



Further Commentary Notes: Sections 53-80

53

insanas illas substructiones: Clodius seems to have had a passion – almost, as Cicero suggests, a mania – for building, a characteristic shared by others of his class at this time. His connections with an architect, Cyrus, have already been referred to (§§46 and 48). Later Cicero will catalogue the extent to which Clodius would go to obtain the building sites he wanted; an unsuspecting owner might realise Clodius had designs on his land only when teams of surveyors arrived to take its measurements, Clodius' own brother lost a property of his when he took advantage of his absence, and in the case of a desirable situation on a small island, he sent over boats with building materials and erected a house there while the owner watched from the river-bank! These are colourful but unsupported accusations (§§74-75).

The **substructiones** were foundations being cut out of a hill, so the picture is already suggesting the height advantage Clodius' available forces had.

edito ... atque excelso: the synonyms are placed emphatically around the less important word **adversarii**.

superiorem is emphatic by position, **elegerat** by its meaning, both words showing how ludicrous the suggestion is.

ipsius loci spe: the short word **spe** is in fact the most telling – sinister in its overtones and emphatic by position (after two colourless words and preceding **facere impetum**, where the more important word **impetum** is conveniently postponed by the reversal of the standard *impetum facere*).

The sentence **ante fundum Clodi ...** is magnificently constructed to convey the utter bewilderment of any rational person contemplating the scene; the repetition of **fundo** suggests the mental struggle as the speaker tries to come to terms with such a ridiculous idea, the alliteration in **versabatur valentium** and **superiorem se** shows a



growing scorn for it, **excelso** reinforces the logic of **edito**, delaying Milo's name allows a measure of incredulity as **superiorem** becomes more prominent, and the pedestrian **ob eam rem eum locum** again suggests disbelief (and the alliteration of **pugnam potissimum** further contempt); but from **an in eo loco ...** one sees a dawning realising of the 'truth' (as Cicero wishes it to appear), and the final repetition of **loco** at last locks this idea into place in a logical argument.

res loquitur ipsa: a good example of the easy, idiomatic use of *res* for "a situation", a collection of circumstances ("the facts speak for themselves").

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tamen used mid-sentence is not made "2nd word" but goes in its natural place – because when it is used within a sentence like this (as it often is) it carries much more force and emphasis than the "linking" *tamen* at the beginning of a sentence (in later Latin *tamen* does not necessarily come 2nd word anyway).

irretitus, impeditus, constrictus: it taxes ingenuity to find three synonyms for translating this phrase into English. What has happened is that Cicero has used the colourful word **inretitus** for Milo's restriction by the cloak, and then needs two other words for the effect of the carriage and Milo's wife, as **irretitus** would be inappropriate for them; **impeditus** is really quite weak and uninventive, while **constrictus** is almost comic. **paene** is contributing to the rhythm rather than the sense.

vesperi: since this is the first (**primum**) of two departures organised by Clodius from the estate (the second being the alleged attack on Milo), Cicero is stretching our credulity to speak of it as already evening, however loosely **vesperi** can be understood as "very late afternoon" rather than what we would call more directly "evening". It is vital to Cicero's case to place the eventual attack as late in the day as possible in order to make Clodius' behaviour appear as suspicious as possible. Here he is firming up the damage he has already managed to do in obscuring the timing, in the section about the news of the death of Cyrus the architect (§§46-51).



At the same time, he cannot just ignore the visit to Pompeius's estate, since the way this passage is written, and the fact that it is included at all, suggest that this had been part of the evidence given over the preceding days of the trial, and presumably offered in Clodius' favour, evidence, perhaps, from the fact that he had gone out and come back, that he intended to remain at the estate for the night. Characteristically, Cicero boldly refuses to leave it hanging awkwardly in the air, and attempts to turn it into additional evidence against Clodius, that all this was just **mora et tergiversatio**, a delaying tactic as Milo had been so late setting out from Rome.

mora et tergiversatio: the idea of killing time is simply repeated, and the longer and more unusual word coming second presses it home.

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age nunc: didactic language; Cicero puts himself in the role of someone explaining something as though he is the only person so far to have seen it.

iter expediti latronis cum Milonis impedimentis comparate: the effect of the chiasmus (**expediti/impedimentis**) is that the sentence reaches a climax at **impedimentis**, and this is underlined further by the weight of the word itself; so Cicero's picture of Milo as the helpless victim is confirmed.

raeda: another detail in the relentless catalogue of Clodius' effeminate lifestyle.

uxoris: Cicero subtly makes the point (in the least emphatic part of the sentence) that it is not to be thought that the company of these choirboys suggests any dubious sexual preferences in Milo himself; they were the responsibility of his wife. **greges** seems to be a humorous exaggeration, again to distance Milo from his unmanly entourage.

duceret: this subjunctive can be understood as making the clause concessive ("although he <normally> took ..."), which is better in this context than reading it as a generic expression ("who was the sort of man to ..."). A reason for this nonetheless needless subjunctive may be that Cicero wishes to avoid repeating *ducebat* from his previous sentence.



ipse Clodius tamen ...: the text printed here is that favoured by Clark. His note reads “The omission of *ipse Clodius* in TE [the other main manuscript traditions] is due to the eye of the writer having strayed from the first to the second *Clodius* – a fertile source of corruption.”

56

nec vero corrects a misleading impression Cicero feels he may have given, that Milo was careless about protecting himself. This hardly seems worth saying, and looks as though it will be a mere parenthesis which may actually do slight damage to Cicero’s argument, until he begins to develop the point; by means of explaining *why the slaves were there*, he can introduce *a defence of their conduct*, which in turn leads into a completely new (and vitally necessary) section of the defence, *why Milo later freed the slaves*.

quam maximis praemiis propositam et paene addictam: this is a troublesome phrase for which commentators offer differing explanations. The difficulty is more with **addictam** than **propositam**; Cicero’s tone here has become slightly informal, and the everyday meaning of *addictus* would seem to be “sold at auction”, “knocked down to the highest bidder” (some editors want it to have a different, legal, meaning, “sold into slavery”, “no longer his own”, but this seems too technical to be the metaphor it clearly is, as *paene* indicates). **propositam** does not have to mean exactly the same thing as **addictam** (Colson rightly points out that you cannot be “*put up* for auction” for high rewards – the profit on the auction is not known until it is over); but ancient society was surely as familiar as we are with the idea of “hit men”, and Cicero is in my view saying in a very matter-of-fact way that Milo’s life had been “advertised” (**propositam**), with very high rewards offered, and that, as various people or groups would be competing to be the first to dispose of him, his life had, in the loose sense of a cliché (this is where *paene* helps), been **addictam** “auctioned off to the highest bidder” – i.e. to whoever got there first. (I notice that the little-known edition of Plaistowe and Masom also takes the words in this sense.)

qui saepe ...: the picture is of a man who is stripping the armour off his defeated (and therefore presumably dead) foe, but in the moment of his triumph (the present



participles add considerably to the portrayal of the man's surprise) is himself hurled to the ground by another warrior. **ab abiecto** refers to the first victim, who has been "thrown down" (*abiectus*), but quite what *ab* means is not clear; several editors take it as "<Mars> acting for ...", since *dicere ab aliquo* can mean to speak on a particular person's side in a debate. Colson and some other editors use the analogy of *solvere ab aliquo*, "to pay off a debt using someone as an agent" to make it mean "using the hand of the victim", but not only does the connection with debt seem impossibly strained, but this cannot credibly be what Cicero is describing; a dead man can hardly reach up and deal his opponent a fatal blow. I think he must be dead, or **spoliantem** does not make much sense; and Cicero is not necessarily drawing a neat parallel from the way Clodius was intending to kill Milo, but was actually killed by the intended victim, but is simply describing something unpredictable that can happen in battle. Granted that *percello* can mean quite literally to "knock over" (in the dictionary references, it is often used of the effect of a wind), I do not see why the words should not mean very literally "he is knocked down, away from the man he has felled". However, there is perhaps not a great deal of point in adding such a visual detail, and I wonder if at **ab abiecto** an originally quite different word beginning *ab-* has, in being copied, suffered a repetition of the *ab-* (a phenomenon called 'dittography'), giving *ab ab-*, and then further modification into an ablative that can follow *ab* and vaguely fits with the picture.

pransi, poti: strictly these are participles of verbs, and as the verbs are intransitive and the participles passive, they have no literal meaning; but it is easy enough for them to take on the meanings they clearly have, and their passive character may suggest that the person they describe has been through an experience which leaves its effects.

ducis: the word pinpoints the ludicrous idea that on this occasion Clodius was "a commander of men", that he was capable of masterminding the operation.

a tergo ...: is it in fact credible that Clodius, in Cicero's version of the events, made this error? Cicero boldly presents as incontrovertible what is really a considerable weakness in the reconstruction he asks his audience to believe.



haesit from *haereo*: “he found himself stuck in” (Colson thinks it may be a metaphor from trapping birds with lime), “he came to grief in”.

57

The scornful tone set by **scilicet** is maintained by the contemptuous alliteration in **perferre non possent**.

occisum esse ...: this is a lengthy way of expressing what the slaves were supposed to have been likely to confess, but Cicero seems to be quoting the statement their torturers would have been demanding they assent to, as they began burning them with branding-irons, having first fastened them to the **eculeus**. So the effect is perhaps to give a picture of the slaves being asked to agree to an untrue forced confession, extracted from them item by item.

The **eculeus** (or *equuleus*) was an instrument of torture resembling a horse (*equus*) – or was it merely a construction that could carry a weight like the “horse” in a gymnasium, or a “clothes-horse”? Victims placed on it were, apparently, then tortured by having red-hot metal plates applied to them; or weights were attached to them to stretch the limbs, as on a “rack”.

id agamus hic: a subjunctive, and one we are not exactly expecting; “let us discuss this here”, “we should discuss ...”; but the ingenious and attractive suggestion of an indicative, *indagamus*, “that is what we search for” was made by Mommsen.

At **vero** the tone becomes sarcastic once again, and aggressive – “if you are really asking such a silly question.”

nescis inimici factum reprehendere is an acceptable way of expressing the climax of this argument, but it is slightly awkward that he calls Milo an *inimicus* in such a context; while Milo may be regarded by the prosecution as an enemy (*inimicus*), using the term seems to add nothing in this context and even to take attention away from the essential sarcasm in his criticism. It may be that the expression is a cliché, perhaps even a proverb, so that *inimicus* is generalising and so less strong a word than it becomes if it is applied specifically to Milo.



58

hic tells us that Cato is in court; **idem** is a reminder that Cicero has already mentioned him. Cato was a prominent politician, and a member of the jury; for more detail about him, see the notes on §44.

The tense of **fuisse** makes it clear that Cato (on the occasion being described, which is not otherwise referred to) was speaking specifically about the killing of Clodius; if he had been making a general statement, we would have had *esse*.

At **enim**, the rhetoric becomes more impassioned. The link provided by *enim* is “I want to go further than Cato did; *for* it occurs to me that there is no reward sufficient to repay such slaves.” “What reward, indeed, ...”

dedendi fuerunt: *fuerunt*, not *fuisse* – this is normal grammar; expressions implying “obligation” in unreal (“would/should”) conditional clauses regularly use the indicative in the main clause (though still the subjunctive in the “if- clause”); for more on this see on §31.

Much rhetoric can be seen in §§ 57 and 58, most of it underlining the high moral tone Cicero adopts for the issue of slaves saving a master’s life. He wants to divert attention from the sordid and embarrassing facts of Milo’s behaviour in the immediate aftermath of the killing. Among the more standard rhetorical devices are the tricolon in **ne indicaretur ...** (three clauses, each longer than the preceding one; here the simple point is made straight away in **ne indicaretur** and it is then elaborated in the following two); the sonorous *-tor* and *-sor* nouns (**conservatores domini** etc.), also arranged in a tricolon; the alliteration in, for instance, **iuris in iudicio, parum amplis adfecerit praemiis**, then **propter eosdem non sanguine et vulneribus suis crudelissimi inimici mentem oculosque satiavit** suggesting the brutal scene that Clodius did not have the satisfaction of seeing, and **praemium persolutum** as the climax.

59

sunt habitae nunc: the **nunc** seems emphatic in this less than natural position; Cicero may be drawing attention to how long it has taken for the questioning to begin,



perhaps implying that the Clodian party were waiting for Milo's trial to be arranged before taking this step. He does not mention that the slaves had been removed from Italy after Clodius' death and sent to Greece or Gaul, which would explain the delay.

in atrio Libertatis: this was the headquarters of the censors, two senior magistrates elected at five-year intervals, but it is unclear where it was; a recent suggestion is that it was Rome's main Record Office, the *tabularium*, on the Capitoline Hill.

severius: Clark's translation is "more rigorous". Cicero is being sarcastic, suggesting that the letter of the law is being invoked in categorising Clodius' killing as an offence against the gods, the only circumstances under which a master's own slaves could be tortured to give evidence against him – but how could you put Clodius on a par with the gods? He can then hardly resist once again bringing up the old *Bona Dea* scandal – where Clodius' infiltration of this all-female religious ceremony was itself a religious offence. (On this, see the earlier notes on §46.)

posset: subjunctive because this is a subordinate clause inside what is virtually Indirect Speech; this is part of the reasoning of the ancestors who said that the procedure should not be allowed.

accusatoris is emphatic, being the longest word in the clause, and contrasting with **reum**. The situation here, Cicero says, is different from the other rare occasions when an owner's slaves are questioned under torture, when it is still possible for **verum inveniri**; here the procedure has been initiated by someone who is prosecuting an enemy so as to get evidence against him, so how can it be possible for **verum inveniri**? A good question.

