

## §§1–14. Exordium. Insinuatio

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

§§6–14. Cicero argues that the real issue is 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 "I think/suppose", or "it is likely". The first-person pronoun is necessary to the juxtaposition of subjects; its position and repetition (*ego potissimum*) make explicit the beginning *a nostra persona*, an exordium necessitated by the nature of the case; cf. Quintilian's summary of methods of *insinuatio* (4.1.44). Cicero begins with himself as pleader.

The opening sentence draws attention through sound effects as well, with repetition of S and R, and 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 that 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 (§§59–60) he recreates the initial effect of his appearance on the prosecutor.

**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* to show their support, they will not 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; also called subjunctive by attraction).

**aestate ... 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 noble ancestors); the third (*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 three, *auctoritas*. As Cicero continues the discussion of his suitability as a *patronus*, he concentrates upon his youth and obscurity, ignoring 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 is not characteristic but part of virtual indirect discourse (A&G 593). Cicero continues to express what he says must be the thoughts of the jurors.

**Omnis hi etc.** Cicero refers to the *advocati*, who will lend moral support, and even advice or assistance (cf. §149). 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 the others' 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). 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 men 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 (see note to §149).

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 argue that his client is weak, virtually without resources against the powerful person supporting the prosecution.

**adesse** This verb is a technical term when used absolutely: to lend support to the case, by their physical presence. It may also take the dative of the person 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 iudicio, cum adversariis*.

**iniuriam ... conflatam** Cicero will explain that after Roscius maior was killed, the son was 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.

**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.

**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 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.

**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; *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 Cicero will use the verb *dicere* ten times, seven of them in the first nine lines; three 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. *Quid ergo est?* is an actual question, often but not necessarily part of *altercatio*; cf. §§36 and 55 below.

**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, 88, and 96. Cicero

later (§5) softens the expression to *relictus ex omnibus*, where the ablative is regular. 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. 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 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. 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 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., *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,



**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).

**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 wishing to denigrate Sulla or at the latter's expense to praise his own actions or political position.

**§3 ego autem etc.** Because he has no established reputation, 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 from 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 dixero** Cicero softens the expression two sentences later, to *si quid liberius dixero*. 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 *etiamsi* "even if" because *tamen* "nevertheless" occurs in the main clause. He frames the causal clause of the next sentence with two parallel statements in future more vivid conditions employing the same verbs (*dixero* and *poterit*), creating a powerful assertion:

Ego autem si omnia quae dicenda sunt libere dixero,  
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 dixero,  
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. Some metaphorical examples preserve the original notion, as at *Inv.* 2.7. But elsewhere in Cicero the image does not pertain to a fountain; it is purely the gradual spread, or leaking out, of something, especially of information. See *Verr.* 2.1.1; *Att.* 3.12.2, 7.21.1. The usage here belongs to the latter category; many other authors employ the verb 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, and set up the contrast in the next sentence with Cicero's lack of political experience 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 dixerim* 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 avoid naming 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 *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*, and so would the more senior of Roscius' supporters.

**Ego** As at the beginning of this section, the pronoun is in emphatic position, in contrast again with others.

**si quid liberius dixerim** The softened restatement of the previous supposition 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 adulescentiae** Again he employs dative with an impersonal passive, not naming an agent. Cicero has used a parallel construction to *dicto concedi* that is not strictly grammatical. The indefinite pronoun *quid* at the beginning of the sentence, object of *dixerim*, refers to the understood subject of *poterit* and thus of the two passive infinitives which depend upon it, *occultum esse* and *ignosci*. The latter 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 and *Heaut.* 218. 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. 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.

**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: 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" phrased in such a way 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 1967: 59 n. 1). See Pötter 1967: 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): those who asked Cicero's help did not let up in their efforts, and the verb is in the active voice; 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 politically important words, marked out by polysyndeton, mean, in this context, "political friendship", "favor" (that must be repaid), "importance". Often there was inherent in 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. The obligation was not necessarily returned, although it might be if convenient. Especially to the point here, despite the period treated, is Saller 1990: 57.

Friendship between different members of the ruling class, however, was often much closer to what moderns regard as friendship. One must be careful to assess the situation in which the word *amicitia* appears: see Brunt 1965.

The *beneficia* were, in general, the offices that one performed and by which one obtained *gratia*. For *dignitas*, see below, note to §8 *propter dignitatem*.

Cicero does not reveal 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 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". 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*.

**benvolentiam ... neglegere** The nouns in the tricolon answer, although not in the same order (ABC/BCA), the three ablatives with *plurimum possunt*: *benvolentiam–beneficiis, auctoritatem–dignitate, voluntatem–amicitia*. *Ignorare* means "not think about", i.e., the *benvolentia* 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. Cicero frames his explanation with *amicitia ... voluntas*, a verbal representation of the nexus of relation and obligation which characterized 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** Many terms have been applied to the phenomenon of a word repeated with a different meaning; depending upon the particular usage or effect produced, in *Rhetorica ad Herennium* 4.14.20 it is called *traductio*. Cicero does not use a technical term for this or the other *orationis lumina* which he describes at *Orat. 135*. As word-play, it is a kind of paronomasia; cf. Quintilian 9.3.66–67.

**unus qui maximo ingenio** He denies that he was solicited especially for some unique abilities. The summation of his introduction of himself includes a trio of

juxtapositions, *electus/relictus*, *maximo/minimo*, *defensus/desertus*, 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 archaizing 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 those 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 emphasizes that Roscius would have been entirely deserted, left with 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 and note.

## §§5–8 Captatio benevolentiae: ab adversariorum persona

**Forsitan quaeratis** Cicero states the question he presumes to be in his listeners' minds, an opportunity for him to restate the grounds of accusation 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; 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. Cicero later 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*.

**impedit 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*. This tendency persists 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** The word is formulaic. Cf. Landgraf ad loc. Yet Cicero later addresses the question of the property and whether it was legally sold or not (§§82, 130), although he denies that he and his client are interested in anything more than an acquittal on the murder charge (§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. He 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 farms 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 ... conflatam* (§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, 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 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, had some claim to military glory and 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*).

**quem ... nomino** This relative clause is a parenthetical remark. 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*, 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. 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, specifically 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 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 used in this passage 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 profited from the case. The technique employed here is called variously *sermocinatio* (*Rhetorica ad Herennium* 4.65) or *fictiones personarum* (*prosopopoeia*) (Quintilian 9.29–37).

**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 *deleo* and *tollo*, citing several examples.

**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 praecaram 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 ejecto  
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 praecaram** 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 of 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 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". *Obstare* is more passive, if an unwieldy object is passive — to stand in the way — while *officere* requires action — to do something to get in the way. What is in the way of "that money" (*ei pecuniae*) is the defendant's life.

**suspicionem** *Suspicio* means 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. 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*).

**huius innocentis** Cicero attributes this thought as well, with its characterization of the defendant, to Chrysogonus.

**tam amplum et copiosum** The adjectives are synonymous, unlike *tam plenam atque praeclaram* above. Cicero emphasizes 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. Rosci of having planned and effected the murder; he begins his argument with the Cassian question "who profits?" and observes that since the T. Rosci obtained the property after the death, they were the ones whom ideas of profit motivated in the first place.

**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 and 516d.

**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. 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 the 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: for examples see *de Or.* 1.48, *Sest.* 110, *Pis.* 70, *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 on its own, the purpose formulation with the preposition *ad* most often accompanies it, although other constructions are possible.

**§7 aequa et honesta postulatio** Cicero gives the ironic phrase an unexpected twist: 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, Enk, and Hinard do not print a demonstrative and Richter-Fleckelsen and Landgraf indicate by their silence that they do not miss one. Dyck prints *aequa ea et honesta*.

**contra** *Contra* is an adverb, equivalent to *vicissim*, "in turn" (L&S s.v. I.A.3). In combination with the verb *adfero* and its object, Cicero says, "I have a counter proposal".

**quo modo mihi persuadeo** 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.

The personal (active) use of the verb *persuadere* appears in Cicero usually in the first person singular, and then not often. 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*); 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 levitis 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), 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: 21, who assembles a list of the politically active who are so described.

Cicero usually employs the adjective *audax* as an attribute of a noun, yet there are a few other places (*Red. in Sen.*, *Sest.* 86, 139) 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), what Cicero means 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. 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  
reperiatur  
    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. 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 impedit, 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* emphasizes *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.

**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 optimam praecaramque 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 optimam praecaramque 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 emphasizes 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 characterization 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 purpose clause where the first protasis had introduced a negative one.

Cicero occasionally follows *pugnare* with an object clause, as in §137. *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.

**cum ... tum** An emphatic use of *cum* ... *tum* to mean "both ... and", with *tum* followed by *vel* plus a superlative (see note below).

**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 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* if those others can be shown in a bad light.

There follow two substantive clauses in apposition to *hoc* (A&G 289d) set forth in chiastic 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". The phrase is equivalent to *per quos*, using the jurors as instruments: A&G 405b.

**scelere et ferro** Another hendiadys, marking the opponents' previous means of attaining what they wanted.

**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. 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*).

The sequence of this part of the request is ABCCBA without adherence to exact parallel of grammatical structure. Cicero begins with a relative clause characterizing 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*. 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.

**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, *commodo* 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 *commodo* 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 (*commodo*, *graviter*, *libere*) replace the adverbs, in the same order:

**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.

**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.

**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 bona 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 judges 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. For one discussion see Hartung 1974.

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 others, 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.

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 suscep  
        quoad **potero**  
**perferam.**  
    Quod si **perferre** non **potero**,

opprimi me **onere** offici malo  
quam  
    id quod mihi cum fide semel impositum est  
    aut propter perfidiam abdicere  
    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. In *Div. in Caecil.* 9 Cicero specifies the place where he believes support is most needed.

**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 praestitum, quod praestare possit": Preiswerk 1905: 11 compares *Verr.* 1.1.3, also, less aptly, *Clu.* 7 and *Sest.* 5. 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 emphasizes 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 suscepī** 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 offici** 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); 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 Roman courtroom procedures. 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 *quaestio* de sicariis in 81 (? the evidence is this passage: Broughton).

**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, mortalium*,

*primum; indignissimae, maxima; 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 maximaque factae sunt; omnes hanc quaestionem te praetore manifestis maleficiis cotidianoque sanguine dignissimam (vel dimissui) sperant futura.*

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

**exspectatio** 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*: Leumann–Hofmann–Szantyr II.2.2.647 (§350).

**Longo intervallo ... hoc primum** Cicero is deliberately vague: he may mean since the battle of the Colline Gate in November 82 (cf. Kinsey 1987; Dyck ad loc.), 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; except for 113 (Sulla) and 119 (Scaevola; cf. §33 below), 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 characterized as illegal.

**iudicium 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 characterizes 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 beneficiis* was especially important at this time.

**dignissimam** This 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 for *dimissui*, and assembles parallel examples from Cicero and other authors of perfect passive participles displaying a fourth-declension dative form, e.g. *despicatui ducere* (*Flacc.* 65). In theory, any supine stem can generate a fourth-declension noun.

With any dative, 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*).

In the place of *dimissui* Dyck prints *dimisso virtutis ostentui*, "a conjectural restoration" based upon the presence of *dimisso* in Schol. Gronov. as evidence that the text was already corrupt in antiquity. He translates "a manifestation of virtue with overt crimes and daily bloodshed banished".

