

PRO MILONE SEQUENCE OF EVENTS

- 63 bc December 5th The consul Cicero puts to death certain of the Catilinarian conspirators without trial.
- 62 bc December Clodius violates the rites of the Bona Dea
- 61 bc Trial and acquittal of Clodius
- 60 bc Triumvirate of Caesar, Pompey and Crassus
- 59 bc Consulship of Caesar, who permits Clodius to be adopted into a Plebeian family whereby he became eligible for the tribunate
- 58 bc Tribunate of Clodius, who procures the banishment of Cicero for having put Roman citizens to death “iniussu populi”.
- 57 bc Tribunate of Milo. Breach between Clodius and Pompey who supports the motion for Cicero’s recall. The Law is passed
- August 4th. Great help rendered by Milo in effecting this, and in protecting Cicero from the armed followers of Clodius.
- 56 bc The triumvirate is renewed at Luca. Cicero ceases to oppose the triumvirs
- 54 bc The election of consuls delayed for 53bc until July of that year. The other elections also postponed.
- 53 bc At the election of consuls and praetors for 52bc, Milo stands for the consulship and Clodius for the praetorship. The Comitia are continually interrupted.
- 52 bc January 18th Milo kills Clodius in a chance encounter on the Via Appia
- January 19th Riots in Rome
- April 4-8th Trial and conviction of Milo under the new *Lex Pompeia de Vi*.
- (or 7th) He goes into exile at Massilia.
- 48 bc Milo killed outside Cosa, while attempting to recover the town from the Caesarian garrison

Exordium (1-6) (introduction or preface):

Cicero tries to secure the favour of the jury, to embolden and awaken them, and to explain the plan of his defence: "These arms startle me: yet neither you, gentlemen, nor I have anything to fear. Fearlessly reward patriotism by acquitting Milo. But do not spare him for his public service, but because he was innocent of criminal intent."

Preliminary Objections Answered (7-22)

I want to prove that Clodius was trying to kill Milo, when in self-defence Milo killed him. But first I must refute three statements made in this trial;

a) (7-11)

"Homicide is never justifiable"; it is sometimes, especially in self-defence; unwritten law enjoins the use of force then, and the written law tacitly permits it.

b) (12-14)

"The Senate has condemned Milo's action". Milo's cause has not been prejudged by the Senate. His action was approved by its sympathy and reserved for a judicial inquiry.

c) (15-22)

Pompey has not tacitly condemned Milo. He passed a law for a special commission, selected jurors, and nominated a judge to try him. Thus he left the question of his guilt open.

Recapitulation and Plan (23)

A recapitulation of (7-22) combined with (6). These preliminary objections answered, let me now, by a narrative of the occurrence, show that Clodius deliberately attacked Milo with intent to kill.

Narrative (24-29)

This narrative foreshadows the arguments used in the proof, and it has been carefully introduced by the preceding paragraphs. "Milo was driving along the Via Appia when Clodius fell upon him. Milo's slaves believed their master to have fallen and so killed Clodius in revenge." The narrative is very skilful rhetoric: e.g. in the treatment of character. But it is very untruthful. Compare the evidence given against Milo according to the commentary of Asconius: 1. that the keeper of the tavern into which Clodius was taken was killed, his shop attacked, Clodius dragged out and killed on Milo's order. 2. that a woman went to the Alban Vestals to offer Milo's thanks for Clodius' death. (Note: Quintus Asconius Pedianus - a very learned Roman of the first century A.D. who explains for his children's benefit difficulties in 16 (perhaps all) of Cicero's speeches. He consulted besides histories the *acta diurna* and *acta senatus*.)

Transition to Proof (30-31)

The point at issue is which plotted against the other and which acted in self-defence. These are the facts of my case, and they confirm my contention that Clodius, not Milo was the real assassin, as I shall now prove.

Proof (32-71)

- a) (32-35) Arguments drawn from **MOTIVE**: Clodius obviously plotted to take Milo's life as he had the motives of self-interest and revenge. *probabile ex causa*.
- b) (36-43) Arguments from **CHARACTER** and **HABIT**. It was the nature and habit of Clodius to commit acts of violence in fighting his political battles; and he had everything to gain by indulging his passion then. *probabile ex vita*.
- c) (44-60) **TOKENS** and **MANIFEST SIGNS**: indications that Clodius chose every means of accomplishing his purpose (eg time and place) and inferences from previous admissions. It was Clodius who prophesied Milo's death and had chosen the time when Milo would fall an easy prey.

