

DEAN ALEXANDER

MARK ANTONY'S ASSAULT OF PUBLIUS CLODIUS:  
ANOTHER LOOK\*

1. *Introduction: Cicero and truthfulness*

Cicero's reliability as a historical source has always been a bone of contention amongst scholars. Most Ciceronians, however, are warily alert to the distortions of his forensic speeches, where he is putting the best lawyerly gloss on his clients' cases<sup>1</sup>. Indeed, thanks to Asconius' insightful commentary *In Milonianam*, scholars have been able to appreciate fully the artful mendacity and dexterous factual manipulation that Cicero employs in his *Pro Milone*<sup>2</sup>. It becomes apparent that Cicero believed advocates had the latitude to mislead and even to lie in defence of their clients<sup>3</sup>, and his contemporaries certainly felt he was capable of engaging in high-stakes misrepresentation<sup>4</sup>. At several places in his extant works, moreover,

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<sup>1</sup> For fundamental bibliography on Cicero's reliability, see Lintott 2008, especially Chapter III (33-42), which provides several illustrative examples of misrepresentation in the orator's judicial speeches. In defence of Cicero's reliability, see Crook 1995, 140: «the fact is that in no instance do we know for certain that Cicero [...] was alleging [a] fact [...] that he knew to be false». The prominent Ciceronians Powell-Patterson 2004, 26-27, speak of giving Cicero the «benefit of the doubt», and appear to concur with Crook's view (they cite it on page 27): «he [Cicero] is quite careful not to tamper with the facts themselves». Conversely, Gotoff 1993, 289-313, argues that the «fictional element of Cicero's oratory is larger and more encompassing than is usually supposed» (289). Further, Lintott 2008, 33-34, shows that Cicero knowingly makes «transparently false claims» in his speeches such as altering the time of the brawl between Milo's and Clodius' retinues at Bovillae.

<sup>2</sup> Asconius provides an important corrective to Cicero's misleading *narratio*: *Ascon. Mil.* 31-2 C., with Marshall 1985, 166; Lewis, 2006 234-236; Keeline 2021, 9-10. Modern discussion: Lintott 1974, 69, 75; Dyck 1998, 219-241; Berry 2000, 163; Lintott 2008, 33-34, 119-120.

<sup>3</sup> On lying, see the *locus classicus* *Cic. off.* 2, 14, 51; cf. *Cluent.* 139. Furthermore, *Brut.* 42 with Lintott 2008, 3-4; See also Quint. 12, 1, 34.

<sup>4</sup> See, for example, Sall. *Catil.* 48, 5-9, on Crassus' reputed allegation that Cicero had falsely accused him of playing a minor role in the Catilinarian conspiracy.



Cicero suggests that orators and rhetoricians were permitted the privilege of bending the truth (e.g., *Brut.* 42, albeit through an interlocutor). It is for this reason, therefore, that I intend to re-examine a suggestion that Cicero presents initially in his *Pro Milone* (52), one which is still taken at face value: namely that Mark Antony tried to kill Publius Clodius Pulcher in 53<sup>5</sup>. This paper seeks to argue that, based on the surviving evidence, Cicero is skilfully misrepresenting a minor encounter between Antony and Clodius to further his rhetorical purposes.

While almost all modern scholars accept Cicero's claim as fact, there are, as will be seen, several anomalies that call his charge into question<sup>6</sup>. 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? Scholars such as Jerzy Linderski and John T. Ramsey have characterized this as an opportunistic *volte-face* on Antony's part<sup>7</sup>. Even if Antony changed tack, however, it seems highly implausible that Clodius' family would allow him to participate in the prosecution, if Cicero's accounts are accurate<sup>8</sup>. This anomaly alone suggests that Cicero is engaging in exaggeration and misrepresentation.

A re-examination of the episode is timely because it has attracted renewed attention from scholars. R. Cristofoli maintains that the encounter was a deliberate attempt by Antony to intimidate Clodius, who had fallen foul of Caesar<sup>9</sup>. Conversely, W. J. Tatum, in his biography of Antony, argues that Cicero's account of the incident in the *Second Philippic* is an over-the-top «fiction», although he concedes that threats and a «perhaps violent» altercation could have occurred whilst Antony defended Cicero from Clodius<sup>10</sup>.