60

Notice how the short sentences, the omission of part of *esse* (three times), and the everyday vocabulary of the conversation contribute to a vivid imagined scene, and with clear logic show the procedure up as an utter sham.



The brutal interrogation scene is followed by heavy sarcasm, with pointed rhetorical questions, the emphasis on **centum dies** and the repetitions **accusatorem ... eo ipso accusatore** and **integrius ... incorruptius**.

quid incorruptius?: this repetition gives a firm ending as well as a sarcastic sting to the sentence; the rhythm is not quite that of a favourite *clausula* of Cicero, - - - - ~ - . but it is close to it (and in this *clausula* the last syllable does not have to be long). For more on *clausulae* see the notes on §24.

ceteri: the manuscripts and almost all published editions have *a ceteris*, not *ceteri*. The editor A C Clark argued for *ceteri* in his commentary, though he still printed *a ceteris* in his text. He eventually put *ceteri* into the Oxford Classical Text which he prepared. His argument was that the later **hi** seems to be contrasting with some different group, and that *a ceteris* could have been a misguided ‘correction’ by a scribe who was misled by the adjacent passive verb.

61

tot tam claris argumentis signisque luceat: although editions rightly draw attention to the distinction between *argumenta* (evidence drawn from the actions or behaviour of a person, which can be developed into “arguments/theories”) and *signa* (evidence that certain events did occur), and thus Cicero is not just repeating himself here, it is worth observing that *luceo* is a strong and unusual word to use for the facts of a case being self-evident (this precise meaning is not in Lewis and Short’s dictionary except for this passage), and *signum* and more often the plural *signa* are frequently used of constellations in the night sky; the otherwise tedious and rather pointless repetition of *argumentis signisque* allows Cicero to use the word *signis* and place it next to *luceat*, so suggesting a navigational metaphor of the “guiding light” that will lead to the truth.

nullo scelere ...: Milo’s confidence in his own innocence is conveyed powerfully by the tricolon, in which the elements consist of only three words, each one with a parallel arrangement and beginning *nullo* or *nulla*, and with the third element using longer words to give greater weight to the assertion.



revertisse: the grammar of this verb meaning “I return” is slightly peculiar; in this meaning, it begins as a deponent verb (*revertor*, inf *reverti*) but in the perfect tenses it goes back to the active form (*reverti*, *revertisti* etc.). (It is thus a mirror-image of a semi-deponent verb such as *soleo*, *solere*, *solitus sum*.)

qui ingressus in forum ardente curia: it is worth comparing Cicero’s description of Milo’s return to Rome on January 19th, the day after Clodius’ killing, with the account in Asconius (Asc 34). Milo does appear to have made his mind up to return quickly (he did so the night after Clodius’ death), but certainly not as quickly as the words *ardente curia* suggest, unless we can let them mean “while the senate-house was still smouldering”, after being burnt down in the morning. But surely Cicero is aiming to supply vivid detail here, and has speeded up Milo’s return in order to be able to do this.

eius potestati cui ...: the position of Pompey during these months is both crucial and complicated. Cicero is keen to suggest that essentially Pompey was supporting Milo, which is not at all what other accounts tell us; indeed, Pompey had been distant from Milo and what he represented for two years or more. In exaggerating his otherwise unconvincing case, Cicero has distorted the correct sequence of events; Pompey was given his authority to take charge of the state and to raise troops at least a month later than this, not in the days following the Appian Way incident. The emergency decree was passed early in the ‘intercalary’ month (an extra month inserted from time to time as the Roman year ran for less than 365 days), i.e. after February 23rd (Asc 35); Pompey was made *consul sine collega* on the 25th of the intercalary month, i.e. two months after the incident (Asc 37).

pubem: an unusual word to use to refer to the “young men” of Italy; presumably those of military age, who would fight for the state in any civil war, and who symbolised the hope for a new and better age. It is an archaic word which continued to be used by poets and later historians like Livy and Tacitus who use a more poetic vocabulary. Cicero has been applying poetic touches in this passage (see on *signis* above).