**§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 technical term means to make a defense, plead a case.

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

- (1) *ut ... vindicetis*
- (2) *ut ... resistatis*
- (3) *ut hoc cogitatis*

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 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 cogitatis*,

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 *cogitatis*; 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 (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 whatever he needed for the sake of vividness or retaining sense (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* 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 II.2.2.357–8 (§195Bg), citing Landgraf, 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 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. He reiterates his assertion in §13.

**§13 Etenim quid aliud hoc iudicio temptatur nisi ut id fieri liceat?** Landgraf, citing Fortunatianus p. 110, 20 Halm, calls this a *proekthesis*, a Stoic term indicating a descriptive excursus inserted before the *narratio*: *cum ante narrationem aliquid causa docilitatis adferimus, ut fecit Cicero pro Roscio*. Quintilian's definition (9.2.106) of *proekthesis* 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*, 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* (Chrysogonus' friends) + relative clause (*qui, quibus, qui, quos*)  
*causam dicit is* (Roscius) + relative clause (*cui, cui, qui, qui*)

The period both sums up his *insinuatio* 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 bono fuit* is the most famous of double datives: who profits? Cf. §§84, 86 and *Phil.* 2.35. 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 likely an armed bodyguard. 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.

**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. 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 from the particular crime and its effect on Roscius to a general statement about the accusers wherein Roscius becomes a symbol. *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. 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 purpose 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 or a similar expression (e.g., *Quinct.* 11, *Verr.* 2.2.18, 2.3.106, *Mil.* 23).

**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. 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 §§18 *id ... nisi perspicuum res ipsa fecerit*; 49 *quid censes hunc ipsum ... quo studio ... esse*.

**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*.

**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.

**§§15–34 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. Roscius and Glaucia in a prejudicial manner (§§17–19) as he narrates events surrounding the murder. He devotes most of this section to the machinations of Chrysogonus and the T. Roscius, 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. Roscius.

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 Clientio* (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 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 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(b), Landgraf on §17 *facile superavit*. It is similarly

understood with other words, e.g. *vincere, antecellere, doctissimus, perspicuus*. Landgraf notes that the idiom is frequent in Cicero and in the comic poets but not elsewhere.

**gratia atque hospitiis florens** Roscius maior had the favor and an inherited relationship of guest-friendship (*hospitium*) with influential Romans.

**Metellis etc.** The Metelli, Servilii, and Cornelii Scipiones were all leading Roman families. Roscius took refuge with Caecilia Metella to escape his enemies (§27). 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 (§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, 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 civil strife. See note to §16 *honestate*, and §136 with commentary.

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

**hoc solum** Friends at Rome.

**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.

**cum** Correlative with *tum*. Normally parallel clauses with *cum* ... *tum* have the same mood when they mean "not only ... but also"; the subjunctive 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. See Lebreton 1901: 338–346.

**omni tempore** Literally "at every time" or "on any given occasion", in effect, all the time. The expression occurs five times in this oration (§§16, 42, 51, 81, 127).

**nobilitatis fautor** Roscius maior had supported the Roman senatorial aristocracy, men whom in another time and place one would call the *boni* or *optimates*, at this time supporting 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, there is no evidence for what role, if any, Roscius maior played in events of that time, and the characterization 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 marked out temporal limits of a *tumultus*; it began in the late eighties according to what he wrote in *Brutus* 311.

**dignitas et salus** Position and existence, the first as important as the second, or, to Caesar, more important: *BC* 1.9. 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.

**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 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 proscriberentur** 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 and temporal description, which emphasizes the point that Roscius maior spent most of his time at Rome. 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 §40.

**ne quid ... calamitatis sibi accideret** Although *calamitas* is a strong word, this idiom 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 regarded as wrong.

By beginning the *narratio* not with the events but with the people involved, 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 equaled 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 about a dozen times.

**nam duo isti sunt T. Rosci** Commencement of a short digression introducing the characters whom Cicero will first delineate as not the right sort, 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 Capito appears to be the same word as the fish with a large *caput* (see 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, 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, not that he fought in the games.

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

**eum lanistam** He continues the metaphor by calling Capito a gladiator-trainer.

**quiique** Not "each" but equivalent to *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), frequently extended to a beginner in any field, especially in public life or public speaking, as at *de Or.* 1.218.

**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 neither logically nor grammatically subordinate to *essem*, which, 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 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 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 with other editors and commentators, most recently Hinard and Dyck, that the manuscript reading should be retained. *Ipse* 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 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. 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 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 *perspicuum* at §40. The word-play arises from the common root of *suspiciosum* and *perspicuum*; 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** *Culpa* 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?*). *Ameriam* and *domum* are accusatives indicating motion toward, although *nuntio* is not generally a verb of motion.

**Mallius Glaucia quidam** The pronoun *quidam* may often be contemptuous when used with a proper name, although it can 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. 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, although *venit* is probably present, as Dyck notes (metri causa), 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 approximately 82.5 K, about 51.5 U.S. miles. On the shortest night of the year, the carriage would have had to travel faster 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–Fleckelsen). 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.

**pervolavit** This 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 characterized 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, including *exoptare*, to the same effect.

**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. Rosci 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.

**telumque** If Glaucia really had the murder weapon, Cicero does not make an issue 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 found: *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. §12 *hic in foro*). Sulla's forces did not take Volaterrae until as late as early 79: Harris 1971: 257–258, Keaveney 1982b: 512 and 525, citing 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*. 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*). If the T. Roscius had Roscius killed and intended to profit financially, it would have made more sense to come to an agreement with Chrysogonus or some other agent about the property before the murder.

**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 never uses 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 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 and *Clu.* 57. 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); 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).

**splendidus et gratiosus** *splendidus* is to an equestrian what *amplissimus* is to a senator; *gratiosus* means 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* (§19), *permulti* (§§48, 90, 92, 94), *perraro* (§52), which only occurs 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 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", 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". The context might also imply the surreptitious or illegal removal of something (§23). With other verbs, however, the prepositional phrase is neutral (§112). Cicero employs the idiom much more often than any other writer and 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., *Am.* 19. 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 (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; §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 stands for a noun ("the fearful"). As Latin does not have the facility of Greek for creating nouns from participles, a relative clause frequently serves the same function. Usually in such cases the verb accompanying the relative is indicative, despite the syntax of surrounding clauses; but this is not an invariable rule: the clauses of §30 *qui libere dicat*, *qui cum fide defendat* not only replace nonexistent nouns modified by adjectives (see 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).

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 should have felt free to resume normal activities.

**defunctos** The collocution (*de)functor periculō/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*.

**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; 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 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. Dyck ad loc., citing §110 with his commentary, believes that the three farms were not handed over immediately. Reconstruction of events, and assessment of the plausibility of Cicero's version, depends in part upon one's theory of the case.

**iste T. Roscius** This expression always indicates Magnus in the speech; he refers to the other one 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. In other authors the expression is more often used 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". 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.

**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 true. L&S s.v. *certe* I.2 explain similarly. 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. But there was no reason why Sulla should have minded hearing that he had proscribed someone if he had done so: the proscription lists were the opposite of secret.

**§22** This may be the section of the oration most discussed by scholars for the treatment of Sulla. The main issues are whether Cicero actually said these words during the trial or added them later, and what he meant by them. 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 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*. 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 serve as euphemisms for past (misfortunes or mistakes) and future (problems).

**reparet** This is a reading which Lambinus reported and Clark and Hinard accept; Kasten, Enk, and Dyck 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 formulaic, as in Augustus' *Res Gestae* 1.

**solus** Sulla and Metellus Pius were consuls in 80. 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* wrong, and offensive to the other consul. 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 generalizing 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** In this chiasmus the phrases in asyndeton unite Sulla and everyone else in word as they are united in action. Cicero repeats the opposition *unus omnia* at §139. Elsewhere in this oration (see §§5, 37, 132, 139) and frequently in others he creates many forms of comparison between one and all.

**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.

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.

**respirare** Cicero wrote *respirare libere* also at *Quinct.* 39; when he uses the verb, as he generally does, without any adverb or adverbial phrase, it often has the sense of "to stop holding one's breath": see note to §60 *respirare*. The verb occurs only a dozen times in the orations (four in *Quinct.*, two in this pleading), 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 speech.

**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* 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 with upper-case F, for this is surely how Cicero's listeners heard it, and presumably enjoyed the double

entendre of *sicut est*. 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, his conception of his own relation to the divinities who fostered Rome, and his propaganda. For 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 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, 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.

**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).

**eicit domo ... praecipitem, iudices, exturbat** The three expressions mean the same thing, ablatives of place from which, the tangible (*domo* and *focis*) with *eicit*, the figurative (*penatibus*) with *exturbat*. There is some alliteration (*focis patriis disque penatibus praecipitem*: the sound of P is noticeable throughout the sentence). Cicero usually construes *exturbare* with *ex*, but sometimes with the ablative alone, even when he describes expulsion from a physical location, as in *Quinct.* 95, *Verr.* 2.2.46 and 2.4.67.

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

**Qui in sua re** He describes Magnus in his previous station, with his own financial resources.

**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 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*, 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 are the death and the son: the change in word-order not only provides *variatio* but places the most important first in its phrase and allows each to end with the feminine singular superlative adjective (*homoeoteleuton*). The interposition of the dead man's name 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 patrium 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, 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 his 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).

**emptio** Cicero would have called the sale *flagitiosa* no matter how it was conducted, but if Roscius maior had been proscribed legally and his possessions disposed of properly, all should 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. Twice in later orations when speaking of "donations" Cicero refers to seizures under Sulla or others: *Agr.* 3.10 and *Phil.* 4.9. The noun *donatio* means the action of giving, not the 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 Ameria.

**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. Here *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*.

**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* appears almost as frequently as *queror*.

**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, 2.1.82, *Mur.* 63. 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) to the figurative (§3; *Rab. Perd.* 5 *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 uses this compound 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.

**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 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 and employed a prepositional phrase with *de* (cf. the note above to §25 *doceant*).

**Homines antiqui** The adjective describes their *mores* (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 offici*. It can also mean something of the highest importance (*Off.* 1.155).

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

**ceteros fingerent etc.** Cicero states a truism of human nature, that people often 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 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), 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. It seems strange to say that Chrysogonus and his friends began to do nothing; a better English idiom would be "they began by doing nothing". *Isti* are Chrysogonus and his friends.

**procrastinare** An extremely rare word, which Cicero was 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 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 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** The 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.

**sese** The object of *contulit*.

**Caeciliam ... filiam** The manuscript reading is *Nepotis filiam*; cf. §147. 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 *Dramatis personae* 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*.

**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. 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 offici** 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. Although Cicero does not 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 that 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*.

**opitulata est** Landgraf has a lengthy note on this somewhat rare verb; Republican writers prior to Cicero's time, especially dramatists, 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. 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*.

**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. For *refero in reos* cf. *Verr.* 2.5.109, *Phil.* 2.56.

**§28 caedis facienda potestatem dari** *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, occasionally with *ad* + gerundive to express purpose (e.g., *Verr.* 2.2.178). At §122 *potestas data est* is used absolutely.

**consilium** Their plan of action is explained by the three following substantive clauses (*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, see the Introduction.

**ad eam rem** This is the first of three expressions involving *res* in this 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*). Erucius is the professional accuser in question (§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. But, 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), 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. The accessory meaning of "to lurk" then develops naturally, and in such contexts *suspicio* often appears as well: *Quinct.* 66, *Clu.* 44, *Marc.* 32, *Phil.* 9.4.