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<sup>5</sup> All dates are BC unless otherwise stated. Cicero proffers the charge at *Mil.* 40 and later at *Phil.* 2, 21; 2, 49. Cassius Dio, in his paraphrase of Cicero's *Philippics*, also alludes to the incident: Dio 45, 40, 2. On Dio's speeches see Millar 1964, 78-83.

<sup>6</sup> Among prominent scholars who accept Cicero's accusation are Colson 1893, 75; Denniston 1926, 105-106; Weigall 1931, 131; Molyneux 1961, 250-251; Babcock 1965, 16-17; Linderski-Kaminska-Linderski 1974, 222-223; Hayne 1978, 98; Huzar 1978, 37; Chamoux 1986, 41; Welch 1995, 185-186; Ramsey 2003, 230-231; Traina 2003, 17-18; De Siena 2006, 232-236; Southern 2007, 42; Cristofoli, 2008, 27-28; 2020, 233-252. But cf. Tatum 1999, 70, 235-236, Antony «offered to assassinate» Clodius; Lintott 1974, 66; and Rossi 1959, 11, who appear sceptical but do not pursue the matter.

<sup>7</sup> Linderski-Kaminska-Linderski 1974, 222-223; Ramsey 2003, 193.

<sup>8</sup> David 1992, 589, implies that Antony was a family relation, but this was not the case. Explanations are to be sought elsewhere. Linderski-Kaminska-Linderski 1974, 222-223 and Welch 1995, 186, suggest that he reverted to his *popularis* "roots".

<sup>9</sup> Cristofoli 2020, 235-252.

<sup>10</sup> Tatum 2024, 59.

As will be argued here, an examination of the historical, political and persuasive contexts in which this accusation is proffered suggests that Cicero is engaging in misrepresentation. First, I will examine the historical and political contexts of the accusations. Secondly, I will test the motives adduced to explain Antony's assassination attempt (both Ciceronian and modern). Thirdly, I will undertake a reading of each of the three passages (Cic. *Mil.* 40; *Phil.* 2, 21; 2, 48-49) in which Cicero discusses the event. As will be shown, there are important differences between the passages, and clear persuasive aims which have been hitherto underappreciated. Lastly, I will offer an alternative explanation to Cicero's version of events and discuss the ramifications if we accept that Antony never made a premeditated attack on Clodius in 53.

## 2. Historical context: Antony, Clodius and Cicero

First, it is necessary to provide some background on the relationship between Antony and Clodius, which does appear inconstant and fluid, if one glances perfunctorily at the sources. For instance, initially (around 58) the two appear to have been closely associated, if we can trust our — problematic — sources Cicero and Plutarch<sup>11</sup>. Indeed, in his hostile *Second Philippic*, Cicero casts Antony as Clodius' dutiful henchman<sup>12</sup>. Plutarch, by contrast, while acknowledging their friendship, suggests it petered out quickly: Antony, wearying of Clodius' extreme behaviour, left Rome to study in Greece<sup>13</sup>. However, the situation may have been more complex.

Perhaps as early as 61, Antony may have joined his friend Curio's group of *barbatuli iuvenes*, who aided Clodius during the *Bona Dea* scandal<sup>14</sup>. If he had not encountered Clodius then, by 58 Antony had secured an *amicitia* with the powerful tribune, as the testimony of Cicero and Plutarch attests (Cic. *Phil.* 2, 48; Plut. *Ant.* 2, 4). It is even possible that Clodius helped secure Antony his first military commission as *praefectus equitum* under the consul of 58, Aulus Gabinius, who had just become

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<sup>11</sup> Cicero's bias against Antony is well known: see, for example, *Phil.* 2 *passim* and *Phil.* 13, 48; for Plutarch's negative assessment see, for example, *Dem.* 1, 6-8.

<sup>12</sup> Cic. *Phil.* 2, 48, *intimus erat in tribunatu Clodio*. See Ramsey 2003, 230-231; Huzar 1978, 25-26; Tatum 1999, 70.

<sup>13</sup> Plut. *Ant.* 2, 6.

<sup>14</sup> 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.

the provincial governor of Syria, although other explanations are perhaps more plausible<sup>15</sup>. Nevertheless, 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<sup>16</sup>. Following this, five years passed seemingly without recorded incident in the sources. But then, around August 53, after Antony returned to Rome to stand for the quaestorship, his first step on the *cursus honorum*, there occurred, according to Cicero, an ugly encounter with Clodius.