Recapitulation (frequentatio) (52)

Recapitulation of all the arguments used in (32-51). Singly weak, they are strong when combined, if we once admit the assumption of the speech that the meeting at Bovillae was premeditated.

- d) (53-60) **Further signs and Explanations**; Clodius chose the place which gave him most advantage, and was equipped for the purpose. He failed, because Milo was attended by faithful slaves, since set free. It is nothing that Clodius' slaves, under torture, convicted Milo. (53); *Signum ex loco et spe perficiendi*; (55) *Signum ex occasione*.
- e) (61-71) **INDICATIONS** of **CIRCUMSTANCES** "*post rem*"; Milo's innocence is established by his demeanour after the crime; the rapidity of his return, the courage with which he faced the people, Senate, Pompey's troops and Pompey himself. Many tales of his conspiracies were examined by Pompey and found to be false. *argumentum ex consecutione*.

Political Aspects of the Case (65-71)

(65) From Asconius we can trace the history of Milo's relations with Pompey. On January 18th he was at Alsium. But after he became sole consul, he was outside the Pomperium "in his upper garden" on the Pincian Hill. When he came back from Alsium is not recorded. He was guarded by troops.

1. After the murder, Milo asked him whether he should withdraw from his candidature, Pompey replied that he advised no one either to desist or persist.
 2. On January 22nd, Milo asked for an interview and was refused.
 3. Before he became sole consul, three tribunes brought him before a "contio" and asked him if he had been informed of any plot of Milo against his life. He answered that a priest, Licinius, had told him of a plot in which freedmen and slaves of Milo were implicated, and had given him the names of the slaves. Pompey wrote to Milo to keep them under his control, but he answered that they had already been emancipated. Somewhat later, Pompey found a man in his house trying to tamper with Licinius, and put him under guard.
 4. After he had levied troops in Italy, he declined to see Milo.
 5. At a meeting of the Senate in his "porticus", he caused Milo to be searched. At that time it was an offence to bear arms in the city.
 6. At the very next meeting of the Senate, Cornificius charged Milo with having a sword under his tunic. Milo laid bare his side and exposed the lie.
- (67) Yet even now, I am afraid of Pompey's over-caution. People fancy he dreads Milo, and has good grounds for fear.

Extra Causam (72-91)

In these sections, Cicero shows how Milo could have been defended, had he chosen to plead that the guilt of the crime was outweighed ("*compensatio*") by the advantages which the nation derived from the death of Clodius. He has said, and now says again, he does not dread the charge of murdering Clodius ("*crimen Clodianum*" (67,72), but he fears the ill-disguised hostility of Pompey. The fear of Pompey's influence, which has been battled down in the **EXORDIUM**, is present in various ways from (64-105), and the last words of the speech are most significant. Reflect on Clodius' life and character. He was already beyond the control of the laws.

(78) Would you or Pompey recall the Tyrant from the grave, in which he lies by the hand of Milo?

(83) And Milo was the minister of the Divine Will, the operation of which is evident in the place of Clodius' death, and the mode of his burial. The would-be tyrant was struck down on the eve of his triumph.

Peroration (92-105) The close of the speech

The tone of the epilogue is in harmony not only with what precedes, but also with (1-6). Again we have the heroic temper of Milo presented to us, and again the perturbation of the orator is made to set in relief the unruffled calm of Milo.

de causa: (24-71). *extra causam*: (72-91)

Acquit Milo, though he disdains to crave your pity. If you do not, he will go where he will be respected. He knows your hearts are with him. Suspicion alone is against him.

(98) Acquit Milo. It is my prayer: as you restored me with his help, wequit him at my entreaty. Have the courage of your convictions. Pompey will approve your loyalty and firmness.

Exordium	(1-6)
Preliminary questions answered	(7-22)
Recapitulation	(23)
Narrative	(24-29)
Transition to proof	(30-31)
Proof	(32-71)
Extra causam	(72-91)
Peroration	(92-105)

We learn from the speech the following facts about the four chief personages. The references are to the sections.

T. Annius Milo

- a) **Family:** of the gens Papia: his mother of the gens Annia: adopted by her father, T. Annius (95n.). Called T. Annius (1,6,77,83,100) Lanuvium was his home, where he was dictator (27n,46). His wife (28,54) Fausta. Exile at Massilia hinted at (93.)
- b) **Political life:** champion of the “*boni*” (5, 94) and consistent opponent of disorder (3), alone capable of keeping Clodius in check (34), fighting him with his own weapons (36,38). He was *tribunus plebis* in 57bc (6,68,94), *praetor* probably in 55bc (68) and candidate for the consulship 53-52 bc (25ff, 34, 96), bestowing “*tria patrimonia*” (95) on this object.
- c) **Relations with Clodius:** especially 58-56 and 53-52 bc, prosecuted Clodius twice, 57bc (40): his house attacked, 57bc (38): prosecuted by Clodius, 56bc (40): encounters at the elections, 53bc (40,41). Other passages are 25,32,33,35,44,56,88.
- with Pompey:** supported by Pompey in 56bc (68); often defended him (68)
- with Cicero:** defended Cicero in 57bc (34,102): consistently defended Cicero after January 18th (12ff, 99,100)
- d) **Character:** courageous and patriotic (1,3,101ff); spirited defence in the “battle of Bovillae” (29): fearless demeanour after January 18th (61ff): conduct at trial (92).
- e) **Miscellaneous:** conduct on January 18th (27,28,54): acted in self-defence (6,9,14,etc): after return to Rome (61ff): “*arma*” (64): alleged attacks on Pompey, Caesar (65,66). Manumitted slaves (5,7 etc); allegations of “*imperiti*” (63,64); of Senate (12ff); scene in Senate (66) also cf. 94,95. Positions of “*accusator*” (7,17,36 etc). Insinuations of Q. Arrius (46); of Sallustius or Pompeius (47)

Cn. Pompeius Magnus

- a) **Conduct as sole consul:** “*diligentia*” (65); “*cavebat magis quam timebat*” (66). Praised by Cicero for justice and wisdom (2,21,105). Suspicions (67).
- b) **His “rogatio” examined** (15ff): choice of jury (21); of “*quaesitor*” (22). Arrangements for the trial (1-3, 67, 70, 71). Station at the trial (71).
- c) **Relations with Cicero:** in 58-57bc (39). In 52bc (65: “*arcessor in primis*”, 21). **With Clodius** :(18, 37); reconciliation (21,79)
- With Milo:** (65, 69)
- d) **Miscellaneous:** “*villa Pompei*” (54); “*Alsiense*” (54); “*horti*” (65n)

P. Clodius Pulcher

- a) **Family:** “*Appius Claudius ille Caecus*” (17); *Appius frater* (75); *Gaii filius* (59); Clodia Metelli (75); Clodia Luculli (73); C. Clodius was no relation.
- b) **Life:** violation of the *Bona Dea*, 62bc (13,59,72,87); “alibi” at trial (46); immorality (73); invasion of property (74-75)
- c) **Political career:** “*P. Clodi furor*” (3,34 etc); tribune 58bc (73,87); contempt for “*boni*”, attitude toward Senate, equites (87). Curule aedile 56bc; prosecutes Milo (40). Candidate for praetorship for 52bc (24ff). “Programme” (33, 76,77, 87,88). His political methods (“*vis armata*”); see 36-38, 41; wields the “*sica Catilinae*” (37). “*Arma*” (35,36,94).
- d) **Character:** (25) “*ad omne facinus paratissimus*” (43); elsewhere “*belua*” (32 etc)
- e) **Relations with Cicero:** attempts on life (20,37); 58bc (36,73,87)
- with Milo;** in 57-56bc (31, 35, 40); in 53-52 bc “gerrymandering” (25); avowed intention to kill Milo (25,26,44). Motive in attacking Milo (32,33)
- with Pompey:** 58bc attempt on life (18,38,87); reconciliation before his death (21,88)
- f) **Conduct on January 17th:** left Rome suddenly (27,45); return from Aricia on January 18th (54,55) “*pransus, potus, oscitans*” (56). Place of murder (17,37,85-86)
- g) **Miscellaneous:** raids on state forests (26,50,74,87); “*iudicium*” (40). “*Albanum*” (46), “*substructiones*” (53); relations with Cyrus (46,48). Funeral (33,36,94); consequences of death (6,30,72 etc).

M. Tullius Cicero

- a) **Life at Athens** (80); consulship (8,82); attitude to equites (94); exile (36,87) 58bc recall (38); defended by Milo (34,68,94,102); attacks of Clodius (20,37). Consistently defended Milo in Senate after January 18th (12,100); position with regard to the murder (14). Alleged “*potentia*” (12); murderous intent (47).
- b) **Relations with Pompey** (21,39,65,99,100)
- With Clodius** (78,87)
- With Milo** (34) ; supports his candidature.
- c) **Miscellaneous:** “*timor*” (1); “*lacrimae*” (92,95,105); refers to Appius Claudius (75); Cyrus (48); Terentia (87); Quintus (87,102); “*liberi*” (102).