

AS and A LEVEL
Set Text Guide

LATIN

H043, H443

For first teaching in 2016

Set Text Guide
Cicero: Pro Milone



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GENERAL INTRODUCTION

Cicero

Marcus Tullius Cicero, politician, orator, philosopher, and poet, is one of the most important authors to have survived from the ancient world, and perhaps the Roman figure whose life we know in the most detail. More text survives from his pen than from any other non-Christian Latin author.

Born in 106 BC at Arpinum, a small town near Rome, he was not a member of the extremely exclusive Roman aristocracy, but his political acumen and brilliant skills as an advocate in the Roman law court won him the consulship of 63BC. During his consulship he suppressed the conspiracy of Cataline, and as a result in 58BC was driven into exile by Cataline's supporters, principally his long-time adversary Publius Clodius Pulcher, but was recalled in 57BC. Caught up in the political conflicts that characterised the collapse of the Roman Republic, he sided with Pompey and the Senate in the Civil War against Julius Caesar, but was pardoned after Caesar's victory. A supporter of Caesar's assassins, he nevertheless cherished (futile) hopes of mentoring Caesar's young heir Octavian, the future emperor Augustus. However, after delivering the Philippics, a series of fiery oratorical attacks on Octavian's colleague Mark Antony, he was killed in 43BC on the orders of the Second Triumvirate. His head and hands were nailed to the Rostra from which so many of his speeches had been delivered.

The impact of his writings on Western culture is immeasurable. Even during his lifetime he held the reputation of Rome's greatest orator, a reputation which only increased after his death. His letters and philosophical works had a profound impact on the thinkers of the Renaissance. They remain our major historical source for understanding the complex world of Late Republican Rome.

Pro Milone

Cicero's speech in defence of Titus Annius Milo was delivered in 52BC under extremely tense political circumstances. Milo was accused of murdering his (and Cicero's) adversary Publius Clodius Pulcher on the Appian Way near Bovillae, about 11 miles from Rome: Cicero gives his version of Clodius' death in the speech. Cicero was compelled to work with Milo's initial claim that Clodius had laid a trap there and intended to kill him, and that his actions had been in self-defence. Cicero spoke on the fifth and final day of the trial, and so the speech responds to the incriminating evidence already given to the court by the prosecution.

Cicero, therefore, does not claim that Milo was innocent of Clodius' death, but reframes the skirmish as a patriotic act. Milo was not simply acting in self-defence, he suggests, but in the interests of the entire Republic. Throughout the speech he repeatedly blackens Clodius' character, and works hard to glorify Milo by contrast. Milo, he claims, has saved Rome from the debaucheries and political machinations of a dangerous rabble-rouser and gang-leader. Perhaps the most famous phrase from the speech is 'silent enim leges inter arma' ('in times of war the laws are silent') – in other words, the unrest and violence caused by Clodius was enough for his own unlawful killing to be justified.

In the case of the Pro Milone, unlike many of Cicero's speeches, we know the outcome of the trial and many other circumstantial details thanks to a commentary on the text by Asconius, a writer of the first century AD. Cicero was unsuccessful in his defence, and Milo was condemned by 32 votes to 13, and exiled to Massalia (modern Marseille).

The text we have is not the speech Cicero delivered on the day. He substantially redrafted it after the event before its publication. Cassius Dio tells us that when Milo read the revised text he commented that if Cicero had only spoken so well on the day, he would 'not now be enjoying the delicious red mullet of Massalia.'

Talking Points

Talking Point	Explanation and Teacher Notes
<p><i>Is self-defence ever an acceptable excuse for killing another person?</i></p>	<p>Cicero of course will discuss this from the outset in his speech, so it is worth posing this question to students before looking at the details of the case. Opinions may vary widely, and be strongly-held; this sets the scene well for a critical exploration of Cicero's case.</p>
<p><i>Can we justify Cicero's claim that "in times of war the laws are silent"?</i></p>	<p>The phrase 'silent enim leges inter arma', re-ordered as 'inter arma enim silent leges', has been cited by legislatures seeking to suspend citizens' constitutional rights and legal protections in times of emergency. Most recently it has been used in the wake of the 9/11 terrorist attacks to support the imprisonment of terrorist suspects without formal charge. Students might want to consider whether they agree with Cicero's argument: can or should an unlawful killing or act be excused in the event of national emergency? Are they persuaded in Milo's case?</p>

CONTEXT

The Late Republic

The Roman Republic was based on a system of power-sharing. It can be encapsulated in the acronym SPQR found all over ancient Roman inscriptions: *Senatus Populusque Romanus*. While sovereign power resided with the people – the *populus Romanus* – day to day government was directed by the magistrates and Senate (*Senatus*), elected from the ranks of the rich. Even the office of chief magistrate was shared by two consuls. By the first century BC, however, the great influx of wealth from Rome's growing empire and the corresponding power of her great generals were causing the system to break down. Decades of civil conflict weakened the state. Ambitious aristocrats like Julius Caesar were able to buy the love of their troops with victory and gold, and were able to bypass the traditional structures of government.

At the time of Milo's trial in 52BC, the unofficial, backdoor alliance of three powerful men (the 'First Triumvirate') that had controlled Roman politics had lost its third member, Marcus Licinius Crassus, who was at war with Parthia. The two remaining 'godfathers' were Gaius Julius Caesar and Gnaeus Pompeius Magnus (known to us as Pompey the Great) and their relationship had begun to cool. On the streets of Rome, popular dissatisfaction was expressed through rioting and intimidation. Politics was dividing into two factions, those who professed to support the will and rights of the *populus Romanus*, and those who upheld the authority of the Senate. In the unrest following Clodius' assassination, Pompey was made sole consul. In Roman Republican terms, this made no sense: there had always been two consuls, so that neither could seize power on his own. Historians take this event as a sign that the traditional constitution was collapsing.

Cicero, Milo and Clodius

One of the ways the First Triumvirate had controlled Roman politics was through alliances with current magistrates. Alliances with those who held the office of Tribune of the Plebs were particularly valuable, as the tribunes had a unique power, originally designed to protect the rights of the ordinary people: a veto over legislation. Publius Clodius Pulcher had used the position of tribune to full advantage. Although he was himself from the most aristocratic of aristocratic families (the *Claudii*), he set himself up as the people's champion. It was as tribune that he forced Cicero into exile. His funeral triggered a riot in Rome; his furious

followers burned his body in the Senate House itself, burning the building down in the process.

Milo, however, was more closely allied with Pompey and the senatorial faction. During his own tribunate he was instrumental in securing Cicero's recall from exile. Through their alliances with politicians like Milo and Clodius, Pompey and Caesar were able to control Roman politics even when far away on military campaign.

Roman Law Courts

In adapted form Roman law still serves as the foundation of the legal systems of many modern states, particularly in continental Europe. The large number of Latin terms in current use reflects this. The plaintiff and defender were generally represented by advocates; the court was presided over by a magistrate, usually a praetor. Judges, however (there could be one, or a panel, like a modern jury) were chosen only from the senatorial and equestrian ranks: in other words, the rich. As the Romans had no police force, it was up to individual citizens to prosecute when they saw wrong-doing. This meant that high-profile cases could be motivated as much by political or personal reasons on the part of the prosecutor, as by more 'upstanding' reasons. Prosecution for a crime was one way to attack a rival; such was the case for Clodius and Cicero.

Acting as an advocate was one of the standard routes (along with serving in the army) for young Roman aristocrats to build their political careers. As well as earning acclaim in the public arena of the court, and reinforcing patronage networks, it was a way for the ambitious to acquire meaningful political status. Cicero, a relative unknown from a provincial town, made his name in the courts.

Trials were conducted in public, usually in the open air of the Roman Forum or in one of the large halls, or 'basilicas', that stood around it. Because of the high-profile nature of Milo's trial, the consul Pompey ordered an armed guard to surround the proceedings; something that can't have helped Cicero's confidence, but perhaps lent weight to his suggestions of national emergency.

Talking Points

Talking Point	Explanation and Teacher Notes
<p><i>Cicero was set the task of defending a man who by his own admission had caused the death of another. Was Cicero right to accept this brief?</i></p>	<p>It is worth discussing this point before students begin reading the speech itself, and returning to the question once they are familiar with Cicero's arguments. What is our instinctive reaction to this question? What did Cicero stand to gain? What would be the implications of a not-guilty verdict for the laws and wider society? Even without yet knowing the finer details of the case and of Roman law, discussion is likely to engage students and encourage them to explore further.</p>
<p><i>In the modern-day United Kingdom the Crown Prosecution Service is principally responsible for bringing people to trial. What are the advantages and disadvantages of this system, compared to the Roman system?</i></p>	<p>It may be worth reminding students that the modern-day system rests on such principles as "innocent until proven guilty". Obvious advantages of the modern system are: that there is less need for an aggrieved party to pursue an accusation (if a public service takes responsibility to seek to punish wrongdoing), that it becomes easier to treat everyone equally before the law, and that the potential for "malicious prosecution" is diminished as the CPS is able to decide whether it is in the public interest to pursue a case. Disadvantages might include that prosecutions might not be brought by those with the best knowledge of the facts of the case.</p>

THE TEXT

Summary of the speech

1-23: Introduction

Cicero begins by addressing the judges and expressing his concern about the unusual sight of guards surrounding the courtroom. He swiftly begins to praise Milo's character, and establishes that the defence will rest on the idea that Clodius first attacked Milo, and the killing was in self-defence.

7-23: Refutation

Unusually at such an early stage in a speech, Cicero begins to refute accusations made against Milo; he immediately addresses those who claim that killing in self-defence should be punished by death, recalling the trial of Marcus Horatius, who was acquitted (this, he claims, was the first Roman trial concerning a man's life). He also begins to create a negative impression of Clodius and his supporters. Cicero also suggests that he himself has been at risk from Clodius. There follows some incidental flattery of Lucius Domitius, who is presiding over the case. Cicero sums up this section by stating the main question: whether the death resulted from Milo plotting against Clodius (in which case he would surely be guilty), or vice versa (in which case surely innocent.)

24-31: Statement of the facts of the case

Cicero narrates what he claims are the facts of the case, beginning (24) with a sharp attack on Clodius and his journey to the praetorship. Having established Clodius's jealousy of Milo (who looked set to be elected Consul), Cicero sets out Clodius's plan to ambush him on the way to Lanuvium. Details of the attack follow. Cicero concludes his account by conceding that Clodius was indeed killed, but reiterating that the case is about the application of the law, not the facts; he also repeats his assertion that the question is: who plotted against whom?

32-91: Proof of the argument

Cicero starts his proof by looking at who stood to benefit. If Milo died, he points out, Clodius stood to gain a great deal: he would be praetor without Milo in the superior rank of Consul to interfere with his plans (32). On the other hand (34-5), Milo did not stand to gain much if Clodius died; he was already well on the way to becoming Consul, and bore no particular ill-will towards Clodius. Cicero compares

the characters of the two men and points out that Milo had previously brought prosecutions, not violence, against Clodius - even when, he claims, public opinion would have supported Clodius's death. How likely would Milo be to commit murder just as the date of the all-important consular elections was approaching? The argument continues (43) with further attacks on Clodius: that he had been heard threatening death against Milo, and that he could easily have planned the ambush, easily finding out about Milo's planned trip to Lanuvium. Milo, however, was not in a position to plan like this; it was Clodius's behaviour that was suspicious. After summing up these points (52), Cicero considers the practicalities of the ambush. He considers Milo's honourable behaviour, and moves into a discussion of how the death of Clodius is in fact a positive matter for the state.

92-105: Conclusion

Cicero winds up his case with an emotional appeal. Cicero points out that he himself weeps as he speaks to defend Milo, and will have to cease speaking because of his tears. "If this city expels Milo, it will be acting ungratefully - and the city that receives him (as he goes into exile) will be just," he states, before flattering the judges once more.



Rome - statue of Cicero from facade of Palazzo di Giustizia.

Stylistic Features and Key Terms

Cicero needed to be lively, engaging, and even to an extent entertaining, if his case was to succeed. He needed to keep the information flowing but also present it in the best possible light for his purposes; he also needed to appear confident, knowledgeable, and reliable. All of these concerns affected both what he would choose to say, and how he should say it - and in what order.

Much of Cicero's rhetorical style, and many of the techniques he employs, can be described as essentially different types of repetition: of structures, of sounds, or of thoughts. In some cases, it might be possible to assert a bare-faced lie - if it is repeated firmly and often enough. The more a point is repeated, the more it can be interesting to ask yourself: how reliable are the facts here?

The list of key terms opposite will help you to understand the workings of Cicero's style, but remember some principles:

- Technical terms are not answers or even explanations, but tools to help you to organise your commentary
- As well as using a technical term, you must explain what the effect is and how it might advance Cicero's argument
- Remember that the speech was performed, not silently read. Rhythm and the "catchiness" of the words are even more important than the arrangement of the words on the page
- Very often, these features will appear in combination with each other, and you should be ready to point this out!

Alliteration: the repetition of consonant sounds to make a catchy, or sometimes expressive, effect

E.g. 30: in "vi victa vis vel..." the repetition of the initial "v-" sound draws attention to the symmetrical idea that "violence was defeated by violence".

Anaphora - the repetition of a word or structure in successive clauses

E.g. 30: in "nihil dico quid... nihil quid... nihil quid... nihil sane", the anaphora of "nothing" hammers home the idea that Cicero claims to be holding his tongue from saying what he wishes to.

Apostrophe - a "turning-aside" to address someone other than the main audience, whether an individual, or a god

E.g. 44: with the apostrophe of "te, M. Cato, testor" ("I call you to witness, Marcus Cato"), Cicero vividly reaches out to a specific witness so as to add authenticity to his evidence.

Asyndeton - omitting conjunctions

E.g. 52: there are no conjunctions linking the clauses throughout this paragraph, creating a long list of points that feels like a stream of evidence; the more it piles up, the harder it will be to refute.

Exemplum - appeal to an example. Cicero makes great use of this in other sections of the speech.

Hyperbaton - an unusual word order, often to draw attention to a particular word by putting it first or last in a sentence.

E.g. 24: by the hyperbaton of delaying "plenum annum atque integrum" ("a full and entire year") to the very end of the sentence, Cicero draws attention to the amount of time that Clodius wanted to secure as praetor to overthrow the Republic.

Hyperbole – exaggeration for effect

E.g. 25: in “fortissimum virum inimicissimum suum, certissimum (consulem)”, Cicero exaggerates each one of Milo’s qualities (“a very brave man, a very great enemy (to Clodius), and a very certain consul”) with superlatives. The hyperbole makes these qualities seem absolute, and help make the issue seem black and white: Milo was absolutely good, and Clodius (his enemy) therefore absolutely bad.

Homoeoteleuton - the repetition of a word-ending, sometimes called “end-rhyming”

E.g. 25: in “fortissimum virum inimicissimum suum, certissimum (consulem)”, Cicero further exaggerates the hyperbole of the tricolon of superlatives (“a very brave man, a very great enemy, and a very certain consul”) by the repetition of the ending “-um”, a striking sound-effect.

Irony - the expression of meaning by using words that mean the opposite, often for humorous or absurd effect

E.g. 28: when contrasting Clodius and Milo, Cicero ironically refers to Milo as “hic insidiator” (“this plotter”) before immediately describing how totally ill-equipped he was to carry out an efficient attack. This makes the very idea of him as a murderer seem ridiculous.

Praeteritio – ‘passing over’: a pretended omission for effect

E.g. 30: with “nihil dico quid res publica consecuta sit”, Cicero’s praeteritio (his claim that he will say nothing about what the Republic gained as a result) makes his audience think even harder about what he says he will not mention.

Polysyndeton - the use of many conjunctions (the opposite of asyndeton)

E.g. 28: with “magno et impedito et muliebri ac delicato ancillarum puerorumque comitatu”, Cicero emphasises how many things were weighing down Milo on his journey (“with a great deal of baggage and a delicate company of women and slave-girls and boys”) by the polysyndeton, saying “and” four times with three different words. This long, ponderous sentence makes it seem very unlikely that he was planning a stealth attack.

Rhetorical Question - a question asked in a context where nobody is likely to answer, allowing the speaker either to answer their own question, or making the obvious answer seem like the only possible one

E.g. 44: When he asks “sed quid ego argumentor, quid plura disputo?” (“But what am I arguing about? Why do I keep on disputing further?”), Cicero’s rhetorical questions imply that there is no need for him to keep arguing as his case must by now have been clearly made.

Tricolon - a set of three items in a list, often building to a powerful final item

E.g. 25: in “fortissimum virum inimicissimum suum, certissimum (consulem)”, Cicero’s tricolon of Milo’s qualities (“a very brave man, a very great enemy, and a very certain consul”) builds up to put Milo beyond all reproach - especially as the final quality of the three was that he was on the point of holding the most honourable office in all of Roman society.

Talking Points

Talking Point	Explanation and Teacher Notes
<p><i>Can you identify the key themes that Cicero returns to throughout the speech?</i></p>	<p>There are many such themes and even Cicero might struggle to produce a definitive list; but a list might include:</p> <ul style="list-style-type: none"> • The character of Clodius • The character of Milo • The unsettled political atmosphere • Milo's likely consulship, and its implications for Clodius's praetorship • The plotting of an ambush, but whose plot against whom? (Is it even certain that there was an ambush plot at all?) • The nature of Clodius's supporters, linked to the burning of the Senate-house • The opinions of the Senate and the people • The legal precedents set by previous generations • The highly unusual circumstances of the trial • The roles of Pompey, and of Cicero himself • The emotional implications of the trial
<p><i>How does Cicero's Latin persuade and influence his audience?</i></p>	<p>Pro Milone – despite its lukewarm reception in court – was widely acclaimed in antiquity as one of Cicero's best speeches. This question will be asked again and again in class and in written exercises; it is important at all times to connect discussion of rhetorical techniques to the intentions behind the text. It is a good idea to discourage a mechanical search for literary devices; a tricolon (for example) is usually only interesting in the context of the point that it emphasises, or builds up to, or refutes.</p>
<p><i>Which of Cicero's techniques can we identify in contemporary political and legal speech-making?</i></p>	<p>While we may be reasonably confident that Cicero's oratory would normally have been very effective, students may have mixed opinions on how successful this speech might be for a modern audience, as certain techniques (for example, the flattery of the judges) may seem transparent today. But many devices remain popular - especially tricolon, anaphora, hyperbole, irony and pathos.</p>

ACTIVITIES AND STUDENT TASKS

Activities

Performing Cicero

UCLA Classics department

<http://performingcicero.classics.ucla.edu>

Explore what Cicero's speeches might have been like in performance, from sound to personality to costume.

Exploring the main characters

<http://www.dl.ket.org/latin1/historia/people/clodius.htm>

<http://ancienthistory.about.com/od/romansc/p/032110ClodiusPulcher.htm>

Discover more about Clodius, Milo and Cicero, with a timeline for Clodius's life and further information about his family

Cicero's rhetorical education

<http://ancienthistory.about.com/od/romansc/p/032110ClodiusPulcher.htm>

Explore an accessible and practical guide to the key points of Cicero's education in rhetoric, closely based on Cicero's own reports



Cicero Denounces Catiline, painting by Cesare Maccari.



Student task sheets

The chain of events	
Introduction to the task – specifically aimed at the student:	Make a timeline of all the events that Cicero refers to in the sections that you are reading.
The activity (all task information, questions, answers etc.),	The ideal outcome should be a complete timeline of all events referred to in the whole speech (those in the prescribed sections could be indicated in a different colour.) If time is short, students might be divided into groups to trawl separate shorter sections of the text and collate them (perhaps easiest done on a computer rather than on paper as Cicero's account leaps around.)
Extension activities/questions:	Look to other sources and highlight points where Cicero's account may be called into question, or where Cicero omits information.

The prosecution's response	
Introduction to the task – specifically aimed at the student:	Write a rebuttal of Cicero's speech, as spoken by the prosecution.
The activity (all task information, questions, answers etc.),	This could be a very brief or a very lengthy exercise, depending on time available. The timeline exercise above is a good preparation for a more thorough response.
Extension activities/questions:	Students could go on to consider our evidence for the eventual outcome of the case and decide what the relative strength of the two cases, and the two speakers, might have been.

Rhetorical techniques today	
<p>Introduction to the task – specifically aimed at the student:</p>	<p>Visit http://www.parliament.uk/business/publications/hansard/ and find a speech on an issue you find interesting. Analyse the speech for rhetorical techniques. Which, if any, do you think are particularly successful? Are there any new techniques in use today that Cicero did not use, and vice versa?</p>
<p>The activity (all task information, questions, answers etc.),</p>	<p>Teachers may prefer to find speeches themselves from Hansard, or from other sources, especially if time is short. Or, students may simply need some steering (e.g. "Find a speech made in Parliament by your local MP").</p>



FURTHER READING AND RESOURCES

For teachers

<http://penelope.uchicago.edu/Thayer/E/Roman/home.html>

Berry, D.H. 'Pompey's Legal Knowledge - or Lack of it', *Historia* 42 (1998), 502–504

Clark, M.E. & Ruebel, J.S. Philosophy & Rhetoric in Cicero's Pro Milone, *RhM* 128 (1985), 57-72

MacKendrick, P. *The Speeches of Cicero*, London, 1995

Rawson, B. *The Politics of Friendship: Pompey & Cicero*, Letchworth, 1978

Ruebel, James S., "The Trial of Milo in 52 B.C.: A Chronological Study", *Transactions of the American Philological Association* (1974-) Vol. 109 (1979), 231–249.

Steel, C. (ed.) *The Cambridge Companion to Cicero*. Cambridge, 2013.

Stone, A.M. 'Pro Milone: Cicero's second thoughts', *Antichthon* 14, 1980, 88-111

Tatum, W.J. *The Patrician Tribune. Publius Clodius Pulcher*, Chapel Hill, 1999.

For students who need support in analysing rhetorical techniques, a useful course of lesson ideas may be found at

<http://www.readwritethink.org/classroom-resources/lesson-plans/analyzing-famous-speeches-arguments-30526.html?tab=4>

In addition, we are working with our publishing partner, Bloomsbury, to produce a range of resources to support the 2016 Classics specifications. These include;

For students

Beard, M. & Crawford, M. *Rome in the Late Republic*, London, 1985.

Patterson, J.R. *Political Life in the City of Rome* (London, 1999).

Historical novels about Cicero by Robert Harris: *Imperium* and *Lustrum*.

There are several excellent links available at

http://www.cambridgescp.com/Upage.php?p=cla%5Eprose1%5Estage79&view_section=3

Extensive information on Cicero and his philosophical ideas:

<http://www.iep.utm.edu/cicero/>





Bloomsbury Academic

Resources for OCR specifications for first teaching September 2016

Cicero *Pro Milone*: A Selection

with Introduction by Lynn Fotheringham
and Notes and Commentary by Robert West

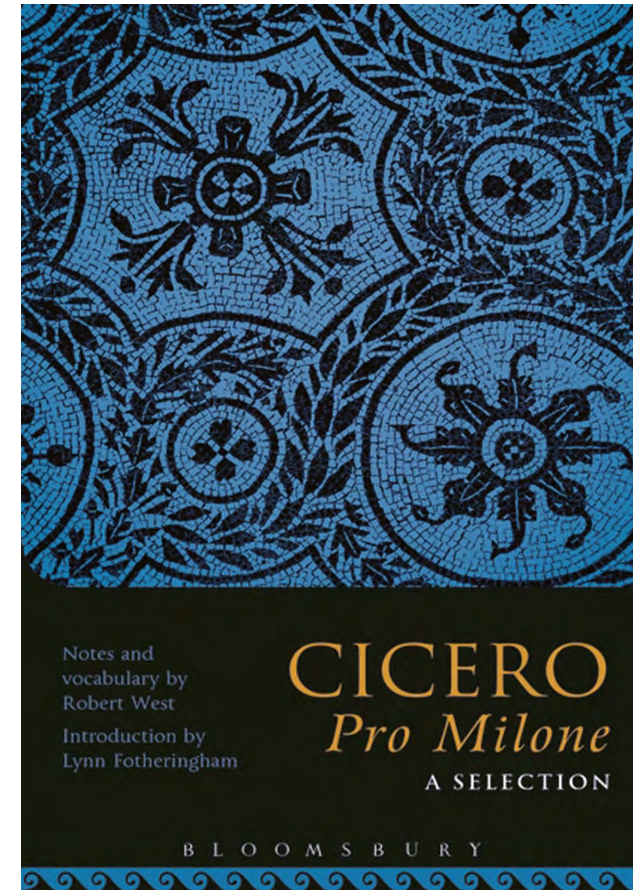
9781474266185

April 2016

£16.99

A website of supplementary online resources is planned

All details may be revised at any time





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