**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 and 154).

**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 1901: 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).

**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. 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 anyway, 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. Before leaving public office, Sulla 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 beneficiis*) 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.

**huius** Roscius (dative with *defuturos*); in choosing the first-person demonstrative Cicero represents the others' talk from his own standpoint.

**patronos** Cf. §30. The plural indicates actual pleaders of established reputation. 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 hospitiis 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 emphasizes *nemo* by placing it at the end of the sentence or clause.

**fore ut ... tolleretur** A periphrasis for the future passive infinitive, which Cicero uses slightly more often, in all genres, than the periphrasis seen here, which he would employ when a complicated construction followed (e.g., *Div. in Caecil.* 68). In this case the periphrasis seems 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 expression 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 the like, 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 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 among others, says: "Irony is employed also when Cicero affects to be at an impasse".

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** Cicero enunciates a stark list of participles with no copula: 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 (the type of argument called *post hoc ergo propter hoc*), 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 participle 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), or with an ablative or other construction of cause (*Cael.* 10), or both (*Inv.* 2.111). Cicero offers no parallels for the absolute construction employed here.

**Quid ... sceleris** Hyperbaton. *Scelus* sometimes occurs elsewhere as a partitive genitive with *quid* interrogative (*Cat.* 2.7) as well as other neuters such as *aliquid* or *nihil* (*Clu.* 188, *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.

**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.

**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 (*Cael.* 21–22 and cf. *Cael.* 54 where he recommends his own witness, or *Mil.* 60).

**condicionem misero ferunt** Latin *condicio* embraces the same range of meanings as English "condition" (*Tusc.* 3.36, *Quinct.* 85, *Clu.* 129). The phrase *condicionem ferre* means to offer terms.

**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 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*. Cicero describes not the execution but a willingness to allow T. Roscius to kill him. Cf. Landgraf ad loc.

**insutus in culleum** The penalty for parricides was to be sewn up in a sack and drowned. For discussion of the punishment, see the Introduction.

**Patronos** For the third time, Cicero does not count himself as an established *patronus*. The sentence prefaces an emotional appeal, and commences a repeated *captatio benevolentiae* (cf. §9). Dyck argues persuasively that *desunt* should be omitted.

**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) 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: "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.

**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., *Clu. 1 mihi certum est*. By omitting a verb or *mihi*, Cicero can avoid taking full responsibility; cf. English "it has been decided".

**quae ... arbitror** This relative clause 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 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 and to the *exordium*, especially §3. 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 that 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*. The change of subject after *res tanta* is unexpected.

**§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, the *Rhetorica ad Herennium*, and Cicero. He cites two examples of the traditional pattern (*Caecin. 23 improbus fuit quod homines coegit armavit, coactis armatisque vim fecit* and *Verr. 2.5.61 pretio certo missos facere nautas, missorum omne stipendum 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*.

**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 (*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; it always appears with a direct object or in the personal passive. *Condemno* occurs frequently, and, when it means "condemn", has an object if it is not passive. There are a few passages where Cicero uses *condemno* without an expressed object, but in those it has a context indicating that it means "vote for a guilty verdict": *Caecin.* 29; *Clu.* 83. 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. One can see why a scribe would have added an object. Yet it is especially pathetic if one imagines Cicero still speaking in Roscius' voice and inserting Roscius' name, and Richter–Fleckelsen adduce in support of this interpretation *Il.* 19.151 and *Livy* 30.30.29 *Hannibal peto pacem*. Landgraf ad loc. defends the name also. 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. Dyck ends the *prosopoeia* after *possidetis* and deletes *aut condemnetis*, retaining *Sex. Roscium*.

§33 A brief digression, introducing an analogy.

**C. Fimbria** *RE* Flavius 88. Cicero describes his oratory at *Brutus* 233. Fimbria supported Marius and Cinna in 87 and 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).

**nisi inter eos qui ipsi insanunt 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 called *traductio*.

**in funere C. Mari** Marius died early in 86.

**curasset ... ut Q. Scaevola vulneraretur** Purpose clause. The use of *curo* and the passive imply that Fimbria had the murder attempt carried out by someone else. The victim 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 committed by the Marians.

**sanctissimus atque ornatissimus** *Sanctissimus* as pontifex; *ornatissimus* as a prominent orator. 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* + purpose clause, (2) *neque ... plura dici possunt* + clause of comparison introduced by *quam*.

**locus est ut multa dicantur** This is a variety of result clause and expresses appropriateness, as if an adjective such as *idoneus* introduced it, or *non idoneus*; the rare idiom *locus est ut* appears thrice in Cicero, each time with a negative (see *Orat. 4, Tusc. 4.1*).

**diem Scaevolae dixit** The subject of the verb is Fimbria (*Is*); Cicero uses the proper name as object both for clarity and because he has interrupted his sentence by several lines of praise for Scaevola. Fimbria abandoned the prosecution when he was assigned to Flaccus as legate (Gruen 1968: 235). *Diem dicere alicui* means 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 recover, he was still recuperating from the wound when Fimbria announced his prosecution.

**cum ab eo quaereretur** The passive allows omission of an actual interlocutor, whom Cicero may not have known, 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 story 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.

**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 *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. Cf. Gruen 1968: 235.

**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.

**quae tantum potuit** Dyck sensibly prints *qui* (Scaevola) for *quae (mors)*. *Possim* 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 *possim* without an added infinitive. *Quinct.* 69 is a good example: *omnium denique illorum qui tum et poterant per vim et scelus plurimum et, quod poterant, id audebant*. Cicero uses *tantum* or *plurimum posse* of Chrysogonus at §§35 and 138, of prominent Romans (or the nobility) at §§4 and 149.

**quos quia** The relative pronoun is proleptic; it refers to *ab eis* which follows. Shackleton Bailey 1979: 237–238 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.

At the end of the sentence Dyck prints *ab iis ipsis* as it enhances the irony.

**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 destitit*. 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 "line-up" (*Fam.* 2.8.1).

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 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 examples in this speech save *veri simile* or its variants (§§40, 57, 92, 106, 121), the Latin form of argument from likelihood, 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.

**de manibus vestris effugit** Lebreton 1901: 175 writes that *effugio* is usually transitive; Cicero's construction with *de manibus* brings to mind a specific image of Roscius pulling away from their hands.

**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*. The choice of case does not depend upon the nature of the verb's subject or object, although the genitive occurs much more often than the ablative. In the next sentence Cicero uses the near synonyms *requiro* and *desidero* to reiterate his point.

**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". This is another example of the modified *figura etymologica*, where *expositam* refers back to *explicemus*; see note to §32 *Patrem meum iugulastis ... occisum*.

**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

intellegeatis.

**§35–36 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. Solmsen 1938: 232–233, 237–238 discusses the unorthodox nature of this *partitio*.

**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 obstent** 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*). He will answer them in §§37–82 (*crimen*: arguing Roscius' innocence), 83–123 (*audacia*: accusing the T. Roscii of the murder), and 124–149 (*potentia*: criticism of Chrysogonus).

**confictionem** "Invention" (from *configno*). This word is a *hapax legomenon* in Cicero, and not known to have been used by any other classical author. Cf. §§30 *crimen incredibile configunt*, 42 *crimen commenticum*; 76 *nihil horum ne configi 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 (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 *configno*; even in poets it does not occur often. But Cicero uses it a dozen times, and all but one, §47 below, occur in a context of inventing a charge.

**Erucius** The official prosecutor, whose case Cicero answers and criticizes 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*. The word is also used of political groups (§§16 and 137).

**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 mavult 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*.

**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 *patronus* to address the specific accusation.

**oportet diluam** Cf. §§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" (N.D. 2.20). This can mean anything from "argue away" to "explain", although explaining is less often the orator's aim. 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. At *Brut.* 277–8 Cicero relates how he diluted a charge of attempted murder, when the prosecutor, M. Calidius, was the intended victim.

**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 *patronus* should argue against the accusation, the people in charge of law courts 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.

**perniciosa 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: 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 to the senate's control thereof; the word *seditio* often occurs in the same context.

*Intolerandam* recalls §34 *non est ferendum*. Latin writers rarely use this adjective, which occurs both in a physical sense and with an extended meaning, often indicating that circumstances, as much as the actual fact, make something insupportable. While the word can be used of physical pain, it usually describes abstract nouns: power, rule, violent or 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": 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).

**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

**§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, 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: indirect discourse following *arguo* as a verb of speaking.

**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. To this statement, compare *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.*

**quo uno maleficio ... complexa esse** Cicero substitutes *maleficium* for *facinus*: see Landgraf's excellent note with parallels. *Complector* is a deponent.

**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 and other family members, country, political allies, deities.

**in eum** Here *in* means "against". The English idiom in this context 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" (≈ *haberi, putari*), as at *Verr. 2.2.108*. The primary meaning, to count, has not been lost; examples include *Verr. 1.1.31*.

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

**nonne et audaciam eius** By asking Erucius whether he ought 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 iniuriam queror, improbitatem coarguo, avaritiam in crimen et in iudicium voco.*

**singularem** Hyperbaton. In the context of this whole sentence, cf. *Verr. 2.1.8.*

**ostendere** The infinitive depends on *oportere*, assumed from the 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; Phil. 13.21, 14.8.*

**denique omnia** Cicero's characterization 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 vitiis* is nice. This kind of argument was commonly employed in Greek and Roman law courts.

**omnia ... profligata** *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. When used of things, *profligatus* means destroyed (*Verr. 1.1.8*), of people, depraved (often in conjunction with *perditus*) or occasionally afflicted: *Verr. 2.3.65, Cat. 2.2, Arch. 14, Phil. 3.1*. The collocation *ad perniciem profligata* is unique in Cicero; by using the expression 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*. The recipient may also be worthy of what is conferred, either for worse, as at §100, or better, *Manil. 49*.

**ne obiciendi quidem causa** Cicero 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? One of Cicero's favorite tactics is to accuse 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*. In the present instance, one must understand the whole meaning from the verb itself: "casting aspersion" or the like.

**§39 Patrem occidit** The statement of the prosecution's case is meant to be ironic; Cicero continues by describing the sort of person who could be expected to commit such a crime, and refutes each point of the characterization: proof by denial of the contrary.

**adulescentulus** A word found very often in comedy, 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 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).

**nequam** A Plautine word, almost always applied to persons.

**inductus** "Incited" (L&S s.v. II.B.2), also 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: *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 of bad influence; it is an argument from common belief that the young are more easily led than are older people.

**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, 81, 120, 140, 150 bis, 154; 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.

**ne dici quidem** This is part of a puzzling sentence, literally, "but you heard this not even said by the accuser".

**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, but the text is not certain. L&S say that the ablative of the fifth declension form is doubtful. Cicero does not use the nominative *luxuria*. He does use either form in the accusative singular, whether or not the object of a preposition, and only *luxuria* for the genitive.

**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) or sincerely (in the sense of "surely": *Quinct.* 85), sometimes it evades an easy rendition into English.

**aeris alieni** *Aes alienum* is 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 others') 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 of *pурgo* extends to our judicial sense of "clear"; the Latin verb does not require an object and usually does not have one. 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' 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 Naevius 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.