... omnia audienti, magna metuenti, multa suspicanti, nonnulla credenti ...: this impressive but rather obscure description of Pompey tells us that he was constantly in receipt of information about the activities of the political factions and their leaders in Rome, that the unique responsibilities of his position meant that any error of judgement on his part could be fatal (**magna metuenti**), that on many issues he could not be completely confident about what he was told, and that at times he had to accept untrue reports because to reject them might be even more dangerous. By so characterising Pompey and his unenviable position, Cicero hopes (i) to demonstrate Milo's confidence in his case, when even with Pompey's official support he would not be immune to the damage his enemies could do by working on Pompey's fears, and (ii) to prepare the ground for his criticism of Pompey's excessive openness to suggestions that Milo might be guilty which he will unfold in §65.

in utramque partem: Cicero sets out how the workings of one's conscience can affect, first, innocent people, and then the guilty; he takes them in that order for effect, and so makes the second, more sinister, part of his sentence longer and more picturesque.

62

probata est: Milo's position was "approved of" and so "supported" by the Senate. **semper** presumably means "unwaveringly", in the whole period since January 18th; it would have been true to say that the Senate had always supported Milo before that, but not relevant to Cicero's theme here, which is an examination of Milo's conduct and the effect it had in Rome from the time of the killing up until the trial.

sapientissimi homines: one-third of the jury Cicero is addressing will have been senators.

an vero obliti estis ...: the sarcasm introduced by **an** is this time gentler than usual; the whole tone from here onwards is suddenly more measured and settled as Cicero invites the jury to a reasoned examination of Milo's behaviour in the 48 hours following the incident, which in his view can only be explained if Milo himself believed he was totally innocent. The beginning of §63, where alternative



possibilities are set out in a long structured sentence, will require this logical approach from them.

negabant eum Romam esse rediturum: Asconius says (34) that general opinion was that Milo would proceed into a self-imposed exile, and he implies that Milo would have done exactly this, had it not been for reports which reached him the following day of general revulsion against the rioting of Clodius' supporters in which the Senate-House had been burned down. On hearing of this, he decided his position might not be so weak after all, and returned to Rome during the night of January 19th. Cicero therefore accurately records the state of opinion in Rome, but eliminates any reference to Milo's change of plan, and by having already adjusted the timing of Milo's return (in §61, *ardente curia*, i.e. midday at the latest) he neatly avoids facing up to the question of why there was actually a delay on Milo's part and whether there is an alternative explanation for his reappearance.

63

incensus odio: Cicero seems deliberately to be using vocabulary which will remind his hearers of the argument he dealt with in §35; they may also be prompted to remember his devastating refutation of it.

putasse seems to represent an imperfect tense of the original speech/thought; ("Milo had been thinking"); it is not true that it is invariably the present infinitive that is used to represent an imperfect tense in Indirect Statement, though it often does; Latin does not have enough infinitives, and sometimes it is more important to keep the 'past' idea in what is reported, rather than the 'continuity' idea ("was doing ...") for which the present infinitive would be suitable.

explesset: the shortened form adds a particularly harsh colour.

suo preceding **periculo** must be emphatic; a contrast can be felt with **populo Romano**.

secum contrasts with **vobis**, and the injustice of this is brought out by **quae ipse servasset**.



portenta: the word does seem to mean “foul creatures”, though “portents” in the sense of “indications for the future” is attractive; however, Cicero has in speeches delivered only a few years before this one referred to Clodius as *fatale portentum prodigiumque rei publicae* (Cic. *In Pisonem* 4, 9) and to two other enemies as *duo rei publicae portenta ac paene funera* (Cic. *de Prov. Cons.* 1, 2); the word is used with a destructive force.

loquebantur: this use with a direct object, like English “we’re talking big money”, seems equally colloquial, and so appropriate to the context of cheap gossip Cicero is imagining.

miseros interdum ...: Cicero is likely to be including himself in this class; he has spoken in this way of himself as the victim of hostile gossip at §42 and will again at §100.

72

nollem is slightly emphatic.

glorioso: with **mentiri**, but placed after it to give it prominence; it is the really important word. **mentiri** because Cicero is still maintaining that Milo did not in any way plan to kill Clodius.

non Spurium Maelium ...: Spurius Maelius made an attempt in 439 B.C. to win the favour of the people by distributing cheap corn he had hoarded in a time of acute shortage, and was killed because he posed a threat to the stability of the state (Cicero has already used the story in §8). Tiberius Gracchus, similarly, had been killed when tribune in 133 B.C.; he had succeeded in passing a law for the distribution of land to the people, but to do so had needed to resort to removing one of the other ten tribunes (Marcus Octavius) from office, as Octavius persisted in vetoing the law. However, the validity of this was accepted at the time (as the passage of the bill into law shows) and it was for a later more clearly unconstitutional act (standing for a second and consecutive year of office) that Gracchus was killed, not judicially but in a riot. Cicero is simplifying the history here, but not necessarily for any devious purpose; it may be that the events of 133 were imprecisely remembered.



