

**Cicero *Pro Milone***

Section-by-Section Summary

§1

It is embarrassing to have to admit it, gentlemen, but I am nervous and afraid, and unable to rise above this in the way my client does; my excuse is that at this trial we are seeing things that are quite out of the ordinary.

§2

The presence of these armed troops is obviously going to make a speaker nervous – even though they are not here to hinder Milo's case, but to offer us protection. The reason I know it is worth my while to proceed with my defence is that I have such faith in Pompey; he would never have condoned intimidation in a court and anyway it was he who wanted this trial to be held.

§3

So this armed presence is here to protect us, and to make sure that my speech is heard. Apart from them, there is a great body of Roman citizens here who are entirely on our side, and who know full well how important the outcome of this trial will be. One group, Clodius' former followers, opposes us – as you know from what happened yesterday. Their presence simply reminds us how vital it is not to let Milo be banished.

§4

This is the greatest chance you could ever have to show your support for a good and loyal citizen; coming as you do from the most influential political groupings, you have often voiced your approval of people like Milo – now is your chance to show this publicly by the way you use your vote; to those of us who have always looked up to you, the consequences are crucial.



§5

The fact that we entered political life for the unique rewards it seemed to offer makes the prospect of Milo's punishment particularly difficult to bear. It was reasonable to expect that Milo would have a rough time when addressing meetings, but not that respectable people like yourselves would be manipulated to bring about his downfall.

§6

But I am not going to rely on Milo's outstanding services to the state when I present my case to you. I am going to prove to you beyond doubt that Clodius was the aggressor and attacked Milo; and whatever else happens in this trial, I am determined to uphold the right of a man to act in self-defence against his enemies.

§7

A point has been raised, though, by our enemies. They feel that punishment must be handed out to anyone responsible for another's death. The example in our own history of Horatius' behaviour disproves this.

§8

A plea of justified homicide is perfectly acceptable in our courts. A long list of prominent Romans who did not necessarily regard another's life as sacrosanct is testimony to this – as also is a famous story in Greek mythology.

§9

Our own basic code of law (the Twelve Tables) allows one man to kill another in certain circumstances. So surely to kill when one is openly threatened with violence is permissible? Marius took this view in the case of a sexual assault on a soldier in his army.

§10

The notion that retaliating against those who intend to commit a crime against ourselves is an unwritten law of which we have numerous instances in our history and which we simply know in ourselves is entirely justified in morality.



§11

If you are facing an armed attack, you do not start thinking about a remedy at law – if you do, it will come too late (you will be dead already). The law relating to carrying weapons implicitly allows self-defence; you are allowed to carry a weapon if you can prove it is only for your own protection. So a highwayman can legally be killed.

§12

There is then the difficulty that Clodius' killing was officially declared by the Senate to have been *contra rem publicam*, “against the interests of the state”. But in fact the Senate approved of the deed and has consistently supported Milo. One tribune has been trying to argue that this is really only my view, and I can tell the Senate what to think; if there is any truth in that, it is something I have earned by what I have done for our country.

§13

The Senate did not approve of the setting up of this special court and would have preferred to have had the whole matter dealt with under the existing procedures. (A previous crime of Clodius, which members of the Senate would like to have tried themselves, was transferred elsewhere; so in this matter of his killing, they would hardly have voluntarily asked for it to go to a special court.) The reason the Senate decreed that a whole series of incidents, including the killing of Clodius, was against the interests of the state, is that any violent attack by one citizen against another comes into this category.

§14

Sometimes people simply must defend themselves against violence. Various events in our own history show that violence can be dealt with by the agency of the state, but it nonetheless harms the state. This was the spirit in which I myself supported the *contra rem publicam* decree. I made a distinction between the action itself, and the question of who was to blame for the action. It was only that tribune who managed to get a special court set up; the Senatorial decree proposed merely a speeding up of the usual procedure. The tribune was bribed to use his right of *intercessio* (“veto”) after the original motion was split into two parts.



§15

Pompey passed a bill to have the case tried, but this implies nothing about his own view of the matter. The whole point was that a trial should be held. Pompey wanted to see what the outcome of the trial would be.

§16

He did this because the circumstances seemed to demand it. After all, in the case of the murders of Drusus and Scipio (Africanus) Aemilianus, there was no legal investigation. So it does not follow that when a prominent person is killed, there needs to be a case about it.

§17

While their lives distinguish important people from ordinary people, their deaths should not be treated differently. It is ridiculous to claim – as my opponents do – that one man can be more of a murderer than another, or that the circumstances of Clodius’ killing, on the Appian Way which his famous ancestor had constructed, make it somehow more shocking. Did Appius build it as a special “no-go” area for the benefit of his descendants?

§18-19

There is some inconsistency between the lack of interest in Clodius’ murdering Papirius on the Appian Way, with the close associations the scene of the crime has with Clodius’ family, and the outcry there is now about his being killed there himself! Clodius attempted to murder Pompey, and succeeded in forcing Pompey to adopt a low profile. There was no “special court” to investigate this! Yet if there was ever an occasion that seemed to demand special treatment, this was it; Pompey’s survival was absolutely critical to the survival of the Roman state. Are we to suppose that crimes that are unsuccessful need not be punished? This one most certainly should have been.

§20

Suppose Clodius had killed me; would there have been a special inquiry into my death? But we are forgetting how special a person Clodius was, not in the same category as Pompey, Scipio, and the rest. His death was a tragedy, was it not?



§21

So Pompey decided to have a special trial – but not for that reason! The considerations that weighed with him were tricky questions relating to his associations with Milo, his previous battles with Clodius and the recent improvement in their relations. He was depending on you, the jury, to give the right verdict.

He selected a splendid jury. But it has been claimed that he deliberately excluded supporters of myself. This, however, would have been impossible to achieve; my influence is not confined to particular groups of friends, but extends to all those who are *boni*, loyal members of our state. As he was choosing the “best” people for the jury, he obviously included people who hold the same views as myself.

§22

He chose you, Domitius, to be the president of the court for your personal qualities, because you are a former holder of the office of consul, and because he required someone who would stand up to fickle mobs and irresponsible hooligans; and your career gives ample proof that you would do this.

§23

So now we come to the actual subject of this case. I have dealt with the various preliminary questions – how admitting to the killing is not in itself so very important, how my own views are not in conflict with the Senate’s decree, and so on; and this leaves only one question to be settled – which of them was it who attacked the other? So here is my account of the incident.

§24

Clodius was a candidate for the praetorship but the delays over holding elections meant that he would have less than a year of office and an awkward colleague as well. So he became a candidate for the following year instead.



§25

Clodius' problem was that Milo was extremely likely to be elected consul for that year. So he got to work managing the election campaigns of Milo's rivals, but it was having little effect. He realised that to avoid having a bitter foe of his as consul, there was no alternative but to arrange for his assassination.

§26

He summoned his private army from their base in the Apennines, making no secret of his intentions. He was quite open in what he said about his plans to kill Milo, and even made a remark to Favonius suggesting this would happen sooner rather than later.

§27

Clodius found out that Milo would be making a journey out of Rome on a particular day; so he himself left Rome to ensure that he could get into position to ambush him. To do this, he had to leave a political meeting of the type he normally revelled in, uncharacteristic behaviour which can only be explained if his departure was for some criminal purpose.

§28

Milo, by contrast, stayed at his meeting, a meeting of the Senate, right until it finished, and then went home and had to complete various preparations before setting out on his journey. This was at quite a late hour – it was surprising, incidentally, that Clodius was still absent from Rome. Along the way, they met – Clodius with an unusually small retinue, but Milo so encumbered that it is impossible to believe he planned any kind of attack on Clodius.

§29

Immediately armed men came charging down from a hill, and Milo's coachman was killed. Milo stoutly defended himself but was attacked from behind; further along the line, Clodius' men started a fight with Milo's slaves, some of whom, believing their master had actually been killed, responded as one would have expected.



§30

These are the facts of the case; Clodius had set the trap, but the tables were well and truly turned on him. This was a very good thing, but then we would expect this of an action of Milo's; the only question before us is the justification of the act. But it has been a universally accepted law that killing is permitted in self-defence. You cannot condemn Milo's act without implying that in future this will not be the case.

§31

This cannot be so; or perhaps it would have been better for Milo to have let Clodius kill him. The question is surely whether Milo had legal justification for what he did; the attack and Clodius' being killed in it are accepted as facts and the Senate passed a decree about this; but who was responsible for the attack? That is the whole point of having this trial. Whether Milo is to be punished or acquitted depends on the answer to this one question.

§ 32

My method of proving that it was Clodius who made the attack on Milo will be to show you that Clodius stood to profit enormously by Milo's death – the great Cassius was right to encourage an examination of motive in cases like this. Clodius, if elected praetor, would be free of the restraining influence of Milo as consul, and what about the two men who *would be* elected?

§ 33

You surely haven't somehow missed hearing about Clodius' intended programme of legislation? Sextus, you rescued the documents relating to this from the fire at Clodius' funeral – perhaps you would like to show the court what you planned to get some henchman of yours to do for you? He looks furious with me! Am I angry with him? Well, in the matter of that funeral he treated Clodius' corpse in a more barbaric fashion than I could ever have brought myself to do, so I am hardly going to disapprove of that.



§34

So much for Clodius' motives for wanting Milo dead; turning to the question of why Milo might have wanted to kill Clodius, the comment made is that Clodius stood in the way of Milo's being elected to the consulship. But Clodius' opposition was actually helping Milo; although everyone was aware of Milo's qualifications for office, the major factor influencing all of you will have been the dreadful prospect of Clodius being elected praetor. Milo is now reduced to fighting a normal kind of campaign, having lost his unique role as the man who would control Clodius. You may have gained a release from your worries, but Milo has lost a great deal and his position as a candidate is weaker.

§35

The final part of our examination of motive has to be the possibility that Milo acted in sheer revenge for all that he had suffered over the years at Clodius' hands. The answer to this is that while Clodius may have had grounds for wanting revenge on Milo, Milo had absolutely none for getting his own back on Clodius, who, on my previous argument, was his greatest electoral asset. But for all kinds of reasons, Clodius would have hated Milo.

§36

We come now to an examination of the differing characters and records of the two men, which some would say point to Milo as the aggressor and exonerate Clodius. But consider my own exile [in 58-57 B.C.]; there was nothing in the least "legal" about that – it was achieved by the threat of armed violence by Clodius, which was also the justification for my recall. Were any of the correct legal procedures used? I simply withdrew from Italy because I did not want you to have to face this open violence on the streets.

§37

There are many instances of Clodius' murderous activity; Hortensius was almost killed because he supported me (and another man was killed in that incident); he is a second Catiline, who has attempted to murder me twice, plotted to kill Pompey, and stabbed Marcus Papirius to death on the Appian Way.



§38

- Whereas any violence Milo has ever employed has been directed towards stopping the crimes of Clodius, as a justified alternative to the ineffective processes of the law. There have been a number of highly memorable occasions when Milo could have finished Clodius off, if he had wanted to – such as when Clodius attacked his house, and at other times when various individuals were injured or threatened; and most notably when the law for my own recall from exile was passed and Clodius was at his most unpopular.

§39

Remember how the consul Lentulus, and other holders of senior offices, turned out on the occasion of my recall to make their hostility to Clodius and support for myself entirely public; Pompey was also there, the man who had initiated the whole process by giving a lead in a discussion in the senate, and then by having a decree about it passed in Capua that was a signal to the various communities of Italy to rally to my cause by coming to Rome and voting on it. So this was an occasion when Clodius was so overwhelmingly unpopular that Milo would have been completely in tune with the general will if he had decided, at that moment, to rid us all of Clodius.

§40

But he did not do this; he took legal action against Clodius, but did not use violence against him. There are some other similar occasions when Milo had a perfect chance to kill Clodius. One was when Milo was on trial, and Pompey, appearing at the trial, was attacked by Clodius; another was when Marcus Antonius was giving an excellent speech attacking Clodius to his face, with the result that Clodius had to run away to some dark and dingy hiding-place to avoid being physically attacked.

§41

Then there were the numerous occasions Clodius and his gangs charged in as we were trying to hold elections, and broke them up – the rapid arrival of Milo would send Clodius scurrying away. If there were those occasions, when everyone wanted him to kill Clodius, and when all the circumstances were favourable, and yet he refused to exploit the opportunities he was given, how can we be asked to believe that he unhesitatingly cut him down when the circumstances were all wrong?



§42

It is particularly unlikely that he would have done such a thing when election-time was drawing near – when any candidate is extremely sensitive to what people may be saying or thinking, and we know that our standing with the voters is subject to such unpredictable variations (sometimes nothing that we do seems to be right) that we live in dread of all gossip or scandal manufactured against us.

§43

So is it credible that Milo would contemplate appearing on election day with Clodius' blood still fresh on his hands? Conversely, we have no difficulty in believing that Clodius would have stooped to such behaviour. The question that really matters is which of them would have thought he could get away with the killing – obviously not Milo (he is being tried for it at this very moment); whereas Clodius never worried about being caught and punished for anything.

§44

Besides all this is the fact that Clodius made that incriminating remark to Favonius. We actually have two witnesses to Favonius' reporting of it here with us on the jury. Clodius' complete disregard for any risk involved in an attempt on Milo's life is perfectly illustrated by his readiness to boast about it beforehand.

§45

You may wonder also about how Clodius could have known Milo was travelling to Lanuvium that day, but I only need to remind you that this was public knowledge, granted Milo's official position as mayor of the place. Look too at the circumstances of Clodius' departure from Rome, leaving a riotous meeting he had arranged through an agent; surely there must have been some strong reason for him to drag himself away from this? By contrast, would Milo have been able to know about Clodius' movements?



§46

- How could Milo have known? But with Clodius it is quite different; many people could have told him about the forthcoming installation of a priest at Lanuvium. Now turning to Milo, let us suppose that he did make enquiries somehow about what Clodius was doing (there were some witnesses' statements on this point); we then have the information supplied by two witnesses that Clodius never intended to travel back to Rome that same day, and in fact changed his mind upon receipt of some news from Rome.

§47

This completely exonerates Milo from the suggestion that he set out planning to attack Clodius, as he could not even have been expecting to meet him. I too have come under suspicion – some disreputable characters have claimed that I was behind this so-called plot to kill Clodius. But as he would not have been on the road, but for his change of plan, I could not ever have imagined I would have the chance to do this crime which I am accused of having plotted.

§48

To continue my argument, it could be said that as Clodius did not plan to return to Rome the same day that Milo was travelling to Lanuvium, then he could not have been plotting an attack on him either. But that is true only if we take Clodius' alleged reason for setting off so abruptly – the news of the death of Cyrus – at face value. Was this really the message that he was brought? Cyrus' death was hardly a surprise, as Clodius knew he was dying when he left Rome the previous day (both he and I saw the man to help him with some formalities relating to his imminent death). We should look also at how long it appears to have taken for the message to get to him.

§49

And even if all this about the message is quite true, his great haste is very suspicious. Did he really need to get to Rome as quickly as all that? Furthermore – we have considered the risks of travelling at night already – would not Milo, if he was planning an ambush, have been likely to be waiting nearer the city itself, to catch Clodius when it was already dark?



§50

If he had done that, he would have got away with it. The area is a notorious haunt for robbers; the darkness and loneliness would have protected him; and there are so many other categories of people, victims or potential victims of Clodius, who would have been equally liable to be suspected.

§51

Yet another point that proves Milo's innocence is that if he knew that Clodius was breaking the journey (as he did) by stopping off at his estate in the area of the Alban hills, would he not have planned to make the attempt before his victim got to a place where he was obviously going to be safe for the night? In fact, Milo did not meet him on that earlier stage of his journey (any more than he waited for him where he might have been expecting him to be when night fell).

§52

From whatever angle we examine this incident, we always get a consistent picture. Whether we look at the motives of each, their feelings towards one another, basic characters, or anything else, we find the argument exonerates Milo and incriminates Clodius.

§53

If we go on to consider the "scene of the crime", it is impossible that Milo would have chosen to make an attack in front of Clodius' estate, not far from where there were huge numbers of men actually employed by Clodius and the terrain was unfavourable to him; but these factors will certainly have recommended the location to Clodius.

§54

Just visualise the scene, and you would soon see the truth; Milo's clothes, and the other circumstances of the way he was travelling, were completely unsuitable for doing such a thing. But the picture of Clodius leaving so suddenly and at such an unsuitable time is highly suspicious, as is the detail of his visit to Pompey's estate, when he knew that Pompey was not going to be there.



§55

Both of them were travelling in a quite uncharacteristic mode, Clodius with nothing to slow him down, Milo very encumbered – Clodius without his usual entourage, and Milo with groups of entertainers and female servants. So what went wrong? Well, it has been known for highwaymen to be killed instead of the other way round, and in terms of courage and manliness Clodius will have been out of his depth.

§56

And Milo was always prepared against an attack from Clodius, perhaps not completely, but always adequately prepared; he knew Clodius wanted him dead (a fact he had advertised), and always had some bodyguards with him. Furthermore the fortunes of war are notoriously unpredictable and a man can lose everything at the very moment he seems to have triumphed. Lastly, Clodius was so incapacitated by drink and over-indulgence generally that he had not thought out a proper plan; he dealt with Milo, but forgot about the slaves following him, who then realised what was happening and gave Clodius what he deserved.

§57

As to Milo's giving those slaves their freedom, you say he was afraid they would betray him under torture. But torture is used only for arriving at the true facts of a case, and the facts here are not disputed. We are concerned with the question of the justification for Milo's action. Perhaps you should be criticising Milo for rewarding his slaves inadequately for their services to him.

§58

That was a point made by Cato. Slaves who have protected their master in the face of death deserve great rewards. Can any reward be adequate for slaves who prevent their master's death? Yet even that service pales into insignificance when you realise what sort of death these slaves saved Milo from, and the satisfaction it would have given Clodius. It is outrageous to think that if Milo had not freed them, torture would have been their reward for saving their master. At least Milo can comfort himself with the knowledge that he has done the right thing by his slaves.



§59

The questioning of Clodius' slaves has just been completed. Slaves being examined (by Clodius' nephew) to provide evidence against their master! This gives the trial an almost religious dimension; perhaps Clodius, who once gatecrashed a religious ceremony, has been able to infiltrate the divine world after all. The practice of examining a man's slaves to give evidence against him has always been discouraged; it may produce the truth, but it is so degrading to the owner; here, the bias in the situation is so blatant that we will not even get at the truth.

§60

Imagine the way the examination is conducted; it is quite farcical to suppose that these slaves will give any answer other than the one they think will earn them their freedom. When people are taken for questioning like this, it should be done instantly and proper precautions should be taken to ensure that they are not 'got at' in any way; but these slaves have spent one hundred days with the man who is in fact the prosecutor. How can we take this kind of evidence seriously?

§61

It should be obvious to you that Milo was not suffering from a guilty conscience after the death of Clodius; he returned to Rome very quickly and confidently – confident enough to put himself under the protection of the people, the Senate, and of Pompey himself. This is particularly significant, as Pompey carries this enormous responsibility for the state and is the recipient of all manner of rumours, some of which he is obliged to take seriously. A clear conscience has the most powerful effect in making a man more courageous, just as a bad conscience does the opposite.

§62

The Senate has been right to support Milo; the consistency of his behaviour and his belief in his own innocence impressed them. It is worth remembering that a number of people, on hearing that Clodius had been killed, did not expect Milo to return to Rome at all.



§63

There seemed to be two possible explanations for Milo's having killed Clodius - it was either done in anger on the spur of the moment, or it was a deliberate act intended to benefit the state; but on either interpretation Milo, it was felt, would have regarded his achievement as well worth the banishment he would have accepted as the inevitable result. Others reminisced about Catiline's last-ditch attempt to survive by fighting a private war against Rome. You have to feel sympathy for those whose services to the state are so quickly forgotten.

§64

Such unfounded allegations might have been justified if Milo's response to them had in fact been in any way questionable. Lesser men might have buckled under the weight of these damaging charges. But Milo's response to them was admirable. Rumours abounded about his having caches of arms and other equipment, and secret 'safe houses', all over the city; these tended to be believed, and it took a long time before they were discredited.

§65

I make no criticisms, though, of Pompey's thoroughness in investigating whatever he heard. Those in positions of supreme responsibility like his cannot afford to ignore the slightest rumour of a threat to the state. An example is the colourful story produced by Licinius, a priest's butcher, of a plot against Pompey's life. Pompey was told; his advisers, including myself, and the Senate were informed; I was alarmed, but have to admit that I was surprised at how seriously the whole thing was taken when it was so obviously a put-up job.

§66

Pompey's extreme care in dealing with such reports was intended to create a climate in which all of you could feel less afraid. An example was when he continued to listen to reports about an attack one night on the residence of Julius Caesar, for which, however, no actual evidence could be produced. This is sheer devotion to duty, and it is admirable. Again, Milo was able to give a dramatic refutation in the Senate of a charge levelled at him, though you would have thought his record should have been sufficient. All these rumours were unfounded; yet people still have suspicions about him.



§67

It is Pompey's apparent distrust of Milo that is our real problem. Now, Pompey, I address you directly. Can these massive military preparations of yours really be directed at Milo? Can one man be such a powerful threat that he is the reason for such exceptional measures?

§68

In fact, Pompey, your aim is to use them to restore strength to our ailing Republic. Milo could have made a forceful case for being your greatest admirer, drawing on the facts of his career over these past few years; he may have helped to bring *me* back from exile, but *you* have gone out of your way to help *him*. But if in the end he had failed to convince you of this, such is his nature that he would have accepted his fate, though not without a final plea to you.

§69

Life is very uncertain, and political support has a disturbing tendency to evaporate, nor is it always genuine. I hope that your own position is never seriously threatened, but I am absolutely certain that a crisis will come in which you will miss Milo's unique qualities.

§70

Pompey well understands the law, and the government of the Roman Republic. When he was given military power by the Senatorial decree (in its traditional wording), he waited for a trial to be held; why? It was hardly necessary if his purpose was retaliation against Clodius! Pompey has made his own view clear in the law he passed encouraging you to acquit Milo.

§71

He is stationed nearby, with forces at the ready; but far from this being meant to intimidate you into giving a 'guilty' verdict – Pompey has powers that would enable him to punish Milo himself – the troops are intended to enable you ignore intimidation and give a free verdict.



§72

I could have defended Milo in a different way, and played on what I know are your feelings about Clodius' death. I could have represented Milo as saying that he had killed a man who was far worse than others who have been killed for attempting to subvert the state. This was a man who once wickedly intruded upon a solemn religious ceremony...

§73

This man defiled religion, and committed incest; he managed to do great harm to men who had served and protected the state, and interfered in foreign policy for his own advantage; he was completely unrestrained by any sense of morality, as his actions show.

§74

Clodius had no respect for other people's property; if he wanted what belonged to someone else, he used force to get it. He used to be found actually carrying out surveys of other people's estates, and there were no territorial limits to his greed. One notable example was when Paconius refused to sell him some land he owned, where Clodius wanted to do some building of his own.

§75

There are other instances of this appropriation of the property of others. It was not all unknown for him to threaten the lives of unco-operative owners, or frighten them in other ways. In another case, a man returned from a period away to find that Clodius had taken over his estate. Clodius also showed utter disregard for his sister in the way he re-designed their house.

§76

Perhaps Rome would have come, somehow, to have accepted these outrageous attacks on the property of others; but suppose he had been elected praetor? Quite apart from the damage he would have caused in Rome's external relations, he would never have kept his hands off your own possessions and your wives and children. I am not making this up; it is a well-known fact that he would have had whatever he wanted, using the private army he was going to raise.



§77

Imagine that Milo had boasted of his killing of Clodius and so restoring law and decency to Rome, he would have met with universal approval, as having been the cause of more rejoicing than anyone in history, including the successful generals of recent times.

§78

No enjoyment of anything would have been possible for you if Clodius had not been killed. Now we can hope, with Milo's election this year, for a return to normality. With Clodius still on the scene, how could you ever have expected to retain legitimate ownership of your property?

You may think that my particular hatred for Clodius has let me get carried away in what I say. But Clodius was everyone's enemy. His wickedness passes beyond the power of words to describe.

§79

I want you to use the powers of imagination that allow you to visualise the thoughts you have. What if Clodius came back to life? The idea frightens you, doesn't it? Suppose Pompey could do anything he wanted, and rather than hold a trial about the death of Clodius, could raise him from the dead - would he do so? Of course not. You are sitting in judgement on a state of affairs you would have no wish whatsoever to reverse, even if some law could be passed to do it. So the man who killed him should have nothing to fear from you.

§80

Think of the famous memorials to the slayers of tyrants, in Athens and elsewhere, and the celebrations held for them. You should be giving similar honour to Milo, not hauling him off for punishment. If Milo had deliberately killed Clodius, he would be claiming to have been acting in the interests of all, and he would have been very open about it.



§81

Yes, if Milo had made a deliberate attack on Clodius, he would not have denied it – in fact there would have been every reason for him to advertise it. For if you then recognised that Milo had been acting in your interests, he would have been well rewarded. If, incredibly, had that not been your reaction, Milo would have known what to do.

§82

Any who take decisive action in defence of their fellow-citizens know they must accept the often painful consequences of failure; this, and the rewards of success, are inseparable from one another. I was perfectly aware of the possible cost to myself when I dealt with Catiline's conspiracy. There has to be the possibility of failure for it to make sense to talk about manly courage at all.

§83

So Milo could make the claim that he has saved us from the domination of Clodius with tremendous confidence. But the credit should in fact go to higher powers – unless you believe the gods do not exist, and reject traditional practice.

§84

But it is impossible not to believe that alongside a natural life force there exists a parallel divine energy; the argument that because such a thing cannot be seen, it therefore does not exist, is absurd – we would not apply this argument to disprove the existence of our mental powers. So we can well believe that it was the providence that protects Rome that led Clodius to his death.

§85

The event shows remarkable involvement on the part of heaven. Clodius had been building in Alba, on whatever ancient religious sites in that area he felt like defiling, and Jupiter Latiaris himself exacted the revenge that the criminal had been due to pay for such a long time.



§86

Even the Good Goddess, for profanation of whose ceremonies Clodius was once put on trial, took a hand in this. Then the gods drove Clodius' followers mad, and they gave him a kind of mock-funeral, depriving him of all the usual ways of honouring the dead like the procession of ancestors; but even this funeral was in certain respects appropriate to the man.

§87

It is quite extraordinary that Clodius' career of revolutionary violence had been allowed to continue over so many years, when you consider the appalling things he did. His activity extended well outside Rome, to Etruria, the provinces, and our dependent kingdoms. Here in Rome he planned extreme measures in regard to the position of slaves; nothing was safe from him.

§88

Clodius had nothing to fear from Pompey, Caesar, or even upright citizens – only from Milo, and that was what led him to make the attack; but in fact this was the only means by which we could have been saved from him, since we can discount the notion that the Senate would have been strong enough to control him.

§89

Neither the consuls who would have been elected, nor any consuls, would have stopped him from taking total control of the state – witness his new legislation to help slaves! But fortunately for us, the gods drove him to attempt an insane act.

§90

Do you really believe we would ever have been safe from Clodius? After all, one of his underlings was responsible – even when Clodius was dead! – for burning down the Senate-House. This was appalling enough, but think what this individual might have gone on to do, had his master lived; that he chose to burn the Senate-House was a deliberate and significant act.



§91

So many people seem to have forgotten about the destruction of the Senate-House; Clodius alive would be an even more terrible prospect than the dead Clodius who nonetheless sparked off so much violent damage that day and then again at the meeting at which Caelius spoke.

§92

With nothing left to say about the case itself, I appeal to you to show pity on Milo. You will have noticed that he is not asking for it himself; he has remained entirely unemotional throughout. This makes him more entitled to your sympathy. It is like the way we react when watching gladiatorial contests; we are *more* inclined to show mercy to those who display courage and seem indifferent to death. How much more true this should be in the case of Milo!

§93

Milo constantly tells me what he really thinks. 'I wish all of you well,' he says, 'and want Rome's greatness to endure; I may not continue to live among you, but even so it is my wish that you will benefit from the peace I won for you. I will look for some acceptable alternative home.'

§94

'All my work' (Milo continues) 'has come to nothing. I was the servant of whatever loyal elements there still were in the state, but it is precisely those people who have abandoned me. I was instrumental in bringing you, Cicero, back from exile which is apparently where I myself must now go, without any voices raised in my support.'



§95

Milo does not give way to emotion in making these complaints. You may be about to send him into exile, but he does not accuse you of being ungrateful for what he has done for you. He knows how much you needed that help when he gave it. That was why he competed with Clodius for the support of the city mob, who threatened your interests. He has no criticisms of the way the Senate has backed him, and will always have happy memories of his good relations with yourselves.

§96

Although he was never actually elected consul, he knows that he had the support of the people and was as good as elected. If he is found guilty, he can be sure that this will not be through any actual guilt on his part. The sole concern of men like him is to act honourably; and his whole life has been full of distinction and service.

§97

Service to one's fellow-citizens is a reward in itself. But the greatest reward one can have is glory, because it confers immortality.

§98

The glory of this deed will last for ever. In fact, even though Milo's enemies have been doing their worst, celebrations, official and otherwise, have already been taking place. Only a comparatively brief period has passed since Clodius was killed, but in that time a reaction has been felt from every corner of the Roman world. Therefore, Milo is unconcerned about whether or not he will be exiled.



§99

And this is the reply, Milo, which I now make to you. Your wonderfully detached view of your situation makes separation from you all the harder. I will not even be able to get over my grief by feeling resentment at those who voted for your condemnation, as they are people who have always been good to me - something which it is impossible for me ever to forget, whatever happens. Perhaps their view of me has changed; in which case why not punish me rather than Milo? I would then escape witnessing this ultimate catastrophe.

§100

At least I can claim to have spared no effort or sacrifice on my own account in Milo's interests. Even if blood is going to be shed today, and Milo is to be exiled, I insist on sharing in this. If you, the jury, are people who have supported me in the past, to be consistent you must acquit Milo now, or all is lost.

§101

Milo is quite unmoved by this, and will not regard his sentence as the end of everything for him. But where does this leave you, members of the jury? How can you banish Milo? Others of you here have suffered for the Republic, and others are here to protect the court – how is it possible that you could allow him, of all people, to be sentenced to exile?

§102

I am afraid of the consequences for myself if I fail to secure Milo's acquittal. What will those closest to me think? Given the circumstances of this trial, it will seem inconceivable that I should have failed like this.

§103

I cannot understand what is happening. You would not have thought that I, once the saviour of our state, would have to look on while Milo goes into exile. This would make a mockery of your recalling me from my exile.



§104

You must respect Milo's courage; he is prepared to face this unfair treatment as the price of what he did, which he considers was right. But must he really live the rest of his life away from his home?

§105

Milo's loss to this city will be a terrible thing. But this must be the end of my speech, before emotion takes over; members of the jury, do vote according to your beliefs; you will thus vindicate your original selection, for your numerous merits, to be jurors in this trial.