

INTRODUCTION

1 THE *PRO MILONE* AND CICERO'S CAREER

When Cicero undertook the defense of T. Annius Milo in early 52 BC, he already had an illustrious career behind him.¹ Born in 106 in Arpinum, a small town about 62 miles (100 km) southeast of Rome, C. was a “new man”: none of his ancestors had been senators at Rome, still less important politicians. C. himself, however, rose through the Roman *cursus honorum* with a swift and sure step, holding each political office in his earliest year of eligibility – he was successively quaestor in 75 BC, aedile in 69, praetor in 66, and finally consul in 63. This would have been a remarkable achievement for any man in late Republican Rome; it was stunning for a *novus homo* from an Italian hill-town. C.'s extraordinary ascent was fueled above all by his oratory, especially as practiced in the law courts. As a youth he had first made his name in a murder trial with political ramifications, his successful defense of Sextus Roscius in 80 BC. A decade later he cemented his reputation when he won the spectacular conviction of Gaius Verres for corruption and extortion. By 70 BC, C. had become the foremost orator and defense advocate in Rome, a reputation that he would enjoy until his death and even beyond.

And so C. was a seasoned veteran when he rose from the benches to deliver his closing argument in Milo's defense on 8 April 52.² Milo stood accused of having murdered P. Clodius Pulcher, C.'s archenemy, outside Rome on the Appian Way some hundred days before. Cn. Pompeius Magnus, elected sole consul under an extraordinary measure in the eventful months following Clodius' death, was watching over the court with armed troops in an attempt to keep order. Indeed, the court itself was Pompey's creation: he had just passed special legislation under whose provisions Milo was being tried. As C. looked around at Pompey and his soldiers and a hostile crowd and began to address the jurors, he may have anticipated that his defense would fail: Milo admitted the killing, Pompey was plainly opposed, and Clodian supporters were present in force and

¹ C. (as “Cicero” will be abbreviated throughout this commentary) is the best documented figure from antiquity, and a number of biographies give full details of his life: see e.g. Stockton 1971, Mitchell 1979, 1991, Rawson 1983, or (with comprehensive citation of primary sources, but in German) Gelzer 2014.

² For the date 8 April, as well as a detailed narrative of the events surrounding Milo's trial, see the next section.

vocal. But C. could hardly have realized that he stood on the cusp of a turning point in his career and in the course of the Roman Republic.

The *Pro Milone* would not be C.'s last speech before a jury, but it does happen to be his last such speech that survives.³ In fact, there is no extant Ciceronian oratory of any sort for the next six years, when C. at last breaks his silence in the *Pro Marcello* in 46 BC. In the meantime, Rome had changed completely. When C. set out to govern the province of Cilicia in May 51, trials under Pompey's special laws were ongoing. Upon his return late the following year, Rome was careening toward civil war. C. reluctantly sided with Pompey, and when Julius Caesar emerged as the victor, C. was granted an ignominious reprieve with the tacit understanding that he not oppose Caesar. C. withdrew from public life. Caesar had assumed sole power in Rome. The *Pro Milone* is thus one of our last glimpses of the functioning – functioning under considerable strain, but functioning nevertheless⁴ – Roman Republic.

To look backwards from January 52, the *Pro Milone* forms the capstone to C.'s *post reditum* orations, i.e. the speeches that he delivered in the years after his recall from exile. It is the culmination of a series of events stretching back almost exactly a decade, when C.'s otherwise ordinary consulship of 63 BC was disrupted by the extraordinary Catilinarian conspiracy.⁵ On 5 December 63, C. (in)famously executed five of the conspirators, Roman citizens all, without trial, albeit with the senate's approval. Controversial even at the time, this decision would soon come back to haunt him.

Just about a year later, in December 62, P. Clodius Pulcher disguised himself and sneaked into the celebration of the rites of the Bona Dea, being held that year in the house of Julius Caesar.⁶ Men were forbidden to enter, and so Clodius dressed as a woman. His motives cannot be known for sure – ancient sources somewhat improbably allege a tryst with Caesar's wife, Pompeia⁷ – but he was in any case detected. Scandal followed: Caesar divorced his wife (who, Caesar said, must be “above suspicion”: Plut. *Caes.* 10.9), the matter was the subject of tortuous maneuvering in the senate, and Clodius was eventually put on trial for *incestum*, “profanation of

³ Before departing for Cilicia, he gave several further court speeches in trials held under Pompey's laws: see p. 17 below and Crawford 1984: 219–34.

⁴ As emphasized by Gruen 1974: 337–57.

⁵ For a detailed narrative of the Catilinarian conspiracy, see e.g. *CAH*² IX.346–60.

⁶ For full discussion of the Bona Dea scandal, citing all relevant sources, see Tatum 1999: 62–86.

⁷ Pompeia was the sister of the tribune Pompeius Rufus, on whom see §28n. *cum uxore*.

religious rites.⁸ The case against him looked damning. Clodius, however, claimed to have an alibi: he had been at Interamna, many miles away. C. exploded that alibi, telling the jurors that he had seen Clodius in Rome that very day. (C. Causinius Schola, the man who provided Clodius with his alibi, returns as a prosecution witness in Milo's trial.)⁹ But the jury was bribed and voted for acquittal. Clodius, who had had no quarrel with C. before, now becomes his implacable enemy.¹⁰

A few years later Clodius took his revenge. Although a scion of the most distinguished patrician stock, the Claudii Pulchri, in 59 BC he succeeded in arranging to be adopted into a plebeian family.¹¹ The adoption was of questionable legality – it was certainly against the spirit of the law; for one thing Clodius' adoptive father was even younger than he was – but Caesar was consul and pontifex maximus and under both titles assisted with the scheme. Pompey as augur also connived. A newly minted plebeian, Clodius promptly sought and won a tribunate.¹² When he and his nine colleagues took office on 10 December 59, he had an extensive legislative program of populist policies – and a burning desire to revenge himself on C. One of his new laws would exile anyone who had executed Roman citizens without trial. Although C. perhaps had a constitutional argument to make in his defense, he did not wait to test it in court: he fled, taking ship at Brundisium on 29 April 58 BC.¹³ In the meantime Clodius had promulgated a bill confiscating C.'s property and barring him for a distance of 400 miles from Rome. The bill became law, and C.'s property was seized. His house on the Palatine was looted, set on fire, and demolished; Clodius added insult to injury by erecting a temple to *Libertas* on the site.

Efforts to recall C. began immediately. Although Pompey had done nothing to try to prevent C.'s exile, by the spring of 58 Clodius had turned on him, and Pompey too then began to agitate for C.'s recall.¹⁴ While Clodius still held the tribunate and the veto, all such efforts were stymied.

⁸ So defined by the *OLD* s.v. *incestum* 1, although how a word that properly referred either to sexual relations between relatives or to the failure of a Vestal Virgin to remain chaste came instead to be applied to Clodius' apparent intrusion on the rites of the Bona Dea is a more complex story: Tatum 1999: 74–5.

⁹ See §46n. *cuius iam pridem testimonio Clodius eadem hora Interamnae fuerat et Romae*.

¹⁰ Indeed, in 63 Clodius had stood firmly with C. and against Catiline: see §37n. *sica illa quam a Catilina acceperat*.

¹¹ Detailed discussion of Clodius' transition from a patrician to a plebeian in Tatum 1999: 87–113.

¹² On Clodius' tribunate, see Tatum 1999: 114–49.

¹³ For detailed discussion of the legal issues surrounding C.'s exile, see Bellemore 2008.

¹⁴ See §21n. *fuisse illum sibi inimicum*.

Indeed, even in January 57 violence by Clodius' partisans prevented the passage of a bill to recall C. (*Sest.* 73–7). But the tribunes T. Annius Milo and P. Sestius raised gangs of their own, and on 4 August 57 they provided the muscle to push through the centuriate assembly a consular bill recalling C. from exile.¹⁵ C. put in again at Brundisium the next day (*Att.* 4.1.4, *Sest.* 131), and from then on, his gratitude to Milo knew no bounds.

