other verbs used with adverbial neuters mean "have effect" or "have influence" (*possum*), "prevail" (*valeo*), or whatever notion can best be extracted from the meaning of the verb *possum* without an added infinitive. *Quinct.* 69 is a good example: *Tu contra Burrieni qui iniuriam decernebat, omnium denique illorum qui tum et poterant per vim et scelus plurimum et, quod poterant, id audebant*. Sometimes the area of influence is specified, as at *Verr.* 2.2.113 *tantum auctoritate apud suos civis potuit*. Cicero uses *tantum* or *plurimum posse* of Chrysogonus at §§35 and 138, of prominent Romans (or, the nobility) at §§4 and 149. The subject need not be a person: at *Verr.* 2.6 it is money (*desinent homines dicere his iudiciis pecuniam plurimum posse*); cf. *Quinct.* 93; *Tusc.* 2.41. Indeed, Cicero opens his first extant oration, the *Pro Quinctio*, with a statement of the power inherent in ability and influence: *Quae res in civitate duae plurimum possunt, eae contra nos ambae faciunt in hoc tempore, summa gratia et eloquentia*.

quos quia The relative pronoun is proleptic; it refers to *ab eis* which follows. Shackleton Bailey 1979: 237–238, however, deletes *quia* because he believes that *quos* refers to the preceding *omnis* while *eis* is merely the Marians, "defying correct expression". Citing sources for Scaevola's death, he says that there is no other evidence Scaevola was killed because he was trying to negotiate a peace, but rather because he was considered an enemy. The two are not mutually exclusive in a civil war context, nor is it impossible that Cicero is enhancing his mentor's memory.

per compositionem At *Phil.* 2.24 Cicero uses the same word of his efforts to keep the civil war of 49 from breaking out: *pacis, concordiae, compositionis auctor esse non destiti*. (His statement is corroborated by the testimony of *Att.* 9.6.7 and 9.7b.2, and Caesar in *Att.* 9.13a.1.) These examples are the only ones in Cicero of the noun *compositio* with a political meaning. In other contexts it is "composition", "arrangement" (in the rhetorical and philosophical works), even, perhaps, "line-up," as when Cicero complains to Caelius that he is not interested in *gladiatorum compositiones* (*Fam.* 2.8.1).

Scaevola wanted to reconcile the Marian/Cinnan and Sullan factions; that is, it appeared to those who held Rome that he was going to support Sulla. Cicero states, and

possibly believed, that had anyone been able to negotiate peace between both sides the wars and proscriptions of the late eighties would have been unnecessary. Scaevola and three other senators (see the Introduction) were killed on the order of the younger Marius by L. Iunius Brutus Damasippus (*RE* 58), praetor urbanus in 82, whom Pompey later captured and killed.

§34 estne hoc ... simillimum Landgraf ad loc. notes that in this passage *-ne* means *nonne*, as it can in the comic poets. *Hoc* is the present situation, as Cicero will explain.

illi dicto atque facto Fimbriano *Similis* and its opposite take the dative or genitive of things; of people, the genitive only (e.g., *tui similes*). At §38 Cicero uses the genitive of things: *portenti ac prodigi simile*. There are no other instances in this speech of *similis* accompanied by either case save the very frequent *veri simile* or its variants (§§40, 57, 92, 106, 121), the Latin equivalent of the εἰκός-argument, useful for imputing motive or showing opportunity, and in arguments from character. Latin is as likely to form an adjective (*Fimbrianus*) from a proper name or other noun as to use a possessive genitive; cf. the adjective *paternus* in place of a possessive or objective genitive at §§15, 23, 66, 68, 77, 78, *Clodianus* at *Mil.* 89, *Sertorianus* at *Manil.* 21, *Sullanus* at *Verr.* 2.1.43 and *Mur.* 42. At *Agr.* 1.21 Cicero uses both adjective and genitive: *Sullanae dominationi et Gracchorum largitioni*. In the present instance, given the necessity of employing an oblique case with *similis*, the genitive of Fimbria would make the phrase difficult to understand.

de manibus vestris effugit Lebreton 1901: 175 writes that *effugio* is usually transitive.

Illud ... hoc Cicero constructs a contrast between the ranks both of the victim Scaevola and the intended victim Roscius, and of the perpetrators Fimbria and Chrysogonus: the earlier case is outrageous because of the stature of the victim, the present one because of the baseness of the criminal: this is an appeal to the jurors' class prejudice. Cf. *Quinct.* 95.

quid est in hac causa quod defensionis indigeat? Cicero's expostulation is meant to be the mark of a pleader who believes that he has a good case, or rather, that his opponents have no case at all, that the cause which he is pleading is genuinely *honestum*. Cf. Neumeister 1964: 130–131; at 148 n. 4 he cites this passage, which he compares to *De Or.* 2.186.

Cicero uses either genitive or ablative with *indigeat*, a verb which appears only four times in the orations, at widely spaced chronological intervals (*Rosc. Com.* 44; *Sulla* 25; *Phil.* 6.7) but frequently in rhetorical and philosophical works, most often — over thirty times — in the *De Inventione*. The choice of case does not seem to depend upon the nature of the verb's subject or object. E.g., at *Inv.* 1.63 one finds (for *variatio*, probably) *hoc si non constat, indiget approbationis; ... est igitur quaedam propositio, quae non indiget approbatione*. The genitive does, however, occur much more often than the ablative.

In the next sentence Cicero uses the near synonyms *requiro* and *desidero*.

expositam With *causam*. Cicero uses the participle in apposition with the noun to avoid inserting a subordinate clause; see A&G 396. Thus he means, "let us set forth the whole case, and after it has been set forth (*expositam*), let us examine it".

quae res ... quibus de rebus ... quid Tricolon with *homoeoteleuton*. Two of the three verbs are impersonal; their respective constructions are identical. Cicero will answer the questions in the order asked.

ita facillime
 quae res totum iudicium contineat
 et quibus <de> rebus nos dicere oporteat
 et quid vos sequi conveniat
intellegetis.

§35 Partitio or Enumeratio. At the end of the *narratio* the pleader should announce the different parts of the argument about the facts (*argumentatio*) that he is about to make. Quintilian 4.5.1 calls such a section the *partitio*, while it is called *enumeratio* in the *Rhetorica ad Herennium* 1.17.

Tres sunt res The sentence before this one was the transition to the *partitio* and now Cicero appears to be answering the three indirect questions he posed there. Yet this sentence responds only to *quae res ... contineat*, rather than *quibus de rebus nos dicere oporteat*. In the preceding sentence Cicero has limited himself to one thing (*res*), doubtless to induce his listeners to guess for themselves that the one really important thing holding the case together is Chrysogonus' influence.

When Cicero enumerates the counts against the accused, the listener is inclined to accept that anything not listed is not germane. Cf. the *pro Murena* 11; *pro Caelio* 30. If challenged, of course, Cicero could rely upon the human capacity for error; cf. *quantum ego existimare possum*, where *quantum* is adverbial: "there are three things, so far I can count". Cf. Gotoff's analysis of Cicero's treatment of the prosecutors' charges in the *pro Caelio* (Gotoff 1986).

quae obstant Lebreton 1901: 321 says that relative clauses following numerals are much more often subjunctive (result) than indicative.

crimen *Crimen* is an accusation, not a crime. Cicero attributes the three things, in the order listed here, to the three different parties to the accusation: the official prosecutor (*crimen*), the T. Roscii (*audacia*), and Chrysogonus (*potentia*).

confictionem "Invention" (from *confingo*). This word is a *hapax legomenon* in Cicero, and not known to have been used by anyone else except Caelius Aurelianus, a fifth-century C.E. medical author, *Acutae Passiones* 1.11.81 (citation from L&S). Cf. §§30 *crimen incredibile confingunt*, 42 *crimen commenticium*; 76 *nihil horum ne confingi quidem potest*; 47 *haec conficta arbitror esse a poetis*. The verb has all the meanings of English "manufacture", so that when, for example, one speaks of bees manufacturing beeswax or honey (e.g., Columella *RR* 9.13.11), there is no connotation that they are doing something underhanded. Cicero is the only first-century Republican prose author to use *confingo*; even in poets it does not occur often. But Cicero uses it a dozen times, all in the orations save one example at *Inv.* 2.36, and all but one, §47 below, occur in a context of inventing a charge.

Erucius The official prosecutor, whose case Cicero answers and criticises in the following sections, is named now for the first time; Cicero has already said the name Chrysogonus ten times, and that of one or both T. Roscii almost as frequently.

partis Accusative plural. As a stage term, *partes* (always plural) means the part or role, as at §§95 and 122, often with a verb of obtaining, undertaking, or acting, e.g., *Quinct.* 8, *Verr.* 2.4. 79, *Caecin.* 66, *Rab. Perd.* 6, *Mur.* 6, *Har. Resp.* 61; Caesar *BC* 3.51.5 *ne imperatorias sibi partes sumpsisse videretur*. The word is also used of political groups (cf. §§16 *eam partem causamque* and 137 *in eo studio partium*). At *Rep.* 1.31 Cicero expounds the doctrine that the division of the Roman people into two parts (or parties) dates from the time of the Gracchi. He says again at *Red. in Sen.* 33 and *Red. ad Pop.* 13 that there were two parties; at *Planc.* 12 he identifies one of these as "popular": *ipsius populi partis*. He, and others, say that in the early forties, party-sentiment defined Roman politics: *Marc.* 17, *Lig.* 26, Pollio at *Fam.* 10.31.2, Caesar *BC* 1.35.3 and 1.85.3. After Caesar's death, Cicero attempted to employ definition of *partes* ("Caesarian" and anti-) for his own ends: *Phil.* 5.32, 13.39, 42, 47.

plurimum potest, potentia pugnat See notes above to §§4 *qui plurimum possunt* and 33 *tantum potuit*; observe the force of juxtaposing the verbal expression "have [a certain amount of] power" (*possum* with an adverbial accusative) and the noun power (*potentia*). The choice and placement of vocabulary also produces an alliterative string of explosive P sounds, to which Landgraf ad loc. compares *Quinct.* 51 *mauult commemorari se cum posset perdere pepercisse quam cum parcere potuerit perdidisse*.

De hisce omnibus rebus me dicere oportere Cicero echoes the second question of §34, *quibus de rebus nos dicere oporteat*.

§36 **Quid igitur est?** *Sc. faciendum* (\approx *quo modo est dicendum*).

Non eodem modo *Sc. me dicere oportet de quaque re*.

prima illa res The *crimen*, the specific charge(s) that Erucius has brought against the accused; it is Cicero's duty as advocate to address the specific accusation.

duas ... imposuit Although he seems to say that the Roman people imposed *audacia et potentia* upon the jurors (*vobis*), he means that the people imposed upon them the responsibility for dealing with these problems.

oportet diluam Cf. below §§42, 78, and 82. The verb *diluo*, which Cicero uses almost exclusively in a context of conducting a defense, retains much of the original force of the word's parts, "to wash away", "to dilute" (*N.D.* 2.20 *nam ut profluens amnis aut vix aut nullo modo, conclusa autem aqua facile conrumpitur, sic orationis flumine reprehensoris convicia diluuntur, angustia autem conclusae rationis non facile se ipsa tutatur*). This can mean anything from "argue away" to "explain", although "to explain" is less often the orator's aim. See *Verr.* 1.1.33, 2.2.91, 2.4.43, 2.5.77, *Clu.* 6, 8, 166 (where he indicates that many words are needed *ad crimen diluendum*); *Cael.* 35, *Scaur.* 14, *Mil.* 72. In his oratorical works Cicero explains how to "dilute" accusations or unpleasant testimony, a process in which argumentation is necessary although it may be assisted by the employment of humor or some other tactic: *Inv.* 1.22, 78, 2.127, 143, 237, *Part.*

Orat. 15, 28, 120, *Orat.* 49. In the famous passage (*Brutus* 277–8) where Cicero relates how he defended a client on a charge of attempted murder, when the prosecutor, M. Calidius, was the intended victim and Cicero countered that the prosecutor's manner (not to mention his *actio*) was not convincing, he concludes, *sic nos summi oratoris vel sanitate vel vitio pro argumento ad diluendum crimen usi sumus*.

vos et audaciae resistere etc. This answers the third question from §34, *quid vos sequi conveniat*, the jurors' duties. The first two of the *tres res*, *crimen* and *audacia*, receive short notice: the advocate should argue against the accusation, the people in charge of lawcourts should try cases against malefactors, but as Cicero argues that the problem of *potentia* is the most threatening of all he treats it with the prominence that he says it deserves.

perniciosam atque intolerandam potentiam These are loaded words. Cicero uses *perniciosus*, in all genres, more often than all other writers combined. It occurs most frequently in expected contexts, e.g., four times in *Cat.* 1, nine times in the Philippics. Although the word means "destructive", it is mostly used in a context of a danger to the state or, more particularly, to the senate's control thereof (e.g., with *leges, consilia, cives, tribuni plebis, largitio*; the word *seditio* often occurs in the same context: e.g., *Verr.* 1.1.1, *Cat.* 1.3, 12, 28; *Mur.* 80).

Intolerandam recalls §34 *non est ferendum*. Latin writers rarely use this adjective, which occurs both in a physical (or, as at *Verr.* 2.3.99, financial) sense and with an extended meaning, often indicating that circumstances, as much as the actual fact, make something insupportable. At *Verr.* 2.2.112 it is the status of the victim, while at 2.4.78, when Cicero describes how Verres inscribed his name on Scipio Africanus' monument, there are both a distinguished victim and a vile perpetrator (cf. *Font.* 44). The word will mark discussion of agrarian legislation (*Agr.* 1.15, 2.57 and 61) or of certain tribunes of the people (*Vatin.* 23; cf. Livy 3.9.10). While the word can be used of physical pain, it usually describes abstract nouns: power, rule, violent or base personal characteristics.

primo quoque tempore Literally, "at each first time": in effect, however, *primus quisque* means the first possible, thus, "at the first possible opportunity", namely, now. Although the import of *primo quoque tempore* is not very different from that meant by *quam primum*, the present phrase is both more specific as to the implication that a date must be set, and more specifically acknowledges outside circumstances that must be factored into setting that date, e.g., to discuss a certain matter in the senate (in the formula *senatui placet ut consules primo quoque tempore de aliqua re referant*; or some variant, e.g., *Phil.* 3.39, 4.5, 5.4, 11.31), to convene a trial or hearing (*Inv.* 2.60), to hold an election (*Att.* 4.17.3), to assemble an army and get it to a given location (*Att.* 8.11d.3).

extinguere atque opprimere Cicero uses these verbs together elsewhere, e.g., at *Agr.* 2.90 and *Har. Resp.* 3, but they do not entail the same manner of achieving the same result: "extinguish" denotes a natural process and "oppress" does not. Landgraf ad loc. cites *Am.* 78 to demonstrate the point.

§§37–82 Argumentatio. Elaboration and Refutation of the Prosecution's Case

Preiswerk 1905: 36 analyses what is Cicero's usual course of argument for the defense; he finds that the orator uses different sorts of arguments but a predictable

structure. In the first part of the *argumentatio* Cicero (1) deplors the crime, explains the cause(s) of death, and describes the defendant's character, then (2) examines the means necessary to perpetrate the crime, and finally (3) discusses the immediate aftermath of the crime and the investigation of it. A synopsis of his outline is as follows:

§§37–82 defense of Sex. Roscius

1. §§38ff.: *causae*, arguments from Roscius' character
2. §§73–76, 79–82: *facultas*, the means, opportunity
3. §§77–78: after the fact, inability to question the slaves

§§84–128 accusation of T. Roscius

1. §§84–91: the Cassian question *cui bono?*; character of T. Roscius
2. §§92–93: *facultas suscipiendi malefici*, T. Roscius' opportunity
3. §§95–128: after the fact, T. Roscius' and Chrysogonus' actions

§37 Occidisse patrem In rhetorical works Cicero observes that a patron would do well to agree, when a charge is heinous, that it is: *Inv.* 1.21.

arguitur *Arguo* takes a variety of constructions, most of which appear in this speech: an accusative of the person accused (although Cicero often omits the person, as at §§45, 76, 82; at §120 he omits the charge, which is left to be supplied by context) plus the complaint in the genitive (§53), ablative (with *de* in §82), accusative (§45), or (as here and in §§57, 74), an infinitive with subject accusative, i.e., indirect discourse following *arguo* as a verb of speaking. Pötter 14–15 discusses *arguere* as a synonym for *accusare*, and says that it means 'to make ἀργός' and means *accusare* when the crime in question is major, citing as examples, inter alia, *Rosc. Am.* 53, 57, 82. Note *argumentis ... uti* in the next section, §45 *usque eo quid arguas non habes*.

scelestum, ... nefarium ... eius modi The third qualifier of the *facinus*, a descriptive genitive replacing an adjective, introduces a relative clause of result (where *quo = ut eo*), thus building to a crescendo.

quo uno maleficio ... complexa esse Cicero substitutes *maleficio* for *facinus*: see Landgraf's excellent note with parallels. *Complexor* is a deponent. A parallel to the idea expressed in this passage occurs in [Quintilian] *Decl. Mai.* 17.12 *ita non haec una vox complectitur omnes calamitates?*

voltu saepe laeditur pietas *Voltu* is ablative of means: "by an expression" (or look). *Laedo* is the usual verb for doing harm to an abstract idea, divinities, and human beings if the harm is not physical. It occurs a number of times in this oration: five times in §§111–116, where Cicero descants upon the betrayal of trust, in §124 and six times in §§135–145, where he discusses the cause of the nobility and the necessity of its separation from Chrysogonus'. *Pietas* means "proper feelings" and includes both duty and affection, especially towards parents (as here) and other family members, country, political allies, deities.

in eum Here *in* means "against". The English idiom in this context ("what punishment harsh enough will be found") is "for him".

mori ipsum ... iura ... cogebant The use of the indicative in contrary to fact conditions is regular when the verb involved has the intrinsic meaning of possibility, likelihood, or duty: A&G 517b&c.

§38 **tam singulari** The crime is singular because it rarely happens, as Cicero says in the next clause; cf. *audaciam ... singularem* below.

numeretur "To be counted", used without a preposition, means "to be reckoned the same as" (\approx *haberi, putari*), as at *Verr.* 2.2.108 and 170, *Caecin.* 68, *Mur.* 49, *Red. ad Pop.* 13, *Pis.* 23. The primary meaning, to count, has not been lost; examples include *Verr.* 1.1.31, *Caecin.* 90, *Red. in Sen.* 1. Twice at least Cicero uses *numero* in conjunction with *enumero*: *Inv.* 1.35, *Deiot.* 12. Frequently what one counts, or rather, counts out, is money, e.g., *Verr.* 2.1.28 and very often, especially in the Verrines.

quibus tandem ... argumentis Cf. note to §33 *tandem*.

nonne et audaciam eius By asking Erucius whether he ought not to have based an argument on the defendant's character, but did not, he prepares the jurors to hear nothing but good about Sex. Roscius. Observe the use of polysyndeton in this sentence, a phenomenon that appears in Cicero with the conjunction *-que* or with a combination of *et* and *-que*, especially when connecting prepositional phrases, or clauses, or modified nouns. There are other examples at §§45 and 131 (bis).

in crimen vocetur Literally "is summoned to a charge". At §113 the charge is given in the genitive, although Cicero does not usually supply one with this expression; he does, however, occasionally add *in invidiam* or *in iudicium*, the latter being the formal accusation. The best formulation is *Verr.* 2.3.217 *Quam ob rem non ego invideo commodis tuis, si quae ad te lege venerunt: iniuriam queror, improbitatem coarguo, avaritiam in crimen et in iudicium voco*. See also *Verr.* 2.5.133, *Rab. Perd.* 134, *Sulla* 61, *Planc.* 55.

singularem Hyperbaton. In the context of this whole sentence, cf. *Verr.* 2.1.8 *singularem quandam poenam istius immanis atque importuna natura desiderat*.

ostendere The infinitive depends on *oportere*, assumed from previous sentence. Its objects are *audaciam, mores, naturam, vitam, omnia*.

mores feros immanemque naturam The bestial part is enclosed between an obvious attribute and the external evidence (*audacia* and *vita*). Cicero often uses *immanis* or the noun *immanitas* in reference to beasts, or to human beings as beasts, either with the adjective *ferus* or with an appropriate noun (*belua, bestia, fera, feritas*), e.g., §§63, 71, 146, 150; *Verr.* 2.2.51; 2.5.109, *Sulla* 7, 76, *Planc.* 81, *Phil.* 13.21, 14.8.

denique omnia Cicero's characterisation of such an accused focuses on both character (*audacia, mores, natura*) and evidence of character as seen in actions (*vita, omnia*). The length of the list is excessive, although the alliteration *vitam vitiiis* is nice. This kind of argument — that previous evidence of a depraved character or misspent life is necessary to accuse someone of a heinous crime — was, with its opposite, commonly employed in Greek and Roman law courts. No one seems ever to have reduced the idea ad absurdum, for until one has committed even a minor infraction,

one's purity of character is infinitely (mathematically speaking) removed from the possibility of conceiving of such a deed.

omnia ... profligata The statement is imprecise. *Omnia*, often used as a noun, means every aspect (of his life). Cicero usually employs only the perfect passive participle of the verb *profligare*, to ruin or finish off, although there are three instances of the finite verb, all rather late (*Rab. Post.* 42, *Phil.* 14.37, *De Or.* 3.4). When used of things, *profligatus* means destroyed (e.g., *Verr.* 1.1.8, *Prov. Cons.* 35), of people, depraved (often in conjunction with *perditus*) or, occasionally afflicted: *Verr.* 2.3.65, *Rab. Perd.* 23, *Cat.* 2.2, *Arch.* 14, *Har. Resp.* 46, *Sest.* 73, 89, *Phil.* 3.1. The collocation *ad perniciem profligata* is unique in Cicero. But by using it he was able to spit out the succession of words beginning with P. Weische 23–4 attributes the use of *profligata* here to Cicero's model, Demosthenes *Phil.* 3.1.

Quorum ... nihil Erucius has evidently cited none of the usual arguments of character assassination just rehearsed. Cf. Alexander 2002: 159.

in Sex. Roscium ... contulisti *In aliquem conferre aliquid* means either to ascribe something to someone or to confer a thing on someone: the characters of the thing given and of the recipient vary with circumstances, although in forensic oratory Cicero often accuses his opponents of unfairly laying a charge, or ill-will, on his client. Examples include §130 *omnia ... in patronum suum voluerit conferre*; *Verr.* 2.1.41, *Font.* 18, *Clu.* 55, *Flacc.* 41, *Cat.* 1.2. The recipient may also be worthy of that which s/he receives, either for worse, as at §100 *non hanc suspicionem nunc primum in Capitonem conferri*, or better, *Manil.* 49 *hoc tantum boni ... in rem publicam conservandam atque amplificandam conferatis?*.

ne obiciendi quidem causa Cicero here offers the first point of his refutation: how could Roscius be guilty of parricide when his accusers have not attributed to him a depraved character (since all agree that parricides are rare and monstrous), even for the sake of the mere abuse? This is an early example of one of Cicero's favorite tactics, accusing his opponent of an imperfect grasp of the principles of oratory or logic, or of misjudging or insulting the audience (§§44, 48, 50, 89).

The absolute use of the verb here is unique: *obicere* in forensic contexts means to raise (something as) an objection, or to state something to the opposition's detriment for the purpose of creating ill-will. It always has some kind of object, expressed or implied, although the object may take the form of an infinitive and accusative, or a clause with *quod* (*Verr.* 2.4.37, *Clu.* 165, *Mur.* 83, *Cael.* 5). In the present instance, one must understand the whole meaning from the verb itself: "casting aspersion" or the like.

§39 Patrem occidit Statement of the prosecution's case and evidently ironic; Cicero continues by describing the sort of person who could be expected to commit such a crime, and refutes each point of the characterisation (proof by denial of the contrary). It is interesting that for the sake of arguing in this manner he states (not, perhaps, in his own manner, in the actual delivery) that Roscius killed his father (as he may have done; see the Introduction). Cicero may have enjoyed saying the truth as if it were a lie as much as he enjoyed saying a lie as if it were the truth.

adulescentulus A word found very, very often in comedy. It is not necessarily disparaging, and applies only to chronological age, or Cicero would not use it of, e.g.,

Pompey in the late eighties (*Manil.* 61). In the correct context, however, the idea that a "mere youth" would presume to do or say something can imply severe criticism. Catulus called Caesar an *adulescentulus* when the latter was 37 (*Sallust Cat.* 49.3); the term in that case was not absolute but relative.

nequam A Plautine word, almost always applied to persons: *Verr.* 2.1.121 (*negabant mirandum esse ius tam nequam esse verrinum*) is the only exception in Cicero. Of the other nineteen occurrences, only four lack a form of *homo*, but usually include a more specific term, e.g., §130 *liberti nequam et improbi*.

inductus "Incited" (L&S s.v. II.B.2), here and at §§76 and 79 used without a verbal object. Cf. §53 *animum inducere ut naturam ipsam vinceret*. Elsewhere Cicero rarely uses *induco* absolutely in this sense unless its participle refers to the subject of the verb; otherwise he writes a substantive clause to describe the action, as in §53.

At §117 the verb means "led on", i.e., deceived.

Annos natus maior quadraginta After *maior* one expects the ablative or *quam*, but does not always find it (the numeral being indeclinable): *annos* is required for the expression of age, and one may understand what is omitted, a repetition of the word in the appropriate case.

The statement of the defendant's age does not in itself answer the possibility *ab hominibus nequam inductus*; it is an argument from common belief that the young are more easily led on than are older people.

Vetus videlicet sicarius Cf. §§17 *vetus ac nobilis gladiator*, 28 *aliquem accusatorem veterem* (with note), 61 *veterem tuam illam calliditatem atque prudentiam*.

versatus From the deponent form (L&S s.v. *verso* II.B.2): "to be frequently" in a place or situation, or among certain people, can mean "to be habitual" as, or in, a condition, e.g., §§78 (*in egestate et in insidiis*), 81 (*in praeda et in sanguine*), 120 (*inter suos*), 140 (*in aliis rebus*), 150 bis (*in re publica ... in hac tanta immanitate*), 154 (*in hac re publica*); further, by implication "to be engaged in" the activities associated with the location indicated, e.g., §§16 (*in foro et in ore omnium*), 95 (*in iudicio*). The sense is pejorative only by context. The verb also has the more abstract meaning of that which occurs to one, especially of recurrent unpleasant thoughts or mental images: §§24 (see note ad loc.) and 98 (*non versatur ante oculos vobis in caede Glaucia?*).

ne dici quidem This is part of a puzzling sentence, literally, "but you heard this not even said by the accuser". It is difficult to hear something that was not said; English idiom would put the "not even" with the verb "to hear". The difficulty vanishes if one translates *dici* "mentioned".

Luxuries ... De luxuria In Clark's text, the fifth declension form is followed by the first in the next sentence. The same phenomenon occurs at §75 (*In urbe luxuries creatur, ex luxuria existat avaritia necesse est*). The text, however, is not certain (see below). L&S say that the ablative of the fifth declension form is doubtful. Cicero does not use the nominative *luxuria*. He does, however, use either form in the accusative singular, whether or not the object of a preposition, and *luxuriae* only for the genitive. There is only one passage other than those in this oration, out of the many occurrences

of this word, where Cicero follows *luxuries* with an oblique case of the same word: *Cael. 57 in eius modi domo ... in qua inusitatae libidines, luxuries, omnia denique vitia ac flagitia versentur, hic servos non esse servos, ... ad quos aliquantum etiam ex cotidianis sumptibus ac luxurie redundet*. In that instance the mss are apparently unanimous in the reading *luxurie*.

nimirum Ironical, as at §151; at §149 it is not. While the adverb may often be rendered "of course", either ironically (*Verr. 2.4.57, Clu. 143*) or sincerely (in the sense of "surely": *Quinct. 85, Verr. 2.2.191*), sometimes it evades an easy rendition into English.

aeris alieni *Aes alienum* means someone else's money, a debt.

impulerunt The verb is used in the sense of *induco* encountered in the last section. Extravagance and debt are often encountered in Ciceronian (and other people's) argument as motives for violent crimes, e.g., *Quinct. 26, 53 and 83, Cat. 2.4 and 2.20, Cael. 43*.

purgavit The original meaning ("cleanse": see *Cat. 1.10, Tusc. 5.66, N.D. 2.126*) of *purgo* extends to our judicial sense of "clear"; the Latin verb does not require an object and usually does not have one (although the gerundive form occurs with *crimen/crimina* at *Clu. 3 and 143*, but cf. *Sulla 14 ad purgandum me*), e.g., *Clu. 64 purgo Habitum; Mur. 51 non se purgavit*. Often the person to whom one wishes to be proven innocent is given in the dative case, and occasionally the matter at issue is the object of the preposition *de* (as here).

ne in convivio quidem ullo fere Erucius had argued that Roscius' almost total avoidance of parties was evidence of an unnatural character; cf. §52. Although luxury can be defined by practices other than party-going, Cicero expects the jurors to be content with this dismissal. He similarly distinguishes between his client, the rustic Quinctius, and his urban opponent Naeivius at *Quinct. 59 and 93*. The rhetorical point to be made in the cases of Quinctius and Roscius is that uncultivated country-dwellers are paradigms of old-fashioned Roman virtues. See also Vasaly 1993: 156–172 and 1985 4–13.

debut The verb is used here in its primary sense: he had no monetary debts. Parallels for the absolute use of the verb include *Quinct. 15, Clu. 75, Phil. 2.93, 96, 103*. One can owe less tangible things as well, e.g., thanks, honor, penalty, service: *Cat. 3.23, Mur. 8, Pis. 6 and 91, Mil. 32 and 83, Marc. 27, Phil. 2.27 and 113*.

Cupiditates porro etc. Cicero cannot directly refute a charge that the defendant had *cupiditates*, so he argues from character, habit, and likelihood (*quae vita etc.*). Cf. §75. Preiswerk 92-94 discusses the possible origin of Cicero's use of ethical arguments ("quae est de vita et moribus"), because the Greek rhetorical models (including Cicero's *De inventione*) provide no tactics like those that Cicero actually uses in his orations. It seems to be a device that owes much to Roman prejudice and practice.

Porro is generally used to add another point, clarification, or definition to an argument or to take an exposition one step further: cf. §§64, 70, 116, 120. It may be pertinent to the case that it was Cicero's regular practice to dismiss inconvenient (and possibly true) allegations by some such means as he employs here, suddenly

abandoning the defendant as an individual and arguing from conventional wisdom within a cultural context. When he had incontrovertible proof — and probably he could demonstrate, for instance, that Roscius had no outstanding debts — he used it.

in agro colendo The gerundive construction, singular or plural, often serves Latin as an abstract noun, our compound "agriculture". Other examples in Cicero include *De Or.* 3.133, *Rep.* 2.26, *N.D.* 2.151, *Sen.* 59.

a cupiditate ... coniuncta est Kasten writes *est* after *disiuncta: quae vita maxime disiuncta <est a> cupiditate et cum officio <coniuncta>*, which I prefer. Clearly something is needed after *disiuncta*.

§40 Quae res igitur tantum istum furorem Cicero asks what could have elicited such madness (in a sane person). The second-person demonstrative *istum* indicates that Cicero refers not to madness absolutely but to the madness in Erucius' description ("that madness you spoke of"), or that which Erucius ought to have described ("that madness you ought to have spoken of"), or that which Cicero claims must be inherent in Erucius' argument.

obiecit Here the verb means "imparted" (L&S s.v. II.A). In the context (§38 *ne obiciendi quidem causa*) one suspects word-play, yet this is an appropriate word to describe the intrusion of madness into a person (Virgil *Aen.* 7.346 and 456 uses *conicio*).

Patri non placebat? The very device of repetition, apart from the intrinsic sense or logic of the phrase repeated, tends to reduce any statement to absurdity. This sentence may be added to the passages adduced by Canter 1936: 461 as examples of "ironical repetition of another's words".

eam ... perspicuam Sc. *causam*, which Cicero says needed to be "perspicuous" enough that there would actually be witnesses to incidents demonstrating a genuine cause of disfavor: the adjective has some of the meaning of English "conspicuous" (Cicero does not use the Latin equivalent, and rarely employs even the verb *conspicio*): it indicates something which a person can see thoroughly or with ease. The adjective and its adverb are favorites with Cicero in his earlier work.

One might compare the use of other adjectives, e.g., *clarus*, which by its association with light can mean that which is easily seen (*Cat.* 1.6 *luce sunt clariora nobis tua consilia omnia*), and Cicero sometimes uses *clarus* and *perspicuus* together as near synonyms (*Lucullus* 45, *Fin.* 5.55, *Div.* 1.10; cf. *Verr.* 2.2.187 where he combines *clara et testata* with the verb *perspicio*).

Nam ... necessariis Cicero argues two points at once: (1) Roscius needs a motive (Cicero has rejected the one supplied by the prosecution, that Roscius' father did not like him); (2) his father needs a motive (for the dislike asserted by the prosecution). The two parts of the sentence balance each other, the words in the prepositional phrases at the end arranged chiastically; *ut* is correlative with *sic*:

(1) *ut illud incredibile est*

mortem – verb – patri – a filio – sine plurimis et maximis causis

(2) *sic hoc veri simile non est*

odio – verb – parenti – filium – sine causis multis et magnis et necessariis

There is also variety: *odio* (dative of purpose), not the subject (*filium*), takes first position in the second clause, not only for emphasis, but to preserve the order set out in the first clause. In the second clause, *causis* precedes the adjectives; its adjectives balance and exceed in number those of the first clause, although in the second he employs the positive forms of "many" and "great" (*plurimis–multis, maximis–magnis, + necessariis*).

odio fuisse parenti filium While Cicero used the verb *odi* at all periods and in all genres, he admits a variety of constructions with *odium*, his favorite of which is the double dative which he uses here.

Loutsch 1979: 107-109 argues that the position of the murdered man may have been much less positive than Cicero says it was in the *narratio* (§16); he believes that the rupture between father and son may have come about because of the son's disapproval of his father. On the other hand, Kinsey 1985 and Dyck 2003 believe that the son may have been a spendthrift (or worse) whose work on the farms was indeed due to his father's displeasure, as a punishment or perhaps as a way of repaying his debt.

§41 **eodem** To the same place in the argument.

in unico filio Roscius maior had had two sons, but one had predeceased him (§42 below). The adjective *unicus* occurs not often in Cicero, almost always of an only child, or only son or daughter; once of a brother (*Att.* 3.19.2). Twice Cicero uses it of abstract qualities: *liberalitas* at *Quinct.* 41, *exemplum antiquae probitatis et fidei* at *Rep.* 3.8.

perspicuum est The phrase serves as a reminder of the *causam perspicuum* above. Cicero gives as a fact what he aimed to prove, that there was no *vitium* in the defendant.

constantissimus "Steadfast", or, to use the English derivative of another form of the verb, "consistent", the opposite of *amens*. Cf. *Rosc. Com.* 49 *Quem hominem? levem? Immo gravissimum. Mobilem? Immo constantissimum*. Cicero uses the superlative more often than the positive form of the participle.

perspicuum profecto est The second use in three lines, with the same meaning; as Cicero has defined the premise (either the son must be vicious or the father insane), if neither condition is justified the argument of intent to disinherit cannot stand.

si ... fuerit ... fuisse The combination of the tense of subjunctive used with the perfect infinitive indicates that the condition in indirect discourse represents a simple past condition with both verbs a perfect indicative. And this would suit Cicero's argument, that there was cause neither for the father to hate nor for the son to commit a crime: even a future more vivid condition would not present the situation so incontrovertibly.

neque odi causam patri neque sceleris filio fuisse *Patri* and *filio* are datives of possession; *causam* is used with both the objective genitives *odi* and *sceleris*.

§§42-52 **Roscius as vilicus**. See Aubert 1994: 153-154 for discussion of the possible legal and financial standing of the younger Roscius. He writes, "... it is not clear whether the

son was in charge of a single *fundus* (which would bolster the prosecutor's case) or of the whole property (which would stress the trustworthiness of Cicero's client). Neither party seemed able to produce a decisive argument about this point."

§42 illum alterum qui mortuus est It seems remarkable that the prosecution did not also allege that Roscius had removed his brother, although the circumstances of the death, not known to us, may have made such an accusation impossible. Perhaps they did: all that we have of the prosecution's arguments are those that Cicero chooses to answer. Yet on balance, his silence allows a strong argument that the prosecution did not include the death of Roscius' brother. In fact, the prosecution, according to Cicero, seems to have engaged little in the obligatory attack on character or past questionable activities, verifiable or invented.

omni tempore Literally "at every time" or "on any given occasion", in effect, all the time. Besides the five occurrences in this oration (§§16, 42, 51, 81, 127), Cicero uses the expression only a dozen times, occasionally with the addition of an adjective or noun to impart a more specific or limited temporal sense: *Verr.* 2.1.25 and 43 (*hoc omni tempore Sullano*), 2.4.107 (*omni tempore anni*), *Sulla* 55, *Flacc.* 30, *Phil.* 14.20.

relegarat Sent out of the way (to get rid of him). This is the earliest example of the verb in extant Latin literature; it occurs once each in Caesar (*BG* 5.30.3) and Catullus (*C.* 66.5). Cicero employs it frequently, especially in contexts indicating a commission which amounts to a virtual banishment, especially of Cato's mission to Cyprus in the 50's. In imperial times, relegation was a form of banishment: one was not forbidden, as under the Republic, to dwell or approach closer than a certain distance from Rome, but directed to proceed to a definite place and stay there.

Quod Erucio accidebat The relative clause is proleptic; the antecedent of *Quod* is *idem*: "what happened to Erucius" is explained in the next sentence. The two parts of the sentence are parallel, with order of adjective(s) and noun reversed at the ends:

Quod Erucio accidebat in mala nugatoriaque accusatione
idem mihi usu venit in causa optima

usu venit "It happens" (L&S s.v. *usus* II.C.2) = *accidit* or *evenit*; the verb is used here for *variatio*. This expression is frequent in Cicero, but not in Caesar or Sallust.

nugatoriaque The rare adjective *nugatorius* is found twice in Plautus in the same play (*Trinum.* 844 and 890), twice in *Rhetorica ad Herennium*, once in Varro *L.L.* 764, and once in *Fam.* 11.2.3 in a letter written by someone other than Cicero (Brutus and/or Cassius to M. Antonius). In the use of *nugatorius* Cicero's usage equals contemporaries and predecessors combined: six times in genuine works (here and at §53, *Verr.* 2.4.33, *Caecin.* 64, *De Or.* 2.315, *N.D.* 1.108).

Ille ... non possum The longer second half of the sentence balances the first, with slight variation of position of adverb and object after the pronoun at the beginning of each clause:

Ille – quo modo – crimen commenticium – confirmaret – non inveniebat

Ego – res tam levis – qua ratione – infirmem ac diluam – reperire non possum

quo modo ... qua ratione The ablatives introduce relative clauses of purpose as if Cicero had said *ille non inveniebat modum* ("means") *quo confirmaret ... ego rationem* ("method of reasoning") *reperire non possum qua diluam*.

crimen commenticium confirmaret Alliteration, with repetition of the sound of M. Cicero sometimes uses another adjective or participle of like meaning with *commenticius*, e.g., *fictus*. Cf. §82, *Mur.* 28, *Cael.* 69, *Phil.* 5.12, and often in philosophical works.

infirmem This is the opposite of *confirmaret*; Cicero adds *diluam* for good measure (see note to §36). He uses a similar argument at *Caecin.* 64. His choice here of *qua ratione* exactly suits his argument (while at the same time fulfilling the demands of *variatio*): he complains that there is no rational method of countering a ridiculous and senseless accusation.

§43 **tot ... fructuosa** *Incrementum, ratiocinatio*; the esteem in which Roscius' father held him ought to become obvious from the value of the properties that he placed under his son's care.

relegationis ac supplici gratia The ablative of *gratia* with a preceding genitive means the same as the ablative of *causa* with a preceding genitive. The abstract *relegatio* is almost a *hapax legomenon*: Cicero uses it only here and in §44 below; other instances in Latin literature may be confined to Livy 3.10.12 and 4.4.6, *Per.* 7.8; Pliny *HN* 7.150.

familiae If Cicero indeed wrote this instead of the formulaic *familias* (cf. §48), which occurs even with plural *patres* and even when the word father(s) is in an oblique case, it is the only known instance of his having done so.

illius ordinis ex municipiis rusticanis Cicero describes property owners whose financial standing marked them as members of the equestrian class, but limits his definition to those whose primary residence and interests are in the countryside, not the city: he wishes to characterise for his audience the hopes and ways of thinking of the pillars of Italian communities.

operae ... studique Both nouns are partitive genitive with *plurimum*.

§44 **amandarat** *Amando* is a Ciceronian word; it does not occur in any other ante-Augustan author, and in few post-, but often enough in Cicero, and means the same thing as *relego*. He uses the word both literally and figuratively; see *Quinct.* 49 (*si fieri potest, infra etiam mortuos amandatur*), *Verr.* 2.5.69, *Sulla* 57, *Red. ad Pop.* 10 (*re quidem infra omnis mortuos amandatus esset*), *Dom.* 65 and 66, *Scaur.* 42, *N.D.* 2.141, *Att.* 7.13.3.

tantum modo aleretur ad villam *Tantum modo* means "only". What Cicero describes is the treatment of slaves who worked the land.

si constat Strictly speaking, the verb *constat* means that everyone agrees that what Cicero says is so and that it need not be proven; sometimes the verb occurs in

contexts of religious beliefs, as at *Verr.* 2.4.106 and 108. At *Inv.* 1.63 Cicero discusses the difference between something that *constat* and that which does not: *hoc quia perspicue verum est, nihil attinet approbari. quare assumi statim oportet, hoc modo: 'fui autem Athenis eo die.' hoc si non constat, indiget approbationis.* For example, Cicero has already asserted that everyone agrees that C. Fimbria was insane (§33); he will similarly invoke general belief against the criminal record of T. Roscius Magnus (§118), the presence of Magnus *et al.* when the murder was committed (§123), the illegality of the murder (i.e., not under the laws against the proscribed: §126), and the sale of the property (§128). Especially in a court of law, it can be useful to claim the belief of a large number for the belief of all, even to attribute general credence to what few believe, what the speaker would like to be true, or what is untrue. Possible examples of such instances are *Verr.* 1.1.49, 2.3.182 *quid ego vetera repetam aut quid eorum scribarum mentionem faciam quos constat sanctissimos homines atque innocentissimos fuisse?*; 2.2.144, *Clu.* 81 *versatam esse in iudicio pecuniam constat*; *Mil.* 31 *insidias factas esse constat*; *Att.* 1.12.3 *Pompeium nobis amicissimum constat esse.* Here there is an additional hedge, namely that Cicero uses the verb not in a statement but in a condition; he says not *constat*, but *si constat* and the present in the protasis is answered by a future in the apodosis.

colendis praediis praefuisse Alliteration and assonance. Lebreton 1901: 385, collecting examples of gerundives in the dative (which are rare), says that their meaning is verbal without indication of intent.

patre vivo This was a mark of great generosity, as fathers retained financial control of their property.

tammenne The effect of *-ne* here is *num.*

haec a te vita eius rusticana Both modifiers of *vita* are separated from the noun by pronouns.

amandatio *Hapax legomenon.*

Quod ... quod ... quod A tricolon auctum with anaphora and a triple pair of opposites: *consuetudo–novum, benivolentia–odium, honoris causa–supplici causa.*

consuetudine Cicero frequently employs the ablative of *consuetudo* in an adverbial mode meaning "by habit", "as established custom" or something similar. Parallels include §154, *Rosc. Com.* 8, *Verr.* 2.3.162, 2.5.140, *Phil.* 2.108.

id odio factum criminariis This is the only occurrence of the verb *crimino* in the oration. Pötter 1967: 15-16 says that for Cicero the verb *crimino* is a negative word, describing a prosecution mounted for the wrong reasons, and that the verb may also be used to impute a bad intention to another (citing this passage). English "allege" can be used in the same way.

§45 **Neque ... non intellegis** *Litotes*; Cicero means *bene scis.*

usque eo ... ut Literally, "you do not have what you might accuse to such an extent that ...". This is Cicero's summation of what he calls a *nugatoria accusatio*. *Quid argues* is a relative clause of purpose.

non modo Only with *contra nos*.

At enim As was usual in oratory, and indeed in other genres, *at enim* introduces an opponent's objection, either one that has arisen during the course of argument, or one that might be anticipated. Examples include *Rosc. Com.* 39, *Verr.* 2.2.15 and 26, *Manil.* 51, *Caecin.* 95, *Mur.* 78, *Phil.* 2.3, *Q.F.* 1.2.6.

cum The conjunction is more likely concessive than circumstantial: although there were two sons, the treatment of each was quite different. Evidently the prosecution argued that one might have expected the father to share city-time and country-time equally if his affection for the two children were equal. Although one might imagine that the other son was physically weak or sickly, unsuited to farm work, that his father, who preferred city life, felt he could supervise his medical care better in the city, and that perhaps Roscius the defendant really preferred to stay home on the farm (there are such people), nevertheless Cicero says almost nothing about the elder Roscius' or his sons' reasons for having different life-styles. His silence, consequently, arouses suspicion. It was his practice to dismiss uncomfortable arguments unless he could answer with factual information, but despite his contemptuous demeanor (and it is in the *Pro Caelio* 22 where this is most blatant) he was certainly not above using hard evidence when he had it.

in bonam partem accipias The idiom occurs also in English ("in good part" meaning "without offense"). Parallels from Cicero's other works include without exception the verb *accipio*; e.g., *Arch.* 32, *Att.* 11.7.8, 13.3.1, 16.6.3, *Ep. ad Brut.* 7.3.

non ... causa sed ... gratia *Variatio*. This is Cicero's cue to the audience that an insult is coming, although the insult to Erucius' paternity is somewhat mitigated by the slight compliments to his intelligence and intellectual attainments. Similar is his treatment of Sulpicius' distinguished ancestry in *Mur.* 16, where he allows that although the family is patrician recent generations have been so undistinguished that he has always considered Sulpicius an equestrian (like Cicero himself), who has won his place in public affairs by his own efforts.

§46 **Si tibi fortuna non dedit ut ... nascere** The substantive clause serves the purpose of the phrase "legitimate birth". Cicero uses the same construction in the latter part of the sentence where he compares the gifts of nature and the advantages of education to the gifts of fortune. In his earlier oration for Quinctius, Cicero had described Naevius in a similar way, although in that case he denied that Naevius had been able to learn properly about human relationships: *Quinct.* 11.

patre certo Landgraf, citing Nohl (the 1897 edition of this oration), supposed that Erucius was a freedman and as such would have had no legal father. David 1992: 762–763 believes that he was a native of Umbria and may have belonged to the equestrian order. The slur on Erucius' paternity is likely to be merely an insult.

ex quo The ablative indicates both source and purpose.

humanitatis Cicero does not mean humanity in the sense of human kindness (φιλανθρωπία, the meaning of the word at §154), nor yet a kind of cultural conditioning ("culture" or "civilisation", παιδεία or *urbanitas*, see §121), but a human nature, which recognises human bonds, different from the nature characteristic of beasts. This has nothing to do with formal education, which is not in nature's purview (and Cicero adds that Erucius' *studium doctrinae* is distinct from his *humanitas*). There has been a certain amount written about the word *humanitas* in Latin in general and in Cicero in particular (the two categories are nearly the same). It is a word of prose, not of poetry. Scholars find the examples in this oration, particularly this one and §63, appealing because Cicero's use of the word embraces virtually every aspect of the *vita hominum*: both human beings as opposed to (other) animals, and people in their relationships with one another.

ne a litteris quidem alienus Cf. *Verr.* 2.2.64 *Laetilius quidam, homo non alienus a litteris*. I do not find *alienus ab* with *litteris* anywhere else in Cicero.

eo "To that": not to the human nature per se, but to the fact of nature's having given him *humanitas*.

studium doctrinae For other examples of this expression see *Cael.* 24, *Lig.* 12, *Leg.* 3.14, *Off.* 1.156, *Fam.* 13.30.1. The collocation is not rare in Cicero, who nevertheless more often writes *studium/studia* and *doctrina* as separate elements. His preference for separating the pursuit and the learning does not make an alternative expression (study and learning) a hendiadys: how he expresses the process of education depends more upon what he wants to say in any given instance. Desire to learn (or active pursuit of learning) is one thing; intellectual power sharpened by study and by attainment of knowledge is another. Compare *Arch.* 18, *Cael.* 54, *De Or.* 1.11 and 1.22, *Brut.* 240, *Rep.* 1.29 and 2.39.

Ecquid Here the interrogative = *num*.

ut ad fabulas veniamus A purpose clause, literally, "to go to the stories" for examples.

Caecilianus The old man in a play of Caecilius. The play (thought to be the *Hypobolimaeus* or *Subditivus*) is lost, but presumably the father esteemed the son who stayed in the country (cf. the *Adelphoe*). In one other oration Cicero uses Caecilius to rhetorical effect: *Cael.* 37 *sed dubito quem patrem potissimum sumam, Caecilianumne aliquem vehementem atque durum ... aut illum*.

minoris facere *Minoris* is genitive of value, with *facere*. When Cicero avers that fathers keep their favorite sons on the farm, he repeats the construction as a reminder: §47 *suos liberos quos plurimi faciunt*.

nam ... est The parenthetical comment is an apology for citing an example from literature. Cicero indubitably knows the names perfectly well but does not want to seem too much of a devotee of the arts: *istas ineptias* below. Allusions to comedy, at any rate,

are the least "intellectual" and most familiar to any audience at Rome, as Cicero states below: *nemo vobis magis notus futurus sit quam est hic Eutyclus*. Cf. *Cael.* 36–38.

alterum ... alterum Recalls Cicero's citation of Erucius' argument in §42.

§47 '**Quid ad istas ineptias abis?**' Schol. Gronov. reads *Quid ad istas nugas abis?*

Quasi vero Irony, with the apodosis of the future less vivid condition suppressed.

quamvis multos Most of the examples in L&S of *quamvis* with adjectives are taken from Cicero. There are also examples in the poets and some Republican prose authors. Such expressions may always be rendered *quam* [here, *multos*] *quam vis*, "as [many] as you will", "very [many]".

nominatim Most other Republican authors do not use this adverb, which appears once in Plautus *Rudens* 1134, once in Nepos *Miltiades* 1.3, seven times in Caesar, and seventy times in Cicero (mostly in the orations and the letters).

agricolas adsiduos The adjective is used adverbially: see note to §18.

sumere odiosum est The infinitive *sumere* ("to mention") is used as a noun, the subject of *odiosum est*. While *odiosus* may appear to be a colloquial word, Cicero rather likes it (although it may be *cotidianus sermo*: cf. *Orat.* 67, 184).

cum Cicero gives three reasons (*et* in this and the next two lines), only the first of which actually explains why it is "odious" to name real people.

notus futurus sit Cicero uses the periphrastic future active (also called first periphrastic conjugation: A&G 194–195) as if he were making his choice of example on the spot.

ad rem "To the point". This passage is unique for the orations in showing the verb *interest* instead of *pertinet*. The expression *ad rem pertinere* occurs about twenty times in Cicero's orations — perhaps less often than one would expect in judicial contexts — often with an adverb or adverbial accusative (*maxime, vehementer, nihil*). At times there is an ellipsis of the verb, as at §92 *verum quid ad rem?* (also at *Quinct.* 79, *Phil.* 2.56 and 72). The phrase *ad rem* (preceded by demonstrative *eam*) at §153 (*quod si id vos suscipitis et eam ad rem operam vestram profitemini*) has the distinct force of "to that end".

nihil intersit At *Fam.* 3.11.2 Cicero combines *ad rem interest* and *nihil interest*, as here: '*de ambitu vero quid interest*' *inquires* '*an de maiestate?*' *ad rem, nihil*. In the orations the phrase *nihil interest* usually appears with a(n alternative) indirect question (e.g., this passage, §120, *Verr.* 2.3.35, 2.5.160, *Agr.* 2.73, *Red. in Sen.* 14, *Balb.* 26).

comicum The young man is *comicus* because he appears in a play. The only other Republican prose writer to use the adjective is Caesar, in his celebrated epigram to Terence (who does not appear to have written the word himself). Plautus, on the other

hand, employs *comicus* with a variety of meanings, all related to comedic plays. In his orations Cicero uses the adjective again only at *Rosc. Com.* 28.

ex agro Veienti Territory north of Rome in southern Etruria, named for the old Etruscan town of Veii, which the Romans destroyed in 396 BCE.

Etenim Adds a further reason ("and anyway ..."), and a further apology for the literary allusion.

haec conficta esse ... effictos nostros mores Cicero employs two compounds of the same verb, each with slightly different meanings for "rendered fictional": the first means "fabricated" (cf. §35 *confictionem*), the second "portrayed".

ut ... videremus A purpose clause, although also a subordinate clause in indirect discourse.

expressamque imaginem *Exprimo* here means "represent", i.e., nearly the same thing as *effingo*, as if the poets were sculptors. Cicero often uses this participle to describe a process of "expression" in various artistic forms or in one's mental conception of them: *Arch.* 14 and 30, *Cael.* 12 *habuit enim ille, sicuti meminisse vos arbitror, permulta maximarum non expressa signa sed adumbrata virtutum* (cf. *Tusc.* 3.3), *Off.* 3.69.

§48 In this and the following sections Cicero enters a plea for the validity of old-fashioned Roman values, especially attention to agricultural pursuits and the tradition that Rome's greatest leaders of the past had often been summoned from tilling the fields (§50) to save their country. The sentiments are like those in Cato's preface to his *De agricultura*: *Maiores nostri sic habuerunt et ita in legibus posiverunt, furem dupli condemnari, feneratorem quadrupli: quanto peiorem civem existimarint feneratorem quam furem, hinc licet existimare. Et virum bonum quom laudabant, ita laudabant, bonum agricolam bonumque colonum: amplissime laudari existimabatur qui ita laudabatur. ... At ex agricolis et viri fortissimi et milites strenuissimi gignuntur; maximeque pius minimeque male cogitantes sunt qui in eo studio occupati sunt.* To this last sentence compare the end of §39.

sis = *si vis* ('please'), as Cicero himself notes at *Orat.* 154. This colloquial syncopation, which one remembers from comedy, occurs rarely in Cicero, and then only in conversational circumstances (but never in the letters). The other examples are *Mil.* 60 *age vero, quae erat aut qualis quaestio? 'heus tu, Rufio,' verbi causa, 'cave sis mentiare: Clodius insidias fecit Miloni?; Inv.* 1.51, *Part. Orat.* 44, *Tusc.* 2.42 (all *age sis*, as here).

in Vmbria et in ea vicinitate Ameria in Umbria, where Roscius lived, or used to live (§15).

his veteribus municipiis Towns closer to Rome. There is no negative connotation associated with the adjective here: the towns are long-established and the people in them have been Romans for a longer time.

quae studia ... laudentur The sentiment echoes Cato's, cited above.

te Subject of *dedisse* at the end of the sentence.

inopia Ablative of cause.

Ac non modo ... arbitrantur This is a nasty sentence. Schol. Gronov.: "Sensus huius capitis talis est: Non modo parentes filios suos volunt studio agendi detineri: in tantum putant vitam rusticam optimam, ut et ipsi studio agendi operam dent." Cicero adds subordinate ideas with such a heavy hand that one suspects him of doing it on purpose to be obscure. He also seems to change course partway through. The idea is that not only do sons pursue farming at their fathers' behest, but that many people (I suppose he means fathers, or those who are not under any compulsion—not that he says so) devote themselves to agriculture because they really enjoy it:

Ac non modo hoc patrum voluntate liberi (A) faciunt
sed permultos (A) [hoc facere (B)]
et ego (C) novi
et ... unus quisque vestrum (C) [novisti]
qui et ipsi incensi sunt studio
quod ad agrum colendum attinet,
vitamque hanc rusticam,
quam tu probro et crimini putas esse oportere,
et honestissimam et suavissimam esse arbitrantur (B).

permultos Sc. *hoc facere* or *qui hoc faciant*.

et ... et Both (*ego*) and (*unus quisque vestrum*).

qui ... incensi sunt After *multi* or *permulti sunt*, the relative clause will have an indicative if the intention is to state that many people do something (rather than that there are many people who would do something): Lebreton 320. See also §§76 *multa sunt falsa, quae tamen argui possunt*, 94, 90 *sescenti sunt, qui ... accusabant*.

et ipsi *Et* means 'both'; the 'and' is the *-que* in *vitamque*. The distinction is between those who are themselves fascinated by farming (*qui et ipsi incensi sunt*) and those who (are not but) admire the occupation anyway (*vitamque ... arbitrantur* is equivalent to *qui et ipsi vitam ... arbitrantur*).

§49 Quid censes ... quo studio etc. A doubled question, a combination of *quid censes* (what do you think [about Roscius' abilities and interests]) and *quo studio et qua intelligentia censes* (with what devotion and intelligence do you think Roscius is endowed). The second question is apparently proleptic, the first unfinished.

Vt ... audio "As I hear" is parenthetical and does not introduce indirect discourse.

his propinquis eius Roscius' neighbors, who, on the evidence of the demonstrative, are in court to support him.

non The position is emphatic before the pronoun and far from the adjective *callidior* with which one understands it; the pronoun *tu* is also emphatic by its inclusion.

What Cicero hears from Roscius' neighbors probably did not include this part about Erucius, which is added to turn a statement into a comparison.

in isto artificio accusatorio *Artificium* is used here in the bad sense which artifice has in English; elsewhere Cicero compares *artificium* and *eloquentia* (*de Or.* 1.32.146), or *artificium* and legal perspicuity (*de Or.* 2.19.83); cf. *Rhetorica ad Herennium* 3.2 (*artificium* and *prudentia*). See also *Verr.* 2.4.87 *non possum disposite istum accusare, si cupiam: opus est non solum ingenio verum etiam artificio quodam singulari*; *Mur.* 24-5.

The adjective "accusatory" has no good connotation (Quintilian *Inst. Orat.* 12.7.3), and is found in few authors. Cicero uses the adjective or its adverb four times in the *Verrines* and thrice in later orations. The examples from the orations against Verres are especially instructive: *Verr.* 2.2.176 *neque enim iam vereor ne quis hoc me magis accusatorie quam libere dixisse arbitretur*; 2.3.164 *non agam tecum accusatorie, nihil fingam*; 2.4.2 *cum dico nihil istum eius modi rerum in tota provincia reliquisse, Latine me scitote, non accusatorie loqui*; 2.5.19 *non agam tam acerbe, non utar ista accusatoria consuetudine*. Pötter's dissertation derives its title from the collocation *accusatorio animo* in *Clu.* 11. Pötter 1967: 36–37 discusses this passage but sees no correlation between what Cicero calls an *animus accusatorius* in the *pro Cluentio* and what he says of Erucius here.

Chrysgono Dative with *ita videtur*, "thus it seems best" (there are other examples in L&S s.v. *video* 2.B.7.c).

obliviscatur ... deponat These jussive subjunctives are dependent upon *licebit*, after which *ut* is omitted, as often.

Quod "Which thing", i.e., forgetting his craft and setting aside his enthusiasm for farming.

tametsi ... tamen Cicero follows *tametsi* with *tamen* more than one and one-half times as often as he uses it alone (that is, *tametsi* means "although" more often than it means "and yet": see note to §53). There are a number of times when Cicero's use of a phrase or construction prompts him soon to use it again. While this may be evidence of inadequate revision (and the disappearance of the phenomenon in the later orations tends to that conclusion), one must examine each instance to see whether he is not actually making a deliberate reminder of what has preceded: §56 is a good example.

per vos The jurors as instrument: cf. notes to §§8 *per quorum sententias iusque iurandum* and 62 *ubi, qua ratione, per quos, quo tempore*.

vitam et famam Cicero wants an acquittal on the murder charge; he says here that he does not ask for restitution of property, as he argues in the second part of the sentence.

hoc vero Cicero interprets the possible results of Roscius' agricultural activities as ironic tragedy if his success as a farmer is what will occasion his destruction. Compared to this, his having prepared his properties so well for other owners is a small thing to bear.

si et ... fuerit There is some violence to the word order in *et quod ... fraudi* and *nisi etiam ... fuerit*:

hoc vero est
quod ferri non potest,
si et in hanc calamitatem venit
propter praediorum bonitatem et multitudinem
et id erit ei maxime fraudi
quod ea studiose coluit
ut parum miseriae sit
quod aliis coluit non sibi
nisi etiam
quod omnino coluit
crimini fuerit

propter praediorum bonitatem Cf. §20 *bonitas praediorum*, and note.

id erit ei maxime fraudi Double dative: *ei* (Roscius) is dative of reference, *fraudi* is dative of purpose (its meaning here is "injury", not "fraud"); *id* = the substantive clause *ut parum etc.* that follows.

ut parum miseriae sit *parum est* means it is insufficient; the expression is often, as here, followed by a clause with *nisi*. Cicero usually uses *parum* as an adverb; parallels to the usage here are at §46 *humanitatis non parum*, *Clu.* 5 *parum firmamenti et parum virium*, *Phil.* 11.17 *parum ... animi*.

omnino Used here in a positive grammatical construction (despite *nisi*), but with a very negative connotation: that he took care of the farms **at all**, even if not superbly, has turned out to be to his detriment.

crimini Dative of purpose.

§50 **Ne** The interjection (the third *ne* in L&S) is always followed by a personal pronoun or a demonstrative pronoun or adverb, usually with a conditional clause.

accusator esses ridiculus Cf. *Mur.* 26 *haec iam tum apud illos barbatos ridicula, credo, videbantur, homines*. By using the imperfect rather than pluperfect subjunctive in a past contrary to fact condition, Cicero makes Erucius' putative condition more immediate, rather like using the historical present.

illis temporibus The good old days (from the expulsion of the kings), if they ever existed, did not extend much into what we call the second century BCE.

arcessebantur qui consules fierent Sc. *ei*, subject of *arcessebantur*, unexpressed antecedent of *qui* in the relative clause of purpose.

qui ... putes [You] who think: relative clause of characteristic.

illum Atilium "That famous Atilius". Exactly which one Cicero means is not clear, evidently an Atilius Serranus (or Seranus or Saranus: cf. Cicero *Sest.* 72, Virgil

Aen. 6.844), whose first name is variously given as Marcus or Gaius, if it is given at all, as it is not in *Val. Max.* 4.4.5. The ancients connected this branch of the family with the Atilii Reguli, and many people identify this Atilius with C. Atilius Regulus, cos. 257. See *RE* s.vv. Atilius 47 and 57–71. Similar stories are frequent in Roman history; the summoning of Cincinnatus is probably the most familiar. Cf. *Fin.* 2.12; Juvenal 7.80.

quem ... semen Atilius: the relative *quem* and its modifiers are the object of *convenerunt*.

qui missi erant Periphrasis for messengers; refers to the subject of *convenerunt*.

hominem ... inhonestissimum Reductio ad absurdum. *Hominem* is in apposition with *illum Atilium*; the adjective *inhonestus* is rare, found according to L&S in Cicero, poets, and post-Augustan prose. The meaning, in Cicero at least, is "without honor". *Inhonestus* does occur almost regularly in Sallust, considering the size of his corpus: he uses it as often as Cicero does (the number is still small), especially in the collocation *honestaque inhonesta* (*Cat.* 30.4, *Iug.* 31.13, 80.6). It occurs elsewhere in Cicero's orations only at *Dom.* 107.

iudicares Potential subjunctive; the imperfect subjunctive refers to past time (A&G 446).

maiores Citing the opinions of the ancestors was definitive. Cicero reiterates the point in the next section. For other examples of arguing on the authority of the *maiores*, see *Agr.* 2.9, 2.89, 2.95, *Red. in Sen.* 11, *Har. Resp.* 18, *Phil.* 5.47, *N.D.* 2.10, 2.71.

ex minima ... florentissimam The usual claim when speaking of the superiority of one's predecessors: cf. *Rep.* 3.24, *Agr.* 2.9, *Phil.* 4.13. Cicero makes a logical connection (*ita in itaque*) between admiration for and devotion to hard work and the greatness which results.

maximam et florentissimam These are the opposites of *minima* and *tenuissima*, respectively. *Tenuis* means of small means, as in §19 above.

suos enim etc. Cicero commences a standard comparison between the ancestors and the present generation. Cf. *Manil.* 55, *Agr.* 2.84, *Mur.* 10, *Arch.* 22, *Dom.* 80, *Planc.* 8, *Phil.* 3.9, 8.23, *Tusc.* 1.2, *Fam.* 4.9.3.

quibus rebus The description is incremental; the ancestors enriched the republic with land, cities, entire nations: the accretions to empire are listed in order of increasing territorial size and distance from Rome. See also *Off.* 2.85, where there is a different order: *rem publicam augeant imperio, agris, vectigalibus*.

rem publicam ... nomen Tricolon auctum.

§51 Neque ego haec eo profero quo *Non quo* (here *Neque quo*) followed by the subjunctive is used to introduce a reason which one mentions only for the sake of denying it. See A&G 540.2 Note 3.

sed ut illud intellegatur The real reason is supplied with a purpose, not a causal, clause. Cicero employs similar arguments at *Quinct.* 33, *Verr.* 2.1.115, *Tull.* 44-6, *Caecin.* 83, *Clu.* 128-9, *Rab. Perd.* 34, *Har. Resp.* 28, *Rep.* 2.53, *Tusc.* 2.5, *Off.* 1.35, *Att.* 13.6.4.

omni tempore This recalls the phrase used above (§42) of Roscius maior and the other son. Here Cicero contrasts the ancients' obligation (*debebant*) to affairs of state which they occasionally interrupted (*aliquantum operae temporisque*) with attention to their agricultural work.

ad gubernacula rei publicae sedere Cicero frequently employs the metaphor relating to the ship of state (*Mur.* 74, quoting the younger Cato, *Dom.* 24, *Sest.* 20, 46 and 99, *Phil.* 2.113), also in more general contexts, e.g., *Rep.* 1.11 (cf. Livy 27.48.11). The same metaphor occurs in Livy at 4.3.17, 24.8.13; cf. Horace *C.* 1.14.

ignosci oportere *Ignosci* is an impersonal passive, infinitive in indirect statement after *intellegatur*. Cicero repeats the construction of §48 *probro et crimini ... esse oportere*.

ei homini Dative with *ignosci*: "that man" = "any man".

cum praesertim nihil esset quod ... posset Tricolon auctum. Cicero changes to secondary sequence when he changes subjects.

honestius This word is the signal of the *argumentum ad verecundiam*, which he has now concluded.

§52 **ex hoc** The *quod* (the fact that) clause in the next line.

opinor Cicero states not an agreement with Erucius' position, but rather his ironic understanding of the argument used. The parenthetical *opinor* (or *ut opinor*: §§46, 49) appears hundreds of times in Cicero, over a hundred in the orations: there is another instance later in this same section and one at §56. Cicero may, in pretended hesitation, actually follow the verb with indirect discourse, as at §128 *opinor enim esse in lege... .*

patiebatur The subject (Roscius maior) is assumed from the subjective genitive *patris* near the beginning of the sentence.

Numquid Expects a negative answer: "There isn't anything else, is there?"

inquit Cicero addressed Erucius directly in the earlier sentence; now the opposing attorney has become third person. Cicero frequently engages in *sermocinatio* with his opponents, for which he supplies the opponents' lines, the better to refute them. Cf. §40.

istum Roscius (also in line 8). When the prosecutor speaks to the defending attorney, *iste* means your client, the defendant.

exheredare The verb is rare in Cicero as the circumstances which required its use would appear only in such a context: see *Clu.* 135 ter, 162; *Dom.* 34; *Phil.* 2.41; *exheres* and *exheredem* at *De Or.* 1.175.

nunc dicis aliquid etc. Cicero allows that this line of argument is relevant, as it might supply a motive. Here the relative clause that follows is consecutive (cf. §48 *permultos ... qui*; and Lebreton 1901: 320).

nam illa Namely, the quotations from Erucius to follow, which even Erucius — *tu quoque* — is made to concede are *levia, inepta* and *nugatoria*.

convivia Evidently the elder Roscius attended quite a few. *Convivia* are more likely to be given in the city than in the country, hence the relevance of the next statement. Cf. §39 and note.

Quippe, qui etc. "Of course, since he ...". *Qui* is causal.

ne in oppidum quidem Roscius almost never (*perraro*) went even into town (Ameria), let alone into the city (Rome), as he states in the last sentence of the section.

Domum suam Accusative of destination with *vocabat*.

non fere quisquam Not as absolute as *nemo*, but means almost the same thing.

qui neque ... revocaturus esset *Qui* is causal. While *revocare* occurs with every sense of the English "recall" (often *ad aliquam rem* or *ab aliqua re*) or "revoke", here it indicates "to invite in return", a very unusual meaning (L&S s.v. II) for the absolute use of the verb. Cicero does not so employ *revocare* elsewhere, although he does write *r. ad cenam* at *Fam.* 9.16.8 and 9.24.3. The periphrastic future indicates intention: Roscius "was not about to return invitations" because he could not reasonably expect to repay hospitality, living as he did on a farm in Umbria.

§53 **haec tu quoque ... nugatoria** Completes the aside.

illud The intention to disinherit, mentioned above.

coepimus Absolute here; the verb needs an infinitive (e.g., *diceere*), expressed or implied, to complete its meaning.

quo certius argumentum odi *Quo* is ablative of comparison, *odi* is objective genitive with *argumentum*. The *odium* is still that which Erucius argues Roscius maior felt towards his son: for a Roman to take away family property from his only surviving son is evidence indeed of extraordinary loathing, as Cicero will concede.

Mitto quaerere *Praeteritio*. Although Cicero is justified in seeking the source of Erucius' knowledge, the question which he does not ask (*qua de causa*: "why") is a valid one, and he does, in a way, address it below. More to his point, he takes Erucius to task for not giving adequate indication of proof of the elder Roscius' reason(s) for wanting to disinherit his son.

qui The adverb "how".

tametsi Without a correlative clause, as here, *tametsi* means "and yet", so also at §§3, 83, 89, 118, 124, 135, 142.

erat ... officium It was, i.e., ought to have been, the duty. The expression *officium est* is equivalent to *oportet* and may remain in the indicative in an unreal condition: A&G 517c.

certi "Reliable" (L&S s.v. *certus* II.A.2).

explicare The infinitive is a noun in apposition with *officium*.

quibus Refers to the *vitia* and *peccata*; ablative of cause with *incensus*.

potuerit The sequence is secondary; ultimately, *potuerit* depends upon *erat*.

ut ... vinceret etc. Tricolon with anaphora. *Animum inducere* means to resolve; cf. note to §39 *inductus*. *Parens* (understood), not *animus*, is the subject of the following verbs.

ut amorem illum penitus insitum eiceret ex animo Cf. §6 *ex animo scrupulum ... ut evellatis*. Cicero later used *evellere* to describe the removal of that which was *insitus*: *Clu.* 4, *Orator* 98; *Q.F.* 1.1.38. He frequently uses the participle *insitus* to denote characteristics, notions, or emotions which are ingrained (but not necessarily inborn) in human beings: *Verr.* 2.3.177, *Font.* 33 (*insitas inimicitias*), *Mur.* 30 (*de insita cuiusque virtute*). *Har. Resp.* 50, *Sest.* 99.

ut denique The last clause is most important, and effectively concise.

quae The three actions described in the preceding *ut*-clauses. *Quae* is subject accusative of *potuisse accidere*.

§54 **concedo tibi ut** "I allow you to ..."; a form of *praeteritio*. Again, it is as well for Cicero's case not to mention any specific quarrel between father and son, for although they may not have enjoyed a good relationship, those portions of Erucius' argument to which Cicero chooses to respond are those which he (1) defines as the real argument (thus ignoring anything inconvenient to his case); and (2) is easily able to refute.

cum taces *Cum* + indicative present = "while", or often, = *si* in a simple condition: If you are silent, you grant that these things are nothing.

illud I.e., *voluisse* (as a noun).

planum facere This expression occurs in judicial contexts when there is a question of demonstrating some fact; to "make something plain" means to "prove". Frequently Cicero will speak of making something plain by means of witnesses or by account books or other items of material evidence, occasionally by reminder of what is possible. For examples see *Quinct.* 86, *Rosc. Com.* 42, *Verr.* 1.1.40 and 56, 2.1.83, 100, 156, 2.2.50 and 81, 2.3.189, *Tull.* 1, *Clu.* 97 and 99.

adfers "Offer as reason": L&S s.v. *affero* II.C.

qua re Causal ablative, refers back to *quid*, as if *quid* were *quam rem*.

vere ... dicere Cicero opposes this to *fingere commode* in a show of outrage at the insult to his and the jurors' intelligence.

finge aliquid saltem commode Literally, "at least make up something appropriately". English idiom would put *commodus* with the pronoun; Latin modifies the verb. Cicero reiterates his allegations that Erucius' case is fictitious (§§30, 35, 42) and that the prosecutor is incompetent into the bargain.

fortunis et ... dignitati Datives with *includere*. Cicero's attack on the prosecutor allies the jurors with the defendant.

includere Cf. *Dom.* 104 *hic non includit auctoritati horum omnium qui adsunt summorum virorum, non vestra, pontifices, gravitate abutitur?*. While *includo* is intransitive here, in §56 Cicero uses it in the passive. The verb occurs over twenty times in Cicero, although not often in the orations.

Exheredare filium voluit As at §39 (*Patrem occidit Sex. Roscius*), Cicero states the prosecution's case.

Cogitabat This is no real answer to "who stopped him?", only a dodge: no one had an opportunity to stop him because he was still thinking about it.

Quid est aliud ... abuti "What else is abuse [lit. to abuse]", followed by *nisi ... accusare etc.*: "if it isn't to accuse in this way ...".

iudicio, legibus, maiestate vestra The jurors have *maiestas*, which properly belongs to the Roman people, because of their official function as representatives of the state. There is a progression from least (law-courts) to most important (*maiestas*), with laws in the middle.

In this sentence Cicero either addresses directly both the jurors (*vestra*) and Erucius (*possis ... coneris*), or the second person singular verbs are generalising.

ad quaestum etc. "For profit" (*ad* + accusative to express purpose). Add *libido* and you have "for fun and profit".

non modo non possis etc. The subjunctives *possis* and *coneris* are in a relative clause of characteristic. The second person singular verbs are generalising, not addressed directly to Erucius. It is plain from *maiestate vestra* that Cicero is speaking to the jurors.

The negative of *non modo* (or *non solum*) ... *verum* (*verum etiam*, or *sed etiam*) is either (mss and edd vary):

a. *non modo non ... verum ne ... quidem*: "Not only [are you] not [able] but [you do] not even [try]"; Cicero uses another variant of this type, *non modo nihil ... sed ne ... quidem* in §79; or

b. *non modo ... verum ne ... quidem*, which means the same thing, even with the extra *non* omitted.

§55 Nemo nostrum est ... quin sciat In a negative clause of characteristic, *quin* is equivalent to *qui non* (A&G 559.2).

inimicitias See note to *inimicitiae* in §17. While in a modern court of law the judge and jury would be suspicious of someone who prosecutes out of personal animus, in the ancient world the situation was the reverse: since there was no state-supported office like that of attorney general, individuals brought suit on behalf of the state. When one did not have a personal interest in the crime it was not usual to bring such a charge for purely altruistic reasons: one must either have a grudge against the accused or expect to profit in some way, as, for example, Julius Caesar, Caelius Rufus and many another entered public life by prosecuting some well-known individual. Cicero discusses the difficulties of his situation in the prosecution of Verres (*Verr.* 2.3.1). When he defended Murena, he denied that the prosecutors had been Murena's *inimici* and only became enemies in order to prosecute, thus reversing the natural order of things (*Mur.* 56). At *Prov. Cons.* 47 he must defend himself against the other side of this prejudice, that due to *inimicitiae* with Caesar (which he denies) his present support for Caesar is not sincere.

huic inimicus venias *Inimicus* is the adjective here and takes the dative; *venias* means to come into court. Parallels to this passage have a predicate nominative in apposition to the subject of *venio*, e.g., *Div. in Caec.* 47 *esto, ipse nihil est, nihil potest; at venit paratus cum subscriptoribus exercitatis et disertis; Cael.* 10 *illi ne advocatus quidem venit umquam*. Cf. also *Verr.* 2.2.107 *si de litteris corruptis contra venit*, where the adverb indicates the meaning of the verb.

Ita ... ut *Ita* modifies *cupidum esse* in a limiting sense: one should be greedy only to such an extent, that you maintain a proper respect for the jurors — and the law against calumny. Cicero begins another digression. David 1992: 254 believes that Erucius must have been a somewhat shady character for Cicero to have been able to threaten him with the *lex Remmia*.

legem Remmiam A law against false accusations: *Lex Remmia de calumniatoribus*, of uncertain date (see Rotondi 363–364). A person convicted under the law was marked infamous. Cicero here says that such a one would have the sign K (for *Kalumnia*, deliberately [*sciens*] false accusation) branded on his forehead (see the end of §57), but most scholars have interpreted this as a figure of speech, not as evidence for an actual practice. See discussion in Strachan-Davidson 2.139-142, Pötter 1967: 31, David 1992: 103.

aliquid Adverbial with *valere*: have some force, or authority. See note to *tantum potuit* in §33. Observe *putares ... oportere* yet again.

§§56-61 Excursus on the Role of Accusers

This excursus is the first of several that Cicero will insert, almost seven OCT pages, while ostensibly discussing whether or not Roscius had a motive to kill his father. Without dealing with the substance of the question at all, he concludes in §73, *Esto*,

causam proferre non potes. In this excursus Cicero will address the role of accusers in the state and offer criticism of Erucius' performance. The following excurses describe the murder of T. Cloelius (§§64–65), the Furies (§§66–69), the wisdom of Roman lawmakers (§§69–70), the punishment for those found guilty of parricide (§§70–72), and a final criticism of Erucius' lack of preparation (§§72–73).

§56 Accusatores ... civitate Substantive clause in apposition with *utile est*. This section is the *utile*, although it belongs not to the argument for Cicero's client, but in a concessive manner to that against the prosecutor. See discussion in Pötter 51-52.

audacia The subject *audacia* is placed at the end of the clause for emphasis.

ita est utile ut ne ... inludamur This limiting relative clause is cited by A&G 537.2.b. Cicero reminds his listeners again, with the same verb as in §54 (*inludere*), that he regards Erucius' accusation as frivolous; in the next sentence but one he uses the synonym *ludificari*, a verb found often in Plautus but rarely in Terence, Lucretius, Sallust, and Cicero himself elsewhere.

verum tamen ... tamen The second *tamen* resumes what was begun by *verum tamen* ("notwithstanding") after interruption by the concessive clause *quamquam abest a culpa*. In this sentence he contrasts *culpa* and *suspicio* using two different expressions for "lack" in chiasmic order: *abest a culpa, suspicione ... non caret*.

tametsi ... tamen Cicero hedges his whole statement with concessions.

hunc The demonstrative here means *quispiam*, the innocent person (about whom Cicero is speaking) caught in suspicious circumstances, not Roscius specifically.

possim aliquo modo *Possim* is a potential subjunctive, with another hedge: indeed, a double hedge, both the potential subjunctive ("I might be able to forgive") and the manner of it ("in some way").

criminoſe ac ſuſpicioſe dicere These adverbs are not as pejorative as they sound: *criminoſe* means not "slanderosly" (although it can mean that in the right context), merely "with grounds for making an accusation" (cf. Pötter 1967: 18), and *ſuſpicioſe* means "in a way to arouse suspicion". I.e., "he can claim that there is some basis for an accusation or suspicion", even though the accused be innocent.

aperte ... et ſciens non videatur Here *ſciens* (a participle classified as an adjective) is adverbial, with causal force. At least the calumny, if it is that in such a case, is not patent and deliberate. The excursus on the role of the professional accuser in the state will lead to another attack on Erucius' lack of preparation; cf. *finſe aliquid ſaltem commode* §54, *neglegentiam eius* §59.

nocens A guilty person. The present participle of *noceo* is so often used as an adjective that it is listed separately in dictionaries.

ſi accuſatus ſit A perfect subjunctive can appear in the protasis of a future less vivid condition (A&G 514.B.2.b); this and the next condition both have the indicative

potest in the apodosis, as is regularly the case with a verb indicating possibility, necessity, or the like (A&G 516d).

accusatus fuerit Future perfect passive in the protasis of a future more vivid condition.

utilius est In apposition with the infinitives, a reminder of where he began (*utile est*) before he compares the accusers to animals set on guard.

absolvi innocentem ... nocentem causam non dicere *Chiasmus* with *variatio*: in saying *nocentem causam non dicere* and not, e.g., *nocentem non condemnari*, Cicero varies the thought as well as the expression, for to be brought to trial (*causam dicere*) is not the opposite of to be acquitted. Modern sentiment is different, especially as Cicero does not consider here the case of an innocent person being judged guilty.

cibaria The subject of *locantur*. Ever since the sacred geese warned of the Gauls about to capture the Capitoline in 390 (386) BCE, the state maintained the geese and let out a contract for their food. Although there were guard dogs on the Capitoline as well (*canes aluntur*), on the famous occasion of the Gallic siege the dogs, according to Livy 5.47, did not hear the Gauls climbing up. David 1992: 302-303 observes that the reference to *cibaria*, when transferred to the informers, is the *praemium* which each received for a successful prosecution. Of what exactly this *praemium* was constituted and who paid it we have no firm information; for discussion see David 1992: 514-525.

ut significant A purpose clause, this replaces the apodosis of the future more vivid condition (*si venerint* is future perfect indicative).

fures internoscere The verb is not common; it occurs in Cicero's orations only here, although it appears in the philosophical works. In Cicero the persons or things to be distinguished are usually supplied by the context. Here, the dogs cannot tell which humans are thieves and which are not.

si qui *Qui* for *aliqui* (plural) after *si*. Cf. *cum ... aliqui venerint* in the next sentence. In suppositional statements of this sort, the indefinite pronoun is usually singular, but Cicero's use of the plural may be due to his image of numerous Gauls assaulting the citadel.

tametsi ... tamen Cicero repeats the construction that he had used of the accusers (*tametsi miserum est, tamen ei qui hunc accuset possim aliquo modo ignoscere*), thereby drawing them into his comparison with the beasts.

in eam partem The expression is not unlike our own: they err on the side of caution (literally, "they transgress into the part which is safer").

luce The temporal ablative occurs without an accompanying adjective in Cicero several times, e.g., in *Tull.* 47, 48, 50 in a context discussing the law of the Twelve Tables that a thief who comes during the daytime may not be killed unless he has a weapon; cf. *Dig.* 47.2.21.1. It is found in Livy seven times (8.38.6, 22.10.6 [official language], 22.24.6, 25.35.8, 29.7.4, 35.4.5, 38.36.4) and occasionally in later writers. The context here is

similar to that of the Twelve Tables, where one makes a distinction between what occurs during the daytime and what under the cover of darkness. All of the examples from Cicero belong to the same category, and *luce* means "during the daytime" or "in daylight" (sometimes with additional information emphasizing that something was or was to be done in full public view): *Vatin.* 34, *Sest.* 83, *Pis.* 23, *Phil.* 2.76, *Off.* 3.93.

salutatam The supine, used to express purpose with *venerint*.

eis crura suffringantur *Eis* (the dogs) is dative of disadvantage; *crura* is the subject of the verb. The verb itself is a *hapax legomenon* in Cicero; *suffringo* is a rare verb which also occurs twice in Plautus (*Rud.* 1059 and *Truc.* 638).

ratio The situation, or case, of accusers, not their reasoning. The noun *ratio* has multiple meanings, depending on context. These include, but are not limited to, a financial accounting, an account or explanation (*Verr.* 2.3.1, *Clu.* 1), method (*Verr.* 2.5.145), science (*Inv.* 1.16, *De Or.* 1.12, 1.187), consideration (*humanitatis, religionis, amicitiarum, iuris*, etc.: *Verr.* 2.1.47, 2.2.97, 2.4.120, *Caecin.* 56, 58, 93, *Clu.* 117, *Rab. Perd.* 2). Some parallels to the usage here include *Verr.* 2.4. 109 *iam dudum vereor ne oratio mea aliena ab iudiciorum ratione et a cotidiana dicendi consuetudine esse videatur*; *Mur.* 35, 36, 76, *Cael.* 67, *Prov. Cons.* 46, *Part. Orat.* 8.

§57 **Alii vestrum ... alii** Some ... others. *Vestrum* refers to the accusers, not the jurors.

anseris ... nocere non possunt Cicero seems to have had little barnyard experience: geese can attack people and other creatures viciously. But that ruins his point, and the whole comparison of accusers to animals is inserted for comic effect.

Cibaria Subject of *praeberi*, parallel with *cibaria locantur* above. The accusers' *cibaria* are the financial rewards of winning a prosecution.

impetum facere Cf. *impetum facit* in §21 with note. Here it is equivalent to "bite" (*alii ... mordere possunt*), as an attacking dog.

Hoc ... gratissimum Cicero gives the professional informers a catechism: it is best to attack those who deserve it (*qui merentur*): actual criminals, or, failing that, those for whom one can at least make a reasonable case (*cum veri simile erit*).

cum veri simile erit *Cum* + future indicative is used for future time, in keeping with the future condition *si voletis ... latratote* (the future imperative) to which this clause is appended.

commisisse Sc. some crime; Cicero does not usually use *committo* absolutely, but supplies an object or, even more regularly, an object clause (cf. §67). There are a few other examples: *Verr.* 2.1.110, 2.4.26, *Cael.* 23 *quod igitur est eius modi crimen ut qui commisit non neget, qui negavit absolutus sit, id hic pertimescat qui non modo a facti verum etiam a conscientiae suspicione afuit?* (*crimen* cannot be understood as object; the object is the deed to which the *crimen* relates). At *Inv.* 2.143 and *Brut.* 48 Cicero has *committo* with the adverbial *contra* or *contra legem*.

sic agetis ut "You will behave in such a way that" + result clause.

aliquem patrem occidisse *Aliquem* is the subject, *patrem* the object, of *occidisse*. The noun *patrem* and infinitive together form what is close to a compound abstract noun, "father-killing".

neque = *et ut non*.

latrabitis Also part of the protasis: *sin ... sic agetis ... ac ... latrabitis*.

vobis Dative of disadvantage, in the same expression as that used for the dogs.

hos The jurors.

litteram illam "That well-known letter", the letter K, object of *adfigent*: see note to *legem Remmiam* in §55.

cui Sc. *litterae*, dative with *inimici* (adjective).

usque eo Modifies *inimici* and signals the result clause that follows.

Kal. *Kalendas* (with *omnis*). The point is twofold: the abbreviations for Kalends and *Kalumnia* both begin with K, and the Kalends was the day when debtors had to pay their interest.

ad caput adfigent Branded, if Cicero is accurate: clearly he means that anyone so marked will be easy to recognize in future.

neminem ... accusare *Accusare* is used in both its senses here, "to accuse" (of a crime) with *neminem alium*, and "to blame", "to complain of" with *fortunas vestras*.

§58 **ad defendendum** Here *defendere* has its primary meaning of "to fend off".

bone accusator Ironic. Cf. *Verr.* 2.5.12 *Quid ais, bone custos defensorque provinciae?*

hisce The jurors, with *dedisti* supplied from the previous sentence.

qua de causa ... debuerit In §53 above, although Cicero had said that he would not ask why the father planned to disinherit his son, he appended a long aside to the effect that in such an important matter an accuser should be able to explain the parent's motivation.

Planum fac "Prove it"; cf. §54 *planum facere ... non possis*.

non Sc. some verb of saying, e.g., *dixisti*, on which the three indirect questions (clause beginning *quicum ... quem ... unde*) depend.

quicum I.e., *quocum*, which does not appear in Cicero's orations until the year 63 (*Mur.* 34) (in *De Inventione*, *quicum* appears eleven times, *quocum* once). After that time

he uses either form about as often in orations and letters, but *quicum* preponderates in rhetorical and philosophical works.

certiorem fecerit About two-thirds of the occurrences of the comparative of *certus* in Cicero occur in this expression. The Latin idiom "to inform" is, in many instances, illogical to English thought, for how can one be made more sure if one knew nothing to begin with? (Clearly the situation is different if one says, "I'm coming to Rome and when I know the exact day *certiorem te faciam*.")

istud With *susplicari*; the second person pronoun marks the suspicion as the accusers' alone.

vobis ... in mentem venerit The expression *in mentem venire*, "to come to mind", is followed by a dative of the person to whom the thought occurs and either a genitive of the person or thing thought of or, as here, an infinitive. Literally, "it came to mind for you to suspect this". The expression recurs in §§59, 74, 95, 105, 122.

cum ... accusas *Cum* means when; the present indicative is used for a temporal statement only.

quid acceperim Indirect question; what Cicero says that Erucius received was his pay for prosecuting.

quid dicam A deliberative subjunctive, and also an indirect question.

unum illud That one thing, viz., *quod Chrysogonus aiebat*.

neminem ... futurum ... neminem esse Indirect discourse attributed to Chrysogonus.

isti Dative, refers to Roscius, the defendant.

deque ea societate The business partnership between the T. Roscii and Chrysogonus which Cicero first describes at §21.

verbum facere Means *dicere*, but is rather more emphatic when used with a negative.

hoc tempore A reminder of Cicero's original claim that the current political situation is a disadvantage for his client (§§1, 8, 9, 28, 80, 81, 150, 154).

haec te opinio falsa ... impulit *Te* is the object; its position between the noun and its demonstrative adjective emphasises both the origin of the misconception (*opinio falsa* is written as two words, but is one idea) in Erucius' mind that persuaded (impelled) him to undertake the prosecution.

verbum fecisses Cicero uses the same phrase for Erucius that he had made Chrysogonus use of some other, or rather, the lack of another.

quemquam *Quisquam* (anyone) is the pronoun used with negative ideas (*aliquis*, or *quis*, means "someone" in a positive statement). Thus Cicero states that Erucius believed that no one would respond to his accusation.

§59 Operae pretium erat "It was worthwhile"; for the mood see note to §53 *erat officium*.

si animadvertistis Perhaps the jurors had not been paying close attention; cf. §60 for Cicero's report of Erucius' behavior. Cicero, on the other hand, liked to observe carefully how the opposition presented its case. He believed that it was not only detrimental to his performance to have to rely on a report of the others' arguments, but that even the delivery of those arguments and their reception by the jury gave him important clues in forming his response: *Brutus* 207-209. This conditional statement ("if you noticed") might, however, be Cicero's way of persuading the jurors that he had seen something happen, whether or not it happened. At any rate, §§59-60 are notable for the extended *enargeia*. By the time Cicero has finished his lively description of how Erucius had behaved, the jurors are likely to remember it as he told it.

Credo, ... quaesisse ... suspicatum esse The infinitives need a subject, *eum*, which one can supply from the pronoun *eius* in the preceding sentence. Here *credo* is not parenthetical, as it often is, e.g., in the next sentence (*puerum vocaret, credo, cui cenam imperaret*) and in §60 (*homines cursare ultro et citro non destiterunt, credo, qui Chrysogono nuntiarent*). For discussion relating to the tenses of subjunctive in this sentence, which are dependent not on the main verb but on some subordinate verb, see Lebreton 1901: 261-263. The tactical arrangement is like this:

- Credo [eum]
- (A1) cum vidisset qui homines in hisce subselliis sederent,
- (A) quaesisse
- (A2) num ille aut ille defensurus esset
- (B) de me ne suspicatum quidem esse
- (B1) quod antea causam publicam nullam dixerim

The clauses subordinate to the first infinitive follow secondary sequence, while that subordinate to the second infinitive is in primary sequence.

num ille aut ille Cicero indicates by the interrogative particle *num* that although Erucius had asked whether one or another of the important people would speak, he expected that they would not. Kennedy 1972: 152 accepts the narrative of Erucius' surprise at face value: "His intention to defend Roscius and attack Chrysogonus was kept a secret until he rose and spoke (59), and Erucius, the patron of the prosecution, was taken unawares after a rather offhand accusation." This may actually have been true, although it seems surprising that the opponents would have been unaware of investigations against them and the source of those investigations. Perhaps Chrysogonus himself neglected the whole case once he had got his share of the property; otherwise his ignorance (which Cicero does not claim, he only cites Erucius') accords ill with the influence that Cicero ascribes to him.

quod antea causam publicam nullam dixerim For *causam dicere* see above §12. The mood of the verb is explained by indirect discourse, not because Cicero necessarily

attributes the reason only to Erucius (although he could have stated it as an independent fact in the indicative). The case for Quinctius was a private lawsuit; we make a similar distinction between a civil and a criminal proceeding.

neminem eorum qui possent et solent More completely: *neminem eorum dicturum esse qui possent et solent dicere*. The relative clause of characteristic replaces a noun with adjectives: no one of the able and customary pleaders.

neglegens Careless in his behavior; although taken with *esse* it is nominative because it refers to the subject of the verb *coepit*.

resideret The people who argued the case were supposed to remain standing while they spoke.

spatiaretur The people who argued the case were not supposed to wander about while they spoke, although some movement was necessary to the delivery.

prorsus (ut) Introduces a summation after a rehearsal of particulars: Erucius began to be so negligent that he sat down, that ... in sum, that he abused

consessu ... conventu Ablatives with *abuteretur*. The *concessus* is only the people sitting; the *conventus* includes all the participants, and onlookers.

pro "The same as": he behaved as if he were alone.

aliquando "At last": Erucius must have prepared a lengthy oration, suitable to the alleged crime, even though Cicero says that his *actio* was lacking in dignity.

adsedit For the last time, having finished his speech.

surrexi ego Note the emphatic position of the pronoun and the asyndeton. After the details of the last sentence, this rapid enunciation of three verbs in a five-word sentence builds tension which Cicero temporarily dispels by the next sentence but renews in the following one (*coepi dicere*).

§60 Respirare To exhale, i.e., to breathe out in relief, or merely to breathe at all (after stress or exertion). Passages most like this one are *Clu.* 183, *Mil.* 47, *Att.* 2.24.5. Cicero sometimes modifies the verb with the adverb *libere* (cf. §22, *Quinct.* 39) or the adverbial phrase *a metu* (*Clu.* 200, *Har. Resp.* 48); sometimes he indicates in other ways that he means "to breathe freely", e.g., *Q.F.* 3.1.7 *Romae respirandi non est locus*. The verb can, of course, mean merely to breathe: *Quinct.* 94 *si fas est respirare P. Quinctium*.

non alius potius *Sc. quam ego*.

Vsque eo With *antequam* in the next line; literally, "up to that point", "before", "only until".

eum iocari atque alias res agere *Alias res agere* means to pay attention to something else other than Cicero's argument: he should have been taking notes.

quem Coordinating relative, here replacing *sed ... eum*.

pepugisset Clark prefers this spelling, although L&S s.v. *pungo* give *pupugi* as the form for the perfect. Clark cites Aulus Gellius 6.9.15. Gellius says at the beginning of the chapter that many of the ancients spelt reduplicated perfects with an *e* in imitation of the Greek practice: *Sic M. Tullius et C. Caesar 'mordeo, memordi,' 'pungo, pepugi,' spondeo, spepondi' dixerunt*. Other editors do not always follow suit.

Cf. §6 *scrupulum qui ... stimulat ac pungit*; at *Sest.* 24 Cicero uses *pungo* in the literal sense, to cause (a small) wound with a pointed weapon. He uses the verb rarely in any case.

nominavi *Sc. Chrysogonum*.

ultro et citro Neither this collocation nor any variant thereof is common in republican and early imperial authors; it is not found in poetry. There are three other instances in Cicero, all in the philosophical works: *N.D.* 2.84, *Am.* 85, *Off.* 1.56.

non destiterunt *Desisto* usually takes an infinitive or ablative, although many other constructions are possible: cf. the Greek and English idiom with the participle. In the orations, Cicero follows *desisto* with an infinitive — or if not, there is action implied in the context — in every instance but two (*Balb.* 52 and *Planc.* 52).

qui ... nuntiarent A relative clause of purpose followed by a long passage in indirect discourse (seven infinitives) dependent upon *nuntiarent*, carefully arranged:

esse aliquem ... qui ... auderet
aliter causam agi atque ... existimaret
aperiri ... emptionem
vexari ... societatem
gratiam potentiamque ... neglegi
iudices ... attendere
populo ... videri

The first two statements in indirect discourse describe the circumstances of the trial and contain subordinate clauses of different types. The last five are simple statements: the first two refer to the activities of those whom Cicero identifies as the malefactors, the last two to the reaction of the legitimate elements in the state. These two pair frame the third of the five statements, the attribution of not only *gratia* but *potentia* to Chrysogonus. Cf. §6 *adulescens vel potentissimus*.

esse aliquem The position of the infinitive is emphatic; it is the initial *est* (*aliquis*) of the direct statement. *Est* is enclitic except in this position, where it means "there is", "there exists".

voluntatem eius Chrysogonus'. Under other circumstances Cicero could have written *suam*, as the construction of the reflexive pronoun in indirect discourse and other dependent constructions, e.g., final clauses, is *ad sensum*.

aliter causam agi atque *Causam agere* (here in the passive) means to conduct a case. *Aliter atque* is translated "otherwise than" (literally, "otherwise and"): *atque* is more common than *quam* after forms of *alius*.

aperiri The verb *aperio* has two primary meanings in Cicero, (1) to open or uncover, literally (e.g., a letter, one's head) or figuratively (e.g., *Marc. 2 ergo et mihi meae pristinae vitae consuetudinem, C. Caesar, interclusam aperuisti*), and (2) to demonstrate or reveal, as here and in §128, *Clu. 66, Mil. 44, Phil. 14.16*.

bonorum Genitive of *bona* (property).

vexari pessime The verb is Cicero's not by coinage but by frequency of use: over a hundred times, not counting examples of *vexatio* or *vexator* (the latter seems definitely to be a word of his creation).

The adverb *pessime* is, if anything, Plautine (only nine instances; once in Terence *Heaut. 437*, and in Sallust *Iug. 31.14*, Memmius' speech). Although the collocation sounds as if it should come from a comedy, it does not occur elsewhere in extant literature. The closest thing is Plautus *Amphitruo 606 sum obtusus pugnibus pessime*. Elsewhere in Cicero the adverb is found at *Verr. 2.3.119, Phil. 14.18, De Or. 2.86*, and *Topica 30* in the famous passage that has led, evidently, to our use of the word "Form" for Plato's Ideas.

§61 Quae The coordinating relative (= *et ea*) is subject of *fefellerunt* (L&S s.v. *fallo* II.B) and refers to all seven circumstances just enumerated, which Erucius did not foresee happening.

te fefellerunt People are usually the subject of *fallo*, but not always; see, e.g., *Verr. 2.1.88 multum te ista fefellit opinio, et quidem multis in locis; Agr. 2.90 neque vero ea res fefellit homines divina mente et consilio praeditos*.

versa (Over)turned, as in having the tables turned on one.

commode ... libere "If not elegantly, freely at any rate" (*at* here means "yet"): cf. §3 (*libere dixero ... liberius dixero*), §9 (*neque satis me commode dicere ... neque satis libere*), and §54 *finde aliquid saltem commode*.

quem ... iudicare Supply *eum*, antecedent of *quem*, as subject of *defendi*. Similarly, supply *eos* as the subject of *iudicare*. (*Dedi* is the present passive infinitive of *dedo*, not the perfect active of *do*.) The two imperfect tenses represent Erucius' previous conception of the case, balanced by two presents of his current recognition: [He] who you were thinking was being surrendered you realize is being defended, [they] who you expected would hand (him) over, you see are judging (the case, on its merits). The order of words in the two clauses is almost, but not quite, identical:

relative pronoun – infin. passive – verb. sent. – infin. passive – verb. sent.

relative pronoun – infin. active – verb. sent. – verb. sent. – infin. active

aliquando With different force from its occurrence at §59, this is the exasperated "at some time [the sooner the better]", not "finally"; cf. §§83 and 140. At §70 *aliquando* means "at some time", but in an indefinite, not an impatient, sense.

veterem tuam illam calliditatem atque prudentiam *Calliditas* can be a complimentary word but, like "shrewd", usually is not; *prudentia*, however, is. Here it might mean an ability to save one's neck. For the adjective *vetus*, cf. §§28, 39.

confitere Imperative; note the asyndeton.

ea spe Ablative of attendant circumstances.

venisse Sc. *te* as the subject: it is permissible to omit the subject of an infinitive when it is easily supplied: A&G 581 Note 1. Cicero did this above: §§52, 59, where pronoun subjects are to be supplied from preceding genitives. In the past, the omission of a subject for an infinitive would have elicited negative comments from grammarians (cf. Lebreton 1901: 376–7), and perhaps even attempts by editors to supply a pronoun, but research has shown that the practice is not really rare in classical writers. Lebreton 1901: 377–8 collects a number of examples from Cicero, and some from Caesar.

quod ... futurum Explains *ea spe* (*quod* here is "the fact that").

latrocinium In later Latin the word is often used of civil strife. While Cicero does not use the noun quite as many times as all other writers combined, he is very fond of it indeed; it occurs most often in the orations against Verres, Catilina, Clodius, Antonius, and in the letters. Lebreton 1901: 44 cites this passage among examples of abstract nouns used in the singular to replace the name of a person, to describe a situation, or a quality or defect. In fact, here Cicero uses it in a definition.

Clark makes a new paragraph at this point, and it is here that Preiswerk 1905: 104–105 begins his discussion of the complex ratiocinatio. It is worth reproducing his analysis (for a simple ratiocinatio see §§111–112):

propositio communis (premise of the whole): "parricidii neminem convinci, nisi qui multas parentis occidendi causas habuisse demonstratur" (§61–62).

approbatio I (first proof): "nimiam enim esse necessitudinem sanguinis" (§63).

adsumptio (minor premise): "exemplum Caeli Tarracinensis" (§64).

(complexio prior) = **propositio secundaria α** : "suo iure iudices filios Caeli non condemnasse, cum recte concluderent, qui patrem necassent, eos somno privatos fuisse" (§65–66).

adsumptionis approbatio = propositionis secundariae α approbatio: "mentem enim turbari parricidarum apparere ex fabulis, ubi, qui a Furiis agitari putentur, sua vere excitentur conscientia" (§67).

complexio I (conclusion I): "ergo diligentissime inquirendum esse in eos, qui parricidii accusentur" (§68).

approbatio II = propositio secundaria β : "(in altera approbatione orator ex poenae magnitudine sceleris immanitatem demonstrare vult; quod disertis verbis nisi in complexione non indicat.) prudentiores Romanos esse in parricidiis puniendis quam ceteras nationes" (§69).

approbatio: "id effici ex Atheniensium consuetudinis Romanorumque comparatione" (§70).

adsumptio: "maxime enim quadrare culleum in homines improbissimos" (§70–72).

complexio communis: "non satis paratum venisse Erucium, qui causas necis Roscianaë indicare nequeat" (§72–73).

causa ... quam ob causam A play on words: cf. §5.

ratio ... reddita non est *Rationem reddere* is a technical term meaning "to give an account".

occiderit The perfect subjunctive follows a perfect indicative (a primary verb) in primary sequence.

§§62-73 **Excursus on Parricide** (*locus communis de parricidio*)

§62 **Quod** "What" ("that which"): anticipates *quae causa etc.* after *quaeritur*.

in ... peccatis *In* means "in the case of".

minimis noxiis Cf. Terence *Hecyra* 310 *pueri inter sese quam pro levibus noxiis iras gerunt*. The noun *noxia* is found most often in legal contexts and in comedy. The adjective, or masculine singular or plural adjective used as a noun, occurs less frequently.

magis crebra For the apparently nonexistent comparative.

iam prope cotidiana An observation probably made in every generation, that minor crimes have now (*iam*) become commonplace. But Cicero returns to the claim in his peroration, where he delineates the effects of civil war on contemporary *mores*.

vel maxime et primum See note to §6 *vel potentissimus*. Here, literally, "It is asked the most particularly as possible, and first ...", i.e., every crime, even the most minor, must have a motive (*causa malefici*).

in parricidio In the case of a crime which is neither minor nor commonplace: cf. §38.

quaeri non putat oportere Irony. Cicero frequently uses *oportet*, especially after a *verbum sentiendi*, with Erucius: §§38, 48, 51.

etiam cum multae causae convenisse ... atque ... congruere videntur Present indicative = temporal, not circumstantial, implying fact, thus this is a simple, not hypothetical, condition. This is a description of circumstantial evidence, spatially very graphic, as if the circumstances had migrated to one spot for the purpose of fitting together with each other. Cicero uses the verb *congruo* elsewhere only in theoretical contexts. The one other occurrence in the orations is at *Verr.* 2.2.129 when he explains how the Greeks keep their calendars in accord with the sun and moon. In rhetorical works, the verb may describe the fitting of words to the subject (*Inv.* 1.19), the type of oration to the occasion (*De Or.* 3.210), or the similar conclusions about an orator's worth reached by different means (the *vulgus* and the *intellegentes*: *Brutus* 183). In

philosophical works, the verb is used of logical coherence or agreement or of the parts of things working together (the body and soul at *Tusc.* 4.30, the universe at *Tusc.* 5.69).

non temere creditur Sc. an accusation of parricide, to be supplied from *in quo scelere*, a phrase that does not serve as "object" to the passive verb, but stands independently: "in the case of which crime". L&S s.v. *credo* II.C.2.a cite this as an impersonal passive — evidently singular. It is followed by a tricolon (*neque* [ter] with all passive verbs) denying authority to inference, witnesses (unless credible), or the accuser's mental or oratorical gymnastics (e.g., arguments from *probabile*, although Cicero says that Erucius misses even these).

levi coniectura res penditur An easy inference, a trifling conjecture, as opposed to "no reasonable doubt" (as in the modern U.S. judicial system). The word *coniectura* recurs at §§98, 107, 123. For parallels to the use of the transitive *pendo* (or, more often, the intransitive *pendeo*) see *Verr.* 2.3.189, 2.4.1, *Caecin.* 52, *Agr.* 2.80, *Scaur.* 14, *Marc.* 22.

incertus Uncertain because untrustworthy.

ingenio Here = speaking ability.

cum With the following *cum* and *tum* means "not only, but also, and also". See above §§38 and 39, for the same argument, of which this is a summation.

multa antea commissa maleficia A criminal record. This and the other necessary conditions that Cicero lists in this sentence are not normally admissible in modern criminal proceedings as implying guilt in a particular crime.

ostendatur necesse est *Vt* is omitted (*necesse est ut ostendatur*), as often with *necesse est*: A&G 569.2 Note 2. Cf. §87 (cited in A&G).

haec cum sint omnia Concessive; *sint* is emphatic, and so, by position, is *omnia*.

exstent oportet *Oportet* may govern the subjunctive (without *ut*) as well as a substantive clause: A&G 565 and Note 3.

expressa sceleris vestigia "Hard evidence", described by the indirect question that follows.

ubi, qua ratione, per quos, quo tempore All with *maleficcium sit admissum*: the usual questions (where, how, through what agents, when). Cicero says *per quos*, not *a quibus*, to distinguish between the real murderer (that would be *a quo*) and the people who actually struck the blow, who are accessory to the crime but not responsible in the same way as the person who hired them. Cf. §49. All must have agreed that Roscius could not personally have killed his father, as he was in Ameria at the time when his father was struck down in Rome (§76), but the prosecution would argue that he had hired killers.

Quae Sc. *vestigia*.

res tam scelestas etc. A brief tricolon.

credi non potest When *credo* means to trust, to believe a person, a dative of the person follows; when it means to believe (that a thing is so) it takes an accusative object. Cicero's use of the passive here is grammatically acceptable but apparently unique; cf. *si tantum facinus, tam immane, tam acerbum credituri sunt* §68.

§63 A philosophical interlude, followed by an excursus citing a precedent in §§64–65. Cicero begins with a tricolon involving three abstracts, which he follows with a lengthy and involved statement of their opposites.

humanitatis He means human nature, or rather, the force or bonds of a common human nature, not exactly as in §46, although modern scholars usually employ one of these two sections to explain how they interpret the other. Just as in §46 Cicero had indicated how a father feels toward his son, so here he shows that the bond between parent and child affects the child as well. Although Cicero's notions of humanity might cause him, as an individual, to abhor killing of other human beings (cf. *Quinct.* 51, where he states that *boni viri* will refrain from harming even an enemy; of course, he is arguing a case), he certainly never intimated that this principle affected other Romans in practice. He would not deny that human beings are capable of killing one another. Cicero's arguments in this oration that a person (unlike the accused) who commits such a crime is worse even than a wild beast all relate specifically to the killing of a parent. See note to §154.

multum Adverbial.

communio sanguinis Blood relationship, literally, sharing of blood. Cf. *communis sanguis* at *Red. in Sen.* 25. Cicero may have coined the word *communio*; he is the first and, except for C. Matius (*Fam.* 11.28.5), the only Republican author to use it, although he never again employs it in exactly this sense.

reclamitat *Hapax legomenon*. The frequentative form of *reclamo* appears only here in Latin literature. Like *reclamo*, it takes the dative (*suspicionibus*). To make Nature cry out is rather bold.

esse ... privarit The substantive clause is in apposition with *portentum ... est*. *Esse* is emphatic by position: "that there exists", or, "the existence of". Lebreton 1901: 226 cites *privarit* as an example of a result clause whose verb violates sequence because the sense demands it: although the main clause is primary (*portentum atque monstrum certissimum est*), *violarit* depends actually upon *vicerit*. Cf. A&G 485c with Notes 1 and 2. Of course, *vicerit* may have represented for Cicero a perfect (not an historical tense) (A&G 485b), which governs primary sequence.

humana specie et figura Ablatives of description with *aliquem* replace *hominem*, which would be an inappropriate term after the description of the power of *humanitas*.

immanitate Ablative of specification. Cf. §38 *mores feroces immanemque naturam*. This whole description is excessive but also rather nice when the beasts come off better in the comparison.

propter quos ... aspexerit The relative clause precedes the clause of the antecedent, so as to save *eos ... privarit* for an emphatic contrast, and conclusion.

hanc suavissimam lucem aspexerit Metaphor for "be alive", answered by *luce privarit* in the next clause.

eos indignissime luce privarit A corresponding metaphor for "kill"; there is another early example of the expression at *Quinct.* 74.

The adverb *indignissime* is rare in Cicero and always in a context of death; it is found in the well-known passages at *Verr.* 2.5.147 *cervices in carcere frangebantur indignissime civium Romanorum, ut iam illa vox et imploratio, 'Civis Romanus sum,' quae saepe multis in ultimis terris opem inter barbaros et salutem tulit, ea mortem illis acerbiores et supplicium maturius ferret* and *Cael.* 59 (on the death of Metellus Celer) *eriperetur indignissime bonis omnibus atque universae civitati*; also at *Sest.* 140 *praeclare vir de re publica meritus, L. Opimius, indignissime concidit*.

partus atque educatio et natura ipsa conciliet *Educatio* is used in the sense of "rearing", for animals. The three terms are meant to recall, but two do not exactly correspond to, *humanitas, sanguis, ipsa natura* in the first part of the sentence. There is, of course, no equivalent for *humanitas* when speaking of beasts — feral or bestial nature will not do here — so the caretaking involved in *educatio* must take its place, while *partus* is approximately equivalent to *communio sanguinis*. The singular verb agrees with the nearest subject.

§64 Non ita multis ante annis *Digressio ... similitudinis ... causa interponitur* (*Inv.* 1.27): The excurses on T. Cloelius. "Not very many years ago": Cicero introduces a story that he believes is similar to the present situation, that of Titus Caelius (the name given in Valerius Maximus 8.1.13), or, as most of the mss have it, T. Cloelius: see Wiseman 1967: 263-264, and 1971 Register No. 122. Tuplin 1979 disputes Wiseman's identification of one of this man's two sons with the (Marian) general in Plutarch *Pompey* 7.1, whom he believes is a C. Coelius Antipater, the son, perhaps, of the historian. The part, if any, played in the civil war by one of the sons mentioned here is probably not important for understanding anything about the passage: Cicero has cited it not, so far as one can tell, for political purposes (unlike the story about Scaevola) but as a legal precedent. Cicero presents a similar conjectural case about a man and his traveling companion at *Inv.* 2.14-15.

Terracinensem Tarracina is a town in Latium.

hominem non obscurum The adjective denotes class standing rather than that the man was famous or that the story about him was.

cenatus The perfect passive participle of *ceno* is used in the active sense of "having dined", i.e., having been fed. This is an instance of Cicero's use of the perfect participle to replace a temporal clause.

cubitum Supine with *isset*.

ea suspicio "That suspicion" here means suspicion of guilt for that specific crime.

id aetatis Adverbial (idiomatic) accusative with partitive genitive: "at that time of life": A&G 397a. The expression may be thought of as either an indeclinable adjective or similar to an ablative or genitive of description. The time of life meant is usually advanced (maturity or old age, as at *Verr.* 2.1.66, 2.2.91, *Phil.* 11.17, *Rep.* 3.41, *Fam.* 6.20.3; *Livy* 10.24.6); young physical maturity or extreme youth may also be indicated (*Clu.* 141, *Flacc.* 106; *Livy* 27.19.9; *Tacitus Ann.* 5.9.2). The comparable idiom in English (a person is "at that age") also has specific meaning only in its context.

propter Adverb: "nearby".

se The sons, subject of *sensisse*, which lacks an object.

nomina ... delata sunt Passive of *nomen defero*. They were indicted on the grounds of overwhelming improbability: (1) that neither of them noticed anything, (2) that an outsider dared to attempt the crime in the presence of two young men who could interfere, (3) that anyone else had a motive.

neutrumne sensisse Cicero commences implied indirect discourse, as he represents the questions that must have been in the minds or on the lips of contemporaries.

ausum autem esse Continuation of implied indirect discourse; *ausum esse* is the deponent perfect infinitive of *audeo*.

se in id conclave committere Literally "entrust himself to that room", which means, to feel safe in that room.

porro Introduces the clinching argument; cf. §39.

in quem ... conveniret "Whom the suspicion fitted": evidently the victim had no known enemies.

§65 **cum planum iudicibus esset factum** See note to §54 *planum facere*. Counsel for the defense was able to prove that the young men were found asleep.

aperto ostio Ablative absolute describing the time.

dormientos eos The present participle indicates time contemporaneous with that of the discovery. When the sons were found, i.e., when the people opened the door and saw them, they were sleeping.

iudicio absoluti Acquitted; literally, "absolved from judgment".

quemquam esse *Quisquam* is an implied negative: no one thought that anyone existed who ... (cf. §§52, 58).

propterea quod See note to §1.

non modo ... quidem See notes to §§54 and 79. This is the variant rendition, without a *non* after *non modo*, of "not only not but not even".

possunt Cicero gives the explanation as a fact. Such arguments, and their opposites, had great force.

§66–69 **Excursus on the Furies.**

§66 **Vidētisne** The opening verb begins an indirect question which Cicero does not commence until *tamen ut eos agitent etc.*

quos The subject of *sumpsisse* in indirect statement after *tradiderunt*. Its antecedent is *eos*, the object of *agitent*.

patris ulciscendi The gerundive construction, with *causa*.

supplicium de matre sumpsisse Orestes and Alcmaeon killed their mothers Clytemnestra and Eriphyle respectively, the former with perhaps more justification than the latter, whose father Amphiarus was, it seems, fated to die before Thebes, and whom Zeus actually killed.

cum praesertim "Especially when" is, in this context, "even when", "although", with the following *tamen*. Usually Cicero uses *praesertim* both with *cum* (which usage accounts for almost half of the examples of *praesertim* in Cicero) and with participles (Laughton 1964: 8) to emphasize causality, not concession: see §§22, 51, 76. Although in early orations Cicero showed no real preference for *cum praesertim* over *praesertim cum*, after the time of his consulship he very rarely wrote the latter.

iussis .. oraculis Ablatives of cause or specification: it was Apollo who commanded Orestes to kill his mother, but Amphiarus, himself a seer, foretold his demise and told his son to avenge him.

ut eos agitent Furiae "How", introducing the indirect question. Cicero must have borrowed from this passage many years later when he attacked Piso: *Pis.* 46-47. On this passage see Dufallo 1998 and 2007: 40–42.

neque consistere Cf. *Phil.* 2.68, where Cicero says that Antonius must be miserable living in Pompey's house: *nec vero te umquam neque vigilantem neque in somnis credo posse mente consistere. necesse est, quamvis sis, ut es, violentus et furens, cum tibi obiecta sit species singularis viri, perterritum te de somno excitari, furere etiam saepe vigilantem.* See also the end of Aeschylus' *Choephorae* and the opening of the *Eumenides*: the Furies continually drove Orestes from one place to another, until he gained absolution by trial at Athens. Cicero does not bother to apologize for a literary allusion to what was clearly a well known story. On Alcmaeon see Apollodorus *Bibl.* 3.86. For the Furies, or a similar kind of madness, in other orations, see Preiswerk 1905: 65-66, who cites also *Har. Resp.* 39, *In Clod. et Cur.* 7, *Verr.* 2.1.6, 2.5.139, *Clu.* 171.

ne pii quidem sine scelere *Oxymoron?* *Pius* implies correct behavior, as in obeying the god's command, or avenging one's father's death. Cicero uses the word *officium* in §70 to characterise the proper relationship.

magnam ... sanguis The force of the tricolon is intensified by several devices: anaphora, vocabulary, and word position, especially of the verb. Cicero's choice of three (feminine) abstracts enables him to repeat the same form of *magnus* thrice. The three accusative nouns encompass varying types of compulsion: *vis* is compelling force, *necessitudo* is compelling bond of family relationship, *religio* is compelling fear, or reverence. Blood of any sort is associated with the variety of feelings and practices implied in the word *religio*. Cicero creates a tricolon auctum by moving the verb between the third abstract noun and its adjective, the unusual word order emphasising in turn the verb, the object *religionem*, and the subject *sanguis*.

concepta est Has been received; *macula*, an actual spot of blood, makes the statement concrete rather than metaphorical. The choice of the verb *concipio*, used also of conception, is not accidental.

usque eo permanat ad animum *Vsque eo* anticipates the following *ut*, the consequence: Cicero describes the spot of blood physically penetrating from the surface of a person's body deep within, blazing a trail to the soul for rage and madness to follow. The distinction between the material and immaterial disappears in the process.

consequatur Singular with the nearer subject.

§67 **Nolite enim putare** This is the usual, and more polite, form of a negative command: A&G 450. Cicero uses the same expression in his discussion of the Furies at *Pis. 46*: *Nolite enim ita putare, patres conscripti, ut in scaena videtis, homines consceleratos impulsu deorum terreri furialibus taedis ardentibus; sua quemque fraus, suum facinus, suum scelus, sua audacia de sanitate ac mente deturbat; hae sunt impiorum furiae, hae flammae, hae faces.*

Landgraf ad loc. has a lengthy discussion of the use of this commonplace in Greek and Latin literature. Weische 1972: 24 cites Aeschines' *Against Timarchus* 190–191, the first part of which is more apt than the second, as Aeschines was speaking of crimes against the state, and Cicero of crimes against persons.

in fabulis E.g., in Aeschylus' version. Cicero elsewhere (*Acad.pr.* 2.89) cites Ennius' *Alcmaeon* for a similar scene, and at *Leg.* 1.40 he makes an analogy similar to the one here: *eos [impios] agitant insectanturque furiae, non ardentibus taedis sicut in fabulis, sed angore conscientiae fraudisque cruciatu.* At *Pis.* 47 he names Orestes and Athamas.

saepenumero Also written as two words, e.g., at §119. The adverb is rare in Latin literature, somewhat less rare in Cicero than in other authors.

eos ... agitari et perterreri Cicero reminds the audience that he does not believe in the literal existence of the Furies, nor in their material manifestation as the poets represent.

Sua quemque fraus etc. In the various expressions with *suus quisque*, the adjective and pronoun are usually in different cases, as here, each with its individual construction: his own crime and terror plague(s) each man, his own sin (*suum scelus*) disturbs each man, etc. This formulation is somewhat different from the English idiom, in which the "each" is usually the subject, as in "we each make our own hell". The passage is a tricolon auctum with anaphora (a different form of *suus* in each phrase) and *variatio*. The first part has a double subject, the second has two verbs, the second and third members of the tricolon are somewhat longer than the first and second, respectively, and the last member, also with a double subject, both feminine plural nouns, omits both the repeated *suae*, which is not necessary, and the pronoun *quemque*, which can by now be supplied:

Sua quemque fraus et suus terror maxime vexat,
suum quemque scelus agitat amentiaque adficit,
suae malae cogitationes conscientiaequae animi terrent

fraus et ... terror ... vexat For the singular verb, see note to §15 *fama et vita*. Unlike other examples in this oration (§§15, 16, 20, 24), *fraus* and *terror* are not so nearly allied, although clearly it is the *terror* arising as a result of the *fraus* that distresses the person, as Cicero says himself: *suae malae cogitationes conscientiaequae animi terrent*.

amentiaque Instrumental ablative; the *-que* connects the verbs.

conscientiaequae animi *Conscientia* means joint knowledge, sometimes with oneself, and therefore means consciousness (of good or evil), here joined with the objective genitive *animi*, and opposed to unconscious knowledge or an inability to tell oneself the truth.

hae The demonstrative is attracted to the noun *Furiae* and refers to the nouns of the first part of the sentence (one masculine, one neuter, the rest feminine).

impiis Masculine dative plural, dative of possession, and a good example of its use (opposed to *habeo*) in a case where the fact of possession is news. To say "the impious have (*impii habent*) these Furies" merely describes the Furies (we assume their existence); to say "these are the Furies for the impious" makes a new definition and imparts new information (we do not assume their existence, or not in this form). The Furies exist, but they are internal; as poets cannot show the inner workings of human beings, they externalise the phenomenon.

adsiduae domesticaequae Furiae Both attributes imply residence, in the soul; the second also pertains to the household and family.

parentium poenas Note alliteration. *Parentium* is subjective genitive: penalties for the parents' deaths, or the penalties that the parents would exact if they could.

consceleratissimis filiis The intensifying prefix on the participle (Cicero does not use the verb) makes the word almost a double superlative; the noun could be sons or daughters. The superlative of *consceleratus* occurs also in *Cat.* 3.17 and the positive eighteen times, all in the orations, notably at *Pis.* 46 *has esse in impios et consceleratos*

poenas certissimas, the passage modeled upon this one. Cicero is the only Republican writer extant to use *consceleratus*.

§68 Cicero returns to the argument of §§38–39 and 62, namely, the unlikelihood of inducing anyone to believe, in the absence of the most compelling proof, that a man could commit such a crime.

facit ut "Has this result", literally, "makes it that", with *credibile non sit*.

nisi paene manifestum parricidium Preferably with eye-witnesses: cf. the last sentence of this section. *Nisi* here means "except when".

nisi turpis etc. This and the four instances of *nisi* which follow mean "unless". The verb *sit* should be supplied with the participles and adjectives in this and the following clauses.

turpis adulescentia Cf. §39 *adulescentulus corruptus et ab hominibus nequam inductus*.

omnibus flagitiis vita inquinata Cf. §38 *vitam vitiis flagitiisque omnibus deditam, denique omnia ad perniciem profligata atque perditam*.

The verb *inquino* (in extended sense) and its participle occur primarily in Cicero, although it is found occasionally in other authors.

sumptus effusi Literally, "costs poured forth", thus, lavish expenditures. Cf. §39 *luxuries igitur hominem nimirum et aeris alieni magnitudo*.

cum probro atque dedecore Ablatives of manner; Cicero leaves to the consciences of his listeners whether or not it is proper to spend large sums in a morally acceptable way.

abhorreat Passages where the verb has a force similar to that here include *Inv.* 2.32, *Clu.* 78 *ab nulla turpi suspicione abhorrebat*; *Sest.* 112, *Cael.* 10 *longe ab ista suspicione abhorreere debet*; *Opt. Gen. Orat.* 16, *Fin.* 3.37. Literally the verb means to shudder at, shrink from, i.e., to be averse to. Examples of this primary meaning may be found at *Clu.* 27 *idcirco se ab eis nuptiis abhorreere respondit* and 41 *omnes aspernantur, omnes abhorrebant, omnes ut aliquam immanem ac perniciosam bestiam pestemque fugiebant*; *Sest.* 132 *C. Caesarem, mitem hominem et a caede abhorrentem*.

Often, however, the meaning of the verb has little to do with dislike or distaste, but is used in the same sense as *abest* or *distat*, even *vacat* or *caret*, *alienus ab*: Litotes often figures in these cases, so that *non abhorret* = *perfamiliaris est*: The opening sentence of the *Pro Archia* is a good example: *Si quid est in me ingeni, iudices, ... aut si qua exercitatio dicendi, ... aut si huiusce rei ratio aliqua ab optimarum artium studiis ac disciplina profecta, a qua ego nullum confiteor aetatis meae tempus abhorruisse ...*; cf. *Arch.* 27; *Planc.* 58 *ego ipse non abhorrens a studio antiquitatis*; *De Or.* 1.179 *ab iuris studio non abhorrens*. Cicero often uses such an expression to describe what is usual to the practice of oratory (or to planning a prosecution): *Inv.* 1.77, *Verr.* 2.2.10, *Cat.* 1.20, *Mur.* 69, *Arch.* 3, *Pis.* 71, *Planc.* 78, *Deiot.* 17, *De Or.* 1.13 and 84, 3.203 and 224, and also of what is contrary to

contemporary custom or thought, or to nature: *Cael.* 48, *Scaur.* 9 and 33, *De Or.* 1.219 and 225.

Accedat huc oportet *Huc* is the bad character of the offspring, evidenced by those traits or actions that Cicero has just enumerated, to which must be added (*accedat*) the parent's hatred and other conditions that he lists below. The singular verb agrees with *odium*, the nearest subject, Cicero's almost invariable practice.

parentis It is difficult to tell whether this is a subjective genitive or objective genitive. It should matter more to the criminal that s/he hates the parent than whether or not the parent hates her or him, unless the fact that the parent hates the child makes the fact of parental vengeance (*animadversionis paternae*) more likely.

si tantum facinus, tam immane, tam acerbum credituri sunt Echoes the assertion of §62: *res tam scelestas, tam atrox, tam nefaria credi non potest*; the adjectives here are roughly synonymous to those.

§69 **quo minus ... eo magis** A comparison wherein Cicero ties the rarity of the crime to the severity with which it should be punished. The word order of the second part of the sentence is not precisely parallel to that of the first, as the *si*-clause interrupts the two parts of the verb with *eo magis*, thus leaving *vindicandum* in a more prominent position. The sense order is *quo minus hoc credibile est (nisi ostenditur), eo magis vindicandum est (si convincitur)*.

§§69–70 Excursus on the wisdom of Roman lawmakers

cum multis ex rebus *Cum* is answered by *tum* in *tum ex hac re* below.

armis ... consilio sapientiaeque Ablatives of specification.

plus Not only with *quam*, but adverbial with *potuisse*. See notes to §4 *plurimum possunt* and §33 *tantum potuit*.

ex hac re Anticipates the explanatory *quod*-clause in the next line.

vel maxime Cf. *vel maxime* above §62, and note.

singulare supplicium Anaphora, notable also for the hissing sound of S. Cicero repeats this phrase in the next section but separates *supplicium* and *singulare* with the prepositional phrase *in parricidas*.

quantum prudentia praestiterint Indirect question with *considerate* in the next line; *quantum* is adverbial with *praestiterint*, *prudentia* is ablative of specification. Cicero makes the same sort of comparison with Athenian lawgivers at *De Or.* 1.197.

apud ceteros In the judgment of the rest (of humanity).

sapientissimi fuisse dicuntur This is the personal construction of *dicere*, hence the subject of the infinitive is nominative; the next sentence displays the same personal construction: *prudentissima ... fuisse traditur*.

§70 **ea** *Civitas Atheniensium*. Cicero is more likely to say *Athenienses*. Cf. *Flacc.* 62 *Athenienses, unde humanitas, doctrina, religio, fruges, iura, leges ortae atque in omnis terras distributae putantur*. Lebreton 1901: 77 has a number of examples where a city-name is used as a collective noun, e.g., *De Or.* 1.13 *illas omnium rerum inventrices Athenas*, and thereby demonstrates that Cicero does personify cities. Here, however, he is personifying the Athenians' *civitas*, which is a somewhat different case. But there are better parallels, e.g., *Manil.* 54 *quae civitas umquam fuit antea, non dico Atheniensium... , non Carthaginiensium ... , non Rhodiorum ... , quae civitas, inquam, antea tam tenuis aut tam parvula fuit quae non portus suos et agros et aliquam partem regionis atque orae maritimae per se ipsa defenderet?*, where the Athenian, Carthaginian, and Rhodian states receive the same treatment, and Cicero repeats *civitas* with the verbs at the end of the sentence, and *Brut.* 49 *nam ante quam delectata est Atheniensium civitas hac laude dicendi, multa iam memorabilia et in domesticis et in bellicis rebus effecerat*, where the *civitas* accomplishes a number of things and goes mad for rhetoric into the bargain. Similarly, at *Verr.* 2.5.97–8 the fleets of the Carthaginians and Athenians (cf. the Carthaginian state doing something with its fleet at *Manil.* 54), and the Romans' naval glory, accomplish a number of things.

I think the inspiration for this passage may come from the first book of Herodotus (1.60.3–5), where the historian relates the story of Solon and Croesus and also tells how the Athenians came to have Peisistratus as their tyrant. There Herodotus says that the Athenians are cleverer than other Greeks, but that the story of Phye makes them seem rather silly.

rerum potita est Athens dominated affairs, or rather, other Greek states, in the last three-quarters of the fifth century especially.

sapientissimum Solonem dicunt fuisse Third-person construction. Solon is credited with having modified the laws of Draco as part of his reform program in the 590's; our knowledge of him derives primarily from his poetry and from Aristotle's *Constitution of the Athenians*. He was counted as one of the seven wise men.

eum Solon. The pronoun, *≈ illum*, seems redundant, but Cicero refers back to *Solonem*, placed, before the end of the clause, next to *sapientissimum*.

qui leges quibus hodie quoque utuntur scripserit Both relative clauses are in indirect discourse, but the second one (*quibus ... utuntur*), subordinate to the first, is in the indicative, an example of a statement represented as independently true, whether or not the Athenians of Cicero's time actually used the very laws of Solon. It is interesting therefore that the primary relative clause describing Solon's legislative activity is in the subjunctive.

necasset In secondary sequence in indirect discourse the pluperfect subjunctive represents the future perfect indicative of direct discourse.

se Subject of *putasse*; the pronouns are lined up for maximum effect: he — that thing(!) — no one(!).

de eo *Eo* is neuter, antecedent of *quod* in next line.

nihil sanxerit Enacted nothing: passed no law. Cicero uses *sancio* always in a context of legislation, natural right, religion, even agreements between people whom he disapproves of (e.g., Antonius and Dolabella). The adjective *sanctus* comes from this verb, and Cicero occasionally adverts to the word's original force, e.g., *Balb. 33 primum enim sacrosanctum esse nihil potest nisi quod populus plebesve sanxit; deinde sanctiones sacrandae sunt aut genere ipso aut obtestatione et consecratione legis aut poenae, cum caput eius qui contra fecerit consecratur; Phil. 11.28*. Nevertheless, in many contexts *sancio* means nothing more than carry a measure.

ne ... videretur Negative clause of purpose; *ne* with *videretur*, *non* only with *tam prohibere*.

admonere Here, used absolutely, means "to suggest", "to give someone the idea". This notion is a commonplace for all those who argue that to mention is to persuade, e.g., in contemporary life on the topic of sex education. Similar arguments can be found at *Tull. 9, Dom. 127*.

§§70–72 The punishment for those found guilty of parricide

Quanto nostri maiores sapientius! The adverb *sapientius* needs some verb, e.g., a form of *facere*, supplied to complete the meaning. Cicero expatiates upon this idea in §§71ff. For the sentiment, cf. *Verr. 2.4.9, Caecin. 34, Planc. 53, Leg. 3.44*.

audacia Subject of *violaret*. Here again, an abstract noun is at work, where, to make a general statement, this singular abstract replaces the plural *audaces*.

supplicium ... singulare The punishment was suitable, one supposes, for a *singulare maleficium* requiring *singularis audacia* (§§38, 62). Cicero next describes how singular the punishment was and how singular was the wisdom of those who invented it. Cf. the *Rhetorica ad Herennium* 4.12 *nam quis est vestrum, iudices, qui satis idoneam possit in eum poenam excogitare, qui prodere hostibus patriam cogitarit? quod maleficium cum hoc scelere comparari, quod huic maleficio dignum supplicium potest inveniri? In <i>is, qui violassent ingenuum, matremfamilias constuprassent, vol<ner>assent aliquem aut postremo necassent, maxima supplicia maiores consumpserunt*.

excogitaverunt "Excogitate" is definitely a Ciceronian word (over ninety occurrences), although not one of his coinage.

in officio In proper relationship with the parent as prescribed by *pietas*; cf. *pii* in §66.

ei ... summoverentur The argument of penalty as deterrent is ancient. Note the physical connotation of the verb, almost as if the potential malefactors are removed bodily. *Summoveo* is as rare in Republican Latin as it is common in the later period.

There may be only one other instance in Cicero, in a fragment of an oration cited by Asconius, *In Cornelianum I* (p. 56 Stangl). But the text there may have been supplied; see Stangl's app. crit.

Insui etc. Cf. §30.

voluerunt The *maiores* not only wished or willed it, they made it the law. But this is the normal formulation in Cicero to relate what the ancestors wanted to have happen: examples at *Quinct.* 51, *Verr.* 2.5.125, *Manil.* 39, *Cat.* 2.27, *Mur.* 10 and 27, *Red. in Sen.* 11, *Har. Resp.* 24.

§71 singularem sapientiam Yet another example of "singular" in anaphora, and the sound of S. The accusative of exclamation introduces another excursus, on the punishment for parricides.

Nonne videntur He asks the audience to agree with his assessment of the ancients' intent, and expects the answer "yes".

hunc hominem "This man (about whom I'm speaking)", a parricide; antecedent of *cui* (usual antecedent of a relative is some form of *is*). Cf. *hunc* in §56.

rerum natura Nature, as in Lucretius' poem. A modern equivalent would be something like "the physical world".

cui Dative of separation with *ademerint*. The ablative of separation is not used of taking anything from persons.

caelum, solem, aquam terramque The four elements: air, fire, water, earth.

qui eum ... unde ipse *Qui* and *ipse* are the son, the father *eum* and *unde*, which stands for *ex quo*; evidently Cicero does not want to clutter the sentence with another relative pronoun. Although *unde* is not really common used in this sense, I find a few parallels. Most, however, describe origin in a place, or a city as author of various arts, thus preserving the spatial notion of *unde* = *ex quo loco*. At *Flacc.* 62 the Athenians are the source of civilization (*adsunt Athenienses, unde humanitas, doctrina, religio, fruges, iura, leges ortae*), while at *Sest.* 141 the Romans are the source of spiritual strength (*in ea civitate nati unde orta mihi gravitas et magnitudo animi videtur*). Another example of *unde* referring to a specific individual in the sense of agency or origin is *Mil.* 59 *Quis eos [servos] postulavit? 'Appius.' Quis produxit? 'Appius.' Vnde? 'ab Appio.'*

omnibus Unusual position, both for emphasis (adjectives of size and quantity usually precede the noun), and to get *omnibus* that much closer to *omnia* in the next line.

omnia nata esse dicuntur The natural philosophers named air (here represented by *caelum*), fire (here, the sun), water and earth as the four elements, although not necessarily all, or all at the same time, as the source of all things.

feris corpus obicere To cast out the body unburied to be eaten by animals, a dishonor reserved for lesser crimes such as treason. This lack of burial alone was a

terrible disgrace and, in the ordinary way, to fail to bury the dead was a serious offense against religion.

bestiis ... immanioribus The insertion of the relative clause *quae tantum scelus attigissent* asserts the force of the adjective *immaniores* when it finally appears.

quae ... attigissent The causal subjunctive explains *immanioribus*.

tantum scelus The abstract crime replaces the criminal. Although *tantum* is often followed by a partitive genitive, there is a difference in meaning between *tantum scelus* "so great a crime" and *tantum sceleris* "a great quantity of crime", or "out of the sum of crime that exists, this is a large amount". Compare *quid sceleris* §30.

sic nudos The existence of a present participle of *esse* would help clarify the meaning. *Sic* here is probably the same as that in the expressions with *esse*, where *sic est* = *talis est*, and therefore may be translated "[they wanted] not to throw them out, [being] such (i.e., just as they were), naked into a river". Perhaps the meaning is closer to the English "just like that".

cum delati essent in mare Rivers are usually described as "running down" to the sea, not that there was necessarily the prejudice (as in modern Western cartography) to portray South as "down" (thus of major rivers the Nile would run "up"), but the sea was at a lower elevation than the surrounding land and than the rivers which flowed into it.

ipsum *Mare*.

cetera ... expiari All other things, that is, all other forms of blood-guilt except parricide; washing in running water or the sea was part of the ritual of cleansing. Compare in this connection *Clu.* 193, *Verr.* 2.4.26, *Har. Resp.* 35, *Leg.* 1.40.

denique The adverb (hundreds of times in Cicero, ten in this oration) denotes a climax. This last clause is a statement of Cicero's opinion, not, as the first two clauses were, an explanation of the ancients' reasoning. It is curiously put: there is nothing so cheap or common that they left any part of it (sc. to the criminal). The idea is elaborated in the next sentence. In a way, it means the opposite of "nothing was too good for them".

cuius Refers to *nihil*, a relative clause of result.

§72 **spiritus etc.** Cicero has four words but only three elements (he has omitted fire). *Terra* and *litus* are both earth.

fluctuantibus ... eiectis Participles used as substantives: "the floating" and "the washed up". The participles *vivus* and *mortuus* are in common use as nouns. See the discussion of substantival masculine plural participles in Laughton 1964: 79–83. At p. 79 Laughton writes of this sentence, "It is to be observed that in this passage the substantival force of *fluctuantibus* and *eiectis* is anticipated and made easier, because, preceding these participles and corresponding to them are two words more fully established in substantival use, and we have already noticed that attributive participles

are often 'supported' in this way." In the subsequent discussion, however, Laughton notes that Cicero often dispensed with any "reinforcing element", evidently because not only was the practice of so using masculine plural participles accepted by his time, but because stylistic effectiveness was for Cicero, in this as in so many other things, his most important consideration.

Ita vivunt The condemned men live *ita*, correlative to *ut*. So *ita moriuntur ... ut* below. This whole passage is characterized by gross excess, but evidently Cicero produced a good effect. Tetracolon with anaphora. Later on Cicero admitted that he found his early rhetorical excesses embarrassing: *Orat.* 107 (with specific reference to this passage) *sunt enim omnia sic ut adulescentis non tam re et maturitate quam spe et expectatione laudati ... ipsa enim illa pro Roscio iuvenilis redundantia multa habet attenuata, quaedam etiam paulo hilariora*. Three of the verbs in this sentence repeat the participles from the last (*vivis–vivunt, mortuis–moriuntur, eiectis–eiciuntur*); *iactantur fluctibus* corresponds to *fluctuantibus*.

non queant A form of the negative *non queo* is found here and in §86. Cicero does not write the first person *nequeo* in prose (thrice in poetry), preferring *non queo*. At *Orator* 154 he lists the verb *nequire* with other syncopated formulations (*nequire pro non quire*); compared to *non possum*, he uses neither form of the verb *non queo/nequeo* very frequently.

eorum ossa terra non tangat (Naturally, since they are in the water) — they cannot be admitted to the underworld without burial (cf. Palinurus), or at least dust thrown onto their bodies (cf. Antigone). A cenotaph could be erected for those lost at sea.

ita iactantur ... ut *Ita ... ut* again; and again in *ita postremo eiciuntur ut* in the next clause: they are tossed about, but never actually washed by the waves as the sack gets in the way, at least symbolically.

ne ad saxa quidem They rest not even on the rocks, which might be an acceptable substitute for *terra*, because, again, the sack gets in the way. Although one might quibble that the sack could suffer some damage either on land or in the sea, and the body could indeed be devoured by some creature, the Romans have at least symbolically removed the offender from contact with any of the four elements.

cui maleficio Dative with *constitutum*. The relative acts as adjective here (\approx *qualis*, or a demonstrative); Cicero repeats the noun to avoid confusion of antecedent: otherwise one might take *cui* to refer to *crimen*, which is only the accusation. But as a result, he uses the word *maleficio* thrice in the same sentence.

§§72–73 Resumption of criticism of Erucius' lack of preparation

talibus viris I.e., good men, the jurors; cf. the next sentence, where Cicero posits the extreme case of prosecuting in the presence of those who would profit by the accusation being proven.

ne causam quidem malefici Cicero is almost done with his argument on the lack of motive.

protuleris Future perfect indicative; the tense in the apodosis is present, although the operative word is *posse*, which refers to the future.

Si hunc *Si* here = *etiamsi*; with *tamen* in the apodosis. Other examples are at §§3, 56, 102, 103; *sin ... tamen* at §10.

emptores ipsos ... Chrysogonus Cicero describes an hypothetical kangaroo court, with Chrysogonus as praetor in charge and the others who bought up the estate as jurors, a Socratic allusion (*Gorg.* 521–522; cf. 464: comparison of a trial of Socrates to that of a doctor with a jury of children and a candy-maker as prosecutor).

diligentius paratiusque venisses = *venisses diligentius paratus*. The replacement of the modified participle by two adverbs is strange, but Cicero does something similar in later works: *ad dicendum veniebat ... parate* (*Brut.* 241); cf. *paratius atque accuratius dicere* (*de Or.* 1.150), *invectus est copiosius multo in istum et paratius Dolabella quam nunc ego* (*Phil.* 2.80); *dimicareque paratius* (*Off.* 1.84).

venisses Here means *venire debuisses/debuisti*.

§73 **Vtrum ... an** Both alternative indirect questions depend on *non vides*, although logically *utrum* should be taken with *non vides* (or *non vides* repeated with *an*): Is it that you don't see what (case) is being conducted, or (that you don't see) in whose presence it is conducted (opposed to "do you see neither ... nor")?

suscipi *Parricidium* (not, e.g., *iudicium*).

qui intellegunt The indicative states a fact, not a characteristic.

admittere Commit, not admit.

§§73-82 Return to the Charge and Final Refutation

Cicero now abandons the argument about motive (*non quaero abs te qua re ... occiderit*) for discussion of means and opportunity (*quaero quo modo*).

Esto The imperative of *est*: "all right, then"; literally, "it will be".

causam proferre non potes This is the second reiteration of his assertion from §68 *nisi manifestum parricidium proferatur*; the first was in §72 *tanti malefici crimen ... probare ... si ne causam quidem malefici protuleris*? By this time he does not require the extra vocabulary to make his point.

Tametsi ... tamen Cf. §§53, 56.

vicisse debeo "I ought to have won the case".

de meo iure decedam This is an example of the frequent non-spatial (metaphorical) use of *decedo*: L&S s.v. II. "To withdraw from one's right" means not to object.

concederem Potential subjunctive.

fretus huius innocentia See note to §10 *Fide sapientiaque vestra fretus*.

qua re ... quo modo "Why" (the motive, or *causa maleficii*) ... "how" (the means, opportunity).

Ita quaero ... quo modo *Quo modo* answers *ita*: I ask (questions) in this way (only), (namely) how? (repeating the statement of the last sentence).

sic tecum agam The *ut*-clause explains in what manner Cicero will deal with Erucius.

meo loco In my place. Each side had a time-limit for speaking.

tibi potestatem faciam *Potestas* here means opportunity, and *facere* means *dare* (cf. §28), a verb more suited to the English idiom. Cicero more often writes *potestatem facere* (*permittere* at *Div. in Caec.* 54). The three gerunds in the genitive modify *potestatem* (power of responding = opportunity to respond). This is the normal construction with this expression, although occasionally the verbal action is implied from context (e.g., *Cat.* 3.11 *si quid de his rebus dicere vellet, feci potestatem*) and sometimes there is a substantive clause, as at *Div. in Caec.* 45 *quotiens ille tibi potestatem optionemque facturum sit ut eligas utrum velis*; *Dom.* 44 *potestatem dabit, ut proscribere possit quos velit*?

si quid voles Sc. *interrogare*, supplied from the gerund.

§74 **Quo modo occidit?** Reiteration; commencement of the argument as to means.

ipse percussit an In the alternative question, Cicero distinguishes between the case of a murder accomplished in person by the accused and that of an assassination hired out. Cf. above §§49, 62.

occidendum Gerundive; Cicero leaves *patrem* to be supplied.

Si ipsum arguis I.e., *Si arguis ipsum percussisse patrem*; cf. *si per alios fecisse dicis* in the second half of the sentence.

Romae non fuit See above note to §62. This sentence is not a logical apodosis; there has been an ellipsis of, e.g., *dico*, with its attendant construction: if you accuse him of having done it himself, I counter by saying that he was not at Rome.

per alios The same phrase that he has used repeatedly of people using other persons as agents, e.g. §§49, 62.

Servosne an liberos? With the accusatives supply the preposition *per* and the verb *fecit*, or *fecisse dicis*; so too for the following accusatives *liberos*, *quos homines*, *hosce ... sicarios*.

Si liberos Madvig's addition, accepted by all editors. Cicero does not address the other alternative until §77, yet it is clear that in this part he is speaking of free men.

indidemne Ameria Adverb + ablative of place from which: "from the same place (that is) from Ameria". Most mss have *Ameriae*, although the locative is not what one wants. There is much ellipsis; Cicero presents a string of what must have been unanswered questions, although eventually he supplies answers from Erucius.

hosce Although not necessarily present (perhaps they are), he means urban thugs who spend their time at Rome.

Si Ameria ... si Roma Address the alternatives *indidemne Ameria* and *ex urbe*.

multis annis In this line of argument Cicero uses the prosecutor's own statements; cf. §§20, 39, 52. See also §94. To explain more exactly: there was a period of many years during which Roscius did not visit Rome at all, and even on those occasions when he did, he stayed no longer than for a three-day period.

neque umquam plus triduo fuit Sc. *Romae*. *Triduo* is ablative of comparison (cf. *Pis.* 9 *triduo post*).

per quem The agent whom Roscius must have used to send the bribe to Rome.

unde The source of the money. Actually this is not a problem since his father allowed him to retain profits from at least one farm, if not several (§44). For the method of argumentation used here, cf. also *Clu.* 124, 167.

his vestigiis Instrumental ablative. Cf. §62 *expressa sceleris vestigia*.

caput Head as in author, source. At *Planc.* 57 Cicero complains of the ease with which *maledicta* spread abroad: *neque ego, si fontem maledicti reperietis, ut negligatis aut dissimuletis umquam postulabo. sed si quid sine capite manabit, etc.*, where the *caput* and *fons* mean the same thing, viz., the author. See also *Cael.* 31 *horum duorum criminum video auctorem, video fontem, video certum nomen et caput*.

perveniri solet An impersonal passive not frequent in most authors, although it occurs in military contexts in Caesar, Sallust, and Nepos. Caesar uses it metaphorically at *B.C.* 3.6.1 *quoniam prope ad finem laborum ac periculorum esset perventum*. In *L.L.* Varro uses the passive to indicate getting somewhere on a list, e.g., at 9.82 in a discussion of the genders of numerals (*cum perventum est ad mille*). Similarly Cicero speaks of getting to speakers in a senate meeting (*Att.* 1.17.9 *erat dicturus, ad quem propter diei brevitatem perventum non est, heros ille noster Cato*). In Cicero the passive of *pervenio* is never spatial; besides this passage it occurs once only in the orations, at *Sest.* 77, where it marks the culmination of a progressive deterioration. See also *Orat.* 116 and *Fin.* 1.3, 2.3, *Div.* 2.48, *Fam.* 4.13.6.

veniat facito *Facito* is future imperative; *facere* is often followed by a result clause, but here the *ut* is omitted (*facito ut veniat*). *Veniat* of course is part of the expression "come to mind" (with *tibi in mentem*). The whole clause is a periphrasis for the imperative "remember". One may adduce various stylistic reasons (aside from the horror of *veniat fac*) to explain the appearance of this form here, especially the formal flavor of the future imperative, used in laws. This is one of a number of places in Cicero (Lebreton 1901: 199–200 counts twenty) where the future imperative, governing no subordinate future, posterior to no other imperative (cf. note to §18 *iudicatote*), is still used instead of an ordinary imperative. The temporality is formally concurrent: through the whole section Cicero has been rehearsing what questions Erucius ought to have been answering, or asking, and he adds, "at the same time [as you are doing all this] remember ...". But actually the imperative is an afterthought, and when Cicero says *simul*, when he has already listed a number of things to be considered, he is stating the logical equivalent of "do it yesterday": "do all these things — oh, and you should think about this, too".

fuisse With *conlocutum esse* and *constitisse* are infinitives in indirect discourse after a verb of saying implied in *depinxeris*. Cicero refers back to what he related of Erucius' argument in §§20, 39, 42ff, 52.

quoquam = *ullo*. Cf. §§52, 58, 65.

constitisse From *consisto*; it means "remained".

§75 **praetereo illud** The verb that gave *praeteritio* its name; *illud* refers to what follows, the *quod* clause, which he does not in fact omit to mention. Further, he has already made such an argument at §39 and, by extension, in the following sections where he says much about agriculture and its connection to old-fashioned morality. Cf. Canter 1936: 460 on irony as a figure of thought, especially in *praeteritio* and *occultatio*.

mihi maximo argumento Double dative; *maximo argumento* is dative of purpose.

poterat esse *Was* able to be, but *is* not, since he says that he does not mention it; the imperfect indicative is the equivalent of a potential subjunctive. Even regarded temporally, one may imagine Cicero preparing this part of the defense but rejecting the arguments sketched out here (which he does employ, however, in §§39–51). See Lebreton 1901: 279–281 for discussion of the progressive development of tense-changes in Latin, and in particular for the replacement of the present indicative by the imperfect.

istius modi Of that sort that you describe: with *maleficia*, not *vita*.

gigni non solere Cf. §39: this is both an argument from likelihood and a literary commonplace (the purity and simplicity of country life). Cicero belabors the point in the last sentence of this section.

Vt non omnem frugem etc. Analogy from the botanical world; agricultural authors also compare the treatment and growing conditions of plants and people. *Vt* is correlative with *sic*.

possis Generalising second person singular.

luxuries ... ex luxuria *Gradatio* (Quintilian 9.23.54). On the forms see note to §39. The argument here runs along similar lines to that in §39: there Cicero mentioned together *luxuries, aes alienum, cupiditates*, to which he contrasts *officium*.

existat The verb, like *creatur, erumpat, gignuntur*, is another equivalent for *nascitur*. The sentence provides a good example of *variatio*.

erumpat Also dependent on *neesse est*, supplied from the preceding clause. Cicero changes the construction to a simple statement of fact in the conclusion (*gignuntur*). The argument is an old and tired one, but still effective in Roman society: Roman "national mythology" created an image of the good old days that never were, and even the most dedicated sophisticates paid lip-service to the ideals of a simpler republic.

parsimoniae, diligentiae, iustitiae With *magistra*, feminine because *vita* is. Note the asyndeton. Cicero also often uses *dux* as a feminine noun; examples in L&S s.v. *dux* I fin. (these are all from philosophical works). For *magistra* see *Pis.* 9, *De Or.* 2.36, *Brut.* 164, *Fin.* 1.71 (and *Off.* 1.130) *magistra ac duce natura, Tusc.* 2.50 *ferendi doloris consuetudinem esse non contemnendam magistram, 5.5, N.D.* 1. 40.

§76 **haec missa facio** A summation of *illud* (what will follow) *praetereo*; *haec* = what has preceded; now that he has mentioned these things he will, as it were, strike them from the record.

tute The pronoun *tu*, not the adverb; also at §§81, 94. It is used for emphasis and may be pronounced more forcefully than *tu ipse* — although it is sometimes used with *ipse*, and often includes some form of *tu* in an oblique case, or with a form of *tuus*. Some other examples are: *Div. in Caec.* 27 *Tu vero, Caecili, quid potes? quo tempore aut qua in re non modo ceteris specimen aliquod dedisti, sed tute tui periculum fecisti?*, *Verr.* 2.1.112, 2.2.137, 2.3.141 *tute de te profiterere ac dicitares*, *Mur.* 77, *Cael.* 68, *Pis.* 91 *ut modo tute indicasti*; *Phil.* 2.5 *quem ipse victor qui tibi, ut tute gloriari solebas, detulerat ex latronibus suis principatum, salvum esse voluisset, in Italiam ire iussisset, eum tu occideres?*

numquam inter homines Cf. §20 *huius ... solitudo*.

argui suspiciose "Be used in an accusation in a way which causes suspicion (that the allegations are true)". Cf. §59. Cicero uses the adverb *suspiciose* only one other time, in his defense of King Deiotarus, where he argues in a similar manner (*Deiot.* 17). See also the *Rhetorica ad Herennium* 4.53.

si suspicio ... concedam Roscius' reaction to Cicero's assertion is not recorded; Cicero had argued similarly at §18.

inesse With *in his rebus*, as well as with the implied *in Roscio*.

credo An early example of the ironical parenthetical *credo*, used here in a different way from those in §§59 and 60, but like those in §§120 and 134. There are good examples at *Verr.* 2.1.62, 2.1.151 *Gracchi, credo, aut Saturnini aut alicuius hominis eius modi produxeram filium*, 2.3.191, 2.5.67, *Arch.* 25, *Flacc.* 34, *Sest.* 110, *Cael.* 36, *Prov. cons.* 29, *Pis.* 14 *gravis auctor, Calatinus credo aliquis aut Africanus aut Maximus et non Caesoninus Semiplacentinus Calventius, Deiot.* 24, *Phil.* 1.11 *Hannibal, credo, erat ad portas aut de Pyrrhi pace agebatur*, 2.16 *ut illa, credo, nefaria senatus consulta fierent, vim adferebam senatui.*

qui Refers to the subject of *misit*, Roscius, not to the *sicarius*.

horum Neuter, partitive genitive with *nihil*.

confingi The means cannot even be invented, let alone proven. Cf. §30 *crimen incredibile confingunt*; §54 *finge aliquid saltem commode*, *Tull.* 3 *Quinctius ad causam pertinere putavit res ita multas, falsas praesertim et inique confictas*.

et tamen etc. An abrupt and effective conclusion. Cicero has finished with the topic of hired assassins. If the prosecution's case in this particular was as lackadaisical as it appears to have been from Cicero's response — did Erucius really argue, without evidence, "Roscius must have hired someone"? — he need say nothing more.

§77 **per servos** From the beginning of §74 the discussion has been of free people; now he examines the possibility that Roscius used slaves. Cicero does not answer this possibility directly, but argues that since the prosecutors will not hand over Roscius' (formerly owned) slaves for questioning, then Roscius must be innocent, especially as he has asked to have the slaves examined. There is a similar argument in *Cael.* 68. At *Mil.* 57ff., on the other hand, Cicero must defend Milo for having freed his own slaves, and he must impugn the testimony offered by interrogation of Clodius'.

innocenti saluti Double dative; *saluti* is the dative of purpose.

in quaestionem Always under torture, when slave were questioned.

id ... facere Subject of *licet*, = *servos in quaestionem polliceri*.

eius Roscius'; Cicero incidentally affirms that the property should belong to the son, as he does with *dominus erit in suos* in §78.

relictus non est With *unus puer*. This word order is more emphatic than *ne unus quidem*.

appello Call on, as witness. Scipio and Metellus were two of Roscius' *advocati* (supporters), and powerful names. Cf. §15, and see the Introduction.

M. Metelle There is no scholarly agreement about which Metellus this is, even if his *praenomen* is Marcus, as in Clark's text, or Quintus. See the Introduction.

vobis advocatis, vobis agentibus With *agentibus* supply *causam*. He refers to their services prior to the actual pleading of the case in court: "with your support and backing Roscius asked ...".

paternos For *patris*; cf. §15.

ab "From" or "of", not "by".

ei servi *Ei* modifies *servi* and is a weak demonstrative.

recusare The verb occurs very frequently (about 150 times) in Cicero, as one would expect, given both its general meaning "refuse" and its force in legal contexts.

Chrysogonum, iudices, sectantur Offered as if the jurors should be surprised. This is an inexact answer to *ubi*, but rhetorically effective, especially as Cicero has stated that Chrysogonus' name has an electrifying effect. *Sectantur* means "attend", "are attendants of".

in honore et in pretio Honored and valued. The first of these is an expression in common use, but the second occurs rarely: only here in Cicero, and in poets (Plautus *Asin.* 61, Lucilius, Lucretius, Horace *AP* 372). Strictly speaking, the only things (or people) that may rightly be considered to be *in pretio* are those that can be bought, although perhaps in the citation from Horace what is (or is not) *in pretio* is not the poet but his books.

ego postulo, hic orat atque obsecrat The difference between the advocate and the defendant is marked by the meanings of the verbs; while Cicero demands, Roscius beseeches.

§78 **Dubitate ... si potestis** = *potestisne dubitare?* (*dubitare* in the sense of "to be uncertain"), although the parenthetical *si potestis*, with the imperative, is much more compelling.

ab eone *-ne* indicates the first alternative; the second begins with *an ab eis* below.

in egestate et in insidiis versatur See note to §39 *versatus*. Cicero will argue at greater length in §88 that since his client did not profit from the crime, he could not have committed it. Again, even by Cicero's own reconstruction of events, it is more likely that the T. Roscii took advantage of an event that they did not necessarily plan nor carry out themselves than that they arranged the murder. See note to §6 *tam amplum et copiosum*.

quaerendi With *potestas* in the next line, the same construction as in §73.

fugitant *Hapax legomenon* in Cicero. The frequentative *fugito* indicates a more desperate attempt at flight than *fugio*. The verb is primarily ante- and post-class.

in caede atque ex caede *In* indicates their profession, *ex* their source of income.

Omnia .. misera atque indigna; tamen Cf. §49 *Quod tametsi miserum et indignum est, feret tamen ...* .

hoc nihil acerbius neque iniquius *Hoc* is ablative of comparison; it looks forward to *non licet*. The adjectives *acerbius* and *iniquius* approximate comparatives of *misera* and *indigna* in the preceding clause, a form of *variatio* that puts one a little off balance.

nihil neque ... neque The negative conjunctions here reinforce the negative *nihil*, as in Greek: A&G 327.2.

paternae ... paternis ... filio Cicero emphasises his complaint by the repeated vocabulary of relationship, and reiterates with *patris* below.

tam diu Antecedent for the temporal clause with *dum*.

erit Future indicative, although temporally it applies to the past: Cicero represents the question from the immediate point of view of one making the request.

neque ita multo postea *Ita* with adjectives means "so," "so much", thus, "and afterwards by not so much", i.e., "soon" (§83). *Postea* is Clark's emendation; the manuscripts have *post*, as does Schol. Gronov.

locum In the argument, *locum* refers to *de patris morte*, as *hoc totum* does.

tum At the time following the events in the following *cum*-clause.

cum ... diluissim Pluperfect subjunctive for future perfect indicative of direct discourse, secondary sequence after *pollicitus sum*. Cf. §§36 *ego crimen oportet diluam*, 18 *Spero ex hoc ipso non esse obscurum ad quem suspicio malefici pertineat*, 83 *Venio nunc eo quo me non cupiditas ducit sed fides*.

§79 **Conveniat mihi tecum necesse est** *Conveniat* depends on *necesse est*; it is the impersonal use of the verb, the construction of which is various but often as here: *convenit alicui cum aliquo*, "it is decided for someone with someone", "they decide" (here, "we decide"). What they must decide begins with *aut ipsum*.

ad hunc With *pertinet*: to Roscius.

maleficium istum The *maleficium* of which Erucius has accused Roscius, the subject of *pertinet*.

id quod negas = *aut ipsum sua manu fecisse*. Erucius has not tried to prove that Roscius went to Rome and wielded the knife himself.

ut "How", with *potuerit*, an indirect question dependent on *neque ... potes ostendere*. Cf. §§66 *Videtisne ... ut agitent*, 135 *videtis ut ... despiciat, ut ... putet, ut ... putet*.

neque ubi neque etc. It is pointless to supply verbs and subjects (e.g., *quos* is also the object of *inducere*): one may accept that this is a stream of interrogative words, elliptical language similar to that of §74.

contra Adverb.

ostendo Actually Cicero does not "show" anything according to our meaning of the word: he argues only from likelihood.

non modo nihil eorum ... sed ne ... quidem The third example of this construction (not only none ... but not even); *eorum* is neuter plural. See notes to §§54, 65.

quod Because.

neque Romae multis annis Cf. §74.

temere Not "rashly", but "without a good reason".

Restare tibi videtur servorum nomen All that Erucius has left is the word "slaves". *Servorum* is genitive of definition; *nomen* means word (as a technical term, "noun").

quo ... posses Relative clause of purpose; *quo* refers to *nomen* but means "to where" with *confugere*.

quasi in portum reiectus This is a metaphor from shipwreck, continued in *scopulum offendis* below. A different use of the metaphor appears in §147, where Roscius' situation is compared to that of a shipwrecked person. Cicero more often uses the idea of shipwreck in this latter fashion, either to describe the ruination of private fortune, or of the state's condition (*Cat.* 1.30, 2.24, *Sulla* 41, *Dom.* 129 and 137, *Sest.* 15, *Prov. cons.* 7, *Pis.* 9 and 43, *Phil.* 2.92, 11.36, 12.19). But passages similar to the one here (which is the most fully developed) exist: *Div. in Caec.* 36 *intellego quam scopuloso difficilique in loco verser,* *Tull.* 33, *Rab. Perd.* 25, *Cael.* 51. Cicero discusses the proper way to use such analogies in *De Or.* 3.163.

suspicionibus All the rest that he has raised about Roscius, but cannot prove.

ubi In the harbor of *servorum nomen*, where he thought he would be safe.

offendis In the literal sense of "strike against".

eius modi With *scopulum*, both anticipates the result clause that follows and points forward to Erucius' supposed reply in §80 '*Eius modi tempus erat*' *inquit* '*ut ...*'.

resilire Something bounces back from the rock of Erucius' accusation (*crimen*); *resilire* needs a subject: *suspicionem* from the next clause.

recidere *Recidere* 1, from *cado*. It is a nice image, reminiscent of slapstick. Erucius flees for safety on the ship of this one *suspicio* (means of raising suspicion) but it bounces off the rocks and lands on him and his friends, who are now, as it were, caught between a rock and hard place.

§80 **Quid ergo est quo** Literally, "what is there, then, to where", i.e., where, to what haven; *quo ... confugerit* is a relative clause of purpose.

inopia Ablative of attendant circumstances; translate "for lack of evidence" (*argumentum* means argument only in the sense of convincing argument).

volgo impune The force of the two adverbs in asyndeton is elegantly concise: men were killed all over the place and no one did anything about it.

hoc tu *Hoc*, this crime (object of *facere*), and *tu*, Roscius (Erucius is speaking), are linked more closely together by their proximity in the sentence.

multitudinem ... nullo negotio There were countless assassins for hire so it would have been no problem for anyone to hire one: Erucius' version, as Cicero expresses it, of an argument from likelihood.

Interdum In the primary sense of "sometimes".

una mercede Ablative of price; *adsequi* means to get, obtain, but might as well be translated "to buy", as in the English idiom. This is an especially nice observation as Cicero says that Erucius was paid to prosecute.

duas res Namely *perfundere* and *accusare*; the verbs and their objects are arranged chiasmically: *nos ... perfundere, accusare ... eos ipsos*.

nos iudicio perfundere *Nos* is the object. *Perfundere* is a problem. There are only two other references, both from poets of the late first century CE, cited in L&S with this passage for the meaning "to disturb, alarm" (the verb means to pour over, or to wet: Catullus, Lucretius, Horace, Auct. Her., Varro). Recent editors print it anyway, and Landgraf defends it well. Cicero uses this verb in the literal meaning elsewhere in the orations only at *Verr.* 2.1.67. In oratorical and philosophical works the verb has the sense of "suffuse" and refers almost exclusively to emotion, usually pleasure: *Brutus* 188 (cf. 38) *delectatur audiens multitudo et ducitur oratione et quasi voluptate quadam perfunditur*; *Fin.* 2.6 and 114, 5.70, *Tusc.* 4.20, *N.D.* 1.112, *Att.* 8.6.3.

It seems to me that Cicero may have been carried away — another instance of youthful excess — by his image of Erucius' shipwreck. If something has just bounded off the rocks and landed on the accusers at sea, there might well be imagined a great splash, and with this splash still in mind Cicero now sees Erucius trying to "swamp" the opposition with this trial.

volgo occidebantur Echoes *homines vulgo impune occiderentur* above.

Nonne Here Cicero actually expects the answer "no", or at least asks a genuine question.

a sectoribus *Sectores* were those who purchased property, e.g., confiscated property, at public auction; here specifically it means Chrysogonus and others who took over the dead Roscius' possessions.

Quid postea *Sc. ais.* Cicero pretends disbelief that Erucius mentions the era of casual and multiple murders, in which his employers, according to Cicero, took such a prominent part, and asks "don't you realize what you are saying?" (*Quid ais? Nonne cogitas ...*) "and what else you are saying?" (*Quid postea?*).

sectores ... collorum et bonorum *Paronomasia.* Like most puns, this one is difficult to translate effectively. Cicero uses *sector* in two senses: not only a purchaser (L&S s.v. II *sector bonorum* [genitive of neuter plural *bona*]) but also a cutter (L&S s.v. I *sector collorum*) of throats (literally necks). Cf. English cut-purse and cut-throat.

§81 **Ei denique** Sulla's henchmen, especially, in this case, Chrysogonus, and others who took advantage of the political situation.

qui Romae erant adsidui Cf. *cum ruri adsiduus semper vixerit* in §51 and *quod ruri adsiduus* later on in this section, both of Roscius.

qui ... in praeda et in sanguine versabantur Cf. §39 *ruri semper habitavit et in agro colendo vixerit* (Roscius).

temporis illius Cf. §§1 *iniquitatem temporum, 9 libertati tempora sunt impedimento, 28 ut ... tempore ipso pugnarent, 58 neminem esse qui verbum facere auderet hoc tempore, 150 ea crudelitas quae hoc tempore in re publica versata est.*

multitudinem Subject of *fore*.

ipsi These are the same people as *Ei ... qui ... qui. Duces ac principes* is in apposition to the pronoun *ipsi*.

erant The indicative in a subordinate clause of indirect discourse means either that (1) this relative clause (*in qua ipsi ... erant*) is Cicero's own addition, not part of their original thought — and this is the more likely here, or that (2) the statement, even if part of their thought, is true regardless. A&G 583.

omnino quid Romae ageretur nescivit *Omnino* with *nescivit* creates an absolute denial that Roscius knew anything about what went on at Rome, and Cicero adds that the prosecutor (indicated by the emphatic *tute* as subject of *confiteris*) admits this. One factor that Cicero does not address is the supposition, necessary to his argument, that assassins for hire could be found only in Rome.

§82 Cicero finishes the argument: there is no proof, or likelihood, that Roscius had the means or opportunity to kill his father. This section marks the end of the refutation of charges; the rest of the oration he devotes to accusing the prosecutor's supporters.

Vereor The indicative verb of fearing replaces the expected present subjunctive of the apodosis; this is a future less vivid condition (*si ... disseram*). One expects "If I should argue any longer ... I would be tedious and insulting" but he varies the formula: "I fear that I would be". The construction after the verb of fearing is in chiasmic order, including the variation of *ne aut* and *aut ne*, but continuing to the verbs and their objects:

Vereor ne aut molestus sim vobis
aut ne ingeniis vestris videar diffidere

Eruci criminatio The verbal noun *criminatio* is rare in all periods of Latin literature; it appears first in the *Rhetorica ad Herennium* (1.12, 2.43), five times in the *De inventione* (note 2.36 *subita ex criminatione, quae confingi quamvis false possit*), twice in the *De oratore* (2.321 *falsam criminationem*, 2.339 *invidia, quae aut iusta est aut ex criminatione atque fama*), *Am.* 65, and nine times in the orations. No other Republican author uses it. It occurs, but not often, in prose of the Imperial period. While it might not mean exactly "false accusation", it does usually have that connotation. Cf. Pötter 1967: 18, who says that Cicero uses the noun in the same sense as the verb; see note to §44 *id odio factum criminariis*.

dissoluta est Same figure as in *diluam* in the next line; *diluo = dissolvo*. See note to §36 *oportet diluam*.

expectatis ut ... diluam The verb *expecto*, "to look out for", "wait", precedes a purpose clause stating the jurors' intent; translate "unless you are waiting for me to ..." or "unless you are waiting until I ...". The verb often occurs with *dum* (especially in Terence, who follows *expectare* with *ut* only once), although with *dum* the anticipation is of something that one has good reason to expect. There is a difference between "wait until" there happens what one expects will happen, and "wait to see" if something will happen. Cicero uses *expectare* with *dum* more often than with *ut*.

illa Accusations, explained by *quae ... inaudita ... ac nova obiecit*.

de peculatu Embezzlement of public money, that is, of his father's property, which became public property when his father's name was entered on the list of the proscribed. This is not the first time that one wonders about the logic of the prosecution's case: if Roscius maior were proscribed and his goods confiscated, Roscius can have committed no crime even if he did kill his father; if Roscius maior were not proscribed, his property should not have been auctioned off and even if his son had kept some, he should not have been charged with peculation. Cicero never attacks the illogic of the case but argues instead a point of law.

eius modi rebus commenticiis Cicero does not reveal what "other lies of that sort" there may have been. Perhaps Roscius attempted to obstruct the seizure of his property, perhaps this is *copia*.

inaudita nobis ... nova *Nobis* includes Roscius and his supporters. The two adjectives mean the same thing. Erucius has mentioned in his speech for the prosecution new charges that were not in the formal accusation. *Inaudita* (L&S 2 *inauditus* I) means "unheard of", and in this context, "new" (but not always therefore bad: *Manil.* 61, *Sest.* 85 and 145, *Marcell.* 1 *tam inusitatam inauditamque clementiam*). The adjective does often have the connotation "unusual" or "extraordinary". *Non inauditus* or

nemini inauditus means "well-known" (e.g., *Verr.* 2.1.50, 2.5.7); even without the negative *inauditus* can be "not (previously) known": *Sest.* 67 *gentis feras atque inauditae*.

declamare The verb means to practice the art of speaking, as in school orations on a set topic, and here has all the unhappy associations of the English "declaim": cf. *Verr.* 2.4.149 *ille autem insanus, qui pro isto vehementissime contra me declamasset*; also the use of abstract nouns *declamatio* and *declamator* at *Planc.* 48 and 83. At *Phil.* 2.42 and 5.19 Cicero says that Antonius declaims either to work off a hangover (*vini exhalandi*) or to work up a thirst (*sitim quaerens*). There are no other examples from the orations. In this instance, Cicero again accuses Erucius of incompetence and/or sloppy preparation.

commentaretur *Commentor* means to prepare one's mind, often used of an orator's preparation and rehearsal (*De Or.* 3.86, *Brut.* 87, 301); may also mean to ponder carefully (*Phil.* 3.36, *Att.* 4.6.2). The technical vocabulary of the set-piece in preparation and delivery is necessary to the point of his objection, that these new allegations are not *ad rem*, as he says subsequently. This verb and the adjective *commenticius*, which he used above, both derive from the same root (cf. *comminiscor*); *commentor* has an accessory meaning of "to invent (a story)", at least in Plautus *Cas.* 2.3.27, and Cicero may intend to combine this meaning with the usual one here.

ita With the negative and the verb = unsuitable to both the accusation and the accuser.

verbo ... verbo Erucius has as yet produced no evidence nor testimony on this point.

ad testis For (the examination of) the witnesses; Cicero hints that Erucius may be saving something for the later part of the trial in which witnesses were summoned and questioned. Only the prosecution could compel witnesses.

ibi "In that part of the trial".

in ipsa causa In the lawsuit itself, in the official charge of parricide.

Thus ends the defense *per se*. It is worth considering whether Cicero consistently argued most (in volume) from likelihood because that was the kind of argument that swayed juries, or whether because, in his extant orations at least, he usually had a weak case. One might compare the speech for Milo, defending him on the charge of murdering Clodius, as Milo did (*per alios*), in which Cicero discusses at length such matters as motive, the good accruing to the state at Clodius' death, opportunity, the case for and against malice prepense (also called malice aforethought, a necessary condition for a charge of murder), and says little about the actual circumstances of the crime, which was witnessed by many people. In the defense of Roscius he presents background information, arranged in such a way as to prejudice the listeners against the accusers and for the accused, then argues interminably about motive and likelihood. His treatment of the means available to Roscius is slight in comparison, and he almost never addresses the question directly, save to claim that the accuser does not, either. The last point above, that of peculation, is scarcely touched upon. One suspects that Roscius did indeed attempt to hinder those who came to confiscate his property.

§§83-123 Counteraccusation. Magnus and Capito

§83 **eo** Old dative form = *in eum locum*, correlative with *quo*, i.e., to a place similar to that about which Horace was to warn Pollio (C. 2.1.6–8). Cicero turns to the offensive.

cupiditas Cf. §55, where he warns Erucius about the extent to which one should be *quaestus cupidus*. There are other objects of desire as well, as Cicero explains shortly.

fides Comprises duty; he attacks the prosecution, he says, only because he must do so to keep faith with his client. Cf. §§10, 30–31, 83, 95. See the discussion of defense as a moral obligation — even when that defense entails prosecution — in Pötter 1967: 52–55, 59–60. The apology for undertaking a prosecution belongs to the exordium, and an exordium is where one finds it: here, it is the opening statement of a new topic in the defense.

si mihi liberet The contrary to fact condition restates his assertion that it is not *cupiditas* that leads him on. Cicero maintained throughout his career that he preferred to gain his reputation by helping people be acquitted rather than by helping to have them condemned; defense is the kinder task. He apologizes at some length, ten years later, for prosecuting Verres, and explains that he could do so only if he regarded the prosecution as a defense of the Sicilians: *Div. in Caecil.* 1, 4, 5.

creocere Grow by getting a reputation. Many men marked their entrance into public life and gained notoriety by prosecutions of important political figures. Cf. §55. The T. Roscii, however, are not in the latter category.

certum est See note to §31 (*mihi* may be supplied here).

dum utrumvis licebit *Sc. facere*: as long as either (prosecuting or defending) will be permitted, i.e., as long as he has a choice, he chooses not to prosecute. Cf. *utrumvis* in §4.

amplissimus The senatorial adjective appears again, and indicates Cicero's own aspirations and how he plans to attain them.

in altiorem locum A higher rank: for Cicero this means the Senate.

incommodum Meaning misfortune or injury, the word has a stronger implication than inconvenience. The image of ascent by (*per*) someone's disaster is almost visual: using one's fellow creatures as steps to climb up.

Desinamus ... quaeramus Hortatory subjunctives. Cicero has finished his apology for making an accusation, and sets right to it. At last one earlier commentator had posited a lacuna at this point on the grounds that Cicero, having just explained why he does not want to prosecute, launches his counter-accusation without any transition. Landgraf ad loc. finds this unnecessary and notes both that Cicero often begins sentences with a form of *desino*, with no conjunction, and that the scholiast begins the sentence as it is in the mss. Landgraf cites parallels for the strengthening of

the abrupt transition by *aliquando* (§140, *Dom.* 29, *Planc.* 47) or *tandem aliquando* (*Cat.* 1.18).

ea ... quae sunt inania The immediate reference is to the red herrings mentioned in §82, but the characterisation embraces the whole of the prosecution's case.

ibi Correlative with *ubi*; the inclusion of the word immediately after the verb makes it emphatic, as if he were pointing: "let's look there!"

et est et inveniri potest Both where there really is a crime and where one can be discovered (proven). Cicero has argued that neither factor obtains if Roscius is accused because there is no crime and there are no cogent arguments or grounds for suspicion.

certum crimen quam multis suspicionibus coarguatur An indirect question; Cicero says that he will demonstrate how many suspicious circumstances an accusation, to be *certus* (cf. §62 *incertus*), requires (*quam*, meaning "how", modifies *multis*). He will make an argument for the guilt of the T. Roscii in which he appeals to a number of incriminating conditions. In so doing, he will cover much of the ground described in the narratio.

The prefix intensifies the verb *arguo*, thus *coarguo* means to prove beyond a doubt. Cf. *Verr.* 2.5.74, *Font.* 21, *Sulla* 17, the ironic *Phil.* 2.28. Cicero uses the word perhaps two dozen times, almost all in the orations. Pötter 1967: 15 says that Cicero only uses *coarguere* in contexts of having proofs(s), e.g., records of some sort, or witnesses, or even the sorts of arguments that make guilt plain (*Font.* 21), to which category this passage belongs.

leviter He promises only to scratch the surface; cf. §91 *leviter transire et tantum modo perstringere*.

id erit signi *Signi* is predicate genitive: "it will be (of) a sign" (A&G 343c). *Me invitum facere* is in apposition with *id*.

quod That (the fact that), explains *id* from the previous line.

non persequar longius He does not intend to chase his opponents too far (they may end up back at their own camp, and he with them). These assurances are meant not only to excuse himself but to reassure certain people.

salus huius et mea fides postulabit For the singular verb, see note to §15 *fama et vita*. As in §67 where *fraus* and *terror* are implicated with each other as cause and effect, here Cicero's *fides* is engaged in protecting his client's *salus*, which, he argues *passim*, would be gravely at risk if he had not found someone willing to undertake a proper defense.

§84 Causam Motive. Cf. §§40–41. Erucius had in fact argued that Roscius was afraid that his father would disinherit him. Since Cicero maintains that he has shown Erucius' argument to be based on no evidence, then he can claim that Erucius has not been able to establish a motive.

T. Roscio Magnus, present at the trial (§17).

Tecum enim mihi res est For the idiom see L&S s.v. *res* II.E.

viderimus Future perfect where English uses a future. A&G 516c, note, state that the future perfect often appears in the apodosis of a future condition; they do not say why. Lebreton 1901: 200ff. collects a number of examples of this phenomenon and discusses special circumstances for each. Forms of *videro*, especially in conjunction with *post*, *alias*, or other temporal adverbs, comprise many of the examples.

quem ad modum ... audio Proleptic; the next clause explains what he has heard.

paratum esse Sc. *eum* (Capito). Cf. §82 *nos ... paratiores reperiet quam putabat*.

palmas Prizes; for victories, or in this case, for killings. Cf. §17 *plurimarum palmarum vetus ac nobilis gladiator*.

cognoscet "He will recognize". The verb cannot mean to learn about (for the first time), but rather to hear about, since the point is that Capito knows what he has done, but, Cicero says, does not suspect that Cicero knows. (Cf. Greek ἀναγιγνώσκω, 'to read'.)

L. Cassius ille L. Cassius Longinus Ravilla, *RE* Cassius 72, consul 127, censor 125, a judge of proverbial harshness; Valerius Maximus 3.7.9 mentions the nickname of his tribunal: *scopulus reorum*. The most memorable example of his severity was as special prosecutor in a case involving the Vestals Aemilia (*RE* 153), Licinia (*RE* 181), and Marcia (*RE* 114); for ancient references see Broughton s.a. 113, p. 537. Jurists remembered him not only as a "hanging judge" but as the man who formulated the essential question "*cui bono?*", which he habitually (*identidem*) asked in criminal cases.

quem populus Romanus verissimum ... iudicem putabat In the case of the Vestals accused of unchastity (or incest) Cassius Longinus was made special prosecutor by a plebiscite proposed by the tribune Sex. Peducaeus. The Pontifices, headed by L. Caecilius Metellus Delmaticus (*RE* 91) (Broughton, following Asconius) had previously heard the case in 114 and acquitted Licinia and Marcia. Their verdict found little favor with the people.

sic Introduces the result clause; it is equivalent to *talis*. The sentence explains why the question "*cui bono?*" is applicable to every crime.

vita hominum = *homines*, but in an extended sense. Cicero means people in a sociological context. Lebreton 1901: 48–49 gives a number of examples, among which he includes this passage. In some of the passages (*Tusc.* 5.2.6 *philosophia tantum abest, ut proinde ac de hominum est vita merita laudetur*) it would have made less difference if Cicero had written *homines*, but in this case to substitute the noun meaning human beings would have robbed the sentence of a broader context.

spe atque emolumento Hendiadys: "expectation of profit".

§85 **Hunc** Cassius Longinus.

quaesitorem ac iudicem *Quaesitor* (investigator) was a term often used of the presiding *praetor*; *iudex* is one of the other judges (jurors).

quibus periculum creabatur For people on trial, literally, "for whom a trial (L&S s.v. *periculum* II.B.2) was occasioned".

ideo quod Cf. note to §1; explains *fugiebant* and *horrebant*, not *creabatur*.

veritatis amicus A somewhat bold expression; cf. *de Off.* 1.109 *veritatis cultores, fraudis inimici*.

natura Ablative of specification; Cassius is the subject of *videbatur*.

non tam propensus ... quam applicatus *Applicatus* originally meant attached (affixed, in a spatial sense) to, and implies a stronger inclination than *propensus*. The word, however, is an emendation (see app. crit.).

Ego ... facile me paterer ... dicere Cicero has added a second point to the one that he began to establish in §84, namely, "who profits?"; after a digression upon the severity of Cassius Longinus, he returns (§86) in a roundabout way to his point, and first declares that he would be happy to have Cassius Longinus as judge and jury in this case, as his client is innocent. The tactic of stating a willingness to have a Cassian judge and jury is equivalent to his earlier claim in §72 that even with Chrysogonus as judge and the *emptores* as jury Erucius has not argued his case adequately.

This is a present contrary to fact condition where the ablative absolute *illo ipso iudice quaerente* substitutes for the protasis of a present contrary to fact condition: A&G 521a.

vir ... fortissimus M. Fannius; cf. §§11–12.

ab innocentia *Ab* means "in regard to", "on the side of".

apud Cassianos iudices The adjective *Cassianus* represents not possession, but likeness; cf. *Verr.* 2.3.137 and 146. Cicero uses the adjective again at *Mil.* 32 and *Phil.* 2.35 in the possessive sense (*illud Cassianum, cui bono fuerit*).

quorum With *nomen ipsum*, the relative pronoun is plural because of the proximity to *Cassianos iudices*, but logically refers to Cassius himself.

quibus The relative clause is a periphrasis for "defendants".

§86 **viderent** Sc. *Cassiani iudices*.

mendicitate Cicero uses this word rarely, twice in this oration (it appears again in §88); with the associated idea of being so poor that one has to beg, the word is a stronger statement of Roscius' impoverishment than *paupertas*.

illud In apposition with the question *cui bono fuisset*, which becomes an indirect question after *quaererent*.

eo perspicuo Ablative absolute, refers to *cui bono fuisset*: "this [who profited?] being very clear".

potius ad praedam ... quam ad egestatem Cicero has the jurors attach suspicion to the ends achieved, profit or poverty, rather than to the individuals who received these ends, an example of the abstract substituted for the people whose circumstances it describes.

Quid si ... Anaphora; "what if".

eodem To the same place/thing/conclusion: the circumstances or description (*tenuis antea, avarus, audax*) of the parties whom he wishes to accuse, or rather, Magnus, since Cicero now uses a second person singular verb. He had just argued that the question of who profited, thus the question of motive, pertained to the *praeda*, that is, to the one(s) who had it, and he had just said *illos amplissimam pecuniam possidere* (Magnus, the person who must be meant by the *tu* implied in *fuieris*, has replaced *illos* in Cicero's description of motive).

ut ... fueris A substantive clause, the subject of *accedit*. Translate *ut* "that". The same construction continues in the subsequent questions, in each of which should be supplied *accedit eodem*.

inimicissimus Here is used as a noun, as shown by the genitive *illius*.

horum Neuter, refers to the four substantive clauses that preceded. Cicero deals with them in order: *tenuitas, avaritia, audax esse, inimicitiae*.

dissimulari non queat Cicero uses the passive in order to keep *tenuitas* as the subject. Note the difference between *simulo* and *dissimulo*: the simple verb means to pretend that one is what one is not, the compound means to pretend that one is not what one is. Cf. *dissimulare* in §102. On the verb *non queo/nequeo*, see note to §72.

eo magis ... quo magis Correlatives; the clause with the relative must be taken first in English, but the order here both makes the point that much more clear, and delivers an easier construction, as *ut* governs *eluceat* more closely.

eluceat This is another Ciceronian word of which this is the earliest citation in extant Latin literature. Cicero employs it in twenty other places, never with the sense which it has here of revealing what one tries to hide (once, at *Part. Orat.* 41 of making a meaning clear: *proprium quid sit eluceat*), although always (as here) with a clear sense of its origin in the noun *lux* (the verb describes the Milky Way at *Rep.* 6.16). Elsewhere it is used of allowing good qualities to shine forth, e.g., *prudencia* at *Font.* 23, *ingenium* at *Cael.* 45 (cf. *Rep.* 2.37, *Fin.* 4.4, *Div.* 1.61, *Off.* 1.17 and 104, *Orat.* 7), *eloquentiae magnitudo* at *Orat.* 139. The only other Republican authors to use the word are Lucretius (once) and Nepos (thrice). It is rare in the imperial period as well; the younger Seneca at *Dial.* 4.29.3

uses *ut* in a clause which is close in meaning to the present passage: *magis enim veritas elucet quo saepius ad manum venit*.

§87 **praefers** In the meaning of "expose", "betray" (an extension of the meaning holding in front).

qui coieris *Qui = tu*; the relative clause is causal.

municipis cognatique Of a (fellow) townsman and relation (Roscius maior).

alienissimo Chrysogonus.

Quam sis audax *Quam* ("how") with *audax*. The indirect question, being the most important part of the statement, precedes the clause upon which it depends. The present subjunctive depends upon the perfect *potuerunt*, counted by Lebreton 1901: 256 as a true perfect. In the second part of the sentence the perfect *inventus es*, which governs *sederes, ostenderes, offeres* must be a simple past. There are two other considerations: (1) as Cicero believes that Magnus really is *audax*, he might well wish to use the present in any case, and (2) with the verb *possum* the grammatical tense and the time meant are not always identical.

hoc est etc. Cicero never lost his taste for insult by definition; cf. *Phil.* 2.70: *At quam crebro usurpat: 'et consul et Antonius!' Hoc est dicere, et consul et impudicissimus, et consul et homo nequissimus. Quid est enim aliud Antonius?* Besides M. Antonius, Cicero used the tactic on other enemies, e.g., C. Verres and his friends (*Verr.* 1.1.15, 1.1.25, 2.3.84), P. Clodius Pulcher (*Mil.* 24, *Pis.* 65). He rarely writes *id est* in the same manner, and although there are a few comparable instances in the orations, these are definitions of things rather than people: *Cat.* 4.4 *sollicitantur Allobroges, servitia excitantur, Catilina arcessitur, id est ininitum consilium ut etc.*, *Phil.* 2.70, 2.50. Cicero will also, of course, use *hoc est*, and more often, *id est*, to introduce a simple definition or restatement, sometimes to make explicit some disability, as at *Verr.* 1.1.37, 2.2.70; and a favorite usage is that of inclusion by definition, e.g., *Verr.* 2.1.103 *his omnibus qui istius iniurias norunt, hoc est populo Romano universo*, 2.2.30, 2.3.27, *Phil.* 3.15.

qui ... sederes Causal relative clause.

os tuum ostenderes ... offeres Cf. *Phil.* 2.68 *tu illud sanctissimum limen intrare, tu illarum aedium dis penatibus os impurissimum ostendere?* The distinction is between merely showing (*ostendere*) and flaunting (*offere*).

rei familiaris Objective genitive with *controversias*; meaning "about" as if the expression were *de re familiari* (the usual construction; but cf. *Verr.* 2.2.46 *cuius hereditatis controversia fuerat nulla*). Arguments about the family property frequently lead to *inimicitiae*; one thinks of the house of Atreus: or Cluentius, perhaps. It would have been helpful if Cicero had described the circumstances of the deceased's quarrel with T. Roscius: if the dispute had been very serious, a retelling of it, even in outline, would have helped the defense. It is possible, then, that the property, or the disposition of family property, over which the men quarreled — if there was a quarrel at all — was a minor one. Alternatively, T. Roscius might have had right on his side.

§88 This section is all one sentence, a comparison of evil with good, phrased in a series of five alternative questions containing relative clauses of characteristic, creating an argument from probability. The first two questions have an almost identical construction in each half, the third and fourth are unequal: the third is lengthened by a double object and a relative clause, the fourth by an even longer double object. The final question, all five words of it, is a summation, and drops like a bomb from the height gradually attained during the course of the preceding clauses.

Restat, iudices, ut hoc dubitemus, uter potius Sex. Roscium occiderit

1. is ad quem morte eius divitiae venerint
an is ad quem mendicitas

2. is qui antea tenuis fuerit
an is qui postea factus sit egentissimus

3. is qui ardens avaritia feratur infestus in suos
an is qui semper ita vixerit
ut quaestum nosset nullum,
fructum autem eum solum
quem labore peperisset

4. is qui omnium sectorum audacissimus sit
an is qui propter fori iudiciorumque insolentiam non modo subsellia verum etiam urbem ipsam reformidet

postremo, iudices, id quod ad rem mea sententia maxime pertinet,

5. utrum inimicus potius
an filius.

uter potius Sex. Roscium occiderit Martianus Capella (454.17–19 Halm) calls this a *quaestio finita, ut in Rosciana quaeritur Ciceronis, utrum interfecerit patrem Roscius*. It is, however, a *duplex quaestio* because he asks which of two parties committed the crime: *Duplex tum ex rebus fit, ut pro Caelio de auro et de veneno: tum collatione, ut pro Roscio, filiusne patrem an inimici iugulaverint* (Martianus Capella 463.30–31 Halm).

quaestum ... nosset nullum, fructum autem This should be the opposite of *ardens avaritia*, but, if interpreted literally, not only is not, but denies what Cicero had said earlier (§44) about Roscius' enjoyment of profit from certain of his father's farms. The word *quaestus* is said (L&S) to mean "gain", "profit", or "gainful employment", "advantage", but as such, makes a weak opposition to "avarice" or "greed": to say that one knew no profit is not to say that one had no desire so to do. It is better to approach the word from the verb *quaero*, that which one seeks, and thus to understand both that which one attains by seeking, and that which one wishes to obtain. Comparison with the next noun in the sentence makes the point clear: *fructus*, as Cicero uses it here, is not the same thing, but rather, it is the fruit (as in agriculture) of one's labor. The distinction may best be observed in the English expressions "to break even", or "to get one's time out of a job". Thus, to derive sufficient income from a farm to live on without incurring debt and to have seed for the following year is *fructus*; to sell one's produce at a profit and thus to have something left over after expenses produces *quaestus*.

fori iudiciorumque Political life (*forum*) and litigation (*iudicia*).

insolentiam A being unaccustomed to (+ genitive), the opposite to the verb *soleo*.

subsellia The benches in a courtroom; Magnus as a *sector*, whether of property or of necks, would have been very familiar with the courts, in one way or another.

mea sententia Ablative of specification.

utrum inimicus potius an filius A devastating and simple termination. The finality is marked not only by *postremo*, but by *utrum potius* echoing *uter potius* from the beginning of the sentence. *Vtrum* of course is the adverb, *uter* the pronoun, but for *variatio*, so much the better.

§89 Cicero never lost his taste, either, for attacking his opponent's oratorical failings. Cf. §§38, 44, 48, 50, *Phil.* 2.8 & 42–43. §§89–91 comprise an excursus on accusers, and a reminder that Cicero did not prefer that role; cf. §83. Actually the whole part about the battle of Cannae et sequentia is bizarre, almost a stream of consciousness from which Cicero reluctantly disengages himself at the end. It fits ill here, and worse as it proceeds into the eternal night and *imperatores* not watching over everything at once. It fits better, however, when one considers how necessary the mention of proscriptions and the indiscriminate slaughters at Rome is to Cicero's case.

Haec ... tot et tanta Object of *nanctus esses*; Cicero means the grounds for suspicion of motive.

si nanctus esses ... diceres ... iactares ... deficeret This is an extended present contrary to fact condition where Erucius is the subject of the verb in the protasis and the first two in the apodosis; for the third verb of the apodosis there is a new subject, *tempus*.

quam diu ... deficeret A commonplace in both Greek and Latin writers, e.g. *Cael.* 29 *dies iam me deficiat, si quae dici in eam sententiam possunt coner expromere*. Weische 1972: 26 offers as examples Isocrates *Archidamus* 81 and Demosthenes *Against Ctesias* 296, and notes the development of the idea especially in Demosthenes and in Cicero *Verr.* 2.4.59, where what will take so much time is a list of personal names.

quo te modo iactares *Quo modo* means "how" (in the exclamatory sense, e.g., "how you've grown!") and *se iactare* means to boast or to toss oneself about: Cicero probably implies both, although especially the latter. By setting the pronoun *te* between *quo* and *modo* Cicero emphasises the physical aspects of the expression; he may have accompanied the passage with exaggerated gestures and delivery. With good arguments Erucius might have worked himself up, rehearsed, to a display of physical ostentation, but his performance was in fact careless and nonchalant (§59).

Neque ego non possum = *Et ego possum, or Ego quoque possum. Litotes.*

derogo ... adrogo *Derogo* and *adrogo* are legal terms often used more generally. The clause with *derogo* means "I am not so unaware of my abilities" (cf. English "derogatory"), the one with *adrogo* means "even if I do not pretend to be better than I am" (cf. English "arrogant"). The result clause that follows (*ut te copiosius quam me putem posse dicere*) answers the first clause: *non enim tantum mihi derogo*. The intervening

qualification (*tametsi nihil adrogo*) is an insertion due to modesty with regard to his speaking ability.

copiosius Adverb. *Copia* (abundance) was for Cicero a great rhetorical good, and he states that while he can outdo Erucius in that respect (this sentence), he will not (last sentence in §91).

Verum ... fecit Cicero commences a comparison of himself and Erucius. What he says about himself is little, but he describes Erucius as one who became a leading prosecutor merely by staying alive after so many other prosecutors were killed in the recent civil disturbances, which compares first to episodes from the Second Punic War and then to the Trojan War.

forsitan *Forsitan* is contracted from *fors sit an*; it means "perhaps" and in Cicero is always followed by the subjunctive.

in grege I.e., one of many *patroni*.

te pugna Cannensis accusatorem sat bonum fecit At the battle of Cannae in 216 BCE Hannibal's army slaughtered tens of thousands of Romans. This action became proverbial, even into the late Empire. Cicero alludes to the slaughter of professional informers during the proscriptions, with the result that Erucius became a good enough (*sat bonum*) prosecutor by default, because most of his rivals were dead.

The form *sat* appears frequently for *satis* in poets prior to Cicero's time, and occasionally in Cato. Cicero does not often write the short form.

Trasumennum lacum ... Servilium Sc. *lacum*. Lake Trasimene was the site of Hannibal's earlier (217 BCE) overwhelming defeat of the Roman forces. The Servilium lacus (or fountain) was a place in Rome where the heads of the proscribed were displayed: Seneca *de Provid.* 3.

§90 **Quis ... Phrygio** From Ennius' *Achilles*; Phrygian steel = Trojan weapons: while Achilles sulked, the Trojans under Hector drove the Achaeans to their ships, and killed or wounded many of them. L&S take this as a reference to Sulla's Phrygian slaves (Sulla had just returned from Asia Minor). The quotation may also be apt, if Cicero is mindful here primarily of the dead accusers, that those besieged, as it were, under Cinna and his allies had temporarily at least vindicated themselves. Familiarity with Ennius, Radin points out (1910/11: 214–215), belongs to the "ordinary schooling" that Cicero's senatorial audience would have had. Still, this poetic citation is temporally isolated from those in Cicero's other orations (the next one does not occur until 63 BCE, *Agr.* 2.93; see Radin 1910/11: 211, 216–217), and may have been prompted by his coming reference to Priam and the Trojan war. If the adjective Phrygian serves more than one purpose, so much the better.

omnis ... Curtios, Marios, ... Memmios The plurals are generalising: "people like Curtius, Marius, Memmius". No one knows exactly who these men are, or even if the plurals are real or generalising. For Curtius see Hinard 1985a: 347–8 (No. 21 Curtius), possibly the father of the man whom Cicero describes at *Fam.* 13.5.2; David 1992: 725 (possibly originally from Arpinum). On this Marius see Hinard 1985a: 374–5 (No. 47

Marius), clearly not the same as the son of C. Marius, who died at Praeneste, nor Marius Gratidianus, who was killed at the tomb of Catulus and was not an old man, as this Marius is said to be. David 1992: 734 suggests that this Marius is a relation or client of C. Marius and thus likely to have come from Arpinum as well.

The last name presents a problem, as the manuscripts all have *Mammeos*, a name not attested under the Republic. Editors have printed *Memmios* since Orsini first made the suggestion, citing the two Memmii of *Brutus* 136. But Hinard 1985a: 371–2 (No. 44 Mammius) demonstrates that these two men were Sullani. This does leave some other less well known Memmius as a possibility, or an even less well known Mammius (a name which occurs not in literature but is found on inscriptions), and this latter is the solution that Hinard prefers. David 1992: 731–732 agrees and notes that the geographical spread of the name indicated by inscriptions includes Campania, especially Aquinum, and thus brings the family close enough to have come into contact with others such as Curtius and Marius. It is not, of course, necessary for any of these professional accusers to have embarked on his career because of relationship to any other person or to Marius, but they did all practice under Marius and Cinna, and probably earlier, and, as Cicero indicates, were eliminated under Sulla. David 1992: 298 disagrees with Kinsey 1987: 502, who believes that these informers were active only 86–82.

a proeliis Military terminology is often applied to the law courts; the simile of the Trojan War, or the Second Punic War, whichever it is, continues. Ten years later Cicero resuscitated this extended comparison and turned it to comic effect against Verres in a passage similar to this one, although there the combats take place in dining rooms and those slain on the field of Cannae are party-goers: *Verr.* 2.5.28. In a few places in Cicero's letters, *proelia* (or the verb *proelior*) is used of the political arena: *Att.* 1.16.1, 8.11d.7, *Fam.* 9.11.2, 10.10.1.

Priamum ipsum senem Cicero makes Antistius, a senior prosecutor, play the role of Priam. The information, however, that Antistius was proscribed reverses the point of the line from Ennius, as Antistius suffered death, he did not inflict it in the latest "battle". E. Klebs in *RE* 1 (1894) 47–59 rejects the identification of this Antistius with P. Antistius (*RE* 18), a well-known *patronus* in the eighties, father-in-law of Pompey, who was killed by Brutus Damasippus in 82 (see note to §33). Hinard 1985a: 330–331 (No. 2 L. Antistius) concurs, and argues that (1) the person named here is likely to be L. Antistius (*RE* 12), and (2) that the reasons for his death were personal rather than political.

aetas ... leges Perhaps the law against calumny prevented this Antistius from prosecuting. There was no law prohibiting anyone from appearing in court on account of advanced age, although many elderly men would not have wanted to undertake the burden.

pugnare prohibebant Alliteration. Here *pugnare* means *accusare*. The verb *prohibeo* can govern an infinitive; when it does, it is best translated "forbid": "not only age but the laws forbade to fight".

quos nemo ... nominat This does not mean that no one named them, but that the people indicated here were even more obscure than the unknown Curtius and company above, who were evidently prominent as professional informers.

sescenti sunt Six hundred is an idiom meaning "many"; *sunt* means "there are", as in "one can list"; it does not mean that they are alive, because they are not. The indicative *accusabant* follows because Cicero is enumerating, not characterising.

inter sicarios ... de veneficiis Names of courts (*iudicia*) established for these types of crimes; the mass of accusers plied their trade in these courts, prosecuting hired assassins and other unsavory types. Doubtless today they would be called shyster lawyers, or worse.

quod ad me attinet Certain expressions rendered by relative clauses that occur with a restrictive sense nevertheless regularly employ the indicative, not the subjunctive. These are *quod potes*, *quod attinet*, and, according to Lebreton 1901: 326, any relative expression not introduced by some form of the simple relative pronoun *qui*, e.g., *quantum*, *quicumque*, *quoad*.

vellem Governing *viverent*, means "I might wish (if it weren't impossible)"; the idiom may be either an independent potential subjunctive or the apodosis of an unreal condition with suppressed protasis. After *vellem*, *ut* is omitted, as often.

mali Partitive genitive; *nihil mali* is in apposition with *canes ibi esse*.

canes Refers to the simile of §§56–57, that prosecutors are like guard dogs.

ibi ... ubi Correlative; cf. §83.

permulti observandi multa que servanda sunt Passives periphrastic. Where there are very many people (*permulti*) to be watched out for and very many things (*multa*) to be guarded, there is no harm in having as many guard dogs as possible (*quam plurimos*).

§91 **Verum, ut fit, etc.** This is an abrupt shift away from the simile of the dogs to the image of Sulla distracted by his duties. One might rather have expected that Cicero would have expanded *multa servanda sunt*, but he is apparently offering an explanation for how or why so many of these men lost their lives.

imprudentibus imperatoribus Ablative absolute. He means Sulla, as at §§21, 25, 130 *imprudente L. Sulla*. The repetition of this point is unflattering to the Dictator: see note at §131.

vis belli ac turba *Turba* is the abstract, "disorder", not "the mob"; cf. §133, *Clu.* 103, *Verr.* 2.4.148, *Mil.* 33, *Sen.* 84 (of life) *ex hac turba et conluuione*, *Rep.* 1.69, *Fam.* 6.6.13, *Att.* 14.9.2. The plural is somewhat less abstract: *Verr.* 2.5.31 *maximas in istius castris effecisse dicitur turbas*, *Fam.* 16.11.3 *inter has turbas senatus*, *Caelius* at *Fam.* 8.15.1. Cicero sometimes writes *turba* to define *negotium*, or life in public (especially forensic) activity: *De Or.* 1.118 *haec turba et barbaria forensis*, 1.81, 2.143, *Rep.* 1.28. The word, of course, does

frequently mean a crowd of people, a mob, people in general (the *vulgus*) as opposed to those of discernment, or a place where there are many people (opposed to *solitudo* at *Clu.* 36). Cicero also uses *turba* of a large number of things or people not distinguished by any order or merit (as *grex* above): *Brutus* 332 *turba patronorum*, *Off.* 1.132 *rhetorum turba*, *Tusc.* 5.29 *malorum ... turba quaedam*.

By making these abstract nouns the subject of *molitur*, in this sentence Cicero offers the idea that circumstances, rather than individuals, were responsible for the series of deaths. Yet in the next sentence he admits that some people (he does not say who they are) took advantage of the disorders for their own purposes.

molitur Although Lebreton 1901: 9 puts this sentence among those where the verb agrees with the nearer subject, I am not sure that it belongs in that category. *Vis belli ac turba* can be taken as two abstracts, especially as they form one idea.

is ... qui summam rerum administrabat *Summam rerum* here = *dictaturam*. *Summa* is the noun, originally the adjective in *summa res*, but used with a genitive. Near the end of his life Cicero defined this periphrasis: *cum penes unum est omnium summa rerum, regem illum unum vocamus et regnum eius rei publicae statum* (*Rep.* 1.42). A variant, used not of absolute rule but of the citizenry, occurs at *Har. Resp.* 11: *populus Romanus, cuius est summa potestas omnium rerum*, and, again, of Caesar at *Marc.* 1: *in summa potestate rerum omnium*. *Att.* 10.5.2 has example of the word *summa* alone: *Curionis sermo postridie eandem habuit fere summam*.

erant ... qui The indefinite antecedent introduces three relative clauses, the first of which may be subjunctive of characteristic, as here, or indicative, merely stating a fact: A&G 535a. Note 1.

volneribus Dative, the normal construction with *mederentur*; the wounds were not physical, but were slights, grievances, or hatreds. Cicero uses *medeor* infrequently in his orations, eleven times in all, three of them in this one (§§ 128, 154), usually in the extended sense of mending psychic, political wounds, or righting wrongs; the word occurs more often in the letters, and in the rhetorical and philosophical works — eight times in *Tusc.* 3.

tamquam si Introduces a somewhat fanciful comparison, and thus Cicero is apologetic; this is effectively an unreal condition with the apodosis included in the particle *tamquam* (A&G 524 Note 1, 524a). The effect is somewhat as follows: "If eternal night had been poured over the state, it was just like that". For Cicero's use of "night" to represent absence of civil society, see *Brutus* 330 *equidem etsi doleo me in vitam paulo serius tamquam in viam ingressum, prius quam confectum iter sit, in hanc rei publicae noctem incidisse, tamen ea consolatione sustentor ...*

rei publicae Dative with *offundo*. The verb is quite rare in Cicero: four instances in the orations, six in the rhetorical or philosophical works, usually metaphorical of various obfuscating materials, e.g., in an extended comparison of P. Clodius to a storm at sea in *Dom.* 137. Cicero uses the metaphor of darkness poured out elsewhere, although of the four occurrences in his works the present one is the most effective. Cf. *Pis.* fragment 4 (in Nisbet): *perturbatio istum mentis et quaedam scelerum offusa caligo et ardentis Furiarum faces excitaverunt; ND 1.6 eam nobis potissimum probatam esse*

philosophiam, quae lucem eriperet et quasi noctem quandam rebus offunderet; Tusc. 5.6 hic error et haec indoctorum animis offusa caligo est.

qui ... ita ruebant ... omniaque miscebant *Ita* corresponds to *tamquam*: they rushed about in darkness because of the perpetual night. Cicero states the second relative clause as a fact. Mixing things up, disturbing the status quo, was always considered a bad thing to do, but in the period to which Cicero refers there really was not only confusion but a general disturbance of all social and political norms. Cf. Plutarch *Sulla* 30–32.

a quibus Change in construction for *variatio*: the relative pronoun, indicating agents of the passive verb *esse combusta* (indirect discourse after *miror*), precedes the rest of the clause to indicate continuity of antecedent.

ne ... vestigium Negative clause of purpose, with *quod* for the more familiar *quid/aliquid*. To English thinking this clause is placed prematurely, but in Latin the final clause usually — and logically — precedes the action on which it "depends". In English one would say, "I'm surprised that these benches weren't burnt up by them too, so that ...".

et accusatores et iudices sustulerunt Cicero has already (§§89–90) described the slaughter of accusers, now he adds the *iudices* as another class of victims in the recent proscriptions. The *iudices* in 82, before Sulla's reforms, came from another class of men, the *equites*, many of whom were primary victims of the proscriptions, for not only political but financial reasons. This final description of the men who took advantage of Sulla's lack of awareness is also given as a fact.

Hoc commodi est *Commodi* is partitive genitive; this genitive is especially useful in situations such as this one: Cicero does not want to say that there is this advantage (*commodum*) to the widespread uproar of the recent past, he wants to say that there is this one bit of advantage.

ita vixerunt I.e., *ita se gesserunt*.

testis omnis Accusative plural: those whose actions Cicero condemns worked so openly that to eliminate witnesses would have required eliminating that portion of the human race resident in Italy.

dum hominum genus erit Cicero embraces more than the current generation of people who survived the civil strife of the eighties and were old enough to remember: he states that the memory of this time will last as long as the human race does.

qui accuset ... deerit The same construction as in *qui ... mederentur* above: the omitted subject of *deerit* is the antecedent of *qui*. Here, however, the *qui*-clause is one of purpose, and while it stands in for the noun "accusers", or "witnesses", no noun can convey the idea inherent in the subjunctive verb.

dum civitas erit, iudicia fient Not merely another way of saying that as long as there are people the misdeeds of this time will be remembered; rather, it is a political

statement about the *res publica*: the law-courts are an integral part of a fully functioning state.

ut coepi dicere, et Erucius Cicero returns to the point begun in §89, although by this time his listeners could be forgiven for forgetting what that was: he had begun by saying he could spend as much time on certain topics as Erucius could, and then adds that due to the recent spate of deaths Erucius had less competition as a prosecutor than Cicero had as a defender. *Et* here means "both", completed by *et ego* below.

haec Object of *haberet*, occupies the same position in its clause as *haec ... si nanctus esses* of §89: a clear signal of returning to the beginning.

quamvis diu Means *quam diu quam vis* (vel *vult*). Cf. note to §47 *quamvis multos*.

possum Sc. *diu dicere*, another reminder of §89 (*Neque ego non possum; copiosius ... posse dicere*).

leviter transire ac tantum modo perstringere Cf. §83 *neque omnia dicam et leviter ... tangam*.

unamquamque rem Cf. *unum quidque* of §83. The sentence is an interesting exercise in rewriting an earlier statement.

studio ... officio Causal abls.; *studium*, a liking or inclination for a thing, replaces the *cupiditas* of §83, as *officium* replaces *fides*: here Cicero uses words which describe behavior rather than impulse.

§92 causas esse permultas §§86-88 contain some of the motives. The infinitive *esse* is an "historical present", that is, it represents a past tense, as is clear from the imperfect subjunctive *impellerent* which follows. See Lebreton 187-8, 247.

istum Magnus

facultas Judicially, means "opportunity" combined with "means" to commit a crime, thus covering all points of an investigation, as *causae* are "motives".

tu, T. Rosci etc. *Sermocinatio*. Here and in §94 Cicero returns to the tactic of questioning his opponent and supplying the answers, as he did with Erucius above §§52-54, 58, 74.

Quasi nunc id agatur This sentence rejects Magnus' imaginary objection that many people were at Rome and could have done the crime. There has been an ellipsis: "[Magnus answered] as if the point were that (*id = quis ... occiderit*)...". In so stating Cicero disregards the obvious answer, that *id quod agebatur* was not whether one of two people of Cicero's choosing was more likely to have murdered Roscius maior, but whether or not his son did.

ac non hoc quaeratur Also with *quasi*, "and not as if this (*hoc* = the rest of the sentence) were the question"; he narrows the choice of suspects from all those at Rome to Magnus (at Rome) or Roscius (in the country).

eum ... accesserit A long indirect question with three relative clauses, one for each of the people involved: the victim, Magnus, the accused. The main question is *utrum verisimilius sit* (line 30) *eum* (line 29) *esse occisum* (line 30) *ab eo ... an ab eo*.

§93 **ceteras ... facultates** The other aspects of opportunity.

id quod commemoravit Erucius In §80 Erucius is made to say *homines vulgo impune occiderentur ... multitudinem sicariorum*; Cicero here echoes that statement: *Erat tum multitudo sicariorum, ... et homines impune occidebantur*.

quae Interrogative adjective, means, of course, *quorum?*, as is evident from the next sentence.

eorum Genitive refers to the *multitudo* above.

qui in bonis erant occupati *Bonis* is ablative of *bona*, "property". *Occupati* is the adjective "busy with", "engaged in". Shackleton Bailey 1979: 238 believes that *occupati* should be emended to *occupatis*, by analogy with *in bonis esse = bona possidere*, comparing § 107 *qui sunt igitur in istis bonis quibus partem Chrysogonus dederit? duo Roscii*.

ab eis Refers to *qui in bonis erant occupati*, another relative periphrasis for a noun that does not exist.

conducebantur "Were hired" + purpose clause.

si eos putes One must supply an infinitive for *eos*, who are the first group mentioned (*eorum qui in bonis erant occupati*). The clearest meaning is produced if one understands *eos esse eam multitudinem*, and that is probably why Cicero omitted it.

alienum Neuter, "the thing of someone else".

tu es ... qui in eo numero Refers to those who have others' things, but *tu* is the antecedent of *qui*: you who are rich ... are (a change from general to specific).

nostra pecunia Instrumental ablative.

sin eos "But if them", same construction as *si eos putas* above.

qui ... appellant This relative clause interrupts the relative clause *quos ... percussores vocant*; *quos* is in apposition with *percussores* and the subject of *vocant* is the omitted antecedent of *qui*. The nonexistent noun which the relative clauses stands in for would be something like "people speaking euphemistically".

quaere The imperative is addressed to Magnus.

in ... clientela In domestic terms, to be in someone's *fides* means being in his *clientela*; the relative clause means "whose subordinates are they?".

de societate tua The original *societas* between Magnus, Capito, and Chrysogonus first mentioned in §21.

quicquid ... dixeris The verb is future perfect, the construction is a disguised future more vivid condition: "no matter what objection you make" = "if you make any objection at all".

id ... contendito For the meaning "compare" see L&S *contendo* IIB3; *contendito* is future imperative, as in the apodosis of a condition.

ita Not only with *facillime*, but with the whole clause — the comparison is very easy when done as Cicero suggests (*ita*).

§94 Respondebo: 'At ego ...' ... ab eius modi crimine Cicero speaks for Roscius here, and then alternates between pretending to be Magnus and pretending to be Roscius. He does not repeat *dices* every time, but lapses into *prosopopoeia* of both characters, playing both parts and using the first person singular for each. The dashes in the text indicate change in character.

Non continuo "Not necessarily"; *continuo* is the adverb from *continuus*.

si me ... contuli *Se conferre* (here, with *in*) means "to betake oneself (to)", "associate with", or "join". Cf. Catullus 16.5–6 *nam castum esse decet pium poetam / ipsum, versiculos nihil necesse est*.

quemquam Here is equivalent to *ullum*, with *ne ... quidem*.

longe absum ab "I am a total stranger to" (far removed from); Cicero reverts to his own persona after this sentence.

Permulta ... quae ... qua re *Permulta* and *quae* are "things" (there are many things that can be said) but if one translates as "things" one encounters difficulty in translating *qua re* (literally, "because of which thing", "why"), so one had better translate *Permulta* and *quae* as "reasons".

facultatem Opportunity again, with *malefici suscipiendi*, the phrase he employed to open this question in §92.

quae A coordinating relative, corresponding to *et/sed ea*, and object of *praetereo*.

non modo ... verum eo magis etiam Another variant of "not only ... but also" is "not only ... but all the more". *Eo* is an adverb that signals the *quod* coming up; just as with *idcirco ... quod* above.

te ipsum non libenter accuso As he had said in §83, when he promised not to go beyond what the defense of Roscius required. *Ipsum* marks the contrast between this *quod*-clause and that which follows (not only you yourself, but also [others]).

de illis caedibus ... quae tum factae sunt ista eadem ratione According to Plutarch *Sulla* 32, L. Sergius Catilina had killed his "brother" (or brother-in-law) before the war was over, and Sulla obliged him by inserting the man's name retroactively into the lists.

ad pluris ... pertinere These would include other associates of Sulla, and Sulla himself.

§95 Cicero begins his examination of what Magnus did immediately after the murder of Roscius maior.

strictim Superficially, i.e., without digging too deeply.

sicut cetera Sc. *vidimus*; *cetera* are the motive and opportunity that he has just discussed.

quae ... facta sunt This ought to be an indirect question after *videamus*: "let us see what things were done", but given the indicative mood, the relative clause merely substitutes for a noun, "the events", "the happenings". Landgraf ad loc. cites as parallels §105 *nunc illa videamus, quae statim consecuta sunt*, and *Verr.* 2.1.86 and 2.4.116.

medius fidius This is an interjection, an oath, often printed in three words: *me dius fidius*. L&S s.v. *fidius* explain that *Fidius* (same root as *fides*) is an epithet of Jupiter, and the expression means "by the god of truth!" or the like.

invitus Not out of fear, or compassion for a man whom he might endanger, but out of embarrassment at stating the obvious.

cuiusmodi Variant spelling, and easier on the tongue and the ear, for *cuiuscuiusmodi* "of whatever sort"; genitive of description.

vereor ... ne ita ... videar ... ut ... omnino non *Ita* circumscribes the action of the verb *voluisse* and causes a result. There are enough negative words in the sentence almost to obscure the meaning; one might call this a double *litotes*. In plain English: "I am afraid that I seem to have wanted to construct the defense in such a way that you would be hurt".

tibi ... pepercerim The perfect subjunctive (< *parco*) is unusual in a result clause unless the permanence of the result is emphasised. As Cicero says in the next sentence, *cum ... cupio tibi ... parcere*. Lebreton 1901: 270 observes that even a direct statement would have contained the perfect subjunctive, which must be retained in indirect discourse.

cum "When": note the present indicatives *vereor et cupio*. Although Cicero could have written a concessive clause, the sense is temporal; yet "when" is in the sense of "whenever".

aliqua ex parte See note to §10.

quod salva fide possim Relative clause of characteristic. One has to take *parcere* with both *cupio* and *possim*. Freyburger 1986: 55 uses this clause as an example of the difficulty of ascertaining the exact sense of *fides* and translating it accurately. His answer comes at 160–161, under the section of judicial defense: that *fides* is a function of the advocate's loyalty to his client to defend him as well as he can, and that in the *Pro Roscio* Cicero says that if he could fulfill this duty (*salva fide*) while still sparing people such as Magnus, he would.

rursus Finishes the temporal clause.

venit ... in mentem Since the object genitive, *oris tui*, of this phrase is Magnus' face, one can see that this expression for "remember" has become fossilised. Cicero might more precisely have said *venit mihi ante oculos*.

oris tui Schol. Gronov.: "Inpudentiae." Cicero explains in the next sentence what he means. Magnus' face is not in itself obnoxious, although if the man were homely mentioning his face would elicit a gratifying reaction for the defense, but his presence in court is what Cicero says he finds offensive. Cf. §87 *os tuum etc.*

Tene I.e., *Te-ne*; the interrogative particle *-ne* is added to the first word in the question.

illorum Magnus' *socii*. Cicero does not write *de sua praeda* because (1) he likes to contrast *hic* and *ille*, (2) he wants to emphasise their possession of the booty, and (3) *iudicium* is the subject of this clause. See Landgraf ad loc., and Lebreton 1901: 129.

huius maleficio *Huius* means Roscius'. The absence of a word meaning "alleged" may be explained either by Cicero's representing the thought of Magnus' associates, or by ellipsis; Cicero himself should say *crimen malefici*.

potissimum Especially, by preference: Magnus actively sought what his associates actively avoided; this is essentially the same idea as that expressed by the verb *offeres* in §87.

partis Accusative plural: a role, as in a play: see note to §35 *partis*.

depoposcisse Cf. *Scaur.* 31. Cicero employs the verb two dozen times in the orations, only thrice in other works. *Deposco* is often used of demanding a duty, honor, or other business, e.g., *consulatum, provinciam* for oneself, for good purposes or ill (*Verr.* 1.1.36, 2.1.63, *Cat.* 2.6, 3.14, *Sulla* 52, *Dom.* 13, *Sest.* 99, *Mil.* 100); sometimes reinforced by the negative of its opposite: *Flac.* 97 *populum Romanum disceptatorem non modo non recuso sed etiam deposco*, *Phil.* 3.33 *id non modo non recusem sed etiam appetam atque deposcam*. It also occurs in contexts of demanding a person for punishment or death: *Red. in Sen.* 33,

Sest. 46, Cael. 70. Conversely, the person might be requested as a leader (*Manil.* 5, 12, 44; *Phil.* 11.20).

nihil aliud ... nisi ut Cf. *sin aliud agitur nihil nisi ut* in §8, and note.

audacia tua ... impudentia Cf. §87 *quam sis audax*. *Cognoscatur* agrees with the nearer subject. Cicero saves *impudentia* for final emphatic position; normally *et impudentia* would have come before the verb.

§96 **quis primus Ameriam nuntiat** See note to §19 and compare that line with this one: *occiso Sex. Roscio primus Ameriam nuntiat Mallius Glaucia quidam*.

Quid attinuit eum potissimum nuntiare *Quid attinuit* asks "what was the point?" Shackleton Bailey 1979: 238, citing the addition of *id* (*eum id potissimum*) in Lambinus' second edition of 1584, supports *id* but prefers to place it after *attinuit*.

eum nuntiare A substantive clause, subject of *attinuit*. *Potissimum* with *eum* here means "him, of all people".

quod Subject of *pertinebat* below; its antecedent, and the object of *nuntiare*, is omitted.

iam ante Sc. *mortem Sex. Rosci*. Cicero clearly understands that his case against the T. Roscii will fail unless he can show that they had a viable motive at the time of the murder.

consilium ... inieras *Ineo* is used with a variety of nouns (*rationem, societatem, bellum*, etc.) to mean "enter upon" or the like; with *consilium* it means to make a plan.

societatem ... coieras Same expression as in §21; there is a word-play with *inieras* and *coieras*.

scleris ... praemi Objective genitives with *societatem*.

ullo To use *nullo* would have created a double negative and made the statement positive after the negative *nullam societatem*; the alternatives *neque ... neque*, however, do not destroy the negative (one might regard them as parenthetical): A&G 327.2.

minime omnium The adverb *minime* is strengthened by *omnium*, as superlatives are often strengthened by *quam*: "least of all" (exactly the English expression). The collocation appears again, again in a negative construction, at *Orat.* 227 *nihil enim est aliud, Brute, quod quidem tu minime omnium ignoras, pulchre et oratorie dicere nisi optumis sententiis verbisque lectissimis dicere*.

Sua sponte etc. The dashes indicate Magnus' purported direct answer; cf. his reply "quoted" below.

eius Mallius Glaucia. *Interest* (and *refert*) take the genitive of the person affected, or the ablative singular feminine of the possessive adjective (*mea, nostra, sua*, etc.). English uses the dative: "what difference did it make to him?"

An ... casu accidit *An* introduces an alternative question: "Or could it be that ...".

cum Like *si* in a statement contrary to fact.

Cuius rei causa Means the same as *cur*; repeating the construction of *huiusce rei causa*.

divinare "Divine" or guess by supernatural guidance. The verb usually means "foretell", "predict", but here it is used of the past. Cicero uses it deliberately so that he can score a rhetorical point using the original meaning of the word: *nihil divinatione opus sit*.

Eo ... adducam ut Literally, "I shall soon bring the matter to that place (or, so far) (*eo*) that ..". i.e., "I shall reveal that soon enough". Some form of *is, ea, id* frequently replaces *talīs, tale* in the main clause introducing a result clause; here *eo* is an adverb and there is no corresponding form of *talīs*.

Qua ratione Yet another expression for *cur*.

primo An emendation for *primum*; this is the adjective *primus* in apposition with *Capitoni*, not the adverb.

Sex. Rosci Roscius maior.

liberi The plural of the word was used even when there was only one child.

optime convenientes Literally, "agreeing the best": Cicero says that Roscius got on well with his neighbors and relatives, except Capito.

sceleris tui Cicero assumes Magnus' guilt; he is trying to establish Capito's prior knowledge and partnership in an actual plot against Roscius maior, i.e., what is now known as murder in the first degree. As a bonus, he thus assumes the very thing that he has said he will not try to prove. See §§98–99.

potissimum The third time this page: each time it means "why in particular" (the particulars — circumstantial evidence — are suspicious).

§97 **scitum est** Impersonal passive. The phrase almost always occurs in Cicero with the sense of "be known" (e.g., *Sest.* 82, *Orat.* 51, *Am.* 90), and usually has a substantive clause or a neuter pronoun as its subject.

Quid ... quid Cicero repeats the object of *significat* with each of the subjects (*celeritas* means approximately the same thing as *festinatio*).

Glaucia Cicero addresses Glaucia as if he were present, and while the man may have been at the trial, there is no other indication that he was.

excutio Not shake down, but shake out, search, "frisk".

quid ... ferri Something of iron: a weapon. Similarly, Cicero says at *Caecin.* 64 *non fuisse armatos eos qui neque ferri quicquam neque scutum ullum habuerint.*

nihil Adverbial with the impersonal *pertinere*; the subject must be supplied from what has preceded, e.g., "examining you".

cuius consilio occisus sit ... cuius manu sit percussus Cicero says that he cares about the author of the crime, in the sense of the source, not the agency, or means, of having it done. The verbs (chiastic arrangement, because of the exigencies of the grammatical structure, limited to the positions of the participles and *sit*) make the same distinction, as *occido* means generally to kill but *percutio* to strike (the actual blow).

invenio A statement of fact that could be explained as a simple condition.

Vnum hoc Defined by the several questions beginning *Vbi aut unde.*

sumo To take hold of, to use as proof.

tuum scelus He resumes his address to Magnus.

audisse Needs a subject, which must be supplied from previous sentence.

tantum itineris contendere *Contendere* in the sense of "to hasten", used absolutely, with accusative of extent of space and partitive genitive. The collocation *tantum itineris* occurs again only at *Verr.* 2.5.128: *hic tam grandis natu Ebulida hoc tantum exacta aetate laboris itinerisque suscepit.* The usual expression *iter facere* does not as readily convey the idea of distance.

quae necessitas eum tanta premebat The final adjective and the pronoun defy usual word-order, the adjective saved for the end for emphasis (the usual order would be *quae tanta necessitas*), thus including *eum* within the phrase. By setting out the words in this order, Cicero spatially "premebat" *eum*, between *necessitas* and *tanta*.

id temporis Idiomatic accusative with partitive genitive: A&G 397a.

nullam partem ... requiesceret *Nullam partem* is accusative of extent of time. The last clause is in asyndeton, which Cicero could have avoided, had he wished, by writing *neque ullam.*

§98 **Etiamne** I.e., *Et iam*: even now.

Argumentatio A bringing forward of proofs, through argument.

coniectura capienda est Passive periphrastic; a putting things together (*coniectura*) + *cipio* = to form conclusions.

Here the manuscripts have *capienda sit*; Clark with Madvig prints *est*, as do some other editors. Baehrens (1912: 501-503) defends the subjunctive, with many other examples, in a section introduced by a statement to the effect that verbs of necessity, will, or appearance are often subjunctive for no compelling reason, especially if they are auxiliary verbs.

haec ... cernere oculis videmini Cicero pretends to credit the jurors with vivid visual imaginations, although he provides the details for them to see. He is about to commence his second verbal re-enactment (*enargeia*) of the crime. He suggests that they "seem to themselves to see with their eyes" (*vobis haec ... cernere oculis videmini*) what they have heard (*quae audistis*). The intrusion of the relative clause *quae audistis* between the object *haec* and the verb *cernere* limits what he wants the jurors to see: that is, they should see only what they hear, his narrative.

non illum miserum Here and in the following instances of *non*, Cicero means *nonne*; he does not bother repeating it because he has commenced with *nonne*.

ignarum casus sui *Casus sui* is objective genitive with *ignarus*, as at *Orat.* 120 *legum et civilis iuris ignarus*, *N.D.* 2.54 *physicae rationis ignari*. The adjective also occurs as an absolute; it frequently introduces an indirect question, e.g., *Red. in Sen.* 18 *ignaro populo Romano quid ageretur*, or even indirect discourse, as at *Tusc.* 2.3 *quamquam non sumus ignari [= scimus] multos studiose contra esse dicturos*. The verbal adjective *ignarus* is modified by a reflexive that refers to the logical subject, not necessarily to the subject of the sentence: Lebreton 1901: 114-118.

non positas insidias, non impetum repentinum Objects of *videtis*, added in *asyndeton*.

ante oculos vobis *Vobis* is dative of reference; one might have expected *vestros*.

non adest etc. Cicero does not actually leave anything to the jurors' imagination.

suis manibus ... conlocat ... sui sceleris Grammatical necessity sometimes has a wonderful way of forcing a point: by making Magnus the subject of the sentence Cicero can attribute to him the crime.

Automedontem Glaucia is likened here to Automedon, Achilles' charioteer; he will take the news quickly to Capito; *antonomasia*. There were certain allusions that one could trust to virtually any audience, especially if these were characters from the Trojan War. Cf. *Quinct.* 80 (Pegasus).

eam noctem pervigilet The compound verb and the accusative reinforce Cicero's point that Glaucia's journey involved extraordinary exertion and discomfort. The verb is a *hapax legomenon* in Cicero; the related noun occurs only once, at *Leg.* 2.37: *Novos vero deos et in his colendis nocturnas pervigilationes sic Aristophanes facetissimus poeta veteris comoediae vexat, ut apud eum Sabazius et quidam alii dei peregrini iudicati e civitate eiciantur*.

The word appears in only two other Republican authors, both poets (thrice in Plautus, twice in Catullus), and it is rare in the later period as well.

honoris sui causa The phrase *honoris causa* used literally. Magnus is still the subject of the main verb upon which these final clauses depend, thus properly described with the adjective *suus*.

§99 Quid erat quod Capitonem primum scire vellet? The first three words mean "why was it that?" and *primum* is the masculine singular adjective, modifying *Capitonem*, not the adverb, thus "Why was it that he wanted Capito to be the first to know?" The context rules out the alternative — "what was it that ..." — because the question, at least in Cicero's mind, is not what Glaucia's message was, but why he took the news to Capito: he makes this plain in the next sentence, when he gives a kind of answer to his question. When *quid est quod* means *nihil est quod* (cf. *nemo est qui*) then the relative clause is one of result.

bonis Neuter ablative plural: Capito was a sharer in the property, not a partner among good [which would have to be understood as irony] men.

eum video possidere From the use of the infinitive, instead of the participle *possidentem*, Cicero means *video* in the sense of *intellego*. Cf. §24: *videre in Sex. Rosci ... bonis iactantem se ac dominantem T. Roscium*.

§100 Audio praeterea Cicero relates more hearsay; such statements are not admissible in a modern court, but this new departure is fully in keeping with the rest of this remarkable passage: there were no libel laws in Rome (the law against calumny provides against false suit, not against the kind of slander necessary to get one's client acquitted).

hanc suspicionem I.e., of being a murderer, or party to murder.

lemniscatam Sc. *palمام*, adorned with ribbons, an honor accorded to military commanders as token of a great victory. The adjective (a *hapax legomenon* in Cicero: evidently this passage is also the first time the word appears in extant Latin literature, although it is not necessarily his coinage) is formed as if the past participle of the (nonexistent) verb *lemnisco*. The noun *lemniscus* (a loan word, from Greek *lêmniskos*) is more common. This is a repetition of the claim of §17: *alter [Capito] plurimarum palmarum vetus ac nobilis gladiator habetur, hic autem [Magnus] nuper se ad eum lanistam contulit*.

Roma Ablative of place from which.

nullum modum esse hominis occidendi quo ille non aliquot occiderit *Litotes* reinforces this extravagant claim: not only has Capito killed people in every conceivable manner, but he has evidently killed not a few people by each of the several means available to the imagination (although Cicero supplies only two, *venenum* and *ferrum*, the two covered by the *quaestio de sicariis et veneficiis*). *Hominis occidendi* is the gerundive construction, genitive after *modum*.

Habeo ... dicere *Habeo* + object clause (infinitive) means to have the knowledge or ability (to tell, in this case); the idiom is somewhat different from the infinitive with *possum* in that the latter verb implies inherent power or capability, *habeo* indicates the possession of some knowledge which grants the ability. Cf. *planum facere possum* ("I can prove") below.

quem ... deiecerit An indirect question (if this were indirect statement there would be an infinitive, not a subjunctive).

contra morem maiorum etc. The common explanation is that men over sixty were not allowed to vote and were excluded from the bridges leading to the *saepta* (voting enclosures). Varro (*ap. Non.* 523.21) cites the proverb *sexagenarios de ponte*; some took the expression to refer to killing (sacrificing) people, as Ovid *Fasti* 5.621ff., Lactantius *div. inst.* 1.21 and *Epitome* 18.2, Prudentius *c. Symm.* 2.292–295. See the interesting discussion of the evidence by Néraudau, who observes justly 1978: 160–161 that the combination of the three elements required here (age, custom, and a bridge over the Tiber) ill accords with voting enclosures. He suggests (1978: 170–174) that the source of this passage is a play of Afranius and that Cicero has reproduced the line, a trochaic septenarius. He notes also the *homoioteleuton* (not to mention alliteration) of *quem morem maiorum minorem*.

atque adeo "Or rather", correcting *si* to *cum*, but retaining the conditional construction.

§101 Veniat modo, explicet suum volumen Clauses of proviso (A&G 528); the *volumen* is the roll of writing, some piece of written evidence that the prosecution intends to use against the defendant.

ei Dative singular; refers to Capito. Cicero's change of subject from Capito to himself, as subject of the verbal expression governing indirect discourse (*planum facere possum*), explains the use of *ei* to refer to the same person meant by the possessive adjective *suum*.

conscriptis The verb ("to compose") is often used of writing history or other literary efforts (*Sen.* 1), as well as of enrolling men in the military (*Phil.* 5.46, 11.27), into tribes (*Red. ad Pop.* 13, *Dom.* 54), or of writing legislation (*Verr.* 2.2.122, *Agr.* 2.11). For discussion of "things composed" in trials, cf. *Rosc. Com.* 6, *Clu.* 184ff.

aiunt One cannot tell here, when Cicero says "they" say, whether he means the opposition or people in general.

quod aiunt illum ... intentasse et minitatum esse ... The position of the relative *quod* at the beginning of the clause leads one to expect that it will be taken with both verbs in indirect discourse, but it is the object only of *intentasse* and Cicero merely continues the subject *illum*, meaning Capito, with *minitatum esse*.

se ... esse dicturum Another layer of indirect discourse, this dependent upon *minitatum esse*, thus the change of pronoun from *illum* to *se*, although there has been no change of subject.

pro testimonio "As" testimony or, perhaps, "instead of". Cicero says that Erucius has written up something for Capito to use as damaging testimony against Roscius; cf. Alexander 2002: 48, 151. He does not further elaborate, although his retreat into apostrophe indicates that the subject made him uncomfortable. One may imagine any number of things that the document may have contained, e.g., a draft of a will (of Roscius maior) disinheriting his son, or proof of some heinous crime committed by the son, or of misappropriation of what was not now his property.

O praeclarum testem etc. Cf. *Cael.* 63 *Testis egregios!* The accusatives of exclamation do double duty as red herrings.

expectatione Ablative with the adjective *dignam*; Capito is being awaited because he has not yet appeared in court.

eius modi ut Cf. §37 *facinus ... eius modi quo*; §79 *scopulum ... eius modi ut*; §86 *tenuitas ... eius modi ... ut*; §89 *eius modi materies est ut*; §104 *quae facitis eius modi sint ut*; §120 *Res ... eius modi ... ut*.

libentibus animis Ablative of manner.

nos Cicero addresses the jurors and identifies his vision with theirs. The nominative *nos* is used (it is not necessary) for contrast with *istorum*. It is somewhat strange to state that the blindness of one set of people has given another group keener vision, although, to be sure, what he means is that since Capito *et alii* are blinded by greed they behave stupidly.

ipsos The pronoun *ipsos* wants some other pronoun or a noun to complete its meaning, especially as the grammatical subjects are the abstract nouns *cupiditas*, *avaritia*, and *audacia* — the real agents of the sentence, however, are the people.

cupiditas et avaritia et audacia Cicero has twice before connected greed with daring: §12 *eo prorumpere hominum cupiditatem et scelus et audaciam*, and §75 *ex luxuria existat avaritia necesse est, ex avaritia erumpat audacia*. The word *audacia* appears twenty times in the oration.

§102 **Alter ... misit** Magnus; Capito is *Alter ... dicturus est* below.

volucrem This adjective is pretty well confined to the poets (especially Lucretius, but not in Catullus; in several early poets but not Terence), Varro, and Cicero, who uses it a number of times, especially in the philosophical works, but only four times in the orations. Cf. his description of Glaucia's trip in §19 *pervolavit*.

adeo "Even": L&S s.v. 2.II.D. It serves the same function here as a correction using *potius*.

si cuperent ... ponerent The imperfect subjunctives are due to two causes: (1) normal sequence in a purpose clause, dependent on *misit ut*, and (2) a present contrary to fact condition.

si placet ... dicturus est This is not a future condition, but a simple present condition, with the future participle indicating Capito's intention.

quasi vero id nunc agatur Cf. §92 for the same tactic (*Quasi nunc id agatur quis ... occiderit*): Cicero deflects what is in fact the matter at hand to introduce a counter accusation.

is quod dixerit credendum I.e., *id credendum sit quod is dixerit*; *is* is placed before the relative clause for emphasis.

dixerit ... fecerit The first verb should be future perfect, but the second should be perfect subjunctive if it refers to complicity in the murder. Yet the two verbs are in the same construction, so *fecerit* must refer to Capito's intention of giving evidence in a matter involving his own property: Cicero begins the next sentence *Itaque*, to explain.

credendum Sc. *necne*.

more maiorum comparatum est Impersonal passive: see L&S s.v. 2.I.B ("it was established"); followed by the result clause *ut ... non dicerent*. *More* is ablative of attendant circumstances.

in minimis rebus And by extension, *in maximis*. Halm would add *vel* after *ut* (see app. crit.); the idea is that not even in petty cases involving one's own property could one give evidence.

§103 Africanus Aemilianus (*RE* Cornelius 335), a recent historical figure and favorite of Cicero; he captured and destroyed both Carthage in 146 and Numantia in 133. His adoptive grandfather Africanus defeated Hannibal, and, in his brother's name, Antiochus III, but annexed no territories as a result. Neither of the two subjugated a third (*tertiam partem orbis terrarum*) of the Mediterranean world.

sua res Lebreton 1901: 134–7 discusses situations where *suus* is emphatic, including those, like the one here, where it specifies something that particularly concerns someone. On p. 140 he cites this passage as one of the few examples where the reflexive possessive so used is separated by many words from the noun to which it refers.

ageretur ... diceret "Past tense" of a future less vivid, or potential, idea.

in talem virum Although *in* + accusative often means "against", it can also mean "about", e.g., *de Or.* 2.352 (*cum cenaret Simonides apud Scopam cecinissetque id carmen, quod in eum scripsisset*).

crederetur Impersonal passive: harsh, perhaps, but better than making the verb transitive. Some take this for a personal passive, that Africanus himself is not believed.

in peiorem partem Cf. §45 *in bonam partem [accipere]*.

Cum de bonis etc. In the tripartite division of the sentence, Cicero preserves the same order of subjects, (1) property, (2) murder:

cum (1) de bonis et (2) de caede agatur
testimonium dicturus est is qui et (1) sector est et (2) sicarius
hoc est [definition + relative clause]
qui et (1) illorum ipsorum bonarum de quibus agitur emptor atque possessor est
et (2) eum hominem occidendum curavit de cuius morte quaeritur

de bonis Actually, the property is not an issue in the present case, although it serves Cicero's purposes here to make it one, but cf. §82.

hominem occidendum curavit The gerundive is the closest construction to the original direct object. The same idea may also be expressed by *curo* + infinitive (active or passive), or by *curo* + subjunctive (with or without *ut* or *ne*), as in §105 *curat ... ut eius bona veneant statim*.

§104 tu, vir optime Insult by affirmation of the opposite, a characteristic of irony (see Canter 1936: 459, with ancient definitions given in n. 6). The vocative may indicate that Magnus has begun to protest against what Cicero has just said, especially the last clause; it may be that Cicero wishes to pretend that Magnus has started up, or gesticulated, or cried out. Canter 1936: 462 calls this address "the genial kind [of irony] manifested in pretended familiarity, interest, or counsel."

quod dicas Relative clause of characteristic.

ausculta A "vulgar" word (cf. "listen up"), much used in comedy; it appears only here in Cicero; it is used in the sense of *obaudire*, *obsequi*. It occurs once also in Horace *Sat.* 2.7.1, where the slave says it to his master.

unum stultissime Brief and effective surprise conclusion after the tricolon with *multa* and three violent adverbs. Cf. *Verr.* 1.1.5 *hoc adhuc percommode cadit, quod cum incredibili eius audacia singularis stultitia coniuncta est*.

tua sponte, non de Eruci sententia These are two different manners of expressing "in accordance with".

muto *Muto* is the adjective, with *accusatore*. The sentence argues two things at once: (1) All accusers had their turn at speaking, yet Magnus sits silently among the accusers: his behavior is a breach of proper procedure; (2) No witness called by the prosecution (*teste ... eo qui ... surgit*) should be sitting with the prosecutors (another breach of proper procedure).

Huc accedit Cf. §8 *cumulus accedat*. *Huc*, "to this" (literally "to here"), refers to the advantage already given the defense by Magnus' presence. Thus there is a further advantage that Cicero will relate in the *quod*- ("the fact that") clause.

paulo tamen "At least by a little": an unsubtle statement of Magnus' lack of discretion.

vestra ista Forms of *iste* are often joined with a second-person possessive. *Vestra* = the two T. Roscii, who are the same people meant by *vobis* in the next sentence.

esset Potential subjunctive; understood as the apodosis of an unreal condition: "[if you had kept away] your greed would have been ...".

quod ... desideret *Desideret* is used here in the sense of "need", more than "desire".

dedita opera Adverbial, means "deliberately"; it is the ablative absolute of *operam dedere*: see s.v. *dedo* L&S II.A.b.

a nobis For the force of the preposition cf. §85 (*ab innocentia*): "with a view to us", i.e. "for us".

facere Has as its object the unexpressed antecedent of *quae* above.

§105 **quae statim consecuta sunt** The verb *consequor* is used absolutely with temporal meaning of what ensued.

ad Volaterras Cf. §20 *quadriduo quo haec gesta sunt res ad Chrysogonum in castra L. Sullae Volaterras defertur*. On *quadriduo quo* see the note to §20.

nonne The expected response is factually inadmissible.

eundem qui Ameriam I.e., *eundem esse qui nuntium Ameriam miserit*.

veneant From *veneo*, used as the passive of *vendo*.

qui non norat Despite the nearer antecedent *eius* (Sex. Roscius), the relative refers to Chrysogonus, as the sense makes clear.

qui ei *Qui* is "how"; *ei* (dative) is Chrysogonus.

Soletis ... produntur Note four expressions for indicating an argument from likelihood: *Soletis*, *necesse est*, *plerumque*, *plerique*. Cicero can argue that this is the usual way that someone's property comes to the attention of the wrong people only because of the recent proscriptions. In normal Italian life before that time, it was not usually the case that one's fellow townsmen or neighbors gave this sort of evidence: there was no opportunity.

audistis Most mss have the present *audistis*, which would conform better to the English idiom. The perfect means, in primary sequence, what the pluperfect means in secondary: "after you have heard it, you immediately say ...".

dixisse Absolute: "told" (as in English "I'll tell!"), "gave information".

indicant The word usually means "inform", "disclose", "betray"; the equivalent of *prodo* (*produntur* is in the next line).

quod suspicione occupetis Relative clause of result. See the app. crit.; there are many conjectures for the mss *suspicionem hoc putetis*.

Madvig's emendation, which Clark prints, would translate something like this: "Here there is nothing that you would seize upon with [instrumental] suspicion". Whatever one reads, the point is, as Cicero says in the next sentence, that the situation is so clear as not to require any form of argument.

§106 Non ... ita disputabo This does not quite mean *praeteribo*; this expression is not a common form of *praeteritio* because the emphasis is on the adverb. Cicero is not pretending not to say this, but saying that he does not have to argue it in this manner, as the T. Roscii themselves admit the fact(s).

cum ... haberent Concessive.

veteres a maioribus Reemphasis of the same idea, long-standing, traditional (hereditary) relationships.

patronos Not attorneys. Cicero describes the traditional network of Roman and Italian society: people who were more important would protect and foster the interests of those who relied on them, their clients, just as the Metelli, for example, protected Sex. Roscius. In return, the clients owed allegiance, support, their votes in elections, and so on, to their patrons.

hospitesque Another sort of relationship, also hereditary, that of mutual guest-friendship with people in other towns or cities; cf. §15 *cum Metellis, Serviliis, Scipionibus erat ei non modo hospitium verum etiam domesticus usus et consuetudo*.

colere atque observare In practical terms the two verbs indicate virtually the same thing; the *copia* adds emphasis.

in fidem ... contulerunt With *se*; cf. §93 *quaere in cuius fide sint et clientela*. Cicero contrasts the upstart Greekling ex-slave with well established and ancestrally linked Italian and Roman men of substance.

§107 possum "I can" does not mean "I shall": cf. §91.

suo Refers to the subject of the second verb introducing indirect discourse, *ipsos non negare* (dependent in turn upon *scio*): the T. Roscii, not Chrysogonus.

eum No specific person is meant; no one would wish to write *si quem qui ...*

qui ... acceperit Relative clause of characteristic.

indici causa partem There is a textual problem with *iudiciuae* vel similar readings in the mss.; other editors have *indicii partem*, or a variant thereon, which Donkin explains as meaning *partem praedae*, with *indicium* = the things about which the

information is given, not the information itself. Landgraf ad loc. explains *indicii partem* as *partem indicatae praedae*. (Shackleton Bailey 1979: 238–239, however, writes: "But I have little doubt that Cicero wrote *indicivam*. *indiciva* = *indicii praemium* is used twice by the elder Seneca and twice by Apuleius; their manuscripts mostly corrupt it slightly, as Cicero's do here. The understood substantive might be *merces*, as the Thesaurus suggests, but why not *pars*? As is well known, such feminine forms are used both with and without a substantive, e.g., (*aqua calida*, (*cena*) *viatica*."

Qui sunt ... in istis bonis For various meanings of *esse in* see L&S s.v. *sum* I.A.4.

quibus ... dederit Relative clause of characteristic, even though it refers to two specific people.

obtulerint hanc praedam ... partem praedae tulerunt *Paronomasia*.

§108 **ex ... iudicio** As a result of Chrysogonus' judgment, that is, from his actions.

operae pretium "Worthwhile", literally "the price of the effort"; see L&S s.v. *pretium* III.B.1.

quod ... esset A relative clause of result that describes *nihil*, which is placed near the beginning for emphasis.

fecerant ... donabantur This is a simple past condition. For the two constructions with *donabantur*, cf. note to §23 *donabat*, where the type *donare aliquid alicui* is found. This is the passive form of *donare aliquem aliqua re*.

gratias agi etc. There is a string of impersonal passives: "that thanks be given to them, or even (*denique*), that the thing be done really generously, that some reward be granted".

ut ... ageretur Purpose clause.

honoris Partitive with *aliquid*. This meaning of *honor* (reward, gift) is almost exclusively post-Augustan.

tantae pecuniae Genitive of description, with price thrown in.

communiter With the general sense of "in common", "with another person (or thing)", the adverb occurs a few times in the orations, but more often in other genres; it is frequently found in conjunction with the adjective *communis*: *Mur.* 11, *Arch.* 32, *Phil.* 1.5.

manubias Here *manubias* means *praedam* or the money from the sale thereof; cf. *pugna* in line 7. Cicero continues the metaphor of a military action and its result. The word often occurs in Cicero with *praeda* or *spolia*, or both, e.g., *Verr.* 2.1.154 *dubitamus quid iste in hostium praeda molitus sit, qui manubias sibi tantas ex L. Metelli manubiis fecerit* and 157, 2.3.186, *Agr.* 1 and 2, *passim*. But in other contexts it usually indicates either the spoils of foreign war or of a civil conflict, not, as here, of a private conflict.

109–123 The legation sent from Ameria to Sulla. Cicero further digresses in the midst of this topic to discuss good faith.

§109 Venit ... Capito Cicero described the legation and Capito's role in §§25–26. The verb is present tense, as is clear from §110 where Cicero says *impedimento est ... enuntiat ... monet ... ostendit* — all historical presents.

totam vitam ... cognoscite An argument from the particular to the general.

Nisi intellexeritis ... iudicatore Cicero argues that his case is so secure that it is absolute; cf. his earlier assertion that Roscius may be judged guilty if even one point is found against him: §8.

integrum Untouchable, or not to be touched (as well as untouched).

violari et imminuerit The verbs may be taken with *sanctum* and *integrum* respectively.

§110 Impedimento est Logically, *Sullam de his rebus doceri impedimento est* (dative of purpose), but after the opening words Cicero changes to the syntax of a clause of hindering (*quo minus ... doceatur*), which seems like a double negative.

monet ut provideat ne palam res agatur A nice string of subordinate clauses: supply Chrysogonus as object of *monet* and subject of *provideat*. *Palam* = before Sulla.

sublata Comes from *tollo* and means "cancelled".

illum ... sese *Illum* is Chrysogonus, *sese* is Capito.

capitis periculum adituum Cicero asserts that Capito demonstrated that he would be suspected or accused of murder if the killing were not kept part of the proscriptions. Lebreton 1901: 182 discusses the various meanings of *adire*, and which require a preposition.

acuere ... fallere ... etc. The use of historical infinitives, with Capito as the unexpressed subject, effectively switches from the historical present to the imperfect. Observe the structure: Cicero has four clauses in which he contrasts *ille* (Chrysogonus) and *hos* (the *legati*), the third of which contains an internal contrast employing most of the same words:

- (1) *illum ... hos*
- (2) *illum ... hisce*
- (3) *cum illo contra hos ... horum ... illi*
- (4) *cum illo ... hisce*

qui simul erant missi Circumlocution for a noun, "co-legates".

caveret Secondary sequence after an historical infinitive.

depecisci *Depeciscor* occurs again in §115. L&S s.v. say "repeatedly in Cic., elsewh. rare" but Cicero uses the word only six times, twice in this oration, once at *Verr.* 2.3.60, *Inv.* 2.72, *Att.* 9.7.3, and in a fragment, cited by Asconius *In Toga Candida*. The extant works of few other writers contain the word. In the juridical sphere, the word had a bad connotation, attested in the *Digest* of Justinian 3.6.3.2 (Ulpianus libro decimo ad edictum): *Hoc edicto tenetur etiam is qui depectus est: depectus autem dicitur turpiter pactus*. The instances from Cicero's orations and the *de Inventione* refer either to a compact made for the purpose of committing a crime, or to an agreement reached under duress, thus when he writes to Atticus *cum enim tot impendeant, cur non honestissimo depecisci velim?* the phrase *honestissimo depecisci* is an oxymoron.

semper With both *aliqua fretus mora* and *intercludere*.

omnis aditus ad Sullam intercludere For the verb with *aditus* cf. *Verr.* 2.1.136, *Sulla* 4; also with *via*, *Rab. perd.* 3, *Cael.* 42, *Scaur.* 40, *reditum*, *Red. in sen.* 6, *Red. ad pop.* 14, *perfugia* at *Verr.* 2.5.132, even *vox* at *Rab. post.* 48; the path may be literal or figurative. People or places can also be shut off, or blockaded, in an absolute sense: *Caecin.* 84, *Prov. cons.* 6, *Mil.* 56. By extension, abstracts may occur with the verb: *Marc.* 2 *mihi meae pristinae vitae consuetudinem*, *C. Caesar*, *interclusam aperuisti*.

fide ac potius perfidia Paronomasia, and not readily translatable.

ipsis The *legati*.

testimonium eis denuntiare A technical term: *testimonium alicui denuntiare* means to call (*aliquis*) as a witness. Cicero cannot himself compel any witness to appear, only request, and he does not tell us whether he asked some or all of the *decem primi* to give testimony, but if he did, his request did not receive a positive response.

§111 In privatis rebus Preiswerk 1905: 55 calls this part of the defense (§§111–113, 116–117) the "locus de societate laesa" (or "locus communis de mandato neglecto" p. 106), the various parts of which are further subdivided as follows: "improbiter exponit 111, ... idem explanat amicitiarum vim atque pretium 111/2 ... nec non inopiam eius, qui a socio fallitur 116" and continues (my translation), "This portion is woven into the argument not without some violence; for the legates, who set out for Sulla from America, were not joined with Capito by any agreement but did not escape the blame that he brought onto himself. This awkwardness shows that the *locus* belongs to the stock of commonplace arguments and would better suit those cases spoken on behalf of defrauded clients." In sum, one might say that this portion of the pleading is one that Cicero seems to have declaimed from some other oration (as Cicero said of Erucius in §82).

On pp. 102–103 Preiswerk refers again to §§111–112, a four-part *rationatio* which conforms well to the precepts that Cicero sets out in the *De inventione* 1.57–9, 63 (*est igitur quaedam propositio quae non indiget approbatione*), 65 (*quae perspicuum omnibus veritatem continet assumptio, nihil indiget approbationis*), 70–71:

propositio (premise): our ancestors thought that a man who handled a *mandatum* maliciously or negligently was worthy of the greatest disapprobation

propositionis approbatio (proof): they (the ancestors) decreed that a judgment of *mandatum* was no less disgraceful than one for theft

adsumptio (minor premise): when *mandata* are ignored friendships lose their potency

complexio (conclusion): thus one who defrauds an associate is one who breaks faith and destroys friendship

Finally, on pp. 118–119 Preiswerk includes §§111–117 in an example of the most elegant form of *contentio* (antithesis): "addit utriusque partis artificiosam divisionem ipsasque particulares sibi respondententes facit." That is, he uses an *exemplum* and a *conclusio* followed by another *exemplum* and *conclusio* reiterating the point: Ex. 1 "privatum mandatum neglegere turpe esse" (§111–112), Concl. 1: "publicum mandatum neglegere turpissimum" (§113–115); Ex. 2 "private socium fallere turpe esse" (§116), Concl. 2: "publice, turpissimum" (§117).

Thus rhetorical analysis provides a solid basis for the feeling of tedium that assails most modern readers of these sections, who take it ill that they must read the same argument twice — or even once. Bayer 1963: 172, in fact, advises that for the purposes of instruction one can remove §§37–123 without losing any of the oration's overall form or political character.

si qui Singular, a variant for *si quis*.

rem mandatam A legal term for a commission, or a contract; also *mandatum*, twice below.

si ... gessisset This is not a contrary to fact condition but a subordinate clause in indirect discourse.

eum ... existimabant The word order is interesting: *eum* is emphatic, and refers to the person meant in *si qui ...*, thus it comes first; *maiores*, the subject, is where it should be in the clause (save for the precedence of *eum*); *summum* and *dedecus* frame the verb, almost as if the adjective modified the verb-object combination and *admisisse dedecus* meant "criminal action".

mandati With *iudicium*, next line, means trial for [breach of] contract.

turpe With *iudicium* means causing shame for the persons arraigned in that venue.

furti Sc. *iudicium*.

quibus in rebus ... in eis The proleptic coordinating relative *quibus* takes the antecedent noun into its own clause.

vicaria fides ... supponitur Pleonastic: "substitute good faith ... is substituted".

disturbat vitae societatem There is a similar passage at *Phil.* 2.7 where Cicero complains of Antonius' having violated the confidentiality of private correspondence, and describes the result of his action. Compare also *Rosc. Com.* 16; *Div. in Caec.* 62, *Caec.* 7.

per nos "Ourselves" regarded as instruments rather than agents.

alius in alia etc. Cicero achieves both chiasmus and the juxtaposition of the different forms of the same word.

Idcirco amicitiae comparantur ... A pragmatic and legalistic view of friendship.

§112 Quid recipis mandatum Cicero addresses an imaginary person, not Capito specifically.

offers ... obstas Note the word-play in this line. There are three verbs compounded of *ob-*; *offers* is ostensibly a word of good connotation, although in the context it turns out not to be. Cf. note to §6 *obstare ... officere*.

officio simulato Ablative absolute. Note the word-play between *officio* "duty" and *officis* "obstruct".

de medio See note to §20 for the idiom.

maxime grave ... minime levis The adjectives are used in both literal and figurative meanings; they also serve as definitions of one another, since the most heavy is also the least light.

duas res sanctissimas violat, amicitiam et fidem Cf. §109 (*sanctum ... violarit*). Cicero descants briefly upon the theme, keeping the same order of *amicitia* (or *amicus*) and *fides*.

neque mandat quisquam *Mando* here is used absolutely; one still needs to supply an alternative indirect object (*cuiquam*), for which the adverb *fere* does duty. The same omission occurs with *credit etc.* in the next line.

Perditissimi ... hominis Appositional genitive with *dissolvere* and *fallere*.

§113 concreditae This is a Plautine word (16 occurrences); it is a *hapax legomenon* in a number of other authors and appears with *commendare* also in Cicero *Quinct.* 62, the only other occurrence of the word in the Ciceronian corpus.

ignominia Instrumental ablative; it is contrasted with *fama*, the constructions differing: the first has nominative + genitive, the second, ablative + accusative.

inopia vivum The words are supplied by Halm; something is needed to complete the contrast with *fortunae vivi*.

adeo "Even"; see note to §102.

inter vivos Cf. *Quinct.* 49, *post Red. ad Quir.* 10; the meaning of not to be *inter vivos* is to be "politically dead".

In minimis privatisque rebus Cicero raises the ante: before he had contrasted *in minimis rebus* with *in re tanta*; here *in re tanta* is defined and characterised by *quae publice gesta atque commissa sit*.

iudiciumque infamiae Donkin renders "trial with the penalty of dishonour".

illum neglegere Subject of *oporteat*; refers to the person *qui non omnia potest per se agere* (cf. §111), i.e. *qui mandarit*. Cicero omits a logical step in his argument. Strictly speaking, *si recte fiat*, no one would be negligent: his point is that if anyone is entitled to be negligent, it is the one whose affairs are at risk, not someone who has been entrusted with protecting those affairs.

qui ... laeserit ... polluerit ... adfecerit The antecedent of *qui* [*is*, below] is the subject of *advicietur* and *damnabitur*. The verbs of the relative clause are future perfects.

caerimoniam Here the word has the primary meaning of "sanctity".

qua ... quo In the sense of *qualis*.

qua is tandem poena Cf. note to §2 *quae me igitur res praeter ceteros*. If a personal pronoun is unemphatic its regular position is second in its clause, although it ought not to displace a postpositive conjunction. When it does, the pronoun is made emphatic.

§114 si hanc ei rem Note (1) position of personal pronoun (dative, = Capito); (2) line 15 *Nunc non hanc ei rem mandavisset*. There is a long mixed contrary to fact condition in the sentence; *rem* is to be supplied as the object of the two verbs in the purpose clause (*transigeret atque decideret*).

decideret From *de-caedo*.

inque eam rem With *fidem suam ... interponeret*, "pledge one's word", following which the usual construction, as here, is *in* + accusative of the thing (see L&S s.v. *interponere* II.B.2).

ille Anticipatory, emphatic; grammatically follows *nonne*.

qui ... recepisset Relative clause of characteristic. *Recipio* can have the meaning of a verb of promising (L&S s.v. II.B.2.b) followed by indirect discourse with future infinitive.

tantulum Cicero does not often use the adjective as a noun (or even as an adjective): *Verr.* 2.2.93 *si tantulum morae fuisset*, *Tusc.* 2.60 *cum tantulum operae philosophiae dedissem*, *Att.* 1.17.4; *Lucullus* 123 *putas solem esse tantulum?*, *Tusc.* 2.66 *id appellari placeat malum, tantulum tamen esse*, *Att.* 15.27.3. Elsewhere it is adverbial (see note to §118).

rem suam Here means property, profit realised (also *rem* below).

arbitrum The *arbiter* was a person who decided on matters of *fides* (*actio bonae fidei*), a legal procedure.

restitueret ... amitteret The verbs conclude the condition; logically = the result of the person's condemnation (*damnatus*) as guilty of breach of faith.

honestatem Reputation, respectability; a severe loss in a timocratic society, and so Cicero would argue.

§115 **Nunc ... convertit** *Mutatis mutandis*, Cicero recapitulates and changes what he had said at the beginning of §114.

paululum More vocabulary from early and late Latin; the adjective *paululus* and the neuter noun derived from it occur infrequently in classical prose except in Cicero. Cicero uses a form of the word nineteen times. The addition of *nescio quid* (the pronoun: see L&S s.v. *nescio* I[γ]) achieves an effect opposite to a superlative's.

convertit ... evertit Paronomasia.

tantidem quanti Correlatives in a chiasmic arrangement (or ABCCAB, if one takes the nouns and possessives as separate units) which also juxtaposes these two words genitives of price. Our idiom is different: "he made as much of their wishes as he made of his promise". Schol. Gronov. on *tantidem*: "Id est nullam." The same correlatives occur at *Verr.* 2.3.192 and 215, and not elsewhere in Cicero.

§116 Cicero here gives over the previous argument and develops an abusive approach.

quo ... contaminari The relative clause of characteristic is introduced by an instrumental ablative; *quo* refers to *maleficium*.

In ... fallere A substantive clause, the subject of *turpissimum est*.

atque With *aeque*; the Latin idiom is "equally and"; the comparison is to *illud* that follows.

illud To deceive or behave negligently toward the person entrusting; the abuse of faith that he has just been discussing at such great length. What he is about to talk about is different, for the *socius* is not the person who entrusts something, but a person who shares the onus of that trust.

neque iniuria See note to §17. The positive *iniuria* for *sine iure* also occurs.

auxilium sibi se Direct object, indirect object, and subject respectively of the infinitive *adiunxisse*; the person meant, the unexpressed subject of *putat*, is anyone who is in such a situation (*qui cum altero rem communicavit*).

cuus Interrogative.

confugiet ... cum ... laeditur ... commiserit The present indicative with *cum* marks an absolute temporal occurrence. According to Lebreton 1901: 215–6, the future and future perfect are times relative to the present here, the present is not relative to the

future; cf. his remarks on *dum* with the present indicative. While the argument certainly obtains with respect to *laeditur* and *commiserit*, I am not sure that one can say the same of the relationship between *confugiet* and *laeditur*. It is a generalising statement.

eius ... cui Any person in Capito's position.

ad cuius fidem ... per eius fidem A word-play involving the etymology of *perfidia*; Holst no. 123.

animadvertenda It is interesting that "pay attention to" comes to mean "punish".

maxime quae difficillime This is a kind of correlative use of superlative adverbs.

Tecti ... ad alienos "Cautious (hidden) toward outsiders"; contrasted, after a change in construction, with *apertiora* in the next clause.

intimi Asyndeton; this is an adversative clause. without an adversative conjunction such as *sed*.

qui "How".

ius officii laedimus A ticklish situation for a Roman: a display of bad form should not be necessary in close partnerships; cf. note on *laeserit* (§113). The choice is between being *impius* and *stultus*: see below where Cicero says *socium officii metuere non debuerunt ... parum putantur cauti providique fuisse*.

§117 **tametsi ... videtur** Cf. §56 *tametsi miserum est, tamen ei qui hunc accuset possim aliquo modo ignoscere*.

muneris ... mandatorum *Copia*: the four words do not mean exactly the same thing, but convey the same message.

induxit ... fefellit A crescendo, but with five verbs; there is a gradual increase in the number of syllables, suddenly a doubling between the third and fourth clauses (also note asyndeton): 3–3–4–8–11; and again, similar but not identical meanings. The last clause (*omni fraude et perfidia fefellit*) adequately describes the second verb, the penultimate clause, the third; one may then regard the series with punctuation something like this:

novem homines honestissimos ... induxit: (A) decepit, (B) destituit, (B) adversariis tradidit, (A) omni fraude et perfidia fefellit.

qui Masculine nominative plural, refers to the *legati*, with the first three verbs.

eius The possessive is out of place: it modifies *scelere*, but is placed between *susplicari* and *nihil* for emphasis.

potuerunt ... crediderunt The indicative verbs in the relative clause indicate not characteristic but fact; note asyndeton and *homoeoteleuton*.

malitiam Although the word occurs dozens of times in Cicero, especially in philosophical works, he does not use it in public speech later than the *Pro Cluentio*.

putantur The consequence (after *Itaque*) also puts the personal passive into the indicative.

proditor ... perfuga There is a distinction between one who betrays from within and one who physically deserts to the other side.

sociorum ... societatem More word-play.

tribus praediis Placement for emphasis; with *ornatus*, a concessive participle. The phrase is interrupted by the technique (*hoc est*) of insult by definition.

In eius modi vita ... hoc quoque maleficium ... reperietis Here Cicero employs the same sort of argument as in §75, to the opposite effect.

§118 **multa avare etc.** Echoes of §104, to which topic Cicero is about to return.

scelus quoque latere ... putatote The Latin equivalent of "where there's smoke there's fire", an argument from likelihood.

minime latet He reiterates the argument with which he began §104.

promptum "Manifest" (the word's primary, and rare, meaning).

propositum Another primary meaning: set right out in front, exposed.

si quo de This is equivalent to *si de aliquo*; the indefinite pronoun *quo* is attracted to the conjunction *si*, even in the presence of the preposition *de* which should intervene. This construction is common enough with the indefinite adjective, as a monosyllabic preposition will regularly come between an adjective and its noun, e.g., *si qua in re* at *Quinct.* 8, *Verr.* 2.3.2 and 7, *Agr.* 2.6; *ne qua in re* at *Verr.* 2.3.4 and *Brutus* 155; *Div. in Caec.* 35 *ne qua ex parte*; *Verr.* 2.4.142 *si qua de re ad senatum referant*, 2.5.19 *si quo de homine*, *Rab. Post.* 2 <si> *qua in familia*, *Inv.* 2.4 *si quo in vitio*. The present example is a conjecture for the manuscript reading *si quod*, but the change is necessary. A parallel (with a different preposition) is *Am.* 83 *si quos inter societas aut est aut fuit aut futura est*. While I can find no other places in Cicero where the indefinite pronoun both precedes its preposition and changes from a form of *aliquis* to a form of *quis*, there do exist certain formulae where the preposition precedes a relative pronoun, especially *quo de agitur/agimus* (*Inv.* 1.27, 41, 82, 2.94, *Verr.* 2.2.31, *Manil.* 47, *Caecin.* 55) or an equivalent. A&G 435 list a number of prepositions that may follow their nouns (one should add *sine* to the list).

illorum Partitive with *quo*; refers to *maleficia*.

intellegatur Depends on *ut non* in the preceding line, which also governs *convincatur*, a result clause.

dubitabitur, vincatur Impersonal passives.

ille lanista Cf. §17; refers to Capito, who is absent.

a gladio recessisse Cf. §16 *ab armisque recessimus*.

hic discipulus The first-person demonstrative points out not Roscius, but Magnus, who is present, and contrasted to Capito (third-person pronoun).

tantulum L&S s.v. *concedere* I.2.b call this word an accusative of quantity (i.e., adverbial); *concedere* is used absolutely in the sense of "give precedence to". For other adverbial uses of *tantulum*, see *Div. in Caec.* 72, *Verr.* 2.2.125, 2.5.176 and 181, *Caecin.* 58, *Pis.* 42, *Leg.* 1.34, *Att.* 4.16.9.

par ... similis ... eadem ... gemina *Copia*: the four adjectives mean virtually the same thing, although the nouns which they modify do not; note asyndeton.

§§119–123 Magnus: refusal to give slaves for testimony (the passage promised at the end of §78); transition to Chrysogonus

§119 quoniam ... cognostis Cicero assumes what he wanted to show.

fidem ... aequitatem Irony; Cicero refers to Capito's *perfidia*, the subject of the recent digression, and Magnus' *iniquitas*.

saepe numero Adverb, often written as one word (see L&S s.v. *saepe* III); it seems to be a late Republican idiom (it is found in a number of places in Cicero, Caesar, and Sallust and occurs once in Tacitus *Ann.* 14.43; not in Cato, Nepos, Livy). Here the adverb modifies *postulatos esse*, not *dixi*. Cicero has mentioned the request for slaves once before, at §§77–78.

duos servos Cf. §77 line 12 *duos servos paternos*.

qui impetrarent A relative clause of result, and a ridiculous alternative (as Cicero knows), considering the familial *dignitas* of the men who demanded the slaves for examination. In fact, all three possibilities would be ridiculous to a right-thinking person of Cicero's defining, which is why he phrases the question thus. He will expand and explain in following sentences.

an is ... postulabant Cicero could have said that Sex. Roscius was in a pitiable state (as he does just below); instead, he intimates that Magnus lacks pity.

res ipsa tibi iniqua He returns to the theme of *aequitas*.

homines nobilissimi etc. Answers the first alternative.

quos iam antea nominavi P. Scipio, M. Metellus (§77).

aequum Reiteration of the theme, here in the midst of an argument from likelihood: what leading citizens request is by definition fair.

infelicissimo Is this a contrast perhaps with Sulla's *felicitas*? Cf. *Phil.* 2.64 *Caesar Alexandria se recepit, felix, ut sibi quidem videbatur, mea autem sententia, qui rei publicae sit infelix, felix esse nemo potest*. Cicero rarely uses the adjective *infelix* of a defendant in a trial (*Quinct.* 94 a passage similar to some parts of the present oration [§§29, 116], *Rab. Post.* 4); indeed he uses it of himself rather more often (*Mil.* 102, *Att.* 9.12.1, 10.12.2, 10.18.3), and of other people, e.g., *Verr.* 2.5.162, *Parad.* 2.16. When used of an opponent, the word and the corresponding noun signify not only a miserable condition, but military incapacity as well: *Prov. cons.* 7 and 8, *Pis.* 47, 78.

qui vel ipse cuperet Relative clause of characteristic, with overtones of a contrary to fact condition, since free men were not examined under torture. *Vel* is an intensifying particle with the pronoun *ipse*.

dum ... quaeretur Clause of proviso, used instead of a protasis, to continue the analogy to a condition.

§120 **eius modi** Refers to *Res*, and sets up the result clause *ut nihil interesset*.

maleficio The murder of Roscius maior. The statement would be inadmissible in a modern court.

cum occiditur The historical present indicative with *cum* indicates a definite time, as opposed to circumstances; such an occurrence may be rare, but it occurs: A&G §545 cite this passage. Cf. Lebreton 1901: 186, who cites this passage, *Verr.* 2.4.32 *eo cum venio, praetor quiescebat, Att.* 10.16.5 *cum redeo, Hortensius venerat*, and *Caesar B.G.* 2.9.2.

ibidem fuerunt *Sc. duo servi*.

quod ad me attinet For the idiom see L&S s.v. *attineo* II.B.1: "(with respect to) what concerns me", answered by *quod* below (cf. §122).

neque arguo neque purgo The slaves' guilt or innocence is not an issue and Cicero generously gives up his right to inquire into it.

quod "The fact that"; subject of *oppugnari*.

oppugnari Here is equivalent to a verb of hindering and is followed by *ne ... dentur*.

quod vero Here *quod* means "as to the fact that" and anticipates *neesse est* in the next line.

quod si dixerint Literally, "which thing if they will have said"; the antecedent of *quod* is *aliquid*. *Dixerint* is future perfect indicative in a future more vivid condition.

In dominos quaeri etc. Magnus' purported objection: *in* = against. Slaves could not be questioned as to their master's guilt; cf. *Mil.* 59. *Quaeri* is impersonal passive.

quaeritur Sc. *in dominos*.

de hoc Re Roscius. Cicero's argument here is different from that at §78, where he complained that Roscius could not remain the slaves' *dominus* long enough to examine them concerning his father's murder.

Cum Chrysogono sunt The second objection begins the transition to Chrysogonus. Cf. §77 (*Chrysogonum, iudices, sectantur; apud eum sunt in honore et in pretio*).

litteris eorum et urbanitate The ablatives are instrumental, both grammatically and figuratively, as a vehicle for Cicero's irony; *litterae* = education (also *litteras* below).

deliciarum ... artium Cicero begins his characterisation of Chrysogonus' favorites, and thus of Chrysogonus, as effete little things. In the absence of some appropriate adjective (e.g., *peritos, studiosos*) these genitives must be taken as genitives of quality.

puerulos Cicero's word, a contemptuous diminutive. In other Republican authors it appears only once each in Varro and Nepos.

familiis *Familiae* were "households" of slaves; the many slaves who formed part of the properties that Chrysogonus had acquired through the proscriptions. He would have chosen the most well educated, artistic and accomplished (i.e., effete) for his own household.

paene operarios Although Cicero describes them as practically field-workers, Roscius maior did bring them to the city with him so it is not likely that they were, although they could well have served as bodyguards rather than as secretaries of some sort.

Amerina Here means provincial, the specific adjective is substituted for the general.

patris familiae rusticani Cicero had argued above at great length about the son's devotion to the farm, but this is the first time he has specifically characterised the father also as a rustic. At §43, however, he does set him in a rustic, provincial milieu (*homines illius ordinis ex municipiis rusticanis*).

§121 Non ita est Anaphora coming up: *non est veri simile ut ... non ut ...*

ut ... adamarit A substantive clause of result, as is *ut ... cognorit* that follows. The prefix *ad-* intensifies the verb's meaning; Cicero uses *adamo* rarely (five times in the orations, seven in philosophical works, twice in letters) and only in the perfect tenses (which would further intensify the intrinsic meaning: *Flacc.* 25, *De Or.* 3.62 and 71, *Luc.* 9 *sed nescio quo modo plerique errare malunt eamque sententiam quam adamaverunt*

pugnacissime defendere quam sine pertinacia quid constantissime dicatur exquirere), sometimes, however, with aoristic sense ("to conceive a passion for"), as at *Verr.* 2.2.85 *cum signa quaedam pulcherrima atque antiquissima Thermis in publico posita vidisset, adamavit*; 2.4.101; *Mil.* 88; *Tusc.* 2.26.

humanitatem Education, manners (external, not internal, qualities); cf. *urbanitate* above.

negotio Dative with *diligentiam* (the ultimate dutiful word: cf. Cicero *de Or.* 2.150).

et fidem Emphatic by position (cf. end of §14), and denied by the slaves' survival of the attack on their master (cf. *Mil.* 29 on the reaction of Milo's slaves to the attack by Clodius' party, as Cicero tells it).

Est Existential: note its position.

opprimitur et absconditur The first verb is used in the literal sense of the second, i.e., "pressed down", and opposed to *eminet* (it keeps popping back up, like a compressed spring mechanism).

§122 **suine** In a question, *-ne* is attached to the most important word: here, to the question of whether the crime, which Chrysogonus does not want to cover up, is his own or not.

de eis The slaves; the preposition *de* should mean "about", as the usual preposition for those from whom the information is gathered is *ex*.

in omnis *Sc. homines*; one of the normal constructions with *convenit* (here, in the plural *omnia conveniunt*—or the verb would be plural if it were not in indirect discourse): L&S s.v. *convenio* II.B.2.

hoc ... dicere To absolve Chrysogonus from the accusation of premeditation.

Meministis etc. See §35, where Cicero said *crimen adversariorum et audacia et potentia*; he follows the same order here.

in "Into", with *distribuisse*.

partes impositae sunt There is a deliberate absence of agency with the passive verb. On *partes* see note to §35 *partis*; there Cicero had said that the Roscii demanded the role for themselves (*partis Roscii sibi poposcerunt*).

gratiam potentiamque Subjects of *obstare* and *perferri*; the first word, "influence", is not usually attributed as a fault, unless the one having *gratia* ought not to; *potentia* is always an opprobrious term.

a vobis ... vindicari oportere Cf. §36 *hominum eius modi perniciosam atque intolerandam potentiam primo quoque tempore extinguere atque opprimere debetis*.

§123 **Ego sic existimo** Another argument from likelihood.

qui quaeri velit Cicero speaks generally of anyone who is (line 23 *eum*) or is not (line 24 *eum*) willing to have a crime investigated.

ex eis ... adfuisse *Ex eis* with *quaeri*; in another layer of indirect discourse *constat* (impersonal) is indicative, stating a fact independent of the reported thought; *quos* is subject of *adfuisse*; the whole thing is a circumlocution for "eye-witnesses".

initio He means in the beginning of this part of the oration, i.e., §83.

una quaeque earum *Sc. rerum*; cf. §89 *in singulis rebus ...* .

quod Its antecedent is the unexpressed object of *facere* in the next line.

neque diu neque diligenter facere possum Cf. §91 *Erucius ... posset ea quamvis diu dicere, et ego, iudices, possum*. In order for this not to be contradictory, it is a hendiadys: *diligenter-facere possum non diu*.

ea leviter ... attigi Cf. §83 *leviter unum quidque tangam* and §91 *leviter transire etc.*

quae posita sunt etc. The antecedent of *quae* is *ea* in line 3; a semicolon after *attigi* would be helpful.

sit disserendum The passive periphrastic is subjunctive for one of two reasons, or a combination thereof: (1) in addition to comprising the apodosis, it is part of a relative clause of characteristic; (2) the condition may be mixed. In fact, a better question is, why is *coepero* indicative (as he will not in fact begin)? Unless the answer is that beginning, like being able, has potentiality contained within its meaning.

§§124–149 Chrysogonus

§124 **nomen aureum Chrysogoni** *Paronomasia*. *Chrysogoni* is genitive both of definition and possession. The Greek name contains the stem χρῆσ-, gold.

sub quo nomine ... latuit Cf. *Phil*, 12.17: *sub nomine pacis bellum latet*. Cicero maintains that Magnus and Capito use Chrysogonus' name as a shield.

de quo Chrysogonus (or his name; it makes no difference).

neque quo modo etc. A double indirect question; the verbs would be deliberative subjunctives in any case, and the idea approaches that of a final clause. The subjunctives are thus best rendered into English with infinitives.

Si enim taceo He takes up the alternatives in reverse order (*dicam ... taceam ... taceo ... dico*).

vel maximam partem *Sc. defensionis; vel maximam*: the greatest possible. See note to §6 *vel potentissimus*.

vereor ne non ille solus *Ne* follows *vereor*, *non* belongs only with *ille solus*, a variant for *non solum ille*, in which *solus* remains an adjective. The expression is completed by *sed alii quoque plures* (*sed etiam alii plures*).

id quod ad me nihil attinet *Id* = an injury to Chrysogonus; *nihil* is adverbial. When Cicero says that it does not concern him, he means that he does not care, or does not wish to inquire, not that there is no possibility of ramifications. What he leaves unsaid here is that *alii plures* may take his words ill and their reaction could well affect Cicero himself. There were many who had bought property at auctions under Sulla; these people he attempts to mollify by his next statement. Or rather, he intimates that his line of attack will upset many others and hastens to assure them, whether or not he actually believes that there is any danger of a negative reaction.

Tametsi "And yet", not "although", as there is no corresponding clause.

in communem causam sectorum *In* here means "against" (*in* meaning "in the case of" is followed by the ablative); *communem causam* means general/universal case.

magno opere "Particularly" (or, "nothing in particular seems to have to be spoken").

nova profecto et singularis The case is unique and to be distinguished from those of others who have been proscribed and those of others who have bought confiscated properties. Cicero does not concern himself with buyers of property in general because that situation is not to the point: he wishes merely to argue that the property of Roscius maior should never have been put up for sale.

§125 **venierunt** From *veneo* (*venum eo*), "go for sale", "be sold" (as passive of *vendo*); Cicero uses this verb frequently in this section and in what follows.

non ita quaeram "I shall not ask in such a way"; explained by *ut id dicam etc.* Cf. §106 *Non enim ego ita disputabo*. Cicero employs *praeteritio* in both cases.

tantus homo Roscius maior was not an important man. The point is, if one were to complain about the general injustice of past events, one would choose a better example, not Sex. Roscius *potissimum*. Cicero says that he is not complaining about the proscriptions, only that the property of Roscius maior was not sold even in accordance with the laws under which people were proscribed.

si enim haec audientur ac libere dicentur Cicero again denies that freedom of speech, or of complaint, exists in the Rome of his time. Whether or not this was true, he refers throughout his defense to the proscriptions, especially if he can allude to unspecified unjust actions at the expense of unspecified individuals.

Qui potuerunt ... bona Sex. Rosci venire qui potuerunt? Cicero ends his sentence with the same words with which he began it ("How could ...") as he has interrupted himself to make a remark about the law(s).

ista ipsa lege Ablative of specification.

sive Valeria sive Cornelia Sc. *lege* in each case. The first law was named after the interrex L. Valerius Flaccus, the second after the dictator.

non enim novi nec scio The two verbs do not mean precisely the same thing. Cicero says that he has not yet learnt (*non novi*) and still does not know (*non scio*) under which law (supposedly) Roscius' goods were confiscated. His aside underscores the irregular nature of the transaction.

§126 Scriptum enim ita dicunt esse "They say it was thus written": an impersonal passive verb, with no personal agent, reported by persons unnamed. Cicero, as he has just said, has not read the law (although he surely has). His modesty covers both his inexperience and a charge that he looks too closely into unpleasant matters.

The two provisions of the law concerning sale (and confiscation) of property are written in block capitals. The first category (which, in general, is the later chronologically) is the proscribed, the second is those who were killed in military campaigns against Sulla.

praesidiis Troops, armies, in particular, those in Italy.

Dum praesidia ulla Cicero means specifically opposing forces in the civil war.

in Sullae praesidiis fuit The subject of *fuit* is Roscius maior; Cicero says that this elderly man actually took up arms on Sulla's behalf.

omnes recesserunt *Omnes* is Clark's conjecture to give the transmitted verb a subject; Stephanus instead changed the verb to the impersonal passive *recessum est*; Richter wrote *recessimus*. The advantage of Clark's emendation is that it answers *ulla* in the preceding line. Landgraf finds Clark's emendation unnecessary and believes that *recesserunt* without a subject is equivalent to *recessum est*.

in summo otio Cicero has three separate phrases to emphasize the fact that Roscius did not fall in battle: (1) *in summo otio*; (2) *rediens a cena*; (3) *Romae*. Any one of the three (after 1 November 82) would exclude the possibility of wartime.

si lege Sc. *occisus est*.

constat "It is agreed, established" not necessarily by people in general, but by official participants in the trial.

omnis ... veteres leges etc. The old laws are those long established against murder; the new ones are those establishing and regulating proscriptions.

occisum esse The infinitive does not have an expressed subject one must understand Roscius maior.

quo iure ... qua lege Ablatives of specification, interrupted by the ablative of manner *quo modo*.

§127 In quem Against whom. *In quem hoc dicam* is an indirect question dependent upon *quaeris* "do you ask". The order of words in this short sentence is jarring but effective: the most important part of Erucius' alleged question is the identity of the object of Cicero's inquiry (*in eum = in Sullam*). Cicero will reply what he has maintained all along, that Sulla is innocent of any wrongdoing or indeed any part at all in the matter (save for the implication of negligence).

vis Cicero says that Erucius wants him to make allegations about Sulla, because then Cicero will make trouble for himself. By the addition of *et putas* Cicero also generously makes it clear that Erucius does not want Sulla implicated for Sulla's disadvantage, but only for Cicero's.

oratio mea ab initio In §§6, 21–22.

ipsius Sulla's; more emphatic than *eius*.

virtus The word, however, is primarily one of military prowess and success and has little to do with lofty moral standards.

ut ementiretur This and the following *ut*- clauses are substantive clauses in apposition with *haec omnia* (object of *fecisse*), and Chrysogonus is the subject of all the verbs in the clauses, in which Cicero uses a number of verbs meant to convey some sense of the same idea. The first verb here is the strongest, the last is the weakest: he lied, he falsely portrayed, he said, he prevented instruction. One could represent this graphically on a number line: *ementiretur* would be a large positive number, *fingeret* a smaller positive number, *diceret* would be a very small positive number, and *doceri ... passus non sit* would be negative.

apud adversarios For the proscribed, this means the same thing as *in adversariorum praesidiis*.

doceri L. Sullam passus non sit The passive is personal; between the first verb, whose action was not allowed to take place, and the second, describing the process of hindrance, Cicero leaves Sulla's name in the middle. Lebreton 1901: 230 says that there are very few places where Cicero will use two different tenses (imperfect and perfect) of the subjunctive in the same subordinate clause. He explains the perfect subjunctive as representing a single action (i.e., aoristic), and agrees also with Landgraf that Cicero may also have preferred the perfect to avoid the clausula that *non pateretur* would give.

omnino ... non venisse For *omnino* see note to §5; the phrase excludes any possibility of any kind of transaction.

postea In §128.

si per vos, iudices, licitum erit Landgraf ad loc. writes that the perfect *licitum est* is a feature of early Latin that does not appear in Cicero's later works, and that the future perfect *licitum erit* appears in classical Latin only here. What Cicero means by being permitted through the jurors' agency must refer to some line of questioning he means to introduce later as a prelude to trying to recover his client's property.

aperietur Cicero intends to show that the conspirators never went through even the formality of an auction.

§128 Opinor enim esse in lege He still pretends not to have read the law; *esse* = there is.

quam ad diem Up until what day: no one could be proscribed, legally, after 1 June 81. Cicero adds *venditiones*, another way of indicating confiscations of property, yet the property of a person who was proscribed at the very end of the period might not come under official confiscation until after that date. But see below where he avers that the property could not have been sold in accordance with the law, as the sale occurred some months after 1 June.

Aliquot post mensis Alternative construction of time: one way is to write *post* with an accusative object (as in §19 above *post horam primam noctis*), another is to use *post* as an adverb accompanied by an ablative of degree of difference, as here (afterward by several months). The expression *aliquanto post eam diem* (§130) is a combination of the two.

bona venisse dicuntur Personal passive, marking the distinction between word and deed.

haec bona ... nulla Cicero wants the jurors to know that he is very sure of his assertion, and employs both word order with the emphatic position of *nulla* ("these goods ... none of them") and use of *nulla* for *non*.

in tabulas ... redierunt The goods never "reached the public accounts", that is, they were not entered therein. Now did Cicero know this by searching the record books? or did he not have access to them? If he has searched and found no record, he will protect himself by affirming that if some account of them is found that it will have been entered later. He seems to wish to absolve himself of any charge of being too interested in the proscriptions and confiscations by his statement here.

nosque The conjunction *-que* connects the verbs of the two clauses.

ab isto nebulone Chrysogonus. The word recurs in the orations only at *Phil.* 2.74 and appears five times in the letters. Although one might associate the word with comedy, it might rather be a term of political abuse, as it appears only thrice in Terence and is not in Plautus. On the other hand, it is found in fragments of Lucilius (twice) and of an oration by Scipio Africanus maior (once); Cato employs the adjective twice.

facetius With *quam putamus*; the adverb *facete* is usually complimentary (wittily, elegantly), but not here; the English facetiously comes close. Cicero believes that seizing property without even bothering with a falsification of records is more clever than emplying forgery, and it does seem a neat trick.

corruptas "Falsified". Cf. *Arch.* 8 where Cicero speaks of public records (*tabulas publicas*), and in *Arch.* 9–10 of citizenship rolls (also *tabulas*) being well or poorly kept.

aliqua ratione Here = *aliquo modo*.

lege quidem bona venire non potuisse constat *Lege* is ablative of specification. Cicero definitely states that the sale could not have taken place under any law relating to the proscribed, and he includes everyone in acceptance of his statement by saying *constat*. He reiterates this claim in §130.

ante tempus When the time will be appropriate, Cicero does not say; in this trial on the charge of parricide the disposition of the property has no place. Perhaps he means to imply that the defendant will file charges in turn for recovery of his property.

capiti ... reduviam *Paronomasia*, employing a simile from medicine; he is taking care of Roscius' hangnail (his property) when he ought to be healing his head (clearing him of a capital charge). Although medical similes are not uncommon in oratory, this one is distinctive for the double meaning of *caput*. Cf. *Quinct.* 40 for a different word-play involving the head: *credamus hoc, Sex. Naeivium, cuius caput oppugnet, eius auribus pepercisse*.

laborat Roscius is the subject of this and the following verbs in the sentence.

non ... ducit *Ducere rationem* (+ genitive) means to consider the advantage or interest of; *ullius* modifies *commodi*. *Non ullius* = *nullius*, but he wishes to repeat the same negative adverb with which he began the sentence, and to switch to the negative adjective would spoil his anaphora (with asyndeton). Logically the negative might have accompanied the word *rationem*. Cicero means *nullam rationem sui commodi ducit*.

liberatus sit The perfect subjunctive appears in place of the future perfect indicative when the condition is in indirect discourse.

§129 **quaeso a vobis ... ut ... ita audiatis ut ... putetis** The first *ut*-clause is a jussive noun clause, the second a result clause.

haec pauca quae restant There remain ten pages, although there is a lacuna. In the remainder of the oration, Cicero will discuss both the common dangers that threaten society if this case be allowed to set a precedent, and, in particular, the intolerable (to a Roman) influence of the Greek freedman in affairs of state.

pro me ipso He says he will speak partly on his own behalf, but in the next sentence he reveals that he is in no sense pleading for himself as an individual, but as a member of the state. Thus he will involve the jury in what he has defined as an issue touching himself. Twice in this section Cicero says *pro me ipso*; the emphatic pronoun is

attached to the case of the personal pronoun (although variants of *me/te/se ipse* occur) because the emphasis is there, and not upon the fact of Cicero's doing the speaking.

Quae ... quaeque ... ea Cicero repeats the relative pronoun because he has not yet spoken the antecedent: Lebreton 1901: 102 says that this is an invariable rule.

omnis Sc. *civis*, with *pertinere*.

nisi providemus Note the force of the present: "unless we look out (right now)". There is nothing potential about the statement.

pronuntio Announce (emphasis on the *pro*: he tells his part first, Roscius' last).

casum causamque *Paronomasia*. Here, *casus* means misfortune.

in extrema oratione nostra §§150ff. *Extremus* (the end of) is often translated with "of"; cf. *medius*. Cicero usually sets forth in his orations his plan of attack, but he does not always take the time to remind his listeners that the end is near.

§130 **remoto Sex. Roscio** Ablative absolute; apart from what concerns Sex. Roscius specifically.

primum First of four questions, followed by *deinde* thrice; the first three questions are introduced by *qua re*, the last by *cur*.

civis optimi "Best" in the political sense; Cicero counts Roscius maior as one of these people.

neque proscriptus ... occisus est Cicero echoes the law(s) cited in §126 (*neque proscriptus* has been supplied by Hotoman, followed by Clark; the mss omit these words). The relative clause is indicative, a statement not of a general characteristic of Roscius maior or anyone like him, but a fact.

in eos solos *In* means "against": the law applied only to those proscribed or killed in battle.

aliquanto Ablative of degree of difference. The lapse of time was more than a little according to his account of when the death occurred, or he may refer to a date for confiscation that is different from, and later than, the date for closing the proscription lists.

quae dies Cicero repeats the antecedent both for emphasis and for clarity, without actually reiterating the date.

cur tantulo venierint Ablative of price, "for so little" (the only instance of the word used this way in Cicero). The final question, being most pointed, is shortest.

Quae omnia Object of *conferre* (+ *in* = "ascribe to").

liberti nequam et improbi The adjectives are more appropriate to *servus* than *libertus*, and Cicero wants to raise for his hearers the image of the slave-scoundrel.

voluerit ... egerit Both verbs are future perfect: as a rule one does not find the future perfect in the apodosis of a future condition, but Cicero means his statement to be final: "he will have accomplished nothing" as opposed to "he won't get anywhere".

nemo est qui nesciat Cf. §55 *nemo est quin sciat*, which is the usual form.

rerum Affairs (of state).

multa multos Cicero uses the same adjective to create two nouns that he juxtaposes for the effect; *multa* is the object of *commississe*, *multos* is the subject. Landgraf ad loc. has a long note on the affinity of the Latin language for doubling of the adjectives *multus* and *omnis*.

partim ... Sulla *Partim improbante* is supplied by Clark; the mss have only one *partim*, but the word is not used *solitarium*. Other editors have suggested *partim invito* or *partim conivente*. The second of these is rather bold for a passage which may well be contemporary. Clark's suggestion does have alliteration on its side. The word required must have a sense other than "not to notice" (*partim ignorante*, for example, would not work: even the demands of *copia* should not overwhelm the idea of alternative suggested by *partim ... partim*); Madvig's *partim invito* adds a notion of powerlessness to that of incompetence (*partim imprudente*, the same phrase Cicero used in §§21 and 25; in §91 it is the less specific *imprudentibus imperatoribus*).

§131 **imprudentia** Ablative of cause. Cicero does not need to add a genitive to show whose lack of oversight is meant.

Non placet etc. The beginning of this passage appears at first to be too critical of Sulla to be contemporary, but the continuation, with the comparison of Sulla to Jupiter, places the burden of proof (of Cicero's "subversive intent", if any) on Sulla: since even the gods are not infallible, no human should complain if he is said to overlook something occasionally.

Iuppiter Optimus Maximus Cf. N.D. 3.93 *nempe singuli vovent, audit igitur mens divina etiam de singulis; videtis ergo non esse eam tam occupatam quam putabatis. Fac esse distentam, caelum versantem terram tuentem maria moderantem: cur tam multos deos nihil agere et cessare patitur, cur non rebus humanis aliquos otiosos deos praeficit, qui a te Balbe innumerabiles explicati sunt?*

cuius nutu et arbitrio The "nod" is indicative of the deity's will (e.g., *Cat.* 3.18, 21[bis]), the "judgment", of his authority. The collocation is found again in Cicero at *Verr.* 2.5.34 and *Or.* 24; with *dicio* at *Quinct.* 94; with *voluntas* at *Phil.* 10.19. As a rule, the word *nutus* is opprobrious when used of persons (distinguished persons and the senate excepted) in this sense, e.g. *Verr.* 1.1.13 *nulla res per triennium nisi ad nutum istius iudicata est*; cf. *Verr.* 2.1.78, 2.2.67, 2.5.34, 2.5.140, *Agr.* 2.98, *Phil.* 10.19.

nocuit ... delevit ... perdidit *Copia*; there is a different verb for each type of thing affected (animal, mineral [for want of a better term], vegetable).

quorum nihil *Nihil* is the subject of *factum (esse)* below; *quorum* is neuter, referring to the actions of the preceding verbs.

pernicii ... consilio *Pernicii causa* and *divino consilio* are separate, the first an ablative of cause, the second an ablative of specification.

vi ipsa et magnitudine rerum The forces of nature. Note that *magnitudine rerum* is the same expression that Cicero used above to explain Sulla's lack of omniscience.

at contra *Contra* is an adverb. Cicero says that men (rightly) ascribe bad things to the forces of nature, but good things to the divinity.

commoda ... lucemque ... spiritumque In earlier passages Cicero discussed the role of the parent in the creative process whereby human beings are enabled to enjoy the light (§63), and the common enjoyment of breathing (*spiritus*) for those who are alive (§72). Here Cicero describes Jupiter, the universal parent, in a tricolon with variation not only of the number and gender of the relative pronouns (*quibus ... qua ... quem*) but also in the change to a transitive verb after two requiring instrumental ablatives.

ducimus Cf. §72 *ducere animam*.

quid miramur When Cicero described the same situation early in the oration, he used very similar language; indeed, much of the passage that follows is a reworking of §22, which begins *Neque enim mirum*.

L. Sullam The main statement in indirect discourse after *miramur* is interrupted by a tripartite *cum*-clause (the third part is longest and contains a subordinate relative clause as well).

solus ... gubernaret Cf. §22 *potestatem solus habeat, ... unus omnia gubernet ...*

rem publicam ... orbemque terrarum ... imperique maiestatem Cicero employs two standard expressions (the first two) within his variety of constructions for the concepts that are the focus of the three verbs dependent on *cum*: noun–adjective, noun–genitive, genitive–noun.

imperique maiestatem quam armis receperat iam legibus confirmaret Cf. §22 *cum et pacis constituendae rationem et belli gerendi potestatem solus habeat*.

aliqua animadvertere non potuisse Cf. §22 *si aliquid non animadvertat*. *Aliqua* = some (few, little) things. The main statement here loses whatever force it may have had by its position after the lengthy apology of the preceding *cum*-clause.

si id mens etc. The protasis is in apposition to the subject (*hoc*) of *mirum sit*; if the order of the protasis and apodosis were reversed the sense would be more readily

accessible: "unless this is strange, if a human mind should not accomplish that which divine power cannot".

§132 **ut haec missa faciam** *Praeteritio*; cf. §76.

quae iam facta sunt ... quae nunc cum maxime fiunt The past, which cannot be changed, contrasted to the present (and future), which can.

nunc cum maxime *Cum maxime* appears with temporal adverbs by ellipsis of a verb, e.g., *quae nunc fiunt cum maxime fiunt*; the expression may be translated "now especially".

quivis The force of this particular indefinite pronoun is randomness: it does not matter at all what person one chooses to ask, as anyone at all can see the reality of the situation.

architectum et machinatorem These are Greek words, and not common, but especially pertinent to a Greek freedman.

In other Republican authors there are only two places in Plautus, *Amphitruo* 45 and *Poenulus* 1110, where the term *architectus* is used metaphorically; the first applies to Jupiter as the creator. Passages in Cicero where an architect is other than a planner of structures are *Clu.* 60 *architectum sceleris*, *Agr.* 1.11 *architecti huiusce legis*, *Brutus* 118 *architecti paene verborum*, *Lucullus* 126, *Fin.* 1.32, *N.D.* 1.19 and 2.90 (the deity), and *Fam.* 9.2.5.

Weische 1972: 27 says that *architectus* is found metaphorically in Republican literature other than Cicero's orations only in places where there is a Greek influence, citing Plautus *Amph.* 41–45, Cicero *N.D.* 1.19 and 2.90. As it is scarcely found outside of Cicero at all, even in its literal sense, this may be true (when is Plautus free from Greek influence, or Cicero, in the philosophical or even rhetorical works?). It is interesting that when Cicero uses "architect" in his philosophical and oratorical works he often softens the metaphor (*paene, quasi, tamquam*), although he does not in the orations.

Cicero is the only Republican author to use *machinator*. The other passages, both metaphorical, are *Agr.* 1.16 *tibi nos, Rulle, et istis tuis harum omnium rerum machinatoribus totam Italiam inermem tradituros existimasti* and *Cat.* 3.6 *horum omnium scelerum improbissimum machinatorem*.

unum Alone (all by himself), contrasts with *omnium*, and, incidentally, puts the attentive listener in mind of what Cicero had said earlier of Sulla: *cum omnes in unum spectent, unus omnia gubernet* (§22).

cuius Chrysogonus'. One must expect at least one other form of the relative pronoun, and perhaps several, but at this point a page or more of text has been lost because of the poor condition of the archetype. Lines 8–11 contain lemmata from the lost text and the scholiast's comments. The lost portion was part of the attack on Chrysogonus, which continues in §§133ff: see the last comment of the scholiast, before the text resumes.

Stroh 1975: 62–63 n. 32 observes that our understanding of the fragmentary sentence in §132 depends upon editors' acceptance of Madvig's deletion of the words *hoc iudicium*, found in the mss after *curavit*, and offers a possible completion of the

sentence as follows, understanding *hoc iudicium* as the court: *hoc iudicium, cuius honoris causa accusare se dixit Erucius <summa infamia afficere voluit ...>*. There are other possible means of emending the lacuna for those who wish to side with Madvig and the editors. One might posit that an -s has dropped out and that *qui<s>* and *cuius* are interrogatives in an unfinished question (rhetorical or actual). There is a parallel situation within the oration at §96 where editors now regularly print *occiso Sex. Roscio quis primus Ameriam nuntiat?* where the manuscripts have *qui*. (L&S s.v. *qui* I.A., reading *qui primus*, explain "What sort of person".) Adding the -s would require also a change in punctuation: *nonne quivis potest intellegere omnium architectum et machinatorem unum esse Chrysogonum? quis Sex. Rosci nomen deferendum curavit? cuius honoris causa accusare se dixit Erucius?* Easier yet is to change only the punctuation: *nonne quivis potest intellegere omnium architectum et machinatorem unum esse Chrysogonum, qui Sex. Roscium nomen deferendum curavit? cuius honoris causa accusare se dixit Erucius ...* . In this case the last, unfinished, clause could be the beginning of a question (*cuius* being interrogative). Alternatively *cuius* could be relative, either with a delayed antecedent or, retaining the manuscript reading, *hoc iudicium* as antecedent: *nonne quivis potest intellegere omnium architectum et machinatorem unum esse Chrysogonum, qui Sex. Roscium nomen deferendum curavit? hoc iudicium, cuius honoris causa accusare se dixit Erucius ...* .

aptam etc. The end of §132 as we have it is a remark about those who, unlike Chrysogonus, are content with a decent house (*domum* is usually supplied with *aptam* and *dispositam*) in a far-off place (*in Sallentinis* = the country of the Salentines, in Calabria, the heel of Italy; *in Bruttis* = in Bruttium, the toe of Italy).

§133 Alter Chrysogonus. Without a context it is difficult to know what Cicero means by *alter*, unless he has begun a contrast (*alter ... alter*) between one man and another, and Chrysogonus is the other.

tibi Thought to be an example (and they are rare) of an "ethical" dative (cf. "don't you know", or the particle τού in Greek).

de Palatio The Palatine was the fashionable hill for residences in the late Republic and of course for the emperors.

animi causa For amusement, literally "for the sake of his spirit": see L&S s.v. *animus* II.B.2.e.

rus General for particular, *rus* here means a country estate.

suburbanum Not too far off in the country, somewhere near Rome; this, as Cicero adds, is not his only "country place" close to the city.

propinquum Sc. to Rome. Cicero himself later, and most others who could afford it, owned a variety of houses in the country, some more elegant than others, but most somewhat more widely scattered geographically than Chrysogonus'.

vasis ... Deliacis Chrysogonus was a collector of Greek art; the vases described here were expensive, as they were made of *Corinthium aes* (an alloy of gold, silver, and copper) or *Deliacum aes* (a similar alloy).

authepsa illa "That famous self-cooker" (αὐθέψη), some kind of Greek cooking apparatus.

qui praetereuntes The relative pronoun is the subject of *audiebant*; its "antecedent" is assumed in the verb *arbitrarentur*; i.e., "[those] who heard ... thought". The present participle marks a contemporaneous action: they heard the price as they were walking by the auction.

quid praeco enumeraret A *praeco* is a herald, here an auctioneer, "counting out" the price. But these words may not have been what Cicero wrote: the app. crit. lists the many manuscript variants of both verb and noun. But the general sense is clear enough: the passersby thought, because of the high price that they heard, that a farm was being auctioned off.

Quid ... quid ... etc. Cicero says *quid* five times (*anaphora*), each time with a following partitive genitive. The general idea of the expression "what of engraved silver" is "how much engraved silver" (not "what about the engraved silver").

stragulae vestis *Vestis* is not clothing merely but any covering, e.g., curtains, rugs, couch-covers; the adjective *stragulus* (from *sterno*) also indicates some kind of coverlet, thus Cicero describes something more like Persian carpets, or tapestries, than slip-covers.

Tantum ... quantum Cicero uses the correlatives both to answer his question and to give to Chrysogonus alone the distinction of having bought up the household furnishings of all the illustrious dead, and once again, by reminding the jurors of the proscriptions and confiscations, to involve the defendant with victims of the recent political purge.

splendidis familiis Here he means not households of slaves, but Roman families, the proscribed and their wives and children; the adjective *splendidus* denotes those of the equestrian order, as in §20 *Sex. Roscius, homo tam splendidus et gratus*.

in turba et rapinis In (the recent civil) disturbance and robberies: cf. §91 *multa saepe imprudentibus imperatoribus vis belli ac turba molitur*.

coacervari The verb implies a lack of discrimination either in collection or in display.

Familiam Here = slaves.

quam ... artificis I.e., *cum quam variis artificis*; *quam* (as always with a following adjective) = "how" (exclamatory) or "what" (interrogative) and modifies the adjective. Chrysogonus had slaves of manifold professional accomplishments.

§134 **Mitto** *Praeteritio*.

artis Accusative plural, and means *artificia*; he then names the artisans, not the arts.

animi et aurium causa Cf. *animi causa* in §133. Here the pursuit of pleasure extends to his ears (cf. U.S. "listening pleasure").

tota vicinitas personet The verb used absolutely ("make noise") is not a compliment in Cicero, nor is the verb in the sense of "to cry out"; cf. *Rep.* 1.2; *Cael.* 47. But cf. *Fam.* 6.18.4 on the reception of his work *Orator* (*etsi abest maturitas aetatis, tamen personare auris eius huiusmodi vocibus non est inutile*), where the verb takes a direct object.

quos ... quas I.e., *quantos ... quantas*.

effusiones Sc. *pecuniae*; this is a stronger word than *sumptus*, which is merely expenditure; *effusio* is lavish expenditure.

quae = *qualia*, answered sarcastically by *honestia, credo, in eius modi domo*.

si domus haec habenda est This is the Ciceronian equivalent of "a house is not a home". See Preiswerk 1905: 86–87, who cites *Quinct.* 93, *Verr.* 2.1.120 and 137–8, *Pis.* 87, *Phil.* 2.35.

officina This is not an office but worse: workshop, place of manufacture., although the manufacture of *nequitia* and *deversoria flagitia* is metaphorical.

§135 **Ipse vero** Cicero aims (away from the house, slaves, and lifestyle) squarely at Chrysogonus himself, an *ad hominem* attack.

quem ad modum ... videtis, iudices; videtis ut ... The indirect question in chiasmic arrangement contains what appears to be a second such arrangement towards the end, although in fact the words *putet ... solum ... solum ... putet* do not form a chiasmic statement: this is *symploke* (*ut ... putet* repeated).

composito ... capillo Chrysogonus was a "greaser" (L&S spell the second verb *delibuo*, not *dilibuo*).

volitet "Flits": the verb is usually of bad connotation; cf. [*Clodius*] *volitat, furit* (*Att.* 2.22.1); *tota Asia volitat ut rex* (*Phil.* 11.6).

cum magna caterva togatorum Important men always had with them large crowds of clients; Chrysogonus' clients are Roman citizens (*togati*), although he himself is Greek (as Sulla's freedman he is, of course, also a Roman citizen). Cicero is indignant, and wishes to help the jurors feel the same way. On the parallel with Demosthenes' *Against Meidias* 158, Weische 1972: 29 observes that there is a difference between Demosthenes' finding fault with Meidias' crowd of attendants, who are likely to have been slaves, and Cicero's not liking to see a horde of freeborn Roman citizens in Chrysogonus' train.

ut omnis despiciat Preiswerk 1905: 81 compares *Rhetorica ad Herennium* 4.62, Demosthenes *Against Aristogeiton* 1.52. Weische 1972: 28–29 accepts the parallel and adds *On the False Embassy* 314, to which he feels this passage is closer.

hominem Predicate with *neminem* in the next line (*esse* omitted); *hominem* does not mean "man" in the sense of *vir*, but "person", "human being", or "personage".

si velim ... vereor This is a mixed condition that starts out as future less vivid and ends up a simple condition. Cicero says "If I should wish ... I am afraid that someone will think", instead of "If I should wish ... someone would think". The shift to the present indicative shows a change in his point of view; the two conditions (in quotation marks above) are not equivalent to statements.

vereor ... ne quis imperitior (*Ali)quis imperitior* is a general term for a person somewhat ignorant of Cicero's political position: he maintains that he supports the Sullan faction (*causam nobilitatis victoriamque*, below) even though he does not like Chrysogonus.

possum vituperare The present of *possum* + infinitive replaces the present subjunctive *vituperem*.

in hac parte Usually when one means "party" one uses the plural of *pars*; the singular may be euphemistic: "in this direction", "over here", rather than "in this party".

vituperare The verb is not used absolutely; one must supply an object, e.g., *id* (= whatever does not please him).

alienum me animum Grammatically, *me* is the subject of *habuisse* and *alienum animum* is the object.

a causa nobilitatis Political expedience dictated that Sulla had vindicated the senate; Cicero's hostility to an adherent of Sulla does not, he avers, indicate hostility to the whole political upheaval that the Romans have just lived through.

§§136–142 The remarks about the proper and improper uses of the nobility's victory are lengthy but preserve a careful structure: Cicero begins by stating what he thought the victory meant (§§136–137), and what he fears it might be (§137 *Sin id actum est*); he continues, after some exhortation to and manipulation of the jurors (§§138–141), by stating that victory ought not to be abused (§142 *Si id actum est*), and his pious hope that it will not be (§142 *Sin autem*).

§136 The first sentence is ungainly, as Cicero interposes two disclaimers between *Sciunt ... me* and the rest of the statement in indirect discourse: "Those who know me know that I — not that I have any influence, and anyway what I really wanted was ... — firmly supported the winning side".

qui me norunt The opposite of (*ali)quis imperitior*.

me pro mea tenui infirmaque parte ... defendisse *Me* is the subject of *defendisse*. This is modesty, and rightly so, as Cicero had no influence at that time. *Pro* here means "in proportion to".

id quod maxime volui *Id*, the subject of *fieri non potuit*, is the substantive clause *ut componeretur*. Cicero, like his mentor Scaevola (§33), would have preferred (*quod maxime volui*) to see the citizens reach an accord without bloodshed. The statement, on the face of it brave, can be defended as no more than any citizen's pious wish that his fellow-citizens be spared.

id maxime Here *id* is the object of *defendisse*, and is the substantive clause *ut ei vincerent qui vicerunt*.

ut ei vincerent qui vicerunt The relative clause both serves as a noun (\approx *victores*) and states a fact, thus it remains indicative although it is a subordinate clause in indirect discourse. The circumlocution is marvelous: "I fought for those who won to win". Similarly, when Cicero discusses *partium studium* in *Quinct.* 70, he says to Naevius *tu, postquam qui tibi erant amici non poterant vincere, ut amici tibi essent qui vincebant effecisti*. The avoidance of proper nouns or more specific terms is deliberate, and continues into the next sentence.

humilitatem cum dignitate de amplitudine contendere In four places in the *pro Quinctio*, Cicero describes his case with abstracts indicating a person or groups of people: 84 *improbritatem et gratiam cum inopia et veritate contendere*, 92 *utrum possitne se contra luxuriam ac licentiam rusticana illa atque inculta parsimonia defendere an deformata atque ornamentis omnibus spoliata nuda cupiditati petulantiaeque addicatur*, 79 *illinc ab initio cupiditatem pugnasse et audaciam, hinc veritatem et pudorem ... restitisse*, 5 *si tu iudex nullo praesidio fuisse videbere contra vim et gratiam solitudini atque inopiae ... nihil est quod humilitatem cuiusquam gravitas et virtus iudicis consoletur*. While such a use of abstract nouns is not as rare in Latin as one might guess (see examples in Lebreton 1901: 42–49), I find no other passage exactly parallel to this one, where not only are the abstracts set at odds with one another, but the object of their struggle is also an abstract. Here Cicero finds in generalities a more delicate means of describing reality. In his euphemistic rendition, *humilitas* = the faction of Marius and Cinna, equivalent to have-nots; the actual number of senators who supported Cinna has nothing to do with rhetorical characterisation. *Dignitas* = the senatorial party, rhetorically speaking. *Amplitudo* = power (cf. §2, where the same men have both *auctoritas* and *amplitudo*; also *de Inv.* 2.166).

perditi civis Predicate genitive: "it was the part of (belonged to) a corrupt citizen".

quibus incolumibus Ablative absolute; this means Sulla and those whom he professed to support, the senators.

domi dignitas *Dignitas* was thought to be the peculiar attribute of senators in domestic politics. See note to §8 *propter dignitatem*.

foris auctoritas The senate had traditionally managed foreign affairs, although strictly it had no constitutional prerogative.

retineretur What was retained, or reinstated, was the *status quo ante*.

suum With *honorem* and *gradum*; the person meant is the same as the one indicated by the pronoun *cuique*, object of *redditum (esse)*. Cicero and his audience know, however, that not everyone was restored to his own honorary place in Roman society. In §139 Cicero repeats his assertion: *sua cuique procuratio auctoritasque est restituta*.

deorum ... Sullae Tricolon; the ablatives are all instrumental. The three elements necessary for political change are the gods, the people, and the leader; the leader is given prominence both by position and by triple attribution of plan, command, and good fortune; the last of these, *felicitas*, Sulla regarded as his particular attribute (cf. §22 *quamvis ille felix sit, sicut est, tamen in tanta felicitate ...*). At *Manil.* 28 Cicero lists what he considers necessary qualities for an imperator: *Ego enim sic existimo, in summo imperatore quattuor has res inesse oportere, scientiam rei militaris, virtutem, auctoritatem, felicitatem*. Zieske 1972: 193 notes the religious associations of *felicitas* in both passages.

§137 **Quod animadversum est in eos** *Quod* is "the fact that". The impersonal passive avoids naming the agents of the *animadversio*. There is a parallel construction in *quod ... habitus est* below. Schol. Gronov.: "Id est in Marianos."

contra omni ratione pugnarunt *Contra* is the adverb, *omni ratione* is ablative of manner; both modify *pugnarunt*. Yet setting *contra omni ratione* together in this way elicits an idea, without actually saying that, of "against all reason".

non debeo Here means *non audeo*.

opera eximia ... exstitit *Opera* = service (military: *in rebus gerendis*); *eximia* is a predicate adjective; *exstitit* = *fuit*.

Honos habitus est Means *praemium datum est*. Sulla's soldiers were rewarded with grants of land, either confiscated lands or those purchased with some of the proceeds from the proscriptions. Again, Cicero uses an impersonal passive.

laudo Cf. *Phil.* 2.34 (intimating that M. Antonius knew about the plot against Caesar's life) *quod bene cogitasti aliquando, laudo; quod non indicasti, gratias ago; quod non fecisti, ignosco*.

Quae A coordinating relative, the pronoun refers to the same thing(s) as *Quae perfecta esse* above; read as if Cicero had said *Et ut ea fierent*.

idcirco "For this reason": here *idcirco* does not introduce a causal clause with *quia* or *quod*, but refers to the purpose clause that opened the sentence.

pugnatum esse arbitror This impersonal passive is related as an opinion (perhaps here *arbitror* approaches *cupio* in meaning). The verb *pugnare* can be used absolutely, as at *Quinct.* 79 (also with abstracts) *illinc ab initio cupiditatem pugnassee et audaciam*.

in eo studio partium Literally "in that party-spirit"; Cicero allows that he was an adherent of the senatorial party, which he identifies here with Sulla's.

Sin autem id actum est Literally "but if this was done"; it means, "but if this was the aim"; Cicero reiterates his fears in §142.

idcirco arma sumpta sunt Echoes *idcirco pugnatum esse* above; impersonal passive. This *idcirco* (along with *id actum est*) also introduces a purpose clause.

homines postremi See L&S s.v. *posterus* III.A.2. This is an uncommon usage in Cicero, although the neuter adjective occurs as a noun, e.g., *Phil.* 2.113 *servitus postremum malorum omnium*.

pecuniis alienis Instrumental ablative: "with other people's money".

in fortunas *In* means "against" with *impetum facerent*.

unius cuiusque Of every single person (without exception): Cicero will involve even those of his listeners who feel that they are not liable to attack.

id non modo ... vituperare "Not only ... not, but not even ..."; *licet* governs both infinitives, and *id* (= *ut homines postremi etc.*) is the object of both. Rephrased: *licet id non modo non re prohibere sed ne verbis quidem vituperare*.

re ... verbis Antithesis. Latin rhetoric continued to define the lack of freedom of complaint with adding insult to injury: cf. Pacatus (*anno* 389 CE) in his Panegyric of Theodosius: *miseri vetabamur agere miseros, immo etiam cogebamur mentiri beatos et ... procedebamus in publicum non nostrae fortunae vultu. ... Est aliquod calamitatum delenimentum dedisse lacrimas malis et pectus laxasse suspiriis; nulla maior est poena quam esse miserum nec videri*.

recreatus ... restitutus The first word has the same meaning as in the later imperial propaganda, "born again", "given new life"; the second in the same contexts of "restored". The latter was a part of Sulla's mandate.

§138 **Verum ... iudices** He dissolves the threat by the old trick of stating the worst possible case and subsequently either denying that it is true or denying that he believes it is the case, although there may be others who think so.

nil horum est *Est* is emphatic and thus existential.

non laedetur causa nobilitatis Cicero turns to the subject opened in §135 *ne quis imperitior existimet me causam nobilitatis ... voluisse laedere*.

ornabitur By affirming constitutional procedures and powers, and incidentally by purging their ranks of non-Roman newcomers, the nobility will demonstrate the genuineness of Sulla's settlement.

haec The present situation; *haec* is object of both *vituperare* and *laudare*.

Chrysogonum tantum posse Indirect discourse after *queruntur*; *tantum* is adverbial: they complain that Chrysogonus has so much power.

concessum ei non esse Indirect discourse after *commemorant*; *ei* (dative) is Chrysogonus; the subject of *concessum esse* is implied from *tantum posse*: they relate that it was not granted to him to have so much power.

iam Any longer: Cicero assumes the case that he is trying to prove.

nihil est quod "There is no reason why" (*est* is emphatic). Cf. §1 *quid sit quod* and note.

qui dicat A relative clause of characteristic. This is moral blackmail, as no one of the jurors would wish to be regarded as either *stultus* or *improbus*.

Vellem An imaginary citizen, senator, or juror speaks. The optative indicates a wish unrealised in present time and has the same tense of the subjunctive as a present contrary to fact condition; cf. *dixissem* for action unrealised in the past "I would have said".

liceret Sc. *dicerem*.

Hoc fecissem With *vellem liceret*; similarly *hoc decrevissem* and *Hoc iudicasset*.

nemo prohibet Cicero maintains that the senate really has regained control of the state.

modo recte Sc. *decernas*, a proviso.

ordine "Properly", the adverb is often used with *recte* and other adverbial expressions, e.g., *an id recte, ordine, e republica factum esse defendes?* (*Verr.* 2.3.194; cf. *Phil.* 5.36, 10.26); *Quinct.* 28; *Phil.* 10.5.

iudicaris Future perfect indicative.

§139 **unus omnia poterat** Yet again, cf. §22 *unus omnia gubernet*; the construction here is somewhat different: *omnia* has the adverbial sense of "in everything"; *poterat* "had power"; the past tense refers to the time when Sulla did everything himself. It is difficult to embrace with this phrase the time of Sulla's dictatorship and use it to argue that Sulla was no longer dictator when Cicero spoke, for he had "created" other magistrates, that is, held elections for consuls and other officials, from the early days of his dictatorship.

qui postea quam constituit Equivalent to *sed postea quam is ... constituit*.

magistratus Accusative plural; Sulla had consuls elected (*creavit*); cf. *Verr.* 2.2.127, 2.2.128 (*sacerdotem maximum creari oporteat*), 2.2.131 & 139 bis (*censores*), *Agr.* 2.16 (also 2.17, 2.18) *creare xviros*; *Phil.* 2.84 *consul ... creatus*. The verb is usually passive, with

the person elected as subject; to make one individual the electorate is grammatically unusual at this period because it was unusual in practice.

procuratio auctoritasque est restituta *Procuratio* is administration of magistracies; it is accompanied by the *auctoritas* to administer effectively. For the singular verb, see note to §15 *fama et vita*. As in §§15, 16, 20, and 24, the two abstracts here are part of one idea.

restituta The political catchword again. See Mackie 1986, especially 328–330.

si retinere volunt *Si volunt* are the operative words: if those who have recovered authority really *want* to retain it, they will keep it forever. Cicero threatens the senators with loss of influence if they do not take charge, just as he threatened them ten years later with loss of the jury courts if they did not condemn Verres.

aut approbabunt If only by not speaking out.

nolo etc. *Aposiopesis*; he was leading up to a threat or an unhappy prophecy, but cuts short his remarks.

ne ominis quidem causa The *ne* in this case is reiterative after *nolo*, or redundant; in English *ne ... quidem* means "even", not "not even" ("I am unwilling to say anything worse against them, even [if only] because of the [bad] omen"): to say or prophesy that something would happen was regarded as tempting fate.

vigilantes ... misericordes A double pairing of strong (*vigilantes, fortes*) and compassionate (*boni, misericordes*) qualities (although the *boni* are also what the senators claim to be); strong against criminal elements, compassionate towards the weak.

eis hominibus The indirect object of *concedant*; it means "other men".

in quibus haec erunt *Haec* are the qualities just mentioned; men who will be vigilant, good, strong, and compassionate.

ornamenta sua The senators' present positions and influence.

§140 The exhortation to the senate; thrice-repeated *desinant* followed by (a single) *videant*.

aliquando With jussive subjunctives = *tandem* (cf. L&S s.v. II.E).

communicare In the sense of to make common cause with, to make their cause (the same as) Chrysogonus'.

si ille ... de se The other side of the preceding statement: if *communicare* is an active idea, it may be likened to common aggression, whereas to feel threatened when another is attacked is to be ready to fulfill the defensive side of an agreement.

eos ... posse This lengthy substantive clause is predicate to *turpe miserumque*.

equestrem splendorem "Equestrian splendor", i.e., the power of the equestrians (cf. §§20, 133), especially, since the time of C. Gracchus, in the law courts. Sulla is thought to have taken revenge particularly upon the equestrians because (1) many of them had traditionally supported Marius (cf. Sallust *Iug.* 64.5, 65.4), (2) he needed money. He returned control of the juries to the senate. He did, however, use a number of equestrians to help fill the depleted senate.

servi nequissimi Chrysogonus, although now a freedman and Roman citizen.

dominationem The word *dominatio* was as unfavorable as *regnum* if it indicated a political leader; it was used of mastery over slaves, and its appearance here is particularly effective in the reversal of the natural order that Cicero wishes to portray; the phrase *servi nequissimi dominationem* is an oxymoron. On the offensive quality of the noun *dominatio*, cf. Cicero's attack on Q. Hortensius Hortalus in *Verr.* 1.1.33–35 *Res omnis mihi tecum erit, Hortensi. Dicam aperte. ... Nam illud mihi nequaquam dignum industria conatque meo videbatur ... nisi ista tua intolerabilis potentia ... interponeretur. Nunc vero, quoniam haec te omnis dominatio regnumque iudiciorum tanto opere delectat ...* and 2.5.175 *Tulit haec civitas quoad potuit, quoad necesse fuit, regiam istam vestram dominationem in iudiciis et in omni re publica, tulit.* Cicero addresses the same charge made against himself at *Sulla* 25. He uses the word six times in the three orations *De lege agraria*, twice of Sulla (*Agr.* 2.8 & 81; cf. 3.13 *ad paucorum dominationem*); and in other places where one might expect to find it, e.g., *Cat.* 2.19; *Dom.* 49; *Phil.* 3.34 & 8.12, the *De republica*, and the letters.

Quae ... dominatio An abstract noun stands in for the real substantive, Chrysogonus.

in aliis rebus During the proscriptions, before (*antea*) the lists were closed. But now, Cicero says, Chrysogonus has no decent excuse for his behavior.

quod iter adfectet Literally, "upon what road he makes his way toward [his objects]"; he is already building the road (*quam viam munitet*).

ad fidem etc. After *adfectet*; the prepositional phrases mark the goals of his motion.

id ... sanctumque An abstract summation of the three preceding entities, *fides, ius iurandum, iudicia*. This sounds like a direct and harsh criticism of Sulla's reforms, but a more narrow interpretation, and probably the one that Cicero means, is that the courts — unlike every other part of Rome — have not yet been polluted because no court was in session during the proscriptions. Sulla did not bother with judicial murder.

