

## The Murder of Clodius

Source: Asconius, *Commentary on Pro Milone* 30C-36C. Translated by John Paul Adams (<http://www.csun.edu/~hcfll004/asconius.htm>). In *Orationum Ciceronis*. Oxford: At the Clarendon Press, 1966.

*P. Clodius Pulcher, a populist, gave up his patrician status in order to qualify for the office of tribune of the plebs, which he achieved for 58 BCE. He and his enemy, Milo, tribune of the plebs in 57, continued to clash until the year they both ran for magistracies in 53. The context of this document is Asconius's commentary on Cicero's unsuccessful defense of Milo after Milo was accused of Clodius's murder.*

T. Annius Milo [Papianus], P. Plautius Hypsaeus, and Q. Metellus Scipio sought the consulship<sup>1</sup> not only by spreading largesse openly but also accompanied by crews of armed men. There was the greatest possible personal hostility between Milo and Clodius, both because Milo was very close to Cicero and he had used his weight as tribune of the plebs in bringing Cicero back from exile;<sup>2</sup> and because P. Clodius was exceedingly hostile to Cicero once he had been brought back and was on that account very zealously supporting the candidacies of Hypsaeus and Scipio. Milo and Clodius also often engaged in violence with each other with their gangs in Rome. The chutzpah was equally outrageous on both sides, but Milo generally took the side of the 'better interests'. Besides that, in the same year Milo decided to stand for the consulship, and Clodius for the Praetorship (which he knew perfectly well would be less influential, if Milo were consul). In addition, when the electoral assemblies for consul went on for a long time, and were not able to produce a winner due to the very same riotous activities of the candidates, and for that reason in the month of January there were no consuls and no praetors at all, while the assemblies were being drug out just exactly as before—though Milo wanted the election to be completed as quickly as possible and was expecting that they would be thanks to the efforts of the aristocracy because he was standing in the way of Clodius, and also in the way of the populace on account of the 'gifts' which had been showered on them and the staggeringly huge costs of the theatrical spectacles and gladiatorial fight (on which Cicero remarks he had poured out three patrimonies).

His competitors wanted to drag things out, and so for that reason Pompeius, the son-in-law of [Metellus] Scipio, and T. Munatius [Plancus] tribune of the people had not allowed the question to be brought before the Senate as to the summoning of the Patricians to choose an Interrex, although a decree had been passed to name an interrex—on January 18 (the Decree and the oration itself, which agrees with the decree, ought to be followed as to the date, I think, rather than Fenestella, who

gives January 17); on that day Milo made his official departure for Lanuvium, of which town he was at the time Dictator,<sup>3</sup> for the purpose of choosing a flamen on the next day.

Clodius, who was returning from Aricia (he had been addressing the Town Council of Aricia), ran into him around 3 p.m. a little beyond Bovillae, near the place where the shrine of the Bona Dea is located. Clodius was riding a horse. Approximately 30 mounted slaves carrying swords were following him, as was the custom at the time with people making a trip. Clodius also had three traveling companions with him: a Roman knight C. Causinius Schola and two well-known plebeians P. Pomponius and C. Clodius. Milo was being carried in a carriage with his wife Fausta, the daughter of L. Cornelius Sulla the Dictator, and with his close friend M. Fufius. A large contingent of slaves accompanied them, including gladiators; two of them were the famous Eudamus and Birria. These were riding at the end of the column and made a charge on the slaves of Clodius. When Clodius looked back at this disturbance with a threatening aspect, Birria wounded his shoulder with a thrust. Thereupon, when the battle had been begun, several of Milo's men rushed up. The wounded Clodius was carried to the nearest wine shop, in Bovillae. When Milo heard that Clodius had been wounded, while he realized that things would be even more dangerous for himself if Clodius were to survive, but, with him dead, he would have considerable peace of mind, even if he had to undergo some sort of punishment, he ordered him to be hustled out of the inn. M. Saufeius identified [Clodius] in advance to [Milo's] slaves. And so Clodius, though in hiding, was drug out and done away with, with many wounds. His dead body was left at the side of the road, because Clodius' slaves either had already been killed or were themselves in hiding with serious wounds. Sex. Teidius, a Senator, who by chance was making his return to the city from the countryside, picked it up and ordered it to be carried to Rome in his own sedan. He himself went back to where he had started from.

Clodius' corpse was brought back before 6:00 p.m., and a very large crowd of the lowest class of plebs and of slaves, with great lamentation, took up their positions around the corpse, when it was placed in the atrium of his house. Fulvia, the wife of Clodius, added to the appalling nature of the deed, however, when she kept pointing out his wounds, while pouring out her grief. Next day, at dawn, an even greater crowd of the same composition assembled, and several gentlemen of note were seen. The house of Clodius, on the Palatine, had been bought a few months earlier from M. Scaurus: there came to this place T. Munatius Plancus (the brother of the speechifier L. Plancus)

<sup>1</sup> in 53, for 52.

<sup>2</sup> During his tribunate Clodius had engineered the exile of the senatorial leader Cicero.

<sup>3</sup> In this case, dictator = "chief magistrate."

and Q. Pompeius Rufus (the grandson of Sulla the Dictator through his daughter), the tribunes of the plebs. At the urging of these men, the common people carried down into the Forum and placed on the Rostra Clodius' nude and barefoot body, unprepared for burial, just as it had been put into the sedan, so that the wounds could be seen.

There, in front of a public meeting, Plancus and Pompeius, who were partisans of Milo's electoral opponents, roused hatred against Milo. Under the direction of Sex. Clodius the scribe, the Populus carried the corpse of P. Clodius into the Senate House and cremated it, using the benches and risers and tables and books of the stenographers; thanks to this fire the Curia itself also burned down, and also the Basilica Porcia, which was attached to it, was fired. Also that same Clodian multitude attacked the residence of M. [Aemilius] Lepidus, the interrex, for he had been named the curule magistrate, and the absent Milo's too, but they were driven off from there by arrows. Then the crowd brought the fasces which had been snatched from the grove of Libitina to the residence of Scipio and of Hypsaesus, and then to the gardens of Cn. Pompeius, shouting repeatedly that he should be (if he wished) consul, or (if he preferred) dictator.

The burning down of the Senate House raised a greater indignation by far in the city than the slaughter of Clodius. And so Milo, whom general opinion believed to have gone into exile, encouraged by the hatred toward his adversaries returned to Rome the night that the Senate House had burned down. And not in the least deterred, he began to campaign for the consulship. Quite openly he gave to individuals tribe by tribe thousands of asses. After some days M. Caelius, tribune of the plebs, turned over a public meeting to him, and Cicero himself also supported his cause to the populace. Both of them kept saying that an assassination plot had been laid for Milo by Clodius.

Meanwhile one interrex succeeded another, because the electoral assemblies for consuls were not able to be held thanks to the same disorders on the part of the candidates and the same armed bands. And so, first of all, a Decree of the Senate was passed, ordering the interrex and the tribunes of the plebs and Cn. Pompeius (who was right outside the City as proconsul) 'to see to it that the Republic should suffer no harm', and that Pompeius should hold a military recruitment drive throughout the whole of Italy. When he put together a guard with extreme urgency, the two young aristocrats, the Appius Claudius brothers, demanded in his presence that the slaves belonging to Milo and likewise those belonging to his wife Fausta be produced. These Appii were the sons of C. Claudius, who had been the brother of Clodius, and on this account they were beginning the prosecution for the murder of their paternal uncle, in the name of their father, as it were. The two Valerii, Valerius Nepos and Valerius Leo, demanded the same slaves of Fausta and Milo. L. Herennius Balbus demanded the slaves of P. Clodius too, and those of his traveling companions. At the same time Caelius demanded the slaves of Hypsaesus and of Q. Pompeius. Q. Hortensius, M. [Tullius] Cicero, M. [Claudius] Marcellus, M. Calpidius, M. Cato, and Faustus [Cornelius] Sulla

supported Milo. Q. Hortensius spoke a few words to the effect that those persons were free men who were being demanded as though they were slaves. For immediately after the slaughter Milo had liberated them, using as his reason that they had saved his life. These affairs took up the intercalary month.

On approximately the 30th day after Clodius had been killed, Q. Metellus Scipio complained in a meeting of the Senate against Q. Caepio concerning this slaughter of P. Clodius. He stated that it was a lie that Milo was defending himself, but that Clodius was accompanied by 26 slaves when he had set off to give a speech to the Town Council of Aricia. But suddenly, after 10:00 a.m., when the Senate meeting ended, Milo rushed off after him with more than 300 armed slaves, and attacked him unawares during his journey, beyond Bovillae. At that point, P. Clodius, having suffered three wounds, was carried to Bovillae. The tavern in which he had taken refuge was attacked by Milo. Clodius was drug out semiconscious and killed on the Appian Way. His ring was pried off his finger as he lay dying. Then when Milo heard that Clodius' little son was in the Alban villa, he came to the villa, and after the boy had previously dragged off, he was asked permission by the slave Halicor to hack [Clodius] limb from limb; he strangled the steward and two servants besides. Of the slaves of Clodius who were defending their master 11 had been killed, of Milo's only two had been wounded. On account of this, next day Milo gave freedom to 12 slaves who had taken the greatest part, and he distributed to the populace, tribe by tribe, 1000 sesterces each in order to kill the rumors about himself. Milo was said to have sent people to Pompeius who were particularly friendly to Hypsaesus because Hypsaesus had been Pompeius's quaestor to say that Milo would quit his campaign for the consulship if Pompeius thought it a good idea. Pompeius replied that he did not authorize anybody either to seek the office or to quit seeking it, and that he had no intention of interfering with the power of the Roman Populus either with his advice (*consilium*) or his official opinion (*sententia*). Then, through C. Lucilius, who was Milo's friend because of his familiarity with M. Cicero, he is said to have ordered them as well not to burden him down with hostility by asking his advice about this affair.

In the midst of all this, as the rumor flew fast and thick that Cn. Pompeius ought to be created dictator and that the ills of the state could not otherwise be put to rest, it seemed to the optimates that it was safer for him to be named consul without colleague. When the matter had been introduced in the Senate, by an act proposed by M. Bibulus, Pompeius was named consul by the Interrex Ser. Sulpicius on the fifth day before the 1st of March in the intercalary month. He immediately entered upon his consulship. Next, two days later, he introduced the topic of making new laws: he promulgated two laws in accordance with senatorial decree, one *de vi* ('on violence') in which it remarked using names that a slaughter had taken place on the Via Appia, and the Senate House had been burned, and the house of the Interrex M. Lepidus had been attacked, and the other *de ambitu* ('on electoral corruption'): the penalty was to be heavier and the forms of trial briefer.