**debitum** The verb is used in its primary sense: he had no monetary debts.

**Cupiditates porro etc.** Cicero cannot directly refute a charge of having *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, because the Greek rhetorical models (including Cicero's *De inventione*) provide no tactics like those that Cicero actually uses in his orations. The device may owe 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 was Cicero's regular practice to dismiss inconvenient allegations by means such 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, he used it.

**in agro colendo** The gerundive construction, singular or plural, often serves Latin as an abstract noun, our compound "agriculture".

**§40 Quae res igitur tantum istum furorem** Cicero asks what could have elicited such madness. The second-person demonstrative *istum* indicates that Cicero refers to the madness in Erucius' description ("that madness you spoke of"), or that which Erucius ought to have described, or that which must be inherent in Erucius' argument.

**obiecit** Here the verb means "imparted" (L&S s.v. II.A). In the context of §38 *ne obiciendi quidem causa* one suspects word-play, yet this is an appropriate term 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.

**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** Cicero admits a variety of constructions with *odium*; his favorite is the double dative used 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).

**perspicuum est** The phrase serves as a reminder of the *causam perspicuam* 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 a related verb, "consistent", the opposite of *amens*. Cf. Rosc. Com. 49 *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. This suits 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 may have made such an accusation impossible, although all that we have of the prosecution's arguments are those that Cicero chooses to answer. Yet 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.

**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. An official relegation was a form of banishment: under the Republic one was forbidden to dwell or approach closer than a certain distance from Rome (Sest. 29). The terms during the Empire were more stringent.

**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 for *variatio*. This expression is frequent in Cicero, but not in Caesar or Sallust.

**nugatoriaque** The rare adjective *nugatorius* is found more often in Cicero than in contemporaries and predecessors combined.

**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 commenticum	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 commenticum 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.

**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 of *qua ratione* exactly suits his argument (while at the same time fulfilling the demands of *varatio*): 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 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 here and in §120 instead of the formulaic *familias* (cf. §48), they are the only known instances of his having done so.

**illius ordinis ex municipiis rusticani** 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 characterize for his audience 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.

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

**si constat** 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. 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 (§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. Here there is an additional hedge, 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.

**tamenne** 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, *Verr.* 2.3.162, 2.5.140, *Phil.* 2.108.

**id odio factum criminaris** This is the only occurrence of the verb *criminor* in the oration. Pötter 1967: 15–16 says that for Cicero the verb *criminari* 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** *At enim* introduces an opponent's objection, either one that has arisen during the course of argument, or one that might be anticipated.

**cum** The conjunction is more likely concessive than circumstantial: although there were two sons, the treatment of each was quite different. Erucius must have 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 weak or sickly, unsuited to farm work, that his father, who preferred city life, felt he could supervise his care better in the city, and that perhaps Roscius really preferred to stay home on the farm, 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 (this is most blatant in *Cael.* 22) he would use whatever evidence he had.

**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.

**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.

**§46 Si tibi fortuna non dedit ut ... nascerere** 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 Quintius, Cicero had described Naevius in a similar way, although he denied that Naevius had been able to learn properly about human relationships: *Quinct.* 11.

**patre certo** Landgraf, citing Nohl, 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, as was his retort to Metellus Nepos (Plutarch *Cic.* 26.9–10).

**ex quo** The ablative indicates both source and purpose.

**humanitatis** Cicero does not mean humanity in the sense of human kindness (*philanthrōpia*, as at §154), nor a kind of cultural conditioning (*paideia* or *urbanitas*: see §121), but a human nature, which recognizes human bonds, different from the nature 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 much 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** Same expression at *Verr.* 2.2.64. 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** This 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 is one thing; intellectual power sharpened by study and attainment of knowledge is another.

**Ecquid** Here = *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 *Cael.* 37 Cicero also uses Caecilius to rhetorical effect. In both orations the example relates to the past, not to the present; cf. Benferhat 2003–2004: 265.

**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 are the most familiar to any audience at Rome, as Cicero states below. 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.

**agricolas adsiduos** The adjective is adverbial: 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 be a colloquial word, Cicero 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 — less often than one would expect in judicial contexts — frequently with an adverb or adverbial accusative. At times there is an ellipsis of the verb, as at §92 *verum quid ad rem?*. The phrase *ad rem* (preceded by demonstrative *eam*) at §153 has the distinct force of "to that end".

**nihil intersit** In the orations the phrase *nihil interest* usually appears with an alternative indirect question (e.g., this passage, §120, *Verr. 2.3.35*, 2.5.160).

**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 ... effectos 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** *Exprimō* here means "represent", 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*, *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 agri cultura*.

**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.

**in Vmbria et in ea vicinitate** Ameria in Umbria, where Roscius lived (§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.

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

**inopia** Ablative of cause.

**vitio et culpae** Datives of purpose in a double dative dependent on *dedisse*.

**Ac non modo ... arbitrantur** This is a complex sentence. Cicero adds subordinate ideas with such a heavy hand that one suspects him of deliberate obscurity. 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 (probably fathers, or those who are not under any compulsion — not that he says this) 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 criminis 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 1901: 320. See also §§76 *multa sunt falsa, quae ... 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' relations, 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 heard did not include this part about Erucius, 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*).

The adjective "accusatory" has no good connotation (Quintilian *Inst. Orat.* 12.7.3), and is found in few authors. 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 Cquentio* and what he says of Erucius here.

**Chrysogono** 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.

**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: see note to §53. Cicero's use of a phrase or construction often 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 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* ("injury", not "fraud") is dative of purpose; *id* = the substantive clause *ut parum etc.* that follows.

**ut parum miseriae sit** *Parum est* means it is insufficient; the expression is often followed by a clause with *nisi*. *Parum* in Cicero is usually 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 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** By using the imperfect rather than pluperfect subjunctive in a past contrary to fact condition, Cicero makes Erucius' putative condition more immediate, like using the historical present.

**illis temporibus** The good old days, if they ever existed, did not extend much into the second century BCE.

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

**qui ... putas** [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). 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.

**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 ... in honestissimum** Reductio ad absurdum. *Hominem* is in apposition with *illum Atilium*; the adjective *in honestus* is rare, found according to L&S in Cicero, poets, and post-Augustan prose. The meaning, in Cicero at least, is "without honor".

**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, *Phil.* 5.47, *N.D.* 2.10, 2.71.

**ex minima ... florentissimam** The usual claim when speaking of the superiority of the Romans' ancestors: cf. *Rep.* 3.24, *Agr.* 2.9, *Phil.* 4.13. Cicero makes a logical connection 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, *Phil.* 3.9, 8.23.

**quibus rebus** The description is incremental: the accretions to empire are listed in order of increasing territorial size and distance from Rome. At *Off.* 2.85 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* followed by the subjunctive is used to introduce a reason mentioned 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.

**omni tempore** This recalls the phrase used above (§42) of Roscius maior and the other son. Cicero contrasts the ancients' obligation (*debebant*) to affairs of state which they occasionally interrupted 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 crimi* ... *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 his ironic understanding of the argument used. The parenthetical *opinor* (or *ut opinor*: §§46, 49) appears hundreds of times in Cicero. He 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?"

**'Immo vero' inquit 'est'** *Est* is existential. 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 the next *istum*). 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, 162; *Dom.* 34; *Phil.* 2.41.

**nunc dicis aliquid etc.** Cicero allows that this line of argument is relevant, as it might supply a motive. The relative clause that follows is result (cf. §48 *permultos ... qui*; and Lebreton 1901: 320).

**nam illa** Namely, the quotations from Erucius to follow, which even Erucius is made to concede are *levia, inepta* and *nugatoria*.

**convivia** *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 cenan* at *Fam. 9.16.8* and *9.24.3*. The periphrastic future indicates intention.

**§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., *dicere*), 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 that 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 scolds Erucius for not adequately demonstrating the elder Roscius' reason for wanting to disinherit his son.

**qui** The adverb "how".

**tametsi** Without a correlative clause, as here, *tametsi* means "and yet".

**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.

**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*. It is better 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 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.

**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.

**inge aliquid saltem commode** 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** While *inludo* is intransitive here, in §56 Cicero uses it in the passive.

**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 misusing [lit. to misuse]", followed by *nisi ... accusare etc.*: "if it isn't to accuse in this way ...". Landgraf notes that the addition of *ad quaestum* gives the verb the notion of "exploit" rather than "abuse".

**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 generalizing.

**ad quaestum etc.** "For profit" (*ad + accusative* to express purpose). Add *libido* and you have "for fun and profit". Cicero implies that, contrary to the *lex Cincia*, Erucius was paid to argue the case.

**non modo non possis etc.** The subjunctives *possis* and *coneris* are in a relative clause of characteristic. The second person singular verbs are generalizing, 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:

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. 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 benefit in some way, as Julius Caesar, Caelius Rufus and others 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*).

**huic inimicus venias** *Inimicus* is the adjective 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; *Cael.* 10.

**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 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, Camiñas 1990, 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

**§56 Accusatores ... civitate** Substantive clause in apposition with *utile est*. This section is the *utile*, a type of argument indicating expedience, 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 1967: 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 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 chiastic 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, 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 "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. *finge aliquid saltem commode* §54, *neglegentiam eius* §59. Note second *chiasmus* in the section.

**nocens** A guilty person.

**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 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.

**si qui** *Qui* for *aliqui* (plural) after *si*. Cf. *cum ... aliqui venerint* in the next sentence. In suppositional statements the indefinite pronoun is usually singular, but Cicero's use of the plural may be due to plurals in the context.

**tametsi ... tamen** Cicero repeats the construction that he had used of the accusers (*tametsi miserum est, etc.*), 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.

**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. The context 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).

**salutatum** The supine expresses 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, method, science, consideration (*humanitatis, religionis, amicitiarum, iuris*, etc.).

**§57 Alii vestrum ... alii** Some ... others. *Vestrum* refers to the accusers, not the jurors.

**anseres ... nocere non possunt** Cicero seems to have had little barnyard experience: geese can be aggressive. 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 political or 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.

**commisso** Sc. some crime; Cicero rarely uses *committo* absolutely, but supplies an object or an object clause (cf. §67).

**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.

**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 depend.

**quicum** I.e., *quocum*, which does not appear in Cicero's orations until the year 63 (Mur. 34). After that time he uses either form 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.

**istud** With *suspici*; 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. 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; Cicero again indicates that Erucius received 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** More emphatic than *dicere* 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 emphasizes 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 a potential defender.

**§59 Operae pretium erat** "It was worthwhile"; for the mood see note to §53 *erat officium*.

**si animadvertisisti** Perhaps the jurors had not been paying close attention; cf. §60. Cicero 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 be Cicero's way of persuading the jurors that he had seen something happen. §§59–60 are notable for the extended *enargeia*. By the time Cicero has finished his lively description of Erucius' behavior, 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 and in §60. 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 Erucius expected that the important people would not speak. Kennedy 1972: 152 accepts the narrative of Erucius' surprise at face value. This may have been true, although it seems surprising that the opponents would have been unaware of investigations against them and the source of those inquiries. 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 §12. The mood of the verb is explained by indirect discourse, not because Cicero necessarily attributes the reason only to Erucius. 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** The relative clause of characteristic replaces a noun with adjectives: no one of the able and customary pleaders.

**neglegens** Careless in his behavior; nominative because it refers to the subject of the verb *coepit*.

**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".

**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, to breathe out in relief, or merely to breathe at all after stress or exertion. Cicero sometimes modifies the verb with the adverb *libere* (§22) or the adverbial phrase *a metu* (Clu. 200); 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 mean merely to breathe: *Quinct. 94 si fas est respirare P. Quinctium*.

**non aliis 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, 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 spelled 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 ... 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.

**nominavi** Sc. *Chrysogonium*.

**ultra 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 generally follows *desisto* with an infinitive.

**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'.

**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, and (2) to demonstrate or reveal, as here and in §128.

**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 Plautine. 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 pugnis pessume*.

**§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*; *Agr.* 2.90.

**versa** (Over)turned, as in having the tables turned on one.

**commode ... libere** "If not elegantly, freely at any rate" (*at* means "yet"): cf. §§3, 9, and 54.

**quem ... iudicare** Supply *eum*, antecedent of *quem*, as subject of *defendi*, and *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 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 in Clark's text. Dyck prints Hotoman's *aut confitere* and defends it well.

**ea spe** Ablative of attendant circumstances, defined by the following *quod ... futurum*.

**venisse** Sc. *te* as the subject: one may 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.

**latrocinium** In later Latin the word is often used of civil strife. Cicero is very fond of the noun. 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. 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*.

**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. The noun *noxia* is found most often in legal contexts and in comedy. The adjective occurs less frequently.

**iam prope cotidiana** 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** The present indicative is temporal, not circumstantial, implying fact. 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. 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 *vulgaris* and the *intellegentes*: *Brutus* 183).

**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.

**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.

**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 *maleficium 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 (§76), but the prosecution would argue that he had hired killers.

**Quae** Sc. *vestigia*.

**res tam scelestata 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 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 (at *Quinct.* 51 he states that *boni viri* will refrain from harming even an enemy), he 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.

**reclamat** *Hapax legomenon*. The frequentative form of *reclamo* appears only here in Latin literature. Like *reclamo*, it takes the dative (*suspicionibus*).

**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, *violarit* depends actually upon *vicerit*. Cf. A&G 485c with Notes 1 and 2. But *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 feros immanemque naturam*.

**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 (crucifixion of a Roman citizen) and *Cael.* 59 (death of Metellus Celer); also at *Sest.* 140.

**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 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 excursus 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 is probably not important for understanding anything about the passage: Cicero has cited it not for political purposes, like 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". This is an example of Cicero's use of the perfect participle to replace a temporal clause.

**cubitum** Supine with *isset*.

**ea suspicio** Suspicion of guilt for that specific crime.

**id aetatis** Adverbial 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; young physical maturity or extreme youth may also be indicated. 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** The 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 or circumstances.

**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 Videtisne** 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 more justification than the latter, whose father Amphiaraus was 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.

**iussis ... oraculis** Ablatives of cause or specification: it was Apollo who commanded Orestes to kill his mother, but Amphiaraus, 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. At the end of Aeschylus' *Choephorae* and the opening of the *Eumenides* the Furies drove Orestes from one place to another, until he gained absolution by trial at Athens. Cicero does not 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.

**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 characterize 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 emphasizing 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, etc.*

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** 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. At *Pis.* 47 he names Orestes and Athamas.

**saepenumero** Also written as two words. The adverb is rare in Latin literature, but 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 conscientiaeque 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: *suae malae cogitationes conscientiaeque animi terrent*.

**amentiaque** Instrumental ablative; the *-que* connects the verbs.

**conscientiaeque animi** *Conscientia* means joint knowledge, sometimes with oneself, and therefore means consciousness (of good or evil), here joined with the objective genitive *animi*.

**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 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 externalize the phenomenon.

**adsiduae domesticaeque 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.

**conceleratissimis filiis** The intensifying prefix on the participle (Cicero, the only Republican writer extant to use *conceleratus*, does not use any other part of the verb) makes the word almost a double superlative; the noun could be sons or daughters. The superlative of *conceleratus* occurs also in *Cat.* 3.17 and the positive eighteen times, all in the orations, notably at *Pis.* 46, the passage modeled upon this one.

**§68** Cicero returns to the argument of §§38–39 and 62, 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.

**omnibus flagitiis vita inquinata** Cf. §38. 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 listeners whether it is proper to spend large sums in a morally acceptable way.

**abhorreat** Passages where the verb has a similar force similar include *Cael.* 10 *longe ab ista suspicione abhorrere debet*. Literally the verb means to shudder at, shrink from, i.e., to be averse to. An example of this primary meaning may be found at *Sest.* 132 C. *Caesarem, mitem hominem et a caede abhorrentem*.

Frequently, 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*.

**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 usual practice.

**parentis** It is difficult to tell whether this is a subjective or objective genitive. Hatred felt toward the parent should matter more to the criminal 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** This echoes the assertion of §62: *res tam scelestia, tam atrox, tam nefaria credi non potest*; the adjectives here are roughly synonymous to those.

**§69 quo minus ... eo magis** In this comparison 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*, 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.

**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 *praestiterit*, *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. 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*.

**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,  $\approx$  *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, subordinate to the first, is in the indicative and represented as true, whether or not the Athenians of Cicero's time actually used the very laws of Solon.

**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* in contexts of legislation, natural right, religion, even agreements between people of whom he disapproves (e.g., Antonius and Dolabella). The adjective *sanctus* comes from this verb, and Cicero occasionally adverts to the word's original force.

**ne ... videretur** Negative clause of purpose; *ne* with *videretur*, *non* only with *tam prohibere*.

**admonere** Here, used absolutely, means "to suggest", a commonplace for all who argue that to mention is to encourage. 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*, to complete the meaning. Cicero expatiates upon this idea in §§71ff.

**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 for a *singulare maleficium* requiring *singularis audacia* (§§38, 62). Cicero next describes how singular the punishment was and how singular the wisdom of those who invented it. Cf. the *Rhetorica ad Herennium* 4.12.

**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, as if the potential malefactors are removed bodily. *Summoveo* is as rare in Republican Latin as it is common in the later period.

**Insui etc.** Cf. §30.

**voluerunt** This is the normal formulation in Cicero to relate what the ancestors wanted to have happen and thus made law: some examples at *Quinct.* 51, *Verr.* 2.5.125, *Manil.* 39, *Cat.* 2.27, *Mur.* 10 and 27.

**§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* (the 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.

**qui eum ... unde ipse** *Qui* and *ipse* are the son, the father *eum* and *unde*, which stands for *ex quo*. Although *unde* is not commonly used in this sense, I find a few parallels. Most 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, while at *Sest.* 141 the Romans are the source of spiritual strength. Another example of *unde* referring to a specific individual in the sense of agency or origin is *Mil.* 59 *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 crimes such as treason. This lack of burial alone was a terrible disgrace and 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". Compare §30 *quid sceleris*.

**sic nudos** The existence of a present participle of *esse* would help clarify the meaning. *Sic* 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, which is at a lower elevation than the surrounding land and rivers that flow into it.

**ipsum** *Mare.*

**cetera ... expiari** All other forms of blood-guilt except parricide; washing in running water or the sea was part of the ritual of cleansing. Compare *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. It is the opposite of "nothing was too good for them".

**cuius** Introduces a relative clause of result; *cuius* refers to *nihil*.

**§72 spiritus etc.** Cicero has four words but only three elements. *Terra* and *litus* are both earth.

**fluctuantibus ... ejectis** 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.

**Ita vivunt** Tetracolon with anaphora. The condemned men live *ita*, correlative to *ut*. So *ita moriuntur ... ut* below. This section is characterized by gross excess, but evidently produced a good effect. Later on Cicero admitted that he found his early rhetorical excesses embarrassing: *Orat.* 107 (with specific reference to this passage). Three of the verbs in this sentence repeat the participles from the last (*vivis–vivunt*, *mortuis–moriuntur*, *ejectis–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, preferring *non queo*. At *Orator* 154 he lists the verb *nequire* with other syncopated formulations; compared to *non possum*, he uses neither form of the verb *non queo/nequeo* very frequently.

**eorum ossa terra non tangat** 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 symbolically gets in the way.

**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: the Romans have ritually removed the offender from contact with any of the four elements.

## §§72–73 Resumption of criticism of Erucius' lack of preparation

**cui maleficio** Dative with *constitutum*. The relative acts as adjective (≈ *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 *maleficium* thrice in the same sentence.

**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 paratusque 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. *paratus atque accuratus dicere* (*de Or.* 1.150), *dimicareque paratus* (*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*: 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 (*qua re*) for discussion of means and opportunity (*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 debo** "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*. The three gerunds in the genitive modify *potestatem* (power of responding = opportunity to respond), the normal construction with this expression.

**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*.

**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. There was a period of many years during which Roscius did not visit Rome at all, and even when he did, he stayed no longer than three days.

**neque umquam plus triduo fuit** Sc. *Romae*. *Triduo* is ablative of comparison.

**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 if 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; see also *Cael.* 31.

**perveniri solet** An impersonal passive not frequent in most authors, although it occurs in military contexts in Caesar, Sallust, and Nepos. Cicero speaks of getting to speakers in a senate meeting (*Att.* 1.17.9 *erat dicturus, ad quem ... perventum non est*). 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.

**veniat facito** *Facito* is future imperative; *facere* is often followed by a result clause, but here *ut* is omitted. *Veniat* is part of the expression "come to mind" (with *tibi in mentem*). The clause is a periphrasis for the imperative "remember". One may adduce various stylistic reasons to explain the appearance of this form here, especially the formal flavor of the future imperative. 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** *Illud* refers to what follows, the *quod* clause, which he does not 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.** An analogy from the botanical world; agricultural authors also compare the treatment and growing conditions of plants and people. *Vt* is correlative with *sic*.

**possis** Generalizing 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*.

**exsistat** The verb, like *creatur*, *erumpat*, *gignuntur*, is another equivalent for *nascitur*. The sentence provides a good example of *variatio*.

**erumpat** Also dependent on *necesse 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.

**parsimoniae, diligentiae, iustitiae** With *magistra*, feminine because *vita* is. Note the asyndeton.

**§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*.

**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** 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.

**qui** Refers to the subject of *misit*, Roscius, not to the *sicarius*.

**horum** Neuter, partitive genitive with *nihil*.

**configi** The means cannot even be invented, let alone proven. Cf. §30 *crimen incredibile configunt*; §54 *finge aliquid saltem commode*.

**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 suggest, 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, 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 slaves were questioned. Roscius ought to have had a chance to question the slaves before the property was confiscated (Kinsey 1985: 191).

**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*, and powerful names. Cf. §15, and 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. 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 Horace *AP* 372 what is (or is not) *in pretio* is not the poet but his books.

**ego postulo, hic orat atque obsecrat** The difference between the *patronus* and the defendant is marked by the meanings of the verbs; while Cicero demands, Roscius beseeches. See §§119–123 for more on the slaves.

**§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. Even by Cicero's own reconstruction of events, it is more likely that the T. Roscius 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. Note alliteration in *patris potestas permittitur*.

**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 reinforce the negative *nihil*, as in Greek: A&G 327.2.

**paternae ... paternis ... filio** Cicero emphasizes 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. Hinard and Dyck print *post*.

**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 ... diluissem** Pluperfect subjunctive for future perfect indicative of direct discourse, secondary sequence after *pollicitus sum*.

**§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 (specifically, noun).

**quo ... posses** Relative clause of purpose; *quo* refers to *nomen* but means "to where" with *configere*.

**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, *Phil.* 2.92, 11.36, 12.19). But passages similar to this (the most fully developed) exist, e.g., *Div. in Caec.* 36, *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 ... configerit* is a relative clause of purpose.

**inopia** Ablative of attendant circumstances; i.e., "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.

**duas res** Namely *perfundere* and *accusare*; the verbs and their objects are arranged chiastically: *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). 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.

Cicero may have been carried away by his image of Erucius' shipwreck. If something has just bounded off the rocks and landed on the accusers at sea, one might imagine a great splash, and with this still in mind Cicero now sees Erucius trying to "swamp" the opposition with this trial.

**volgo occidebantur** Echoes *homines vulgo impune occiderentur* above.

**Nonne** 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 habitat* (Roscius).

**temporis illius** Cf. §§1, 9, 28, 58, 150.

**multitudinem** Subject of *fore*.

**ipsci** These are the same people as *Ei ... qui ... qui*. *Duces ac principes* is in apposition to the pronoun *ipsci*.

**erant** The indicative in a subordinate clause of indirect discourse means either that (1) this relative clause (*in qua ipsci ... erant*) is Cicero's own addition, not part of their original thought — and this is the more likely here, or that (2) the statement is true regardless (A&G 583).

**huius criminis** Double dative.

**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. Cicero does not address 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 attacking the prosecutor's supporters.

**Vereor** The indicative 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 chiastic 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). No other Republican author uses it. It occurs occasionally in prose of the Imperial period. While it might not mean exactly "false accusation", it generally has 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 criminaris*.

**dissoluta est** Same figure as in *diluam* in the next line; *diluo* = *dissolvo*. See note to §36 *oportet diluam*.

**exspectatis ut ... diluam** The verb *exspecto*, "to look out for", "wait", precedes a purpose clause stating the jurors' intent. The verb often occurs with *dum*, 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.

**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.

**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 bad: *Marcell. 1 tam inusitatam inauditamque clementiam*). The adjective often has the connotation "unusual" or "extraordinary".

**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". 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*); it 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. *communis*); *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.

**ibi** "In that part of the trial".

**in ipsa causa** In the lawsuit itself, in the official charge of parricide.

It is worth considering whether Cicero consistently argued most 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 prior intent, and says little about the actual circumstances of the crime, which many people witnessed. In the defense of Roscius he presents background information, arranged 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, peculation, is scarcely touched upon.

### §§83–123 Counteraccusation. Magnus and Capito

**§83 eo** Old dative form = *in eum locum*, correlative with *quo*. Cicero turns to the offensive, but not without a *praemunitio* to prepare the judges for the negative things he will say. Cf. *De or.* 2.304 and 3.204.

**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; 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. He apologized for prosecuting Verres, and explained that he could do so only by regarding the prosecution as a defense of the Sicilians: *Div. in Caecil.* 1, 4, 5.

**crescere** Grow by getting a reputation. Many men marked their entrance into public life and gained notoriety by prosecutions of important political figures. Cf. §55.

**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 altiore 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 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 least 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. sees no problem 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 characterization 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*, requires (*quam* 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. Pötter 1967: 15 says that Cicero only uses *coarguere* in contexts of having proof, e.g., records of some sort, or witnesses, or even the sorts of arguments that make guilt plain, to which category this passage belongs.

**leviter** He promises only to scratch the surface; cf. §91.

**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. 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 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, 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 ... paratiiores*.

**palmas** Prizes; for victories, or in this case, for killings. Cf. §17.

**cognoscet** "He will recognize". The verb cannot mean to learn about, but to hear about, since Capito knows what he has done, but does not suspect that Cicero knows.

**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. Cf. *Mil.* 32, *Phil.* 2.35.

**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*, in an extended sense: 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 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 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.

This is a present contrary to fact condition where the ablative absolute *illo ipso iudice quaerente* substitutes for the protasis: A&G 521a.

**vir ... fortissimus** M. Fannius; cf. §§11–12.

**ab innocentia** *Ab* means "in regard to", "on the side of".

**apud Cassianos iudices** *Cassianus* represents not possession, but likeness; cf. *Verr.* 2.3.137 and 146.

**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 (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 fuisse*, 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 and the question of motive pertained to the *praeda* and to who had it; he had also just said *illos amplissimam pecuniam possidere*. Magnus, the person who must be meant by the *tu* implied in *fueris*, has replaced *illos* in Cicero's description of motive.

**ut ... fueris** A substantive clause, the subject of *accedit*. 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 to keep *tenuitas* as the subject. The difference between *simulo* and *dissimulo* is that the simple verb means to pretend that one is what one is not, the compound to pretend that one is not what one is. Cf. *dissimulare* in §102. On *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 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, 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*).

**§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 cognatiq[ue]** Of a (fellow) townsman and relation (Roscius maior).

**alienissimo** Chrysogonus.

**Quam sis audax** *Quam* 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.

**hoc est etc.** Cicero never lost his taste for insult by definition; cf. *Phil.* 2.70, *Verr.* 1.1.15, 1.1.25, 2.3.84, *Mil.* 24, *Pis.* 65.

**qui ... sederes** Causal relative clause.

**os tuum ostenderes ... offeres** Cf. *Phil.* 2.68. 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 familiaris* (the usual construction). 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. Perhaps the quarrel over property — if there was a quarrel at all — was a minor one, or 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 quietly effective summation.

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 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, is not, and 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", "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 the fruit of one's labor, as in agriculture. The distinction may best be observed in the English expression "to break even". 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 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.

**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.

**§89** 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. 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 that the mention of proscriptions and the indiscriminate slaughters at Rome is necessary to Cicero's case.

**Haec ... tot et tanta** Object of *nanctus essem*; Cicero means the grounds for suspicion of motive.

**si nanctus essem ... dices ... 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*. 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" 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 emphasizes the physical aspects of the expression; he may have accompanied the passage with exaggerated gestures and delivery.

**Neque ego non possum** = *Et ego 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. 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 he 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.

The form *sat* appears frequently for *satis* in poets prior to Cicero's time, and occasionally in Cato. Cicero rarely writes 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 Servilius 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. 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 vindicated themselves. Familiarity with Ennius, Radin 1910/11: 214–215 points out, 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 (see Radin 1910/11: 211, 216–217), and may have been prompted by his coming reference to Priam and the Trojan war.

**omnis ... Curtios, Marios, ... Memmios** "People like Curtius, Marius, Memmius". No one knows who these men are, or if the plurals are real or generalizing. 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 (perhaps originally from Arpinum). On this Marius see Hinard 1985a: 374–5 (No. 47 Marius), 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.

For the last name the manuscripts all have *Mammeos*, which is 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 leaves some other less well known Memmius as a possibility, or an even less well known Mammius (a name which is found on inscriptions), and this 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 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.

**Priatum ipsum senem** Antistius, a senior prosecutor, plays the role of Priam. The information 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.

**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** 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". The indicative *accusabant* follows because Cicero is enumerating, not characterizing.

**inter sicarios ... de beneficiis** 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.

**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 multaque 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. 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 does often mean a crowd of people, a mob, people in general (the *vulgaris*) 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).

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).

**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, thrice 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.

**rei publicae** Dative with *offundo*. The verb is quite rare in Cicero; it is usually used metaphorically 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 this one is the most effective.

**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 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 purpose clause usually — and logically — precedes the action on which it depends.

**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 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: 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.

**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; this 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* (or *vult*). Cf. note to §47 *quamvis multos*.

**possum** Sc. *diu dicere*, another reminder of §89.

**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 ablatives; *studium*, a liking or inclination for a thing, replaces the *cupiditas* of §83, as *officium* replaces *fides*: Cicero uses words describing behavior rather than impulse.

**§92 causas esse permultas** §§86–88 contain some of the motives. The infinitive *esse* is an "historical present" representing a past tense, as is clear from the imperfect subjunctive *impellerent* which follows. See Lebreton 1901: 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 eum esse occisum 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 volgo impune occiderentur ... multitudinem sicariorum*; Cicero here echoes that statement.

**quae** Interrogative adjective, meaning *quorum?*, as is evident from the next sentence.

**eorum** Genitive refers to the *multitudo* above.

**qui in bonis erant occupati** Another relative periphrasis for a noun that does not exist. *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*. But Cicero means men engaged in gaining property.

**conducebantur** "Were hired" + purpose clause.

**si eos putas** 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 percussores vocant** 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". This is the first appearance of *percussor* in extant literature and Cicero is the only Republican author to use the word. Adams 1973: 290 n. 69 suggests that a *percussor* strikes but does not necessarily kill. The three other examples in Cicero do not specify a successful attempt: *Dom.* 13, *Phil.* 2.74 and 4.15.

**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 criminе** 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".

**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.

**Per multa ... quae ... qua re** *Per multa* and *quae* are "things", i.e., "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.

**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: *medius fidius*: L&S s.v. *fidius*.

**invitus** Not out of fear or compassion, but embarrassment at stating the obvious.

**cuicuimodi** 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 emphasized. 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: *fides* is a function of the patron'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 has become fossilized.

**oris tui** Cicero explains in the next sentence what he means: his presence in court is offensive. Cf. §87 *os tuum etc.*

**Tene ... depoposcisse** *Te-ne*; the interrogative particle *-ne* is added to the first word in the question. Use of the accusative and associated infinitive indicates an

emotional outburst, similarly to the accusative of exclamation. Leumann–Hofmann–Szantyr II.2.2.366 (§200a), *Infinitivus indignantis*, say Cicero uses it in early orations and letters.

Cicero uses the verb *deposco* two dozen times in the orations, only thrice in other works, often of demanding a duty, honor, or other business for oneself, for good purposes or ill; sometimes reinforced by the negative of its opposite, *recuso*.

**illorum** Magnus' *socii*. Cicero does not write *de sua praeda* because (1) he likes to contrast *hic* and *ille*, (2) he wants to emphasize 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 *offeret* in §87.

**partis** Accusative plural: a role, as in a play: see note to §35 *partis*.

**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.

**§96 quis primus Ameriam nuntiat** Cf. §19, and note.

**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* 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. Rosci 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*.

**sceleris ... 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.

**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.

**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 is used of the past, deliberately so that Cicero can score a rhetorical point with 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 *talis, tale* in the main clause introducing a result clause; here *eo* is an adverb and there is no corresponding form of *talis*.

**Qua ratione** Another expression for *cur*.

**primo** An emendation for *primum*; this is the adjective 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** The participle of *convenio* often appears as an adjective meaning "agreeing", "harmonious": L&S s.v.

**sceleris tui** Cicero assumes Magnus' guilt; he is trying to establish Capito's prior knowledge and partnership in an actual plot against Roscius maior. As a bonus, he assumes the very thing that he has said he will not try to prove. See §§98–99.

§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, as he may have been.

**excutio** 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.

**qui tam cito** *Qui* is the adverb how; it is a good question.

**fac audisse** The imperative of *facio* is used to present an hypothesis: L&S s.v. *facio* B.6. *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 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; putting things together (*coniectura*) + *capiō* = to form conclusions.

Here the manuscripts have *capienda sit*; Clark with Madvig prints *est*, as do others, including Dyck. Baehrens 1912: 501–503 defends the subjunctive, with many other examples, in a section introduced by a statement that verbs of necessity, will, or appearance are often subjunctive for no compelling reason, especially if they are auxiliary verbs. Hinard prints *sit*.

**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" what they have heard. The intrusion of the relative clause *quae audistis* between the object *haec* and the verb *cernere* limits what he wants the jurors to see: 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 *nonne* because he has commenced with it.

**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 or indirect discourse. 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 ... colocat ... sui sceleris** Grammatical necessity sometimes has a way of forcing a point: by making Magnus the subject of the sentence Cicero can attribute to him the crime.

**Automedontem** Glauca is likened 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. 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. *Pervigilo* is a *hapax legomenon* in Cicero.

**honoris sui causa** The phrase *honoris causa* used literally. Magnus is still the subject of the main verb upon which these purpose 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. The context rules out the alternative — "what was it that ..." — because the question 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.

**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** More hearsay; this new departure is fully in keeping with the rest of this remarkable passage, an attempt to discredit Capito as witness before he testifies.

**hanc suspicionem** I.e., of being a murderer, or party to murder.

**lemniscatam** Sc. *palmam*, 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 *lēmniskos*) is more common. This is a repetition of the claim of §17.

**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.

**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). See the interesting discussion of the evidence by Néraudau 1978: 160–161, who observes justly that the combination of the three elements required (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*. Parkin 2003: 259–272 investigates the proverb for relevance of marginalization of older people.

**atque adeo** "Or rather", correcting *si* to *cum*, but retaining the conditional construction.

**§101 Veniat modo, explicit 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*.

**Erucius conscripsisse** The verb is often used of writing history or other literary efforts, as well as of enrolling men in the military, into tribes, or of writing legislation. There is no telling what means Cicero would use to prove Erucius' authorship: handwriting? cf. *Phil.* 2.8. For discussion of things composed in trials, cf. *Rosc. Com.* 6, *Clu.* 184ff.

**aiunt** One cannot tell here whether by "they" Cicero 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.

**O praeclarum testem etc.** Cf. *Cael.* 63 *Testis egregios!* The accusatives of exclamation do double duty as red herrings.

**exspectatione** Ablative with the adjective *dignam*; Capito is being awaited because he has not yet appeared in court.

**libentibus animis** Ablative of manner.

**nos** Cicero addresses the jurors and identifies his vision with theirs. The nominative *nos* is used 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 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 and 75. 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, 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 (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: 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** 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. Africa is the third of three parts or continents enumerated by the ancients: Landgraf ad loc., citing Sallust *Iug.* 17.3.

**sua res** Lebreton 1901: 134–7 discusses situations where *suus* is emphatic, including those 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; cf. Landgraf ad loc.

**in talēm virūm** 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.

**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 bonorum  
                  de quibus agitur emptor atque possessor est  
et (2) eum hominem occidendum curavit  
                  de cuius morte quaeritur

**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.

**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; (2) No witness called by the prosecution (*teste ... eo qui ... surgit*) should be sitting with the prosecutors.

**Huc accedit** *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 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 ... quadriduo quo** Cf. §20 and notes.

**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*. It is only because of the recent proscriptions that Cicero can argue that this is the usual way for someone's property to come to the attention of the wrong people. 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 *auditis*, 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", "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*, which Hinard prints and translates "there is nothing there to give you grounds for suspicion".

Madvig's emendation, which Clark prints, would translate: "Here there is nothing that you would seize upon with [instrumental] suspicion". Dyck prints the emendation of Sydow 1937, *quod suspicione me ponere hoc putetis*. 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 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. Roscius 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.

**colere atque observare** In practical terms the two verbs indicate virtually the same thing; *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.

**qui ... acceperit** Relative clause of characteristic.

**indici causa partem** There is a textual problem with *iudiciuae* or 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*." Hinard and Dyck print *indicivae partem*; this reading makes the most sense.

**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 (long discussion of Cicero's usage in Aulus Gellius 13.24); cf. *pugna* near the beginning of this section. Cicero continues the metaphor of a military action and its result. The word often occurs in Cicero with *praeda* or *spolia*, or both, but in other contexts it usually indicates either the spoils of foreign war or of civil strife, 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, and further impugn Capito's value as a witness.

**§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 ... iudicatote** 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).

**violarit et imminuerit** The verbs may be taken with *sanctum* and *integrum* respectively.

**§110 Impedimento est** Capito is the subject of *impedimento est* (*impedimento* is dative of purpose); a clause of hindering follows. Landgraf offers parallels.

**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 aditum** 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. 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: *Hoc edicto tenetur etiam is qui depectus est: depectus autem dicitur turpiter pactus*. The instances from Cicero's orations and the *de Inventione* 2.72 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 (Att. 9.7.3) *cum enim tot impendeant, cur non honestissimo depecisci velim?* the phrase *honestissimo depecisci* is an oxymoron.

**omnis aditus ad Sullam intercludere** For *intercludere* with *aditus* cf. *Verr.* 2.1.136; it also appears with *via*, *reditum*, *perfugia*, or *vox*; the path may be literal or figurative.

**fide ac potius perfidia** *Atque*, often with *potius* in Cicero, connects the corrective phrase: L&S s.v. *atque* III.a.

**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 seems not to have received 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), of which he subdivides the parts, then continues (my translation), "This portion is woven into the argument not without some violence; for the legates, who set out for Sulla from

Ameria, 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."

On pp. 102–103 Preiswerk refers again to §§111–112, a four-part *ratiocinatio* which conforms well to the precepts that Cicero sets out in the *De inventione* 1.57–9, 63, 65, 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), in which Cicero 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).

**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.

**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. There is word-play between *officio* "duty" and *officis* "obstruct".

**de medio** See note to §20 for the idiom.

**Suscipis onus offici quod te putas sustinere posse** Cf. §10 where Cicero speaks of his own *onus* and need for help.

**maxime grave ... minime leves** Clark and Hinard both accept Dobree's change of the first *minime* in the manuscripts to *maxime*, while Landgraf and Dyck have Müller's emendation of *grave* to *leve*.

**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 *ferre* does duty. The same omission occurs with *credit etc.* in the next line.

**Perditissimi ... hominis** Appositional genitive with *dissolvere* and *fallere*.

**§113 concreditae** A Plautine word (16 occurrences), this 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; the meaning of not to be *inter vivos* is to be "politically dead", if not actually; Dyck interprets the phrase as a hint that Capito should be liable to a capital charge.

**In minimis privatisque rebus** Cicero raises the stakes: before he had contrasted *in minimis rebus* with *in re tanta*; here *in re tanta* is defined and characterized 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 mandat*. Cicero omits a logical step in his argument: *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 *adficietur* 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*.

**§114 si hanc ei rem** Note (1) position of personal pronoun (dative, = Capito); (2) *Nunc non hanc ei rem ... mandavit* below. 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; it is usually adverbial (see note to §118).

**rem suam** Here means property, profit realized (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** The adjective *paululus* and the neuter noun derived from it occur infrequently in classical prose except in Cicero. The addition of *nescio quid* (the pronoun: see L&S s.v. *nescio* I[g]) achieves an effect opposite to a superlative's.

**convertit ... evertit** Paronomasia.

**tantidem quanti** Correlatives in a chiastic 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". The same correlatives occur at *Verr.* 2.3.192 and 215, and not elsewhere in Cicero.

**§116** Cicero 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.

**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.

**cuius** 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 generalizing statement.

**eius ... cui** Any person in Capito's position.

**ad cuius fidem ... per eius fidem** A word-play involving the etymology of *perfidia*.

**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 offici laedimus** A ticklish situation for a Roman; cf. note on *laeserit* (§113). The choice is between being *impius* and *stultus*: see below where Cicero says *socium offici metuere non debuerunt ... parum putantur cauti providique fuisse*.

**§117 tametsi ... videtur** Cf. §56 *tametsi miserum est, tamen...* .

**muneris ... mandatorum** *Copia*: the four words do not mean exactly the same thing, but convey the same message.

**induxit ... febellit** 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 febellit*) 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 febellit.*

**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 *suspiciari* and *nihil* for emphasis.

**potuerunt ... crediderunt** The indicative verbs in the relative clause indicate 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 Caelio*.

**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** 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 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*. In some formulae the preposition precedes a relative pronoun, especially *quo de agitur/agimus* 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, convincatur** 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 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".

**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. The adverb modifies *postulatos esse*, not *dixi*. Cicero has mentioned the request for slaves at §§77–78.

**duos servos** Cf. §77 line 12 *duos servos paternos*.

**qui impetrarent** A relative clause of result, and a ridiculous alternative, considering the familial *dignitas* of the men who demanded the slaves for examination. All three possibilities would be ridiculous to a right-thinking person of Cicero's defining, which is why he phrases the question thus.

**an is ... postulabant** Rather than saying that Sex. Roscius was in a pitiable state (as he does just below), 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*? Cicero rarely uses the adjective *infelix* of a defendant in a trial, though he does at *Quinct.* 94.

**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 ... quaereretur** 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 interesseret*.

**maleficio** The murder of Roscius maior.

**cum occiditur** The historical present indicative with *cum* indicates a definite time, as opposed to circumstances: A&G §545 cite this passage. Cf. Lebreton 1901: 186, who cites this passage and others.

**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.

**oppugnari** This 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 *necesse 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** About 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.

**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 characterization 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 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.

**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 characterized the father also as a rustic. At §43, however, he does set him in a rustic, provincial milieu.

**§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, and only in the perfect tenses (which would further intensify the intrinsic meaning); sometimes, however, with aoristic sense ("to conceive a passion for"), as at *Verr. 2.2.85*.

**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.

**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.

**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 Rosci had demanded the role for themselves.

**gratiā 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 *perniciosa atque intoleranda potentiam ... extingue atque opprimere debetis.*

**§123 Ego sic existimo** Another argument from likelihood.

**qui quaeri velit** Cicero speaks generally of anyone who is (the first *eum*) or is not (the second *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 and 91.

**quae posita sunt etc.** The antecedent of *quae* is *ea* below; a semicolon after *attigi* would be helpful.

**sit disserendum** The passive periphrastic in the apodosis is subjunctive in a mixed condition and indicates potential; Landgraf ad loc. compares the Greek optative and cites a parallel at *Div. 2.131*.

**§§124–149 Chrysogonus**

**§124 nomen aureum Chrysogoni** *Paronomasia.* *Chrysogoni* is genitive both of definition and possession. Dyck, with Weidner, deletes the name as a gloss.

**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, although the prosecutor has not mentioned Chrysogonus.

**neque quo modo etc.** A double indirect question; the verbs would be deliberative subjunctives in any case, and the idea approaches that of a purpose clause.

**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.

**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. There were many who had bought property at auctions under Sulla; these people he attempts to mollify by his next statement.

**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 require saying").

**nova profecto et singularis** 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*.

**tantus homo** Roscius maior was not an important man. 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.

**§126 Scriptum enim ita dicunt esse** An impersonal passive verb, with no personal agent, reported by persons unnamed. Cicero implies that he has not read the law, although surely he has.

The two provisions of the law concerning sale of property are printed in small capitals. The first category 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.

**omnes recesserunt** *Omnes* is Clark's conjecture to give the transmitted verb a subject; Hinard and Dyck concur. 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*.

**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** One must understand Roscius maior as the subject of the infinitive.

**quo iure ... qua legē** 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 any active part in the matter.

**vis** Cicero says that Erucius wants him to make allegations about Sulla to 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, 91.

**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 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 is the strongest, the last is the weakest: he lied, he falsely portrayed, he said, he prevented instruction.

**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 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 the 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 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 would not come under official confiscation until after that date.