Interestingly, as A C Clark notes, the same ploy, of removing a fellow tribune from office, had been used much more recently by a tribune called Gabinius when a measure to give Pompey a major military command (to stamp out piracy in the Mediterranean) was being discussed; in a speech at the time (discussed by Asconius in his commentary on *In Cornelium*) Cicero praises Gabinius for this.

amplecti plebem: the classic method by which a man might displace the rule of a council or oligarchy (in ancient Rome, the Senate) and exercise *regnum*.

per seditionem: not “in uproar”; a *seditio* can begin a war, and the phrase here should refer to more than just a riot in the forum (in any case the meeting at which Octavius was voted out of office was not especially disorderly); the point seems to be that a *seditio* would have resulted if Gracchus had carried on as he seemed to intend, so Cicero is referring to the threat to the constitution; Poynton actually suggests “unconstitutionally” as a translation. *abrogo* is the technical term for removing an office from a person who holds it.

pulvinaribus: a *pulvinar* is a cushion which has been set out for a god or goddess (or a statue of one) in a temple or temporarily at a ceremony. It is therefore a word with the strongest possible religious associations. Clodius’ **adulterium** was his alleged objective in his otherwise apparently senseless invasion of the exclusively female *Bona Dea* ceremonies of 62, to commit adultery in comparative safety with Caesar’s then wife, Pompeia (whom Caesar quickly divorced with the remark that “Caesar’s wife must be above suspicion”). Cicero has combined Clodius’ moral and religious offences within this brief reference to the scandal. The plural *pulvinaribus* (possibly an exaggeration) and the accumulation of superlatives are meant to add to the enormity of Clodius’ crime.

73

Lucullus was married to this sister (she was the youngest of Clodius’ five, or perhaps four, sisters – not the infamous Clodia, Catullus’ ‘Lesbia’, who was probably the next-to-youngest sister) and had to question his slaves, under torture (**quaestionibus**



habitis) about the alleged incestuous act. He then gave his findings as evidence in Clodius' trial for sacrilege at the *Bona Dea* ceremony.

urbis ac vitae conservatorem: a boastful reference to his suppression of the Catilinarian conspiracy in 63.

regna dedit, ademit ...: the reference here is, firstly, to Clodius' control of the public assemblies to grant honours to foreigners; Cicero tells us elsewhere (*Pro Sestio* 56) that as tribune Clodius had a law passed giving a priesthood to a Galatian called Brogitarius (that of the *Magna Mater* at Pessinus) and with it the title of 'King', and made a similar arrangement for another member of a foreign royal family. This is really much less than Cicero is saying here.

As for "taking away" kingdoms, Clodius had had the King of Cyprus, Ptolemy, deposed in his 58 tribunate; but this was a long-running issue needing clarification, and Cato had been appointed to oversee the mission of restoring the rival king (part of Clodius' purpose was to remove Cato from Rome for a while). "Dividing up the whole world" is taken to refer to his laws granting the outgoing consuls of 58, Gabinius and Piso, the particularly lucrative provinces of Macedonia and Asia. Cicero had a strong personal reason for resenting this, as it had been little more than a bribe by Clodius so that they would not stand in the way of his plan to have Cicero himself exiled.

aedem Nympharum: this has been assumed to mean that Clodius made a deliberate arson attack on the Record Office so as to have greater freedom to manipulate the membership lists for the tribes and strengthen his grip on the network of corruption that determined the outcome of voting. Cicero points to the offence done to the people, who were entitled to see the major records on visible tablets of bronze but lost this as a result of the damage done in Clodius' attack.

74

qui non solum Etruscos ...: here is yet another tantalising sidelight on Clodius' possession of a powerful private army, associated with his activity in Etruria, to which there have already been several oblique references in the speech (§26, §36, §41, §50).