The relationship of Antony and Cicero also merits brief comment. Interactions between the two men were not always hostile, and their families appear to have enjoyed not insignificant historical ties<sup>17</sup>. Cicero had revered and sat at the feet of Antony's grandfather, M. Antonius (cos. 99), one of the greatest orators of his day<sup>18</sup>. Cicero speaks of him glowingly in his rhetorical treatises (he is an interlocutor in *De oratore*), and learnt his oratorical craft, in part, thanks to this man. As such, Cicero was under a powerful obligation to repay this past assistance<sup>19</sup>. When Antony and Cicero were at loggerheads in 44, each accused the other of violating their mutual obligations—*beneficia*<sup>20</sup>. Their initial estrangement seems to have occurred when Antony was closely allied to Clodius during the latter's momentous tribunate<sup>21</sup>. Nevertheless, the future triumvir appears to have tried during the 50s to reconcile publicly with Cicero (see *Phil.* 2, 49, with caution). Eventually, Cicero would offer to support Antony in his campaign for the quaestorship, after the timely intervention of Julius Caesar (*Phil.* 2, 49).

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<sup>15</sup> On Clodius as the intermediary between Antony and Gabinius, see De Siena 2006, 224; 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». However, see Tatum 2024, 34, who argues that Gabinius and the Antonii had historical family ties that explain Antony's appointment. On the family connections, see further, Badian 1959, 87-88; Huzar 1978, 27. Hayne 1978, 97, suggests Caesar secured Antony the position.

<sup>16</sup> For the best treatment of Clodius, see Tatum 1999.

<sup>17</sup> See Tatum 2024, who explores Antony and Cicero's earlier relationship prior to their hostilities in 44.

<sup>18</sup> *Brut.* 138-139.

<sup>19</sup> Antony asserted he had been a pupil of Cicero's as a young man: *Phil.* 2, 3. See further Ramsey 2003, 164.

<sup>20</sup> See *Phil.* 2, 3-10, where Cicero addresses these charges. Cf. Ramsey 2003, 164ff.

<sup>21</sup> Epstein 1987, 43, suggests that their enmity started much earlier, after the Catilinarian conspiracy, when Cicero refused to release the body of P. Cornelius Lentulus Sura, Antony's stepfather.

### 3. Political context: Street gangs and electoral delays

The context in which the alleged assassination attempt occurred is significant and merits discussion. The elections of 53 had been persistently delayed—or to put it more precisely—prevented by the internecine gang warfare of Clodius and Milo<sup>22</sup>. Gang conflict and street fighting bedevilled Rome throughout the 50s (especially towards the end of the decade), and the consular and praetorian lictors present at Rome were insufficient in number to deal with the strife<sup>23</sup>. 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<sup>24</sup>. If they did so to check Clodius' employment of violence in the political arena, then 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, Clodius even ambushed and fought his rival with unbridled gusto on the Via Sacra<sup>25</sup>.

Although Clodius and Milo could be deemed equally to blame by many contemporaries (Cicero excepted) for the civil disorder, the erstwhile patrician had created his fair share of enemies<sup>26</sup>. Considering, then, the reckless anarchy that consumed Rome during 53, the milieu was conducive to an assassination attempt; but is it credible that Antony attempted to assassinate the patrician tribune?

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<sup>22</sup> On the chaos and violence of 53, see Broughton 1952, 228; Gruen 1974, 152 n. 132, for primary references. See especially Ascon. *Mil.* 30 C.: *saepe [...] depugnauerant*. Cic. *Att.* 4, 3, 2-5; *Mil.* 47. Plut. *Caes.* 28, 4. Cf. Lintott 1968, 77-83.

<sup>23</sup> On the wider socio-political reasons for gang violence in the Late Roman Republic, see Tatum 2020, 400-417.

<sup>24</sup> On the deterioration of public order during the 50s, see Nippel 1995, 70-84; on bodyguards: Cic. *Mur.* 49; *Sest.* 88; *Flacc.* 13; *Att.* 1, 18, 1; cf. Lintott 1968, 77-83.

<sup>25</sup> Ascon. *Mil.* 48; Tatum 1999, 235. Clodius did the same to Cicero in 57: see below. And perhaps during his tribunate Clodius turned his violence against Pompey: Ascon. *Mil.* 46-47 C. with Keeline 2023, 57.

<sup>26</sup> Ascon. *Mil.* