

MARC ANTONY'S ASSAULT OF PUBLIUS CLODIUS: FACT OR CICERONIAN FICTION?

Dean Anthony Alexander (University of Otago)

Introduction: Cicero and Truthfulness

On account of Asconius' commentary *In Milonianam*, scholars have been able to appreciate fully the artful mendacity and dexterous factual manipulation that Cicero employs in his *Pro Milone*.¹ It becomes apparent Cicero believed advocates had the latitude to lie in defence of their client, and could employ what Horace would later term the 'shining untruth' (*splendide mendax*).² It is for this reason, therefore, that I intend to examine a dubious allegation that Cicero first promotes in his *Pro Milone*, one which is still widely regarded as true: namely that Marc Antony tried to assassinate Publius Clodius Pulcher in 53 BC.³ This paper seeks to argue that, based on the surviving evidence, Cicero either misrepresents some minor altercation or, perhaps, even invented the episode entirely. While almost all modern scholars accept Cicero's claim there are, as will be seen, several anomalies that call his charge into question.⁴

Most notably, if Antony did make a genuine assassination attempt, why, in the wake of Clodius' actual murder, was he appointed *subscriptor* to prosecute Milo in 52 BC? Scholars such as Jerzy Linderski and John T. Ramsey have unconvincingly characterized this as an opportunistic *volte-face* on Antony's part.⁵ Even if this were true, however, it does not explain convincingly why Clodius' family would allow him to participate in the prosecution, if he were estranged from Clodius as Cicero alleges.⁶ This alone leads one to suspect that Cicero has either misrepresented or even invented the story to discredit Antony.

Context: i) The Personal Relationship of Antony and Clodius

First, it is necessary to provide some background on the relationship of Antony and Clodius, which does appear mercurial if one were to glance perfunctorily at the sources. For instance, initially (around 58 BC) the two appear to have been closely

¹ Asconius provides a corrective to Cicero's misleading *narratio*: *Asc. Mil.* 31-2, with Marshall (1985) 166. See also, Lintott (1974) 69, 75; Dyck (1998) 219-241; Berry (2000) 163; Lintott (2008) 119-20.

² On lying, see the *locus classicus* *Cic. Off.* 2.14.51; cf. *Clu.* 139. Furthermore, *Brut.* 42 with Lintott (2008) 3-4; See also Quint. *Inst.* 12.1.34. For *splendide mendax* see Hor. *Carm.* 3.11.35.

³ Cicero proffers the charge at *Mil.* 40 and later at *Phil.* 2.21, 49. It should be conceded Cassius Dio, in his paraphrase of Cicero's *Philippics*, also alludes to the incident: 45.40.2. On Dio's speeches see Millar (1964) 78-83.

⁴ Among prominent scholars who accept Cicero's accusation are Colson (1893) 75; Denniston (1926) 105-6; Weigall (1931) 131; Molyneux (1961) 250-51; Babcock (1965): 16-17; Jerzy Linderski and Anna Kaminska-Linderski (1974): 222-23; Hayne (1978): 98; Huzar (1978) 37; Chamoux (1986) 41; Welch (1995) 185-86; Ramsey (2003) 230-31; Traina (2003) 17-18; De Siena (2006) 232-36; Southern (2007) 42; Cristofoli, (2008) 27-28. But cf. Tatum (1999) 70, 235-36; Lintott (1974) 66; and Rossi (1959) 11, who appear skeptical but do not pursue the matter. The accusation is passed over by prominent Ciceronian biographers: Mitchell (1991) 200; Stockton (1971) 209-11, 218-20; Rawson (1983) 137-39.

⁵ Linderski and Kaminska-Linderski (1974) 222-23; Ramsey (2003) 193.

⁶ David (1992) 589, implies that Antony was a family relation, but this was not the case. Explanations are to be sought elsewhere. Linderski and Kaminska-Linderski (1974) 222-23 and Welch (1995) 186, suggest that he reverted back to his *popularis* 'roots'.

associated, if we can trust our—problematic—sources Cicero and Plutarch.⁷ Indeed, in his hostile Second *Philippic*, Cicero casts Antony as Clodius' dutiful henchman.⁸ Plutarch, by contrast, while acknowledging their friendship, suggests it petered out quickly; Antony, wearying of Clodius' extreme behaviour, left Rome to study in Greece.⁹ However, the situation may have been more complex.

Perhaps as early as 61 BC, Antony may have joined his friend Curio's group of *barbatuli iuvenes*, a group of bearded youths who aided Clodius during the Bona Dea scandal.¹⁰ If he had not encountered Clodius then, by 58 BC Antony had secured an *amicitia* with the powerful tribune. As the scholars Francois Chamoux and Roberto Cristofoli conclude, it was most likely Clodius who acted as an intermediary between Antony and the consul of 58 BC, Aulus Gabinius, who had just become the provincial governor of Syria. Essentially, Clodius helped secure Antony his first military commission as *praefectus equitum* under Gabinius.¹¹ Based on this reconstruction it is clear that, when Antony left Rome, he was more likely a political ally of Clodius, and someone who was in the debt of the patrician tribune. Following this, five years passed seemingly without recorded incident in the sources. But then, sometime in August 53 BC, after Antony returned to Rome to stand for the quaestorship, his first step on the *cursus honorum*, Cicero accuses him of attempting to murder Clodius.

Context: ii) Political background

The context in which the alleged assassination attempt occurred is significant and merits discussion. The elections of 53 BC had been persistently delayed—or to put it more precisely—prevented by Clodius and Milo's internecine gang warfare.¹² The street fights they engaged in were uncontrollable, and the consular and praetorian lictors present at Rome were insufficient in number to deal with the strife. Indeed, during the 50s law and order had deteriorated to such an extent that several prominent political grandees had created their own personal bodyguards—professional outfits distinct from the client-entourages that had safeguarded them in the past.¹³ If they did so to check Clodius' employment of violence in the political arena, the counter-measures failed. Ultimately, it only led to an escalation in public disorder. At the height of the street brawls between Clodius and Milo in 53 BC, Clodius even ambushed and fought his rival with unbridled gusto on the Via Sacra.¹⁴ For many, therefore, the chief instigator of this anarchic chaos—or, the person who warranted

⁷ Cicero's bias against Antony is well known: see, for example, *Phil.* 2 *passim* and 13.48; for Plutarch's negative assessment see, for example, *Dem.* 1.6-8.

⁸ Cic. *Phil.* 2.48: *Intimus erat in tribunatu Clodio*. See Ramsey (2003) 230-31; Lacey (1986) 192; Huzar (1978) 25-26; Tatum (1999) 70.

⁹ Plut. *Ant.* 2.6.

¹⁰ Antony and Curio: Cic. *Phil.* 2.45; Plut. *Ant.* 2.4; Huzar (1978) 24. The *barbatuli iuvenes*: Cic. *Att.* 1.14.5; 1.16.11; Tatum (1999) 41; Eyben (2004) 58.

¹¹ On Clodius as the intermediary between Antony and Gabinius: Cristofoli (2008) 18-19; cf. Chamoux (1986) 32: 'Durant son consulat, il avait souvent rencontré le tribun Clodius, alors ami d'Antoine, et avait pu par cet intermédiaire faire connaissance avec Antoine lui-même.' Also De Siena (2006) 224.

¹² On the chaos and violence of 53 BC see Broughton (1952) 228; Gruen (1974) 152n.132, for primary references. See especially Asc. *Mil.* 30C: *saepe...depugnaverant*. Cic. *Att.* 4.3.2-5; *Mil.* 47. Plut. *Caes.* 28.4.

¹³ On the deterioration of public order during the 50s see Nippel (1995) 70-84; on bodyguards: Cic. *Mur.* 49; *Sest.* 88; Flac. 13; *Att.* 1.18.1; cf. Lintott (1968) 77-83.

¹⁴ Asc. *Mil.* 48; Tatum (1999) 235.

blame for the disorder—was Clodius.¹⁵ Considering, then, the reckless anarchy that consumed Rome during 53 BC, the milieu was certainly conducive to an assassination attempt; but did Antony have a motive for attempting to kill Clodius?

Antony's Motives Questioned

Let us now examine the motives adduced to justify Antony's attempted assassination of Clodius. In essence, Cicero is the only ancient source to offer an explicit explanation, and he does so in the Second *Philippic* at a time when he avowedly sought to undermine Antony's political position. Obviously, his testimony should be considered with caution, more so because he makes the charge in the infamous *confirmatio* section of his undelivered speech. During the charge itself, Cicero suggests Antony offered to assassinate Clodius as penance for the wrongs he had committed against him (i.e. Cicero).¹⁶ While it is true that Antony had sought Cicero's support in 53 BC for his run for the quaestorship, he would not have needed to assassinate Clodius as a 'gift' to the great orator because Caesar had petitioned Cicero by letter to ensure his support.¹⁷ Thus the assertion can quickly be discarded.

Other reasons proffered to explain Antony's actions have been constructed by modern scholars. Some, for example, have detected the hand of Caesar in Antony's actions.¹⁸ The basis of this theory is that Clodius had been working against Caesar's interests, and, even occasionally, serving Pompey.¹⁹ This elaborate conspiracy need not concern us, however; Caesar would not have chosen the useful and prominent Antony to assassinate Clodius.

A more tangible theory—or, at least, a more human and plausible one—is the suggestion that Antony tried to kill Clodius because he was having an affair with Fulvia, Clodius' redoubtable wife.²⁰ But again, we must be careful how much credence to allot this claim as Cicero appears to have been the first to bring this charge against Antony.²¹ Indeed, logically, if there was a passionate love affair, why after Clodius' death did Fulvia choose to marry Curio before Antony? The accusation is, therefore, almost certainly mendacious.

On balance, then, all of the motives attributed to Antony prove unsatisfactory. For him personally, it should have been obvious that attacking Clodius with malice would be counterproductive. Nevertheless, another possibility is that an assault may have occurred accidentally during the chaos of the street fighting. But if this were the case, it would not have been as serious an incident as Cicero implies. Accordingly, considering that Cicero is our only source for the charge that Antony sought to kill Clodius in 53 BC, it must be asked whether the incident did indeed actually take place, or, if it did happen, in the way that Cicero alleges.

¹⁵ Nippel (1995) 70-84; Vanderbroeck (1987) 30-33. See also Tatum (1999) 234-36, for a fairer treatment of Clodius. See also De Siena (2006) 227.

¹⁶ Cic. *Phil.* 2.49: ...*tamen ita praedicabas, te non existimare, nisi illum interfecisses, umquam mihi pro tuis in me iniuriis satis esse facturum.* One biographer accepts this: Weigall (1931) 131.

¹⁷ Cic. *Phil.* 2.49: *Acceperam iam ante Caesaris litteras ut mihi satis fieri paterer a te.* See also Denniston (1926) 129; Ramsey (2003) 233. Caesar had established a formal friendship with Cicero at the Council of Luca (56 BC) and thus could call on him for certain favours: Cic. *Fam.* 1.9 and Lacey (1986) 193. Letter of recommendation: Colson (1893) 75; Rossi (1959) 11.

¹⁸ Weigall (1931) 131; and especially Babcock (1965) 16-17; and Traina (2003) 16-21.

¹⁹ Gruen (1966) 123, 126-27; Cf. Rundell (1979) 324 with n.90. On Clodius' vexing independence and opposition to Caesar see Tatum (1999) 109-10.

²⁰ Clark (1895) 37; Denniston (1926) 105; Babcock (1965) 16-17.

²¹ Affair allegation based on Cic. *Phil.* 2.48 with Denniston (1926) 127; Ramsey (2003) 231.

Deconstructing the Defence

Now it is time to examine the Ciceronian accounts, which detail Antony's alleged assault. Overall, Cicero makes the accusation Antony had made an attempt on the life of Clodius three times (*Mil.* 40; *Phil.* 2.21, 49). It will be immediately observed that, in the first case, Cicero made his charge when Antony was *subscriptor* for the prosecution, and, in the second and third cases, when he was simply an enemy (*inimicus*) of Antony. Moreover, obviously these speeches are hardly irreproachable receptacles of historical data; yet, at the same time, we cannot dismiss everything Cicero says as fallacious invective.

In the *Pro Milone*, Cicero seeks to argue that, in contradistinction to popular opinion, Clodius sought to ambush Milo on 18 January at Bovillae. Furthermore, in a classic argument from likelihood, he maintains that Milo did not commit the crime because he had not *even* tried to kill Clodius when he knew he could have done so with impunity.²² As a chief case in point he describes Antony's alleged earlier assault on Clodius as the perfect opportunity:

Nuper vero cum M. Antonius summam spem salutis bonis omnibus attulisset gravissimamque adulescens nobilissimus rei publicae partem fortissime suscepisset, atque illam beluam, iudici laqueos declinantem, iam inretitam teneret, qui locus, quod tempus illud, di immortales, fuit! Cum se ille fugiens in scalarum tenebras abdidisset, magnum Miloni fuit conficere illam pestem nulla sua invidia, M. vero Antoni maxima gloria?

This is intriguing indeed and many questions emerge as a result of Cicero's oblique description. Did Antony attack Clodius alone or was he fighting in the body of a larger armed group? How had Antony bypassed Clodius' retinue of bodyguards and entourage, especially, if, as Cicero later remarks, he was carrying a sword? From where had he chased Clodius to the non-descript staircase? Clearly, Cicero is vague on specifics here, either because his audience was well aware of an incident or because he seeks to misrepresent it in a sinister fashion. While the Latin appears to imply that Antony sought to kill Clodius, Cicero eschews providing any more incriminating details and simply suggests that Antony chased Clodius to a staircase. Ultimately, in the context of Cicero's greater argument he can further make his case that Milo had plenty of opportunities to kill Clodius; everybody appeared to want him dead. At the same time, he can undermine a prominent member of the prosecution. Cicero's skill here lies in his ability to create a sinister scenario using euphemism and insinuation: Antony attacks with bravado and threatens the life of Clodius.

It is in the Second *Philippic*, the 'monument of misrepresentation' to quote Syme, that Cicero apparently fills in the details. He states (Section 21):

Quidnam homines putarent, si tum occisus esset cum tu illum in foro inspectante populo Romano gladio insecutus es negotiumque transegisses, nisi se ille in scalas tabernae librariae coniecisset eisque oppilatis impetum tuum compressisset?

As J.D. Denniston observes, Cicero's linguistic construction implies premeditation; but as he points out, Antony's choice of timing and locale were singularly unwise if this were the case.²³ It seems likely, then, that the orator is misrepresenting details of this incident. Still, even if Antony had not pre-planned the attack, he may well have maliciously assaulted Clodius in the midst of a street fight. Indeed, D.H. Berry argues, *a priori*, that Antony was assisting the political efforts of Milo at this time and that the

²² Cic. *Mil.* 38-41.

²³ Denniston (1926) 105; cf. Rossi (1959) 11.

attack happened during one of their gang skirmishes.²⁴ Cicero does not mention this, not that he would ever link Antony to the cause of Milo. Note, too, how in this account Antony wields a sword (*gladio*) with which he pursued Clodius, even though weapons were not permitted inside the *pomerium*.

It must be established, however, that Cicero makes these comments during his *refutatio*, when he is in the process of rebutting Antony's charge that it was on Cicero's orders that Clodius had been slain.²⁵ Given this fact, Cicero had reason to employ *antikategoria*, a rhetorical device that permitted him effectively to repudiate Antony's charge, accuse him of the same crime, and preserve his own reputation. So there was a potent reason why Cicero may have resurrected his old misrepresentation of Antony as Clodius' would-be assassin.

Nor did he lack motivation for such mendacity in the original trial. When the allegation is first proffered during his defence of Milo, there was a pressing need to undercut Antony's credibility and presence among the prosecution. Allotted two hours to present their case on 8 April, Antony had spoken second and emphasised the premeditated nature of Milo's actions. If, as is probable, he vigorously petitioned to prosecute this case, his presence as *subscriptor* is a clear indication that he was an effective orator, who satisfied Appius Claudius and Clodius' supporters. Later oratorical performances would seem to bear this out.²⁶ No wonder, then, that Cicero sets him in his sights, especially when one also considers that Cicero had recently aided Antony in his canvass for the quaestorship. Personal vexation at Antony's thoughtless disloyalty may have motivated Cicero to accuse him of trying to kill Clodius. This was not all. Since Antony was not a kindred relation of Clodius, it was easier for Cicero to deploy the traditional forensic *topos* of *antikategoria* against him.

From a rhetorical viewpoint, this does three things: first, it seeks to throw Antony's charge of premeditation into question; second, it also undercuts his lofty argument that Milo acted *contra rem publicam*, since he himself had seemingly seen fit to try to assassinate Clodius; third, it exposes Antony's political inconstancy. Naturally, these undermine his credibility. This description also has the added bonus of characterizing Clodius as a coward, while spinning Antony's attempt (with clear irony) as a public duty. What is more, the scarcity of detail is also suggestive: Cicero cleverly keeps the key facets of Antony's act vague here, as opposed to the Second *Philippic*, and quickly proceeds with his argument. Though admittedly it is a bold step to discount Cicero's claim, it is not unreasonable to question the historicity of his remarks considering, first, that he is the only primary source for this evidence, and, second, that he proffers this accusation in highly confrontational rhetorical situations. As we have seen, he had some latitude for invention (and certainly misrepresentation), as is evident from his misleading *narratio*.

Conceivably, too, there is some kernel of truth in his accusation, which he has manipulated to undermine Antony; perhaps frustrated by Clodius' violent tactics and the electoral delays it is possible that some dispute occurred between the two candidates, especially if Antony felt that Clodius was compromising his political

²⁴ Berry (2000) 264. The charge had been made in 52 BC. Goldsworthy (2010) 110: Antony was not linked to any prominent politician or gangs.

²⁵ Cic. *Phil.* 2.20-22.

²⁶ Drumann-Groebe (1964) [1899²] 370; Kennedy (1972) 297-300; Huzar (1982) 639-57. See also, *ORF* 2.468-76, for fragments of his extant speeches. Most famously, Antony performed the funeral speech for Caesar in 44 BC: Cic. *Att.* 14.10.1; *Phil.* 2.91; Quint. *Inst.* 6.1.31; Plut. *Ant.* 14; Cic. 42; App. *B Civ.* 2.143-47. He also performed well at several important known *contiones*: Cic. *Att.* 7.5.8; Cic. *Phil.* 2.78; Cic. *Phil.* 2.86, Dio 45.30; Cic. *Fam.* 12.22.1.

prospects. Cicero can then hang his misrepresentation on the fulcrum of the fact that Antony and Clodius had had a public disagreement. But, and this is key, any dispute was certainly not serious enough to estrange Antony from Clodius or his supporters. Therefore, there was no serious breach or rift in their political *amicitia*.

Ramifications of the Re-Interpretation

So what are the ramifications if we accept that Antony did not try to assassinate Clodius in 53 BC? Firstly, it clarifies, as much as is possible given our source tradition, Antony's relationship with Clodius: he was an *amicus*, or associate, of Clodius at his death, but assuredly not an *inimicus* as Cicero leads us to believe.

Second, and more importantly, it overturns Jerzy and Anna-Kaminska Linderski's 1974 thesis that Antony abandoned his first campaign for the quaestorship because of the attempted assassination.²⁷ Antony, the Linderskis argue, would have encountered an immobilising backlash from Clodius' supporters and thus postponed his election campaign until the following year. But Antony most likely shelved his campaign in *suo anno* for the same reason as other politicians: the tedious (and financially costly) electoral delays. The whole process had become a farce and, worse still, the tenure of office would be markedly truncated for the eventual victors.²⁸ Thus there was no glory to be won.

Third, it is clear that Antony did not perform a political *volte-face* in his prosecution of Milo as Linderski and John T. Ramsey argue. He did not need to mend his fences with the *Clodiani*, and, even if the attempt had occurred in the way Cicero alleges, the reaction against Milo indicates that Antony would probably not have been well received. One may go further and suggest that the Clodians would have probably suspected him of being a *prevaricator*. Instead, Antony's appointment as *subscriptor* can be explained either as the result of (a) his petitioning at the *divinatio* (a petition he clearly lost, but perhaps Appius Claudius invited him to serve as *subscriptor*); or (b) he may have personally appealed to the Claudii, Fulvia or the Clodians (Cicero had done this in the case of Sestius); or (c) perhaps he had been appointed to prevent divisiveness and delays among the prosecution. In all likelihood, it was elements of all three. Ultimately, for Antony the role of *subscriptor* offered him a springboard from which to canvass for political office: to the Clodians he could claim to be seeking revenge for his friend; to the *boni* he could claim to be acting in the Public Good. But for him, personally, the prosecution would, he hoped, bring great oratorical glory and the affection of the *plebs urbana*. All these motives fit Cicero's standard definition for reasons to undertake a prosecution, which he outlines in his philosophical treatise *De Officiis*.²⁹

Fourth, Lintott believes that Antony's appearance for the prosecution against Milo—in opposition to Cicero, the sole defence advocate—was the primary reason for their later enmity.³⁰ Even if this were not the case, it does help to explain why Cicero may have maligned Antony during the trial. This is repayment for his political support.

Finally, the reinterpretation also harmonizes Antony's later marriage to Clodius' prominent wife, Fulvia, in 47 BC. Certainly, it would have been tactless and socially reproachable for her to marry a man who had been accused of trying to murder her first husband. Having exorcized this Ciceronian mendacity, however, we can clearly

²⁷ Jerzy Linderski and Anna Kaminska-Linderski (1974): 213-23.

²⁸ Elections delays and farcical nature of the process: Cic. *Mil.* 24; Asc. *Mil.* 30C.

²⁹ Cic. *Off.* 2.49-50.

³⁰ Lintott (2008) 295.

see that Fulvia was blandly consistent in remarrying an ally of both her first two husbands, Clodius and Curio.

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