Milo himself is an intriguing figure. No member of Rome's aristocracy by birth, he came from the small town of Lanuvium (*Asc.* 31C) and was the son of a Papius and an Annia (he was subsequently adopted by his maternal grandfather, a T. Annius: *Asc.* 53C).¹⁶ Nothing is known of his career before his tribunate in 57 (*MRR* II.201), when he bursts onto the scene for us as a fully formed politician. Two years later, despite his origins, he seems to have been praetor and was married to Sulla's daughter (*MRR* II.215, *Asc.* 28C), and he had every reason to hope for the consulship (cf. §25).¹⁷ He was also a brutal thug and a gang leader, but – and? – C. was utterly devoted to him.¹⁸ Our picture of Milo, however, is formed mostly by C.'s words, which are hardly the report of a disinterested observer. Despite his importance in urban politics at Rome, and despite his being at the very center of the *Pro Milone*, today we can see Milo only through a glass darkly.

C. returned to Rome on 4 September 57, and during the next six or seven months, his star seemed to be in the ascendant. He regained his property on the Palatine, and he even dared to oppose Caesar.¹⁹ This opposition was seen as a possible threat by the coalition of Caesar, Crassus,

¹⁵ For the centuriate assembly and this bill, see §38n. *illo die quo est lata lex de me.*

¹⁶ Milo's distant ancestors could include the consuls of 153 and 128 BC (so Wiseman 1971: 58, 213), but if so, it would be odd that neither Asconius nor C. ever mentions these distinguished antecedents. *Annius* was a common nomen, and it seems more likely that Milo had no consular connections (Gruen 1974: 174 n. 41, Shackleton Bailey 1992: 15, Taylor 2013: 190–1), and there is little reason to think that he had senatorial ancestors (cf. *Sest.* 87 with Kaster ad loc.). He was, however, *dictator* at Lanuvium (see §27n. *ad flaminem prodendum*), and so the Papii, or perhaps more likely the Annii, may have had some local prominence. (The Papii seem to stem from Samnium: Salmon 1967: 314, 392, Wiseman 1971: 249.) The praenomen of Milo's grandfather is transmitted at *Asc.* 53C as C., but an adoptee usually took the praenomen of his adopter, and so the emendation T. seems secure (see further Shackleton Bailey 1976: 103). At *Clu.* 78 C. professes to be friends with a T. Annius, who is however not to be identified with Milo's maternal grandfather: otherwise C. surely would have touched on such a personal connection somewhere in the *Mil.* (Shackleton Bailey 1976: 9).

¹⁷ On Milo's career, see further §21n. *familiarem Milonem.*

¹⁸ For the relationship between C. and Milo, see esp. Lintott 1974.

¹⁹ E.g. in a senate speech on 5 April 56 advocating postponement of discussion on a land bill to resettle Caesar's veterans in Campania: see Crawford 1984: 152–7.

and Pompey, the so-called first triumvirate. When those three men met at Luca in April 56 and renewed their alliance, C. was brought to heel.²⁰ Singing a new tune, he suddenly supported Caesar in the *De provinciis consularibus* of July 56, and then largely withdrew from political life. That same conference at Luca also brought about a reconciliation between Clodius and Pompey, who had been bitter enemies just a few months earlier. For a time Milo continued to enjoy Pompey's favor – Pompey still backed him for the praetorship²¹ – but by 54 Pompey was hostile.

Clodius and Milo clashed before C.'s recall, and they continued to clash thereafter. Their gangs fought in the streets; Clodius and Milo themselves fought in the courts. In early 57 Milo tried to prosecute Clodius *de ui* for using his supporters to prevent the vote on C.'s recall in January (*TLRR* 261); the trial came to nothing, and so Milo countered by recruiting gangs of his own. In late 57 Milo again attempted to indict Clodius *de ui*, again with no result, since before the case could be brought to trial, Clodius assumed the aedileship and gained immunity from prosecution (*TLRR* 262).²² The following year Clodius returned the favor, bringing Milo before a *iudicium publicum* that yet again came to naught (*TLRR* 266).²³ We know less about their activities in the following years – Milo was probably praetor in 55, for example, but we infer this only from the fact that he was a candidate for the consulship of 52 (*MRR* II.215) – whether because tensions had eased or because our sources happen to be silent. But at least by 53, as the political situation in Rome deteriorated, their power, backed up by violence or the threat of violence, increased. Matters came to a head when Milo sought the consulship and Clodius the praetorship for 52 BC, as will be described in next section.