**Aliquot post mensis** Alternative construction of time: one way is to write *post* with an accusative object (as in §19), another is to use *post* as an adverb accompanied by an ablative of degree of difference, as here.

**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. If Cicero 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.

**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, but not here; English facetiously comes close. Cicero believes that seizing property without even bothering with a falsification of records is more clever than employing 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. Sedgwick 1934 believes that Chrysogonus removed Roscius' name from the proscription lists after meeting with the delegation from Ameria, and was consequently compelled to have the son prosecuted in order to keep the property, which no one else would bother about if the son were removed.

**aliqua ratione** Here = *aliquo modo*.

**lege quidem bona venire non potuisse constat** *Lege* is ablative of specification. Cicero 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* and for the first and only use of *reduvia*, a word rare in literature, in Republican Latin.

**laborat** Roscius is the subject of this and the following verbs in the sentence.

**non ... dicit** *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 dicit*.

**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** 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 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** The force of the present is "unless we look out (right now)". There is nothing potential about the statement.

**pronuntio** Announce, with emphasis on the *pro*: he tells his part first, Roscius' last.

**casum causamque** *Paronomasia*. Here, *casus* means misfortune. Dyck prints Richter's change of *vitae* to *vitam* and omission of *casum*, thus *vitam causamque*.

**in extrema oratione nostra** §§150ff.

**§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 and others. The relative clause is indicative, a statement of fact.

**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* = "asccribe 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*, 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, followed by Hinard and Dyck; 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 daring 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, and the "judgment", of his authority. The collocution 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 in this sense, distinguished persons and the senate excepted, e.g. *Verr.* 1.1.13; cf. *Phil.* 10.19.

**nocuit ... delevit ... perdidit** *Copia*; there is a different verb for each type of thing affected.

**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 (*magnitudinem rerum*) 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). 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 constituenda 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 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 designer 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*. It is scarcely found outside of Cicero at all, even in its literal sense. 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* and *Cat. 3.6*.

**unum** Alone (all by himself), contrasts with *omnium*, and, puts the attentive listener in mind of what Cicero had said earlier of Sulla in §22.

**cuius** Chrysogonus'. One must expect at least one other form of the relative pronoun, and perhaps several, but at this point some text has been lost because of the poor condition of the archetype. 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 ...>*. Hinard agrees with Stroh and Dyck does not.

**In vico Pallacinae etc.** The next lines contain lemmata from the lost text and the scholiast's comments. The lost portion was part of the attack on Chrysogonus and his role in the seizure of the property, and the scholiast's comments show that after a reference to the circumstances of the murder Cicero describes Chrysogonus' fear and his explanation for why he was in such a hurry to carry off goods that he had probably not bothered purchasing: he needed furnishings for his new villa.

**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*; Dyck prefers *villam*) 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** An example of an "ethical" dative; cf. "don't you know".

**de Palatio** The Palatine was the fashionable hill for residences in the late Republic and later for the emperors.

**animi causa** For amusement: 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 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" (*authepsē*), some kind of Greek cooking apparatus. This is almost a *hapax legomenon* but the word recurs in SHA *Life of Elagabalus* 19.3.

**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: the passersby, hearing such a high price, thought 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".

**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 like Persian carpets or tapestries.

**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 gratiosus*.

**in turba et rapinis** In (the recent civil) disturbance and robberies: cf. §91 *vis belli ac turba.*

**coacervari** The verb implies a lack of discrimination either in collection or in display.

**Familiam** Here = slaves.

**quam ... artificiis** I.e., *cum quam variis artificiis*; *quam*, as always with a following adjective, means "how" (exclamatory) or "what" (interrogative) and modifies the adjective. Chrysogonus had slaves of manifold professional accomplishments.

**§134 Mitto Praeteritio.**

**artis** Accusative plural, and means *articia*; 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 ("resound") is not a compliment in Cicero, nor in the sense of "cry out"; cf. *Rep.* 1.2; *Cael.* 47.

**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 *honesta, 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 ... deversorium** An *officina* is a workshop, place of manufacture, although the manufacture of *nequitia* is metaphorical. A *deversorium* was a place of lodging; metaphorical also at *Phil.* 2.105.

**§135 Ipse vero** Cicero aims away from the properties and squarely at Chrysogonus himself.

**quem ad modum ... videtis, iudices; videtis ut ...** The indirect question in chiastic 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 chiastic statement.

**composito ... capillo** Evidently not standard Roman grooming procedure. 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, though as Sulla's freedman he is 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* means "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.

**vereor ... ne quis imperitior** (*Ali)quis imperitior* is a general term for a person ignorant of Cicero's political position: he maintains that he supports the Sullan faction (*causam nobilitatis victoriamque*, below) even though he disapproves of 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; 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 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 civil strife be avoided.

**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 *improbitatem et gratiam cum inopia et veritate contendere*, 92 *utrum possitne se contra luxuriem ac licentiam rusticana illa atque inculta parsimonia defendere an deformata atque ornamenti 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. 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 characterization. *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: A&G 343c.

**quibus incolubus** 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.

**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.

**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). At *Manil.* 28 Cicero lists what he considers necessary qualities for an imperator: *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.

**contra omni ratione pugnarunt** *Contra* is an 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 debo** 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.

**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 pugnasse 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".

**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*.

**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 repressing 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).

**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*.

**Velle** An imaginary citizen, senator, or juror speaks. The optative indicates a wish unrealized in present time and has the same tense of the subjunctive as a present contrary to fact condition; cf. *dixisse* for action unrealized in the past "I would have said": A&G 442b.

**liceret** Sc. *dicerem*.

**Hoc fecisse** With *velle licet*; similarly *hoc decrevissem* and *Hoc iudicassem*.

**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*). 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").

**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 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.* 1.1.35 and 2.5.175. 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.

**munitet** If not a *hapax legomenon*, the frequentative of *munio* is extremely rare.

**quod iter adfectet** Literally, "upon what road he makes his way toward [his objects].

**ad fidem etc.** 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.

**§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** The absolute use of the verb, with *aliquid* an internal accusative, means "to have some power".

**Neque ... quod verear** The subjunctive in a negative causal clause introduces 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 chiastic 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** 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 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 characterizes 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.

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*. This passage, save for the substitution of an explanatory *quod*-clause, belongs to the latter category, thus 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.

**exspectata 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. Cicero accepts this bit of Sullan propaganda 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 redditumque L. Sulla* *sine iure fuit et sine ulla dignitate res publica*. See Badian 1962.

The participle *exspectatus*, 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.

**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 emphasizes, using the word *nobilium*, his feeling of outrage: did the nobility recover the state so that slaves could attack 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.

**fateor me errasse ... fateor 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". By saying *debet esse* rather than *est* Cicero adds a layer of obligation.

**ornamento atque emolumento** Datives of purpose with *rei publicae populoque Romano* as datives of reference in the double dative construction: "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* means "be ignorant of", "fail to understand". The *causam* refers to the same thing, the cause of the nobility, meaning that 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 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 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; 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" Cicero 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: "that supporter". Cicero means, in a grammatical sense, no specific person, although he may have had one or more persons in mind. The pronoun *ille* is used instead of *is* as antecedent of the subject of *qui ... putat*. 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.

**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, 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 the same thing as *imperitus rerum* when *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 his own that had been his father's.

**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.

**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 time the verb is used in this oration. Before the section on Chrysogonus, Cicero had used *laedo* in the sense of "violating what is proper": §37 *voltu saepe laeditur pietas*, §111 *[fidem] qui laedit*, §116 *per eius fidem laeditur ... ius offici 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. For the third time Cicero uses *officere* and *obstare*. In §6 Roscius' life was a hindrance to the property that Chrysogonus had; in §112 an hypothetical person (i.e. Capito) obstructed the performance of a duty. This section recalls Cicero's statement from §6 but with the added pathos of being voiced by the defendant himself.

**quid tibi obsto?** This is the last question spoken in Roscius' persona; Cicero then reverts to his own.

**Si spoliorum 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 spoliorum causa ... spoliasti*
- (2) *si inimicitiarum [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 argumentis 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 oppugnas*. 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*.

**tua** The adjective is predicate: *bona ... facta sunt tua*.

**id te vereri quod** *Id* is the antecedent of *quod* 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 exhortations in the form of questions.

**Quis .. praedo ... quis pirata** The interrogative pronoun is used as an adjective, a frequent substitution for *qui* with nouns denoting people. This is the first occurrence of *pirata* in extant Latin literature.

**§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).

**oppugnas ... eum quem ... possis** The statement begins with a repetition of *oppugnas* 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 speech.

**Quasi vero nescias** Heightened sarcasm; Cicero answers the pretended complaint of Chrysogonus that Roscius is sitting, clothed, in court. 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 paternal brothers, L. Caecilius Metellus Diadematus (*RE* 93) cos. 117, censor 115; M. Caecilius Metellus (*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. It is surprising that Cicero does not name Q. Caecilius Metellus Macedonicus (*RE* 94), 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 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* 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 characterization of the vigorous defense as *indignum facinus* (cf. *indignum* in §147) raises the stakes.

**Mihi crede etc.** Cicero in self-righteous mode 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.

**audent 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 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** 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 personally.

**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 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 and Dyck also identify him as Niger. Many 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) and *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 ... malent 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.

**quam** With *malent*, 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, who compares §144, *Sulla* 90, *Scaur.* 45n.

**si a Chrysogono ... non impetramus** This appeal to the jurors is different from the appeal cited in *Rhetorica ad Herennium* 4.22. 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* 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 employs a wealth of details showing how unfair Chrysogonus' 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,

§7  
primum a Chrysogono peto  
ut pecunia fortunisque nostris contentus sit  
sanguinem et vitam ne petat;

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.

deinde a vobis, iudices,  
ut audacum 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.

**lucem ... eripere** Means *interficere*. Cf. §63 *propter quos hanc suavissimam lucem aspexerit, eos indignissime luce privarit*, 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 *misericordia*.

**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.

**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 *iugulandum ... tradiderunt* and note ad loc.

**hoc** Explained by the substantive clause *ut ... conlocent*.

**imperatores** An *imperator* is a general who has led an army to victory and whom the soldiers have recognized as successful, or, more generally, one 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 improviso incident* (relative clause of purpose). Any who flee from battle will fall in with — not attack — the soldiers placed in ambush. Relative clause of purpose.

**si qui ... fugerint ... incident** In this future more vivid condition, there is a future perfect in the protasis and a relative clause of purpose forms the apodosis.

**de improviso** 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 improviso*.

**arbitrantur ... vos hic ... sedere** This parallels *quo fugam ... fore arbitrentur*.

**bonorum emptores** *Paronomasia*: these two words together sound much 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; 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); 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. 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 in his argument here, as those prosecutions were regarded as necessary and proper (cf. *Cat.* 4.13). Cicero as consul heard a similar objection raised by Caesar against the execution without trial of Catiline's co-conspirators, if Sallust *Cat.* 17 is an accurate report. 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).

**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* above, the ones who could take up arms.

**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. *aspernor* 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 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 negligible, 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 perfidious dealings with the Samnites or the treatment of Agrigentum in the First Punic war, but it is the part of arrogance to call leniency anything that falls short of total destruction. Cicero himself recognized the principle: *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 characterization 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 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 *philanthrōpia*. 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. In Cicero's first extant pleading, the word *humanitas* occurs twice, both in contexts of cruelty and actions at law: *Quinct.* 51 and 97. 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 recognized 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.