The last mention of this (§50) is very much in the same context of stealing property and terrorising the area that Cicero is giving details of here.

spem possessionum terminarat suarum: **suarum** is in an unusual position, and may be emphatic (“*his* possessions” – never mind anyone else’s rights). It also produces one of Cicero’s favourite sentence-endings, with the $\bar{ } \bar{ } \sim \bar{ } \sim$ metre (of which the frequent *esse videatur* is a variant (for more on *clausulae*, see notes on §24 and §25). (Ending this sentence with **terminarat** would have given the same *clausula*, so the word-order is not to be explained as just for rhythmical reasons; there does seem to be emphasis on **suarum**.)

equite Romano: “equestrian” is probably the best translation of **equite**, but forget the association with “horses” of both “equestrian” and *eques*. Both are technical terms for a relatively wealthy Roman (sometimes very wealthy indeed) who was not a member of the Senate. The only connection with “horse” is that in early Roman history richer citizens were identified as a class who could afford to keep a horse for use in the (very frequent) wars fought with neighbouring tribes.

The *lacus Prilius* is identified by Clark as the Lago di Castiglione, which interestingly is in Etruria and so yet another indication of Clodius’ interest and activity in this area north of Rome.

repente lintribus ...: in reading, pause after **materiem** and after **harenam**; the “lime, stones and sand” are the **materiem**, and form a pithy tricolon in this rapid re-telling of the episode.

75

qui huic Tito Furfanio ...: there are some difficulties in the next few lines, fortunately just rather numerous rather than actually problematic. First some textual variations: the Oxford Classical Text (OCT) has *P. Aponio* rather than some editors’ *P. Apinio*; OCT reads *est minatus* whereas Colson has the frequentative (repeated action) form *est minitatus* (but both verbs mean “threaten” and they take the same construction); and there is in fact great confusion in manuscripts and editions over what both OCT and Colson agree on in printing as *sed ausum esse*, though they then



differ over whether to read *posceret* (OCT, subjunctive for a clause that formed part of Clodius' reported threat) or *poposcerat* (Colson relying on what seems to be better manuscript tradition, making the demand a fact rather than part of the Indirect Speech).

sed ausum esse: the text seems to be faulty. Perhaps some simple verb such as part of *audio* has dropped out very early on in the history of the manuscripts.

Appium fratrem ...: although these are still words technically being credited to Milo, this reads as an “aside” – Cicero has for a moment dropped this front and is speaking of his own feelings (Appius is *mihi coniunctum*). The compliment he immediately adds is a surprising sidelight on his relations with the family, but although this Appius had been an opponent of Cicero's recall from exile in 57, there is good evidence for a reconciliation and continued good relations after that.

limine in Clark's OCT but *lumine* in his edition and with some manuscript authority. **limine** has the same meaning as **aditu**, but this is no reason to prefer *lumine* – quite the reverse; *lumine* could be an unintelligent correction, or a careless mistake.

This offending of his sister ought to be a climax of some kind, coming at the end of the long list of instances where Clodius showed contempt for the rights of property; but it hardly reads as one. Perhaps we are missing something, that would have been clearer in actual delivery through a knowing look or suggestive tone of voice; a mention of any of Clodius' sisters ought to prompt thoughts of immorality and in particular of incest (as earlier, in §73); is Cicero suggesting that these alterations to the entrances to their houses were planned by Clodius so that he could control who came to see her, and have her largely to himself?

76

tetrarchas: this is the victim of Clodius just described in §73 (*regna dedit ademit*), a king Deiotarus, who by a typical rhetorical exaggeration has become plural.

pecunias, normally understood as “money”, can be an entire estate, or the material parts without the people (family, slaves etc., the *familia*), or (as here, where



possessiones and *tecta* are separate) the cattle and sheep as well as any cash – “material goods”, perhaps. More important than the precise meaning is the contribution **pecunias** makes to the creation of a tricolon.

77

cervicibus: in Latin idiom, the plural is not necessary, even though the lives of many are envisaged. In fact, Cicero normally uses the plural form, even for the singular meaning (Clark’s note).

reppuli: perfect of *repello*; the *p* consonant doubles to create a long syllable, perhaps to compensate for the long *-ell-* syllable being replaced by the short *-ul-* (cf *refero referre rettuli relatum* though this is harder to explain).

quonam modo: *quisnam* is a stronger form of *quis quis quid* (“who on earth”), so the sarcasm (because there was no doubt at all about how his claim would be received) is particularly heavy.

populum Romanum, cunctam Italiam, nationes omnes: this may be exaggeration, but it is not complete invention; Cicero has already referred to Clodius’ interference in foreign affairs, in this section and in §73, and he later makes a specific mention of festivals of thanksgiving for Clodius’ death being held in Etruria (to the north of Rome) (§98).

vetera illa populi Romani gaudia ...: rather than contrast Milo’s achievement more directly with everything that has preceded, Cicero divides the previous successes into two categories, those that his generation has witnessed, and those earlier ones they have only heard about, and in assessing the second group he expresses a proper caution. But this is only so that he can lead up to Milo’s achievement more emphatically with this escalating tricolon.



78

num quis ...: the pronoun *quis*, normally meaning “who”, is used for “anyone” only after one of the four words *si*, *nisi*, *num* and *ne*. So *si quis* ... “if anyone”, *ne quis* ... “so that no-one”, and, here, *num quis* ...? “surely not anyone?”, i.e. “surely no-one?”

contingere potuisse: this has to mean “<thinks> that this could have happened”, which should require the *-urum fuisse* form (already recently met in *conscripturum fuisse* and *visuros fuisse*). However, (i) *possum* has no future participle and so this form is not available, and (ii) in conditionals with verbs of “possibility” or “obligation” (e.g. *possum*, *debeo* and gerund(ive)s expressing necessity) it is quite usual for the indicative to be used instead of the expected subjunctive – so the ‘original words’ here would not have to be *contingere potuisset* but can equally well be *contingere potuit*; and this falls into the infinitive as *potuisse*.

quid? is not the tetchy snapping of an outraged orator, but a device used frequently in Roman and Greek oratory to draw attention (usually) to a new point – “What about my next point?” It is not quite this here, but an underlining of the conclusion – “To put it another way,” “what else can we think?”

habere potuissent: the property (*ea quae* ...) has to be the subject, so that *possessio* is not so much “possession” as “being possessed”. Cicero could have written *potuissetis* instead of *potuissent*, but the resulting rhythm at the close of this sentence might have been a little too heavy and unsatisfactory, whereas *habere potuissent* is a familiar *clausula*.

79

Cicero’s purpose in dangling the image of a resurrected Clodius before the jury’s eyes is unclear. The idea that Clodius’ death was generally welcome in Rome and Italy has been aired already, and will be again; the manner in which it is presented here, with the notion of a choice about whether to have him resurrected or not, seems false and pointless.



However, Cicero does take the opportunity to comment again on Pompey's law which established the trial (discussed in §31); this was something of an embarrassment to him, so his mentioning it here almost in passing, as if it did not matter, is a relatively bold way of confronting the problem; he is also able to flatter Pompey (**ea virtute ac fortuna est ...**). Perhaps he intended to make the revived Clodius a speaking character, and give him a speech to parallel Milo's imaginary speech (a ploy he uses, sometimes with figures long dead, in other speeches), but changed his mind.

ut ea cernamus quae non videmus: this is the reading of a manuscript editors regard as very reliable, but most others omit **non**. Without **non**, there must be a contrast in meaning between *cernere* ("see clearly") and *videre*, which is possible, but is awkward and has no real point (he has already used the strong verb **intuentur**). As Clark remarks, the combination of "seeing" and "not seeing" is common in Cicero, and the rhetorical writer Quintilian appears to quote (rather loosely) from this reference, keeping **non**.

ea potuerit semper quae nemo praeter illum: Pompey's career had included many achievements that could be regarded as unique. At this point, he was Rome's first ever "sole consul", appointed to bring order to a city rife with violence and close to chaos.

propter amicitiam: relations between Pompey and Clodius had generally been very poor, though there is some evidence of an improvement shortly before Clodius' death; this expression could well be meant sarcastically.

liberavisset: subjunctive because it is part of the thought in Milo's mind when he is imagined facing the jury – "these are people whom I saved!"; it is equivalent to a subordinate clause in Indirect Speech.

80

eis viris qui tyrannos necaverunt: with the exaggeration typical of an orator, Cicero speaks as though you could find such commemorations taking place all over Greece, but as he quickly admits, he is thinking specifically of Athens, and here only one single instance of the killing of a tyrant is recorded, when the tyrant's brother



Hipparchus (not Hippias, the tyrant himself) was assassinated by Harmodius and Aristogeiton in 514 BC.

These two men seem to have come from Euboea or some other area near Athens; they were not Athenian-born. In the story (which can be found in Thucydides 6, 56-59) they have sordid and unworthy motives which have little to do with the political ideals credited to them here. Nonetheless, when Hippias and his regime were overthrown in 508, the memory of “the tyrant killers” (as they were styled) was kept alive; a famous bronze statue of them was erected, and offerings were made at it annually. Cicero mentions songs composed in their honour; we have one complete composition, the *skolion* of Callistratos, and know of the existence of several others.