The *Pro Milone* reflects all of these issues and themes. In this speech, as in C.'s other thirteen extant speeches delivered after his return from exile and before this one, C. is obsessively concerned with the events of the preceding decade.²⁴ The Catilinarian conspiracy (63 BC) – the Bona Dea scandal (62–61 BC) – Clodius' tribunate (58 BC), with an emphasis on C.'s exile and recall: these events form the canvas on which the characters and lives of Clodius and Milo are painted. C.'s chosen strategy to secure Milo's acquittal is in part a strategy of his own self-justification, in part a

²⁰ On the conference at Luca and its fallout, see again §21n. *fuisse illum sibi inimicum*.

²¹ See §68n. *adiutum in petitione praeturae*.

²² On these two trials see §40n. *P. Clodium in iudicium bis, ad uim numquam uocauit*.

²³ See §40n. *priuato Milone et reo ad populum accusante P. Clodio*.

²⁴ For C.'s *post reditum* persona see May 1988: 88–127, Nicholson 1992, Riggsby 2002.

strategy to align Milo with the *optimates* and Clodius with the *populares* (or, more prejudicially, the so-called *improbi*).²⁵ This is likewise true of C.'s constant references to Clodius' and Milo's relationships with Pompey. While C. ostensibly seeks only to prove that Clodius set an ambush for Milo on the Appian Way and was killed by him in an act of justified self-defense, in fact almost everything about the speech is conditioned by the political reality of the fifties BC.²⁶

It may be chance that the *Pro Milone* concludes the extant collection of C.'s *post reditum* speeches, but C. could not have picked a more fitting finish: Clodius' death begins a new era in C.'s life (cf. *Att.* 5.13.1, 6.1.26). And perhaps it is not just chance. C. may have published this speech in part to propagate his version of his struggle with Clodius, to shape his own narrative and create his own memory, perhaps in the immediate flush of his triumphantly successful prosecution of T. Munatius Plancus Bursa in January 51.²⁷ Regardless, as he headed out to Cilicia in May 51, the issues that had vexed him for over a decade had all but disappeared. C. may have lost his fight for Milo, but he had won his war with Clodius: Clodius was dead, and, just after Milo's conviction, Clodius' chief supporters were decisively defeated in a series of trials.²⁸ C. could be well content.²⁹ Little did he know that just a year and a half later Caesar would cross the Rubicon.

2 CLODIUS' DEATH, MILO'S TRIAL, AND THE AFTERMATH: HISTORICAL BACKGROUND³⁰

53 BC began at Rome with bad omens – owls and wolves, prowling dogs, sweating statues, lightning strikes (Dio 40.17.1) – and, after a massive

²⁵ On “ops and pops,” see §5n. *pro bonis contra improbos*.

²⁶ This is not, of course, surprising: if the entourage of an American presidential candidate killed an American vice-presidential candidate of an opposing party in a brawl, no one would treat it as anything other than a political crime.

²⁷ Cf. section 6 “Revision and Publication” below; on Plancus, see §12n. *huius ambusti tribuni plebis*. NB: there is no evidence that C. published any of his other speeches from 52–51 (see Crawford 1984: 219–37).

²⁸ See p. 17 below.

²⁹ Lintott 1974: 76: “on the eve of his departure for Cilicia he was well content with the new dispensation.”

³⁰ The most important source for the historical background of Milo's trial is Asconius, a commentator on C.'s speeches writing in the mid-first century AD. The following narrative is based largely on his account (30–56C). Plutarch (*Cic.* 35, *Cat. min.* 47–8, *Pomp.* 54–5, *Caes.* 28), Appian (*BC* 2.20–4), and Cassius Dio (40.48–55) provide supplementary information of varying credibility, as do scattered references in other Latin authors and especially the Scholia Bobiensia (the later Scholia Gronoviana [322–3 St.] are of no value). What sources these later authors made use of is not clear (cf. e.g. Liv. *Per.* 107). We have none of C.'s letters to Atticus or

election scandal the previous year, no consuls or praetors.³¹ Crassus' Parthian expedition would end in disaster in June. Elections for the year's magistracies could not be held until July.³² Although campaigning for the offices of 52 began immediately thereafter, and C. threw all his weight behind T. Annius Milo's bid for the consulship (*Fam.* 2.6), again elections could not be held: violence among the candidates prevented the completion of a vote. C.'s *bête noire*, P. Clodius Pulcher, was seeking the praetorship, and Milo's and Clodius' factions – street gangs, really – clashed repeatedly (*Asc.* 30–1, 48C, *Schol. Bob.* 172.18–20 St., *Plut. Caes.* 28.4–5, *Cat.* 47.1, *Dio* 40.46.3).³³

52 BC likewise began with a bad omen: the Kalends of January happened to be a market day, portending a whole year of disaster (*Dio* 40.47.1; cf. *Macr.* 1.13.17–18).³⁴ Because elections had not been held, the year again opened with no offices filled except the plebeian tribunate. Milo was confident in his chances and eager to have the vote taken as soon as possible, but his rivals for office, P. Plautius Hypsaesus and Q. Metellus Scipio, wanted delay, hoping time would turn the tide.³⁵ Pompey

Quintus from this time, and the surviving letters *Ad familiares* from 52 are not relevant (*Fam.* 5.18 and perhaps 13.75). Asconius does not narrate the events leading up to the trial in strictly chronological order, and he embeds some of the details in his notes as opposed to his introductory preface: Lintott 1974, Ruebel 1979, and Ramsey 2016 disentangle and rearrange the Asconian material. For the moment Asconius is most easily consulted in the Latin–English edition with commentary of Lewis 2006, although John Ramsey's forthcoming edition will supersede it; Marshall 1985 is a valuable commentary; and Berry 2008, the best English translation of the *Mil.* itself, also translates Asconius' narrative (pp. 172–82).

³¹ For the scandal, see §22n. *L. Domiti*.

³² See *CAH* IX.401–5.

³³ For Clodius' and Milo's gangs, see §26n. *seruos agrestes et barbaros* and §36n. *seruorum et egentium ciuium et facinorosorum*. Clodius also tried to undermine Milo's campaign in the senate, claiming that he had lied about his massive debts. In reply C. made a speech *De aere alieno Milonis*: see Crawford 1994: 265–88 for the fragments and discussion.

³⁴ In 52 BC, Julius Caesar's reforms to the calendar had not yet taken place. The year still had 355 days: January had 29; February, 28; March, 31; April, 29. An intercalary month of twenty-seven days was periodically inserted after 23 or 24 February in order to bring the civil calendar back into alignment with the astronomical one; in 52 BC it would be inserted after 24 February. (The remaining days of February disappeared: i.e. 24 February was followed by 1 Intercalaris, and 27 Intercalaris was followed by 1 March.) In fact events of “January 52” pre-Julian took place in late November and December of the eventual Julian calendar; so e.g. 1 January 52 pre-Julian = 21 November 53 Julian. For convenient tables and a review of Roman calendrical scholarship, see Marinone and Malaspina 2004: 291–461 (with the amendments in Ramsey and Raaflaub 2017: 164–5, which do not affect the years 53–52 BC).

³⁵ For Hypsaesus and Metellus Scipio, see §32n. *ut iis consulibus praetor esset*.

favored Milo's opponents³⁶ and so favored delay, and the Clodian tribune T. Munatius Plancus Bursa used his tribunician powers to block the patrician senators from appointing an *interrex* to hold elections (Asc. 31C).³⁷ Rome faced political gridlock. Almost immediately, however, a new crisis supervened and broke up the jam.

On the afternoon of 18 January 52 BC, Clodius was returning to Rome from Aricia, where he had given a speech to the local *decuriones*, perhaps in connection with his campaign for the praetorship. That same day, Milo left Rome for Lanuvium, where in his capacity as local *dictator* (chief magistrate) he was supposed to appoint a priest.³⁸ The two men, together with their entourages, met just outside Bovillae on the Appian Way (see Map 1). As Asconius reports (31–2C):

occurrit ei circa horam nonam Clodius paulo ultra Bouillas ... prope eum locum in quo Bonae Deae sacellum est ... uehebatur Clodius equo; serui xxx fere expediti, ut illo tempore mos erat iter facientibus, gladiis cincti sequebantur. erant cum Clodio praeterea tres comites eius, ex quibus eques Romanus unus C. Causinius Schola, duo de plebe noti homines P. Pomponius, <C. Clodius>. Milo raeda uehebatur cum uxore Fausta, filia L. Sullae dictatoris, et M. Fufio familiari suo. sequebatur eos magnum seruorum agmen, inter quos gladiatores quoque erant, ex quibus duo noti Eudamus et Birria. ii in ultimo agmine tardius euntes cum seruis P. Clodi rixam commiserunt. ad quem tumultum cum respexisset Clodius minitabundus, umerum eius Birria rumpia traiecit. inde cum orta esset pugna, plures Miloniani accurrerunt. Clodius uulneratus in tabernam proximam <in> Bouillano delatus est. Milo ut cognouit uulneratum Clodium, cum sibi periculosius illud etiam uiuo eo futurum intellexeret, occiso autem magnum solacium esset habiturus, etiam si

³⁶ Pompey's support is attested explicitly only for Hypsaeus, who had previously served as his quaestor (Asc. 35C). He is, however, almost certain to have supported Scipio as well, since Scipio becomes Pompey's father-in-law at some point and his consular colleague for the last five months of 52 (Plut. *Pomp.* 55.7): Ramsey 2016: 299 n. 5. For the date of Pompey's marriage to Scipio's daughter Cornelia, see Ramsey forthcoming: ad Asc. 31C, arguing that it must be April 52 at the earliest and that Asconius' description of Pompey as *gener Scipionis* in his discussion of the campaigning in January 52 should be understood as "prospective son-in-law."

³⁷ On Plancus, see §12n. *huius ambusti tribuni plebis*. For a description of the *interrex*, see Lintott 1999a: 164 (with further references): "if by chance no consul, praetor, or dictator was alive in office, the patricians met to select from among their number an *interrex*, or rather a series of *interreges*, who each held office for five days and were responsible for maintaining and transmitting *imperium* and the auspices to properly elected magistrates as soon as possible."

³⁸ On the office of *dictator* at Lanuvium, see §27n. *ad flaminem prodendum*.

subeunda esset poena, exturbari taberna iussit ... atque ita Clodius latens extractus est multisque uulneribus confectus.

Clodius met Milo around the ninth hour just beyond Bovillae ... near the place where there is a small shrine to the Bona Dea ... Clodius was on horseback. He was followed, as was the custom for travelers in those days, by about thirty lightly armed slaves carrying swords. With him also were three traveling companions: a Roman *eques* named C. Causinius Schola and two well-known plebeians, P. Pomponius and <C. Clodius>. Milo was riding in a carriage with his wife, Fausta, the daughter of L. Sulla the dictator, and his friend M. Fufius. They were followed by a large column of slaves, among whom were gladiators too, including the famous Eudamus and Birria. It was these two, lagging behind in the rear of the column, who started a fight with Clodius' slaves. When Clodius looked back at the fracas with a menacing expression, Birria threw a spear and hit him in the shoulder. When that caused a fight to break out, more of Milo's men ran up. The wounded Clodius was carried off into a close-by inn near Bovillae. When Milo learned that Clodius had been wounded, since he realized that matters would be more dangerous for him if Clodius lived, but if Clodius died he would have a great recompense, even if he had to be punished for it, he ordered Clodius to be roused from the inn ... And so Clodius, who had been hiding inside, was dragged out and finished off with many wounds.

In his speech C. tells a rather different story of the “battle of Bovillae” (*Att.* 5.13.1), claiming above all that Clodius set a deliberate ambush for Milo.³⁹ But Asconius is quite confident that the fight broke out by chance (42C), and other ancient authorities agreed (cf. n. go below). We have every reason to distrust C.'s account – he was a lawyer doing his utmost to secure the acquittal of his client – and every reason to believe Asconius, who was a careful researcher who scrupulously indicates his doubts elsewhere when he has them.⁴⁰ He had none here. Moreover, his report will not have

³⁹ Cf. esp. §29. Other differences: C. places the encounter “around the eleventh hour” (see §29n. *hora fere undecima aut non multo secus*) instead of the ninth; C. omits mention of Eudamus and Birria; C. claims that Milo was attacked on multiple fronts (see §29 introductory note); C. makes no mention of Clodius' being brought to an inn and then finished off. For discussion of further differences and an excellent account of what can be surmised about how Clodius really died, see Berry forthcoming.

⁴⁰ C.'s version of the time of the crime, for example, seems overwhelmingly likely to be lawyerly fudging if Clodius' corpse could make it back to Rome shortly after nightfall (Asc. 32C *ante primam noctis horam*; cf. Marshall ad Asc. 31C *circa*

depended on the prosecution's biased account of the affray, since the prosecution insisted that Milo had set an ambush for Clodius (Asc. 41C). Last but not least, Asconius' story has the virtue of making sense. While we cannot treat his account as objective truth – after all, every surviving witness will have told a biased and partial story – it is reasonable to look with skepticism at C.'s version and to see in his deviations from Asconius' story possible examples of his rhetorical manipulation of the facts.⁴¹

Clodius' body was left outside the inn by the side of the road, where it was found by one Sex. Teidius, a senator who happened to be returning to Rome.⁴² Teidius sent the body on to Rome in his own litter; he himself prudently turned around and headed back to the countryside. The body arrived at nightfall, and news of Clodius' death spread fast. Chaos ensued. That night a crowd gathered at Clodius' house on the Palatine, where they were whipped into a frenzy by Clodius' wife, Fulvia.⁴³ The next morning (19 January), the tribunes T. Munatius Plancus Bursa and Q. Pompeius Rufus incited the assembled crowd still further.⁴⁴ The corpse was brought into the Forum and placed on the *rostra*, where Plancus and Pompeius held a *contio* and inveighed against Milo.⁴⁵ The mob, led by Clodius' close associate Sex. Cloelius, brought the body into the Senate House, where they cremated it on a makeshift funeral pyre of benches and tables and senate documents.⁴⁶ In the process they set fire to the Senate House itself, leaving it badly damaged (Asc. 32–3C, Dio 40.49.2, 40.50.2).⁴⁷ That afternoon the crowd held a funeral banquet in the Forum (Dio 40.49.3).

nonam horam). For Asconius expressing doubts, cf. e.g. 48C with §37n. *nuper quidem, ut scitis, me ad Regiam paene confecit*. Schuller 1997: 121 also well observes that Asconius was generally biased in favor of C. and Milo, and so the fact that he presents an account unfavorable to Milo here is all the stronger evidence that it is likely to be true.

⁴¹ No other surviving account is so detailed: cf. App. *BC* 2.21, Dio 40.48.2, Schol. Bob. 111.24–8 St., Liv. *Per.* 107. Fotheringham 2013: 8–12 is more sympathetic to C.'s version of events and issues a salutary caution against trusting Asconius uncritically; sim. Forschner 2015: 5–11.

⁴² Sex. Teidius (*RE* 2) is probably the lame man who would later join the Pompeians in Macedonia in his extreme old age (ἔσχατόγηρος ἀνὴρ θάτερον πεπηρωμένος σκέλος, Plut. *Pomp.* 64.4); further Marshall ad Asc. 32C *Sex. Teidius*.

⁴³ On Fulvia, see §28n. *sine uxore, quod numquam fere*. Sumi 1997 emphasizes the role of the mob in the following events, contrary to Asconius' focus on the leaders of the mob. Sumi suggests that after Fulvia had ginned up the crowd, it could not be controlled and ran riot.

⁴⁴ On Pompeius Rufus, see §28n. *cum uxore*.

⁴⁵ On the *contiones* in the aftermath of Clodius' death, see §3n. *hesterna etiam contione*.

⁴⁶ On Sex. Cloelius, see §33n. *Sexte Cloeli*.

⁴⁷ On the extent of the damage, see §9on. *inflammari, excindi, funestari*.