§141 **Hicne ... hic<ne>** With his emphasis on the location ("even here?") Cicero reminds the jury of their prerogatives and responsibilities in a state to which law and order have returned. Clark adds the enclitic particle to the second *hic etiam*, to make the anaphora correspond in all respects.

aliquid posse This absolute use of the verb, with *aliquid* an internal accusative, means "to have some power", "to be able to accomplish something".

Neque ... quod verear The subjunctive is used in a negative causal clause to introduce a reason only to deny it; it is followed by an adversative (*sed, verum*) plus the real reason, given in the indicative. The sentence is chiasmic in structure, with the negatives first:

- a) this is not the reason for my feeling indignant
- b) the reason which does not obtain
- b) the real reason(s)
- a) this is what I complain about

Cicero's indignation comes through more clearly through this structure, while a simpler statement would fall flat.

ne quid possit Repeats, in the construction after a verb of fearing, the supposition *aliquid posse* attributed to Chrysogonus.

quod ausus est, quod speravit Here the real reason is twofold, although the two verbs are closely linked; in English one might say "because he had the audacity to expect ...". The verb *spero* in Latin does not ordinarily have the same meaning as *cupio* or *volo*, but means "to expect", "to believe that something will happen". The rhetorical tactic here is to include the jury in Cicero's expectation that Chrysogonus will be thwarted, as he pretends merely to arouse their indignation at what he characterises as an impossible attempt.

apud talis viros Flattery of the jurors, who are the distinguished men in question, and whom Chrysogonus, Cicero alleges, insults.

aliquid ad perniciem With *posse* of some mss (although *posse* can be supplied from context) = *aliquid posse* + purpose (*ad perniciem*: towards, i.e., for the destruction).

id ipsum queror Although Lebreton 1901: 131 n.1 says that the indicative is not rare after *queror*, and cites this passage along with *Flac.* 56 (*queritur ... quod non retinet alienum*), I find no other examples, unless, as he suggests, the subjunctive at *Acad.* 1.32 (*queruntur quod eos insimulemus*) might be a mistake for the indicative. The subjunctive in a *quod*-clause occurs after *queror* at *Verr.* 2.1.156, *Fam.* 2.11.2, 11.12.2, 11.21.2, 4.13.1. The instance at *De Or.* 3.144 (*tum Cotta 'equidem,' inquit 'Crasse, non possum queri, quod mihi videre aliud quiddam, id quod non susceperis, disputasse; ...'*) appears to be one of several places where the verb is used absolutely, and the *quod*-clause describes not what he complains of, but why he does not complain.

A variety of constructions occurs with *queror*; the most frequently found are object clause with infinitive (as in §138) and prepositional phrase with *de* (as in §143). Occasionally Cicero writes only a direct object, a noun or pronoun. In at least three places he then adds an object clause in opposition to a pronoun which is the direct object of *queror* (*Agr.* 2.30 with *id*, 2.55 with *illud*, *Phil.* 2.98 with *tantum*). This passage, save for the substitution of an explanatory *quod*-clause, belongs to the latter category, thus here it is not a question of subjunctive versus indicative with *queror* but of a direct object. The verb in the explanatory clause has a mood appropriate to the message: Cicero affirms that he is giving the real reason, so he uses the indicative.

Idcircone Echoes the repeated *idcirco* in §137.

expectata nobilitas The passive participle is used absolutely as an adjective, the "long-awaited" or "welcomed" nobility; Cicero intimates that the citizens — or the better elements of the citizenry — waited expectantly for the nobility to vindicate its rights, that the rule of Marius and Cinna was imposed by force and unwelcome. This is a statement of Sullan propaganda, which Cicero accepts in order to make the argument. One cannot tell how much he actually believed it, although much later in life he had little good to say about the Cinnan regime, e.g., *Brut.* 227 *inter profectionem reditumque L. Sullae sine iure fuit et sine ulla dignitate res publica*. See Badian 1962.

The participle *expectatus*, without further qualification, usually indicates that which has been looked for in a positive sense, or awaited with excitement, although the notion of dread may not be excluded. Some examples are *Dom.* 16 and 58, *Agr.* 2.46, *Div. in Caec.* 39, *Verr.* 2.1.34, *Sull.* 17; Catullus 62.1–2; several times in Virgil: *G.* 1.225–6, *Aen.* 2.282–3 *quibus Hector ab oris / expectate venis?*; 5.104; 6.687–9 *venisti tandem, tuaque expectata parenti / vicit iter durum pietas?*; 8.38; 11.54.

ad libidinem suam The possessive adjective refers to the freedmen and slaves, the subjects of the subordinate clause.

nobilium With *bona*. The other nouns (*fortunas arasque*) belong to all citizens (*nostras*) in common with the nobility. Cicero emphasises, using the word *nobilium*, his feeling of outrage: did the nobility recover the state so that slaves could attack the nobility's (literally the nobles') property? The juxtaposition of *liberti servolique* with *nobilium* increases the effect. The mention of *aras* seems rather bewildering in a context of merely being robbed, but then, Roscius was robbed of everything, including access to his father's grave. Cf. *Phil.* 3.1 and 8.8 for other examples of a domestic enemy attacking *fortunas* and *aras* (along with *vitam*, *focos*, and many other things).

§142 The structure of this section is complicated because Cicero is arguing very carefully and echoing his own words. Schematically, it looks like this:

Si id actum est,
fateor me errasse
qui hoc maluerim,
fateor insanisse
qui cum illis senserim;
tametsi inermis, iudices, sensi.

Sin autem victoria nobilium ornamento atque emolumento rei publicae populoque Romano debet esse, tum vero optimo et nobilissimo cuique meam orationem gratissimam esse oportet.

Quod si quis est
qui et se et causam laedi putet,
cum Chrysogonus vituperetur,
is causam ignorat,
se ipsum probe novit;

causa enim splendidior fiet,
si nequissimo cuique resistetur
ille improbissimus Chrysogoni fautor
qui sibi cum illo rationem communicatam putat

laeditur,
cum ab hoc splendore causae separatur.

Si id actum est See note to §137 *Sin autem id actum est*; this passage refers back to that one. There the abuse of victory is given as the second, and worse, alternative; here it is the first (a long-distance chiasmus).

fateor me errasse ... fateor insanisse *Me* should be understood as the subject of *insanisse*. One need not repeat the subject with multiple verbs in indirect discourse.

qui hoc maluerim ... qui cum illis senserim *Hoc* means the victory of Sulla and his partisans; these are subordinate clauses in indirect discourse after *fateor*. Lebreton 1901: 264 includes these perfect subjunctives in the list of verbs that would have been indicative in direct speech, and the same tense of the indicative as the main verb, i.e., *erravi qui hoc malui, insanavi qui cum illis sensi*. I am not sure that the relative clauses would have been indicative. The sentence is ambiguous, and it is possible that these subjunctives are characteristic or causal.

inermis Cicero did not actually fight, and is careful to keep his passive support on the record; cf. §136. Gelzer 1969: 20 observes how Cicero distances himself from the proscriptions, and in n. 24 cites *Off.* 1.43 and 2.27 (*secuta est honestam causam non honesta victoria*), 2.83; *Sulla* 72 *in illa gravi L. Sullae turbulentaque victoria*.

sensi With the same sense as in the preceding line: he supported the nobility with his sentiments.

Sin autem victoria ... debet esse He begins the alternative condition: "but if the victory ought to be". It is curious that Cicero says *debet esse* rather than *est*; he is adding a layer of obligation.

ornamento atque emolumento Datives of purpose with *rei publicae populoque Romano* as datives of reference in the double dative construction. Thus Cicero is saying, "but if the victory of the nobility ought to be a distinction and advantage for the republic and the Roman people".

optimo ... cuique = *omnibus bonis et nobilibus*. As the idiom (see A&G 313b) requires a superlative adjective, one need look no further for the exact meaning of *nobilissimi*; that is, these are not necessarily, or only, the men with the most consular ancestors. Cf. *nequissimo cuique* below, with whom these best and most noble people are contrasted: all the worst people. It is to all the best people that Cicero's oration should be most welcome.

Quod si quis est qui ... putet *Quod si* means "But if"; Cicero then describes an hypothetical person ("but if there is anyone who thinks"); *putet* is subjunctive in a relative clause of characteristic.

et se et causam laedi Indirect discourse after *putet*. Understand either *nobilium* or *suam* with *causam*. Cicero's vocabulary and arguments here are very like those of §140. Cicero will repeat the verbs *laedo* and *puto* next to each other again, although they

are in different clauses, near the end of the sentence, in the reverse order: *laedi putet ... putat laeditur*.

cum Chrysogonus vituperetur This *cum*-clause is circumstantial: "when Chrysogonus is insulted".

is causam ignorat *Is* is the antecedent of the relative pronoun in *qui ... putet*; *ignorat* does not mean "ignore" but "be ignorant of", "fail to understand". The *causam* here refers to the same thing, the cause of the nobility, meaning the cause of Sulla and his partisans.

se ipsum probe novit An adversative clause with no adversative particle (e.g., *sed*) rounds out the original arrangement *se et causam ... causam ... se*; note the asyndeton used in this blunt assessment. Cicero claims that anyone who thinks that he and his cause are harmed when Chrysogonus is insulted does not know his cause (or the cause he thinks he supports), but he knows himself very well. That statement is equivalent to saying that he has *conscientia* of his actions and their effects; cf. note to §67 *conscientiaeque animi*. The implication is that anyone who sides with Chrysogonus is actually an enemy of the cause of the nobility. This is moral blackmail. Cicero, however, appends a clause explaining in more detail what he means about the *causa* and those who do not support it rightly, and this clause too has chiastic form: *causa ... splendidior, resistetur, laeditur, splendore causae*. The structure is so coherent that it virtually forces acceptance of the logic.

Cicero uses the adverb *probe* only one other time in the orations, at *Agr.* 1.14 (*si ego eius aequitatem animi probe novi*); it occurs with *novi*, *scio*, other verbs, or without any verb, a number of times in the philosophical and rhetorical works and the letters.

causa enim splendidior fiet, si nequissimo cuique resistetur The meaning of *enim* here is "because"; the future more vivid condition explains that the "cleaner" one's cause, the more splendid it will become. *Resistetur* is an impersonal passive governing the dative *nequissimo cuique*; by saying "resistance must be given to all the worst people" (or, in English, "all the worst people must be resisted") Cicero yet again does not name any actual agent(s) who will offer this resistance.

ille ... fautor Cicero continues the idea of "all the worst people" in this clause as well. *Ille ... fautor* is subject of *laeditur* and of *separatur*, the last word in the sentence; the pronoun is nearly an article here: "that supporter". Cicero means, in a grammatical sense, no specific person, although he may well have had one or more persons in mind. The pronoun *ille* is used instead of *is* as antecedent of the subject of *qui ... putat*; it is curious that the verb is indicative, not subjunctive. The genitive with *fautor* indicates that Cicero regards this person, whoever he is, as a dependent of Chrysogonus; cf. note to §16 *nobilitatis fautor*.

qui sibi cum illo rationem communicatam putat In this relative clause, *qui* refers to that supporter of Chrysogonus; *sibi* refers to *qui*, the supporter, and *illo* to Chrysogonus. *Sibi rationem communicatam (esse)* means the same here as *suam causam communicare* in §140. *Communico aliquid* (or *aliquid communicatur*) can be followed by different constructions (usually, *cum aliquo*) to denote the person with whom something

is shared. Cicero used only the dative (of the person sharing) when someone else sharing is already the object of the preposition *cum*.

cum ab hoc splendore causae separatur The abstract *splendor* (illustriousness, honor) is used as in §140. *Splendore* is ablative of separation with the verb *separatur*; the preposition *ab* is usual with this verb in prose.

§143 **haec omnis oratio** He means only §§130–142, not the whole speech.

ut iam ante dixi In §129.

qua Object of *uti*, and refers to *oratio*. The translation of *utor* depends usually upon what its object is; here it means "make".

coegit Agrees with the nearest subject of the three; for the singular verb, see note to §15 *fama et vita*; Cicero puts his own feelings into the least prominent position, the middle of the list; *res publica* and *iniuria*, coming first and last, are more important. There is a special kind of unity created of the three abstracts here: the *res publica* has suffered an *iniuria*, which elicits Cicero's *dolor*.

Sex. Roscius He commences the second part of the pleading promised in §129; he portrays Sex. Roscius as a cipher, a doormat, in a deliberate contrast of the humble request of a real Roman citizen with the arrogance of a recently freed Greek slave. Preiswerk 1905: 17 cites the passage as an example of "reus quam fortis animoque infracto," but that is not Cicero's portrayal here.

horum Neuter plural.

nihil ... queritur *Nihil* is internal accusative, rather than adverbial: "he complains nothing" is equivalent to "he makes no complaint".

imperitus morum This means about the same thing as *imperitus rerum*; *mores* mean customs, practices, manners.

agricola et rusticus This is a reminder of that portion of his defense where he denied that anyone as ignorant of the city as Roscius could have commissioned a murder.

ista omnia Subject of *facta (esse)* in the next line: the retroactive proscription, the seizure of property. In fact, if the proscription and the confiscation stand, the prosecution has no case.

vos He addresses the prosecutors and their putative allies, not the jurors.

per Sullam gesta esse dicitis This is not the same as *a Sulla gesta*; those whom Cicero addresses "used" Sulla as an instrument; he further hedges by saying that these things were alleged to have been done through Sulla.

more, lege, iure gentium Ablatives of specification. The three terms are actually distinct in meaning, although the use of all three together counts as an example of *copia*. *Mos* = what is customary; *lex* = what is legislated; *ius gentium* = what all peoples have in common, e.g., sanctity of ambassadors, or slavery: "Law" in the abstract, but not necessarily "Right". Cf. *Har. Resp.* 32 where *commune ius gentium*, equivalent to *lege naturae*, is contrasted to *civile ius*.

a vobis Grammatically, this should mean the prosecutors, but may mean the jurors; *a vobis discedere* means to leave the court.

§144 si ... suspicione careat ... se carere ... commodis dicit Chiasmus. Cicero uses the same verb in both its figurative (*suspicione*) and literal (*commodis*) senses. This is an example of the *locus de reo misero*.

Rogat oratque Roscius continues as the subject.

si nihil ... exceptit The several *si*-clauses are inserted for rhetorical effect between the verbs *rogat oratque* and the jussive clause (*ut ... liceat*) that depends on them. All of the *si*-clauses refer to Roscius' cooperation in handing over his possessions, and obliquely to answer the charge of peculation mentioned in §82.

in suam rem "Into his own thing": he made nothing that had been his father's his own.

appendit Weighed out, literally, as money or produce; with *adnumeravit* this refers to making an accounting of the estate.

si ... tradidit Roscius is said to have handed over the clothes that he wore and his ring (worn by all freeborn citizens; members of the equestrian order had a gold ring) to Chrysogonus, that is, Cicero implies, to Chrysogonus in person.

vitam in egestate degere A pathetically modest request.

§145 Praedia mea ... obsto *Prosopopoeia*: Cicero speaks as if he were Roscius (cf. §32). This elegant section is divided into four parts, the first three of which have three divisions each, the last has four: (1) three statements of fact containing antithesis with different forms of *meus/tu/ego* + first person verb of acquiescence in asyndeton (see the next note); (2) three short questions regarding Chrysogonus' motivation, each with *quid* and a second-person verb; (3) three longer questions regarding matters of fact; (4) three simple conditions (*si*-clauses) on matters of motivation, with a fourth antithetical clause (*sin*). The *si*-clauses answer, and the rhetorical questions appended to each echo, the three short questions in part 2.

Praedia ... misericordia The chiastic arrangement of *mea tu ... ego aliena* also contains a contrast of the possessive adjective *mea* with the personal pronoun *tu*.

concedo Used absolutely; what he allows has already been stated as a fact. This statement of acquiescence, unlike those that follow, is given a twofold explanation (*et quod ... et quia*), the one internal, the second external.

animus aequus est I.e., *aequo animo sum*; to have an even mind means not to want to argue, to be resigned, almost, to plead *nolo contendere*.

Mea domus tibi ... mihi Again Cicero places the possessive "my" in a clause with some form of the pronoun "you" and a verb indicating possession. In each antithetical clause that follows he uses the pronoun "I" in the same case as the preceding "you".

Familia ... nullum More *variatio*: the order of the two clauses is as follows, with each of the adjectives *maxima* and *nullum* is placed in emphatic position:

object–attributive adjective—subject–verb
subject–object–verb–predicate adjective

patior et ferendum puto *Patior* ≈ *animus aequus est*, and *ferendum puto*, after *fero* of the preceding sentence, also means *patior*. This statement is truly pathetic especially as it ought to remind the jurors of the earlier passage about what Chrysogonus can do and what "they" will bear (§§140–141).

Quid vis amplius? Cf. §32 (also *prosopopoeia*) *quid vultis amplius?*. Cicero writes a series of six questions, first with anaphora (*quid* begins the first three and the sixth), varied with two different interrogative words or phrases (*qua in re*, *ubi*) in the fourth and fifth members. The four occurrences of *quid* embrace three different meanings: the first is "what" (with *amplius*), the second and third are "why", the last is "with respect to what (= how)". After the interrogatives, the first three questions consist principally of a second-person verb; the last three display a more varied structure:

- (4) second-person possessive adjective + passive verb + first-person ablative of agent
- (5) second-person possessive adjective + first-person verb
- (6) second-person pronoun + first-person verb

voluntatem Chrysogonus' free will, his ability to do as he wishes.

laedi The last instance of the verb in this oration. Before the section on Chrysogonus, Cicero had used the verb in the sense of "violating what is proper": §37 *vultu saepe laeditur pietas*, §111 [*fidem*] *qui laedit*, §116 *per eius fidem laeditur ... ius officii laedimus*. By extension, the verb takes on the meaning of "violating that which one ought not to violate", even "failing to observe political correctness": §135 *causam nobilitatis victoriamque voluisse laedere*, §138 *non laedetur causa nobilitatis*, §142 *se et causam laedi putet ... Chrysogoni fautor laeditur*. In this last instance Cicero uses the verb in the strictly limited sense of "damage", as he does here, but the contexts in which he had recently employed it give an ironic flavor to this sentence.

officio The verb, which takes the dative, not a form of the noun *officium*.

quid tibi obsto? This is the last question spoken in Roscius' persona; Cicero then reverts to his own.

Si spoliatorum causa etc. This is a series of suppositions (in the indicative) in which the apodosis contains a verbal echo of the protasis. Strictly, only the first question contains an apodosis; in the second and third there is merely the rhetorical question:

- (1) Si spoliatorum causa ... spoliasti
- (2) si inimiciorum [causa] ... inimicitiae
- (3) si metus [causa] ... metuis

quid quaeris amplius? A reiteration of *quid vis amplius*; the condition of which this is a part expands his original question.

quae ... inimicitiae Expansion of the second of the six questions, *quid insequeris* (as in *insequi inimicum*); *quae sunt = quae esse possunt*. His argument here is like that which he used against the prosecutor Erucius in §55: it was understandable — even laudable, perhaps — that one would try to harm an *inimicus*, but an attack on a person unknown required explanation.

ante ... quam Often, as here, *antequam* is split in two and the adverb *ante* appears in the clause (*cuius praedia possedisti*) that is prior in time.

ab eone aliquid metuis This corresponds, rather loosely, to the third question, *quid oppugnans*. Cicero asks whether Chrysogonus is attacking in self-defense, or in anticipation of an attack, when his victim is one who cannot even defend himself.

sin The adversative *si*-clause is a disguised statement (cf. *nonne* below) of Cicero's explanation of Chrysogonus' motivation. This final condition embraces the last three questions (*qua in re ... obsto*), the point of which was: how does Roscius interfere with Chrysogonus' enjoyment of his position?

quod An editorial addition: grammatically something is necessary to introduce *idcirco*.

praeter ceteros ... non debeas He ought not (i.e., it is undutiful for him) to fear a reversion of the confiscated property to the families of the proscribed, because, of course, he has profited more than the rest (*ceteros*), and with less justification: the victory of the nobility was not his.

tua The adjective is predicate: *bona ... facta sunt tua*.

id te vereri quod *Id* is the antecedent of *quod* (*praeter ceteros tu metuere non debeas*) and object of *vereri*, in apposition with the clause *ne ... reddantur*.

praeter ceteros ... non debeas He ought not (i.e., it is undutiful for him) to fear a reversion of the confiscated property to the families of the proscribed, because he has profited more than the rest (*ceteros*), and with less justification: the victory of the nobility was not his.

patria = *patrum*

§146 *spem emptionis* Expectation of keeping what he got by purchase. This paragraph raises the same issues as §§12–14.

in eius rebus quas L. Sulla gessit The constitutional reform. Cicero implies that Chrysogonus does not believe in the permanence or efficacy of his patron's arrangements, or else he would not worry about returning goods seized from the proscribed.

si tibi causa nulla est A statement of (lack of) existence, where *causa* means "real reason", "compelling cause".

hunc ... velis This is a curious way of using the verb *volo*; *hunc miserum* is the subject of the passive infinitive *adfici*. This mode of expression ("why you want him to be afflicted") is even more suggestive of pointless cruelty than the active formulation.

ne monumenti quidem causa A monument may be anything from a keepsake to a structure or statue; cf. §23.

per deos immortalis! etc. After the *si*-clauses one expects at least one apodosis, but, as above, Cicero substitutes rhetorical questions, or exostulations in the form of questions.

Quis ... quis The interrogative pronoun is used as an adjective, a frequent substitution for *qui* with nouns denoting people.

§147 *Scis hunc nihil habere etc.* Anaphora: *nihil* + infinitive four times; only the fourth substantive clause is longer than two words. Cicero returns to his original questions, and answers them once again.

nihil audere, nihil posse From the other side, he reiterates what he had said of Chrysogonus not long before (§141): *quod ausus est, quod speravit sese ... aliquid ... posse*.

oppugnans ... eum quem ... possis The statement begins with a repetition of *oppugnans* but repeats in reverse order the other verbs from §145: *metuere, odisse, habere*. The pronoun *quem* is the object of *metuere* and *odisse*, but subject of *habere*: for further variety Cicero has accompanied each infinitive with two auxiliary verbs (*potes, debes*) and one that introduces indirect discourse (*vides*).

ei Roscius, dative of separation with *detrahere*.

Nisi hoc indignum putas Cicero turns from outrage to sarcasm.

vestitum sedere *Vestitum* is the perfect passive participle of *vestio*; the infinitive *sedere* wants a subject, *eum*, which, since it is the antecedent of *quem*, has been omitted, as it would have been in direct discourse.

Quasi vero nescias Heightened sarcasm; Cicero answers the pretended complaint of Chrysogonus that Roscius is sitting, clothed, in court: Chrysogonus should

have *all* of his clothing. This sentence, given as an answer to the preceding one, makes the former seem no longer a supposition but a fact.

ali Present passive infinitive of *alo*.

Baliarici filia, Nepotis sorore This is the same indication of family relationships as in §27, although part of the line there was supplied from this one.

patrem clarissimum Q. Caecilius Q.f. Q.n. Baliaricus (*RE* Caecilius 82) cos. 123; he triumphed in 121 for conquest of the Balearic Isles and was censor in 120.

amplissimos patruos [The very senatorial] paternal brothers, L. Caecilius Metellus Diadematus (*RE* 93) cos. 117, censor 115; M. Caecilius Metellus [no cognomen!] (*RE* 77) cos. 115, proconsul of Sardinia 114–111, celebrated a triumph for Sardinia and Corsica in 111; at this same triumph the last brother, C. Caecilius Metellus Caprarius (*RE* 84) cos. 113, proconsul of Macedonia and Thrace 112–111, celebrated a triumph for victory in Thrace; the last-named was censor in 102.

ornatissimum fratrem Q. Caecilius Metellus Nepos (*RE* 95) cos. 98. The superlative adjectives indicate that Caecilia's father, paternal uncles, and brother had all been consul; celebration of a triumph in addition is splendid but not necessary. It is surprising that Cicero does not name Q. Caecilius Metellus Macedonicus (*RE* 94), Caecilia's paternal grandfather, who as praetor was in charge of the Fourth Macedonian war and the campaign against the Achaean League in 146. He was a political opponent of the very- to moderately-liberal men of his age, Ti. and C. Gracchus, and Scipio Aemilianus. But Cicero may wish to confine his praise to generations that the living can actually remember.

cum ... haberet, quae tamen, cum esset mulier *Tamen* answers the first "although"; Cicero then inserts another "although" to make the point even more vehemently. The double concessive clause demonstrates his uneasiness in attributing *virtus* to a woman, as *virtus* encompasses all good qualities which a man ought to possess.

virtute Ablative of means. Note the placement of the masculine quality next to the noun *mulier*.

quanto honore ... non minora *Quanto* and *non minora* here serve the function of correlatives: Cicero finds litotes more to his point than a simple pattern of *quanto ... tanta*. The contrasted pronouns are arranged chiastically:

quanto honore ipsa ex illorum dignitate adficeretur
non minora illis ex sua laude redderet

Caecilia's accomplishments, however, embrace the male relatives (*non minora illis ornamenta*), while theirs are clearly apart from her.

§148 **An, quod diligenter defenditur** After the aside in praise of Caecilia, Cicero returns to his questioning of Chrysogonus with an alternative explanation for the

freedman's putative sense of outrage. His characterisation of the vigorous defense as *indignum facinus* (cf. *indignum* in §147) raises the stakes.

Mihi crede etc. Cicero is apparently self-righteously incensed; he does not bother to answer the last question but threatens that the situation ought to be worse for Chrysogonus than it is.

omnes huic hospites Strictly, *huic* is object of *adesse*, but it gains a possessive quality by its position between adjective and noun. Preiswerk 1905: 18 (on *amici nobiles*) observes, "nonnumquam etiam cum artificio quodam absentes eis adnumerantur, qui adsunt." Cicero names Messalla in the next section.

auderent libere defendere Cf. §1 *defendere ipsi ... non audent*.

summa res publica The highest interests of the state. Cf. note to §91 *summam rerum*.

periculo The word actually means trial, but has acquired the allied notion of danger or risk: in the context, a double entendre. Cf. §85 *quibus periculum creabatur* and note.

consistere ... vobis isto in loco non liceret Note the word order: the pronoun is enclosed by the verb of remaining and the place where they would not be allowed to remain; juxtaposition of *vobis* and *isto*. The place meant ("the place where you are") is both spatial and figurative. The image arises of the jury, perhaps also the *corona*, rising up and chasing away the men who occupy the prosecutors' benches.

ita defenditur, non sane ut *Ita* and *ut* are correlatives; the sense is *ita defenditur, ut non* or *non ita defenditur, ut*.

potentia The instrumental ablative refers to the accusers' assumed objections that Roscius' powerful friends are influencing the trial and thus obstructing justice. This reaffirms Cicero's original assertion that the usual men did not undertake the defense because such an action might have been taken as a political statement (§§2–3).

§149 Quae domi gerenda sunt The feeding and clothing of the defendant, as he stated in §147.

per Caeciliam It is through her agency, not *by* Caecilia, for of course she does not personally take care of him.

rationem Business; handling: undertaken by the primary male patron. Cf. §22 *pacis constituendae rationem*.

M. Messala The family is patrician. There were two cousins named M. Valerius Messal(l)a (*RE* Valerius 76 and 77), one surnamed Niger, the other Rufus, both younger than Cicero. Messalla Niger was consul in 61, and therefore should have been born no later than 102; Messalla Rufus was consul in 53, but may have been praetor in 62 (*aet.* 39) and born no later than 100, although his consulship, if held in "his" year, indicates a

birthdate somewhat later, in the 90's. Gelzer 1969: 21 n. 30 believes that this is Messalla Niger, cos. 61. David 1992: 234 also identifies him as Niger. Most other commentators assume that it is Rufus, Sulla's brother-in-law.

ad dicendum impedimento *Ad* + gerund = purpose; taken with *impedimento*, a dative of purpose. The participial phrase does not have the same function as the dative of reference in a double dative construction.

est aetas et pudor qui ornat aetatem The verb should be singular to be taken with the dative of purpose; it agrees with the nearer subject, but governs both, while the relative clause that further describes *pudor* separates the two appearances of *aetas* (in different cases).

causam mihi tradidit An explanation of the circumstances under which a *patronus* has undertaken a case: Preiswerk 1905: 19–20, compares *Quinct. 77* (the intervention of Roscius the actor in Quinctius' case), *Caecin. 77*.

adsiduitate etc. Instrumental ablatives, each with a different meaning: *adsiduitas* (constant attention) refers to consumption of time, *consilium* requires intelligence and skill, *auctoritas* comes with Messalla's name if not with his age, and *diligentia* is his consumption of energy.

sectorum Cf. §80 *sectores collorum et bonorum*.

pro hac nobilitate In particular, for the nobility as represented by Messalla, a nobility that Cicero will describe further, in idealistic terms.

haec acta res est I.e., *haec res acta est*; an expression similar to *id actum est*, for which see §137 and note.

ei nobiles *Ei* is masculine nominative plural; here it has both considerable demonstrative force as modifier of *nobiles* but also, as it anticipates *qui* in the relative clause of characteristic, means *tales*.

qui ... mallent ostendere This tricolon exhibits some variation of structure (verb + accusative object, verb + dative object, verb + prepositional phrases and an indirect question), the second member shorter than the first, the third the longest: one of Cicero's favorite formulations in later years.

quantum possent *Quantum* is adverbial with *posse*, which, when used absolutely, means to have power. This is a new twist on the idiom used of both Chrysogonus and Roscius to indicate who can do what to whom.

in salute ... in exitio English idiom usually prefers a gerund to an abstract noun: "in saving", not "in the salvation".

quam With *mallent*, but precedes that which it immediately compares.

quod si "Which thing if", not "But if". The condition is contrary to fact; the nobility did not usually oblige.

qui eodem loco nati sunt *Sc. ac Messala.*

et res publica ... laborarent An elegant finish to his commentary upon, and advice to, the nobility. The preposition *ex* each time indicates cause, or origin, of trouble. The exact force of *minus* is still puzzling, except perhaps for the avoidance of an absolute, or as a nod to the reality that the ruling class can always expect some sort of difficulty. Landgraf compares the similar sentiment at *Inv.* 2.5 where Cicero ends with *aliquanto levius ex inscientia laborarent.*

§§150–154. Peroratio

§150 Cicero commences the final appeal to the jurors, and warns them again of the political consequences of this trial. See Preiswerk 1905: 18 ("adversarius monetur, ne nimis crudelis sit"), who compares §144, *Sulla* 90, *Scaur.* 45n.

si a Chrysogono ... non impetramus Cicero identifies himself with his client: I + he = we. A jussive noun clause follows, then more *si*-clauses, the second of which contains another formulation governing a jussive (*si ille adduci non potest ut*). The verb *impetro* (one should be able to say "impetrate" in English) is often used of the receipt of a favor or request from a more powerful person. The protasis of this simple condition has four parts, answered by one apodosis. The sentiments, and many of the words, especially in the first part of the sentence, are very similar to Cicero's original plea to the jury, also involving Chrysogonus, in §7. In the peroration, however, he emphasises the part about Chrysogonus with a wealth of details showing how unfair his expectations are, while in the exordium he reserved more space for the jurors to consider the universal effects of their decision.

§150
si a Chrysogono, iudices, non impetramus
ut pecunia nostra contentus sit,
vitam ne petat,
si ille adduci non potest
ut
cum ademerit nobis omnia
quae nostra erant propria,
ne lucem quoque hanc
quae communis est
eripere cupiat,
si non satis habet
avaritiam suam pecunia explere,
nisi etiam crudelitati sanguis praebitus sit,
unum perfugium, iudices,
una spes reliqua est Sex. Roscio eadem
quae rei publicae,
vestra pristina bonitas et misericordia.

§7
primum a Chrysogono peto
ut pecunia fortunisque nostris contentus sit
sanguinem et vitam ne petat;

deinde a vobis, iudices,
ut audacium sceleri resistatis,
innocentium calamitatem levetis
et in causa Sex. Rosci periculum
quod in omnis intenditur
propulsetis.

nobis omnia quae nostra erant propria This is an effective juxtaposition, after the dative of separation, of adjectives indicating proprietary ownership: not only *omnia nostra* but *omnia nostra propria*.

lucem ... eripere Means *interficere*. Cf. §63 *propter quos hanc suavissimam lucem aspexerit, eos indignissime luce privavit*, and the reminder in §131 of the source of the *lux* that we enjoy.

quae communis est The common ownership of daylight balances structurally and antithetically the relative clause that precedes.

satis habet Although Chrysogonus is the subject, it may be easier to regard this as an impersonal verb, like *satis est*.

unum perfugium Nominative, like *una spes* the subject of the following verb, and should have the same modifiers, but *spes* has taken over as the nearer subject, thus the adjectives *reliqua* and *eadem* are feminine.

eadem quae rei publicae I.e., *eadem spes quae relicta est rei publicae*.

pristina With both nouns that follow: "pristine" means, in general, old-fashioned, and in particular, ante Sullan.

Quae si manet = *et si ea manet*, meaning both *bonitas* and *miser cordia*.

salvi ... esse possumus Cicero not only continues to identify himself with Roscius, but by using the first person plural he expands the notion of "we" to include all Roman citizens, as is clear from what he says in the remainder of the sentence.

versata est *Versor* is sometimes hard to translate; "held sway" or "has been usual" is meant here.

reddit The factitive verb takes two accusatives (A&G 393).

actum est "It's all over". And this would be the culmination of his questions, not much earlier, about the purpose of the recent civil disturbances: *Sin id actum est* (§137), *si id actum est* (§142).

inter feras ... in hac tanta immanitate Cf. §63 on the character of a parricide: *qui tantum immanitate bestias vicerit ... cum etiam feras ...*. Cicero has turned his earlier description of the singular depravity of the rare person who could kill his parent to a general description of life at Rome during the past two (or more) years, a description made more general by the use of the abstract *immanitas*.

§151 **Ad eamne rem etc.** Anaphora.

ut eos condemnaretis etc. Cf. §29 (*quem ipsi, cum cuperent, non potuerunt occidere, eum iugulandum vobis tradiderunt*) and note ad loc.

hoc Explained by the substantive clause *ut ... conlocent*.

imperatores Strictly speaking, an *imperator* is a general who has led an army to victory and whom the soldiers have recognized as successful: even Cicero himself, many years later, found himself hailed Imperator by the army that he had in Cilicia. More generally, an *imperator* is he who holds the *imperium*.

in eo loco quo *Eo* and *quo* (where) are correlative.

arbitrentur milites conlocent *Imperatores* is the subject of both verbs; *milites* is the object of the second.

in quos Sc. *milites*; with *de improvise incidant* (relative clause of purpose). Any who flee from battle (*si qui ex acie fugerint*) will fall in with — not attack — the soldiers placed in ambush.

si qui ... fugerint ... incidant In this future more vivid condition, there is a future perfect in the protasis and a relative clause of purpose forms the apodosis.

de improvise From the point of view of the persons arriving on the scene (men fleeing battle), the appearance of the men lying in wait is unexpected, although normally when this expression is used the persons arriving are those who will surprise those who are at rest, or, the men in ambush leap out *de improvise*.

arbitrantur ... vos hic ... sedere This parallels *quo fugam ... fore arbitrentur*.

bonorum emptores *Paronomasia*: these two words together sound a lot like *boni imperatores*.

qui excipiatis Relative clause of purpose; the jurors are meant to catch anyone who escaped the proscriptions.

suis The *emptores*, the subject of the main verb.

ne With *prohibeant*, like *ne* after a verb of fearing.

hoc Predicate with *praesidium*, as *quod* is with *consilium publicum*; *vocari* and *existimetur* are both factitive verbs (A&G 393).

§152 **An vero ... non** Almost = *nonne*.

liberi ... tollantur Cicero wishes his listeners to believe that there is a general danger to all surviving children of the proscribed; he had mentioned above (§145) that Chrysogonus and his ilk feared that at some point civil rights, and property, would be restored to these people. To complete his emotional appeal Cicero includes Roscius among the children of the proscribed, although he had earlier denied that the murdered man had been proscribed at all (§§21, 32, 126, 128).

quavis ratione By any means at all.

eius rei Elimination of the children of the proscribed.

in vestro iure iurando Literally, "in your oath", but he means in their verdict, given under oath. Cf. note to §8 *per quorum sententias iusque iurandum*.

Dubium est As a question is equivalent to *Num dubium est*.

ad quem maleficium pertineat Cf. § 102 *ad quem maleficium pertineret*.

ex altera parte This is spatial as well as figurative: T. Roscius Magnus (*eundemque accusatorem*) sat in court with the prosecution.

probatum suis The pronoun is dative with the participle: Roscius was proven to his family and friends, not approved by them; his associates are affected, but are not agents.

non modo culpa nulla sed ne ... quidem Another alternative to the form *non modo (non) sed ne ... quidem*, here Cicero modifies the first noun with a negative adjective.

Numquid ... aliud ... nisi An alternative expression for *nihil aliud nisi*.

§153 **id ... eam ad rem ... idcirco** All three indicate the same purpose or undertaking, explained by the substantive clause *ut ... liberi*, and referring back to the beginning of §151.

profitemini Profess in the sense of proclaim, not merely confess.

ut ... liberi I.e., for judicial condemnation. Note the strange word order (which makes the sense clear): the antecedent of *quorum* is *eorum*, not *liberi*. The same odd order occurs in §151 *sedere qui excipiatis eos qui de suis manibus effugerint*. Normally, relative clauses begin with a relative pronoun, or a preposition to govern one, and end with the first finite verb thereafter.

cavete Apodosis of this simple condition; a relief after the triple protasis (two ifs and three verbs, all meaning the same thing). Thus begins the final *descriptio* (*Rhetorica ad Herennium* 4.51) or *consequentium frequentatio* (*Part. Orat.* 55); cf. §12.

Illam priorem *Sc. proscriptionem*, object of *suscipere*.

potuerunt Although the proscribed had the potential, or the ability, to take up arms against Sulla, many did not. Here again Cicero is hedging, as he did in §16 *cum proscriberentur homines atque ex omni regione caperentur ei qui adversarii fuisse putabantur*. He also commences a contrast between men capable of bearing arms and their children.

tamen Emphatic, at the beginning of a clause ≈ "although" and perhaps best translated here as "for all that the senate did not want ...". Since the lists were posted by Sulla's fiat and not in accordance with any *senatus consultum*, Cicero can distance the senate from the proscriptions that accompanied Sulla's victory, a victory afterwards

described as the senate's. His affirmation that the senate deplored the proscriptions even against potentially armed and dangerous opponents is meant to give the jury of senators an additional impetus to thwart attempts to institute what he threatens will be a new kind of proscription.

acrius quam ... comparatum Occasional assassinations — and the revenge of Marius and Cinna — aside, Republican history had no precedent for the manner of political cleansing practiced by Sulla and his partisans. Even the followers of the Gracchi were given a species of a trial, although Cicero will not use that example of kangaroo court in his argument here, as political correctness required that those prosecutions be regarded as necessary and proper (cf. *Cat.* 4.13). Cicero as consul heard a similar objection raised against the execution without trial of Catiline's co-conspirators, if Sallust is an accurate reporter of Caesar's arguments: *Cat.* 17 *sententia [Silani] ... aliena a re publica nostra videtur. ... 27 novom illud exemplum ab dignis et idoneis ad indignos et non idoneos transfertur. ... 32–3 victor Sulla quom Damasippum et alios eius modi ... iugulari iussit, quis non factum eius laudabat? ... Sed ea res magnae initium cladis fuit. ... 35–6 Atque ego haec non in M. Tullio neque his temporibus vereor ... quis illi finem statuet aut quis moderabitur? 40 Postquam res publica adolevit et multitudine civium factiones valere, circumveniri innocentes, alia huiusce modi fieri coepere, tum lex Porcia aliaeque leges paratae sunt, quibus legibus exilium damnatis permissum est. Cicero's response to Caesar, from which Caesar's actual remarks can best be reconstructed, contains mention of the Sempronian law (*Cat.* 4.10), which obtained for Roman citizens: *qui autem rei publicae sit hostis eum civem esse nullo modo posse* — a constitutional issue never satisfactorily decided in 63, and Cicero does raise the issue of precedent (*Cat.* 4.13) *Vereamini minus censeo ne in hoc scelere tam immani ac nefando aliquid severius statuuisse videamini.**

publico consilio Opposed to *privato consilio*, which might be as harsh as you please; one should never, he argues, make murder a matter of official public policy, even if it is private reality.

hanc *Sc. proscriptionem*, the one that Cicero says is being instituted at Roscius' trial.

eorum The proscribed (or perhaps merely those whose property is sold at public auction for whatever reason), the same people as *eos* of line 4.

ad infantium puerorum incunabula Pathetic, and exaggerated: young children, to be sure, had been deprived of property and rights, but there was no reason to think that any would actually be dragged into court. Roscius was an adult.

a vobis Spatial: away from yourselves. Although L&S s.v. *asperror* I cite this passage, the prepositional phrase is a normal construction only with the first verb.

videte, per deos immortalis! The repetition, so soon after *cavete, per deos immortalis!* above, indicates that Cicero means to appear to be extremely agitated.

quem in locum Here *locus* = condition.

§154 **Homines sapientes ... praeditos** Subject accusative of *mederi*.

ista That authority and power of yours (that you have as jurors).

qua vos estis *Sc. praediti.*

ex quibus rebus *Ex* for cause, source; the relative clause is proleptic: the antecedent (*eis [rebus] maxime mederi convenit*) follows. In the next sentence Cicero reduces these "things" to one: *hoc tempore domestica crudelitate laborare.*

quondam The exact date and circumstances are left unspecified: there were occasions, much bruited in later years, when the leaders of the Roman state refrained from excessive violence, e.g., in the treatment of Rhodes after the Third Macedonian war, but as the Rhodians' fault had been the presumption of offering arbitration between Perseus and the senate, an unprejudiced observer might think that any retaliation by the Romans was excessive. The history of the Republic offers many examples of outrageous behavior, beginning even earlier than the treatment of Agrigentum in the First Punic war (consider the perfidious dealings with the Samnites), but it is the part of arrogance to call leniency anything that falls short of total destruction. Cicero himself recognised the principle when he noted that M. Antonius bragged of having put him under obligation only because he refrained from murder (*Phil.* 2.5). Reality notwithstanding, Roman ideals embraced the notion of Roman mercy, e.g., Virgil *Aen.* 6.853; Livy 33.33.5–7.

in hostis lenissimus ... domestica crudelitate A nicely worked antithesis, with the noun in each case opposed to the adjective of the other.

id ... mali Namely, *quod sustulit ... ademit.* Cicero's explanation of the evil is strongly worded, especially the characterisation of the recent deaths of citizens with the adverb *atrocissime.*

hominibus lenissimis Cicero uses the same adjective *lenissimus* to equate the Romans as they once were with the Romans as they had been until very recently.

cum omnibus horis ... videmus aut audimus Although it may well have been the case, not many months before, that multiple new reports of murders and atrocities came in every day, the present tense is not for present time, but a statement of general truth. These last two sentences of the oration owe much to Thucydides, who was the first (whose works are extant) to describe the effect of traumatic events on the human spirit, especially in his accounts of the plague at Athens and the *stasis* at Corcyra: 2.52.3 "as the evil became overwhelming, men, not knowing what would happen to them, turned to neglect of temples and holy things alike"; 2.53.4 "no fear of gods or law of men restrained them"; 3.82.2 "but the war, taking away the ability to provide for everyday life, was a violent teacher and brings the feelings of most men to the same level as their circumstances".

sensum omnem humanitatis This sentence is often cited in modern scholarship in contexts of political strife and its consequences; most agree that Cicero means something more than *φιλανθρωπία*. See Klingner 1947: 734–735 (he translates most of §154), Beckmann 1952: 20, Schneider 1964: 54, Büchner 1961: 640–641.

Of the three earlier instances of *humanitas* in this oration, two (§§46, 63) indicate a quality that may be expressed as "being a member of the human race (as opposed to being some other sort of animal)", while at §121 Cicero means "culture" — or at least education sufficient to distinguish a valuable slave from a mere drudge. Cf. *Mur.* 76 *Odit populus Romanus privatam luxuriam, publicam magnificentiam diligit; non amat profusas epulas, sordis et inhumanitatem multo minus.* In Cicero's first extant pleading, the word *humanitas* occurs twice, both in contexts of cruelty and actions at law: *Quinct.* 51 and 97 (*obsecravit ... ut aliquando misericordiam caperet, aliquam, si non propinquitatis, at aetatis suae, si non hominis, at humanitatis rationem haberet*). But *humanitas* may sometimes be taken in an extended sense, rather like English "humaneness", as at *Manil.* 13, 36, and especially 42: *humanitate iam tanta est ut difficile dictu sit utrum hostes magis virtutem eius pugnantes timuerint an mansuetudinem victi dilexerint*; a quality of pity or mercy, as at *Manil.* 18 or *Cat.* 4.11. On the other hand, the word may, in the right context, mean nothing more than "having good manners" (cf. English "civilised"), as the opposite, *inhumanitas*, means at *Phil.* 2.8 & 9 or *de Or.* 1.99.

Büchner 1961: 641 says that if Cicero, when only twenty-six years old, could use this word in a public trial in the presence not only of senatorial jurors but of the crowd in the forum, then the word must have been widely recognised in this sense by all classes of society. It would be easy to agree, inasmuch as the earlier *Rhetorica ad Herennium* uses *humanitas* five times, and it may be an accident of survival that the word does not appear before the first century BCE. The adjective *humanus* is plentiful enough, and *inhumanus* appears in Plautus and Terence. The first three examples from the *Rhetorica ad Herennium* come from discussions of rhetorical commonplaces, where *humanitas* is used with *miser cordia*, with or without *clementia*, that is, *humanitas* as *philanthrôpia*: 2.24, 2.26, 2.50. The other two are found in actual compositions: 4.12 and 4.23.

Cicero certainly did not invent the word *humanitas*, but he gave it many nuances that it did not previously have, beginning in this oration. I see the present passage offering little difficulty. The real difficulty, as I see it, is with §46: see note to *humanitatis* ad loc. All the same, it did not really matter whether the jurors or the people in the *corona* understood exactly what Cicero meant by *humanitas*: they could understand the word in whatever sense they wanted (people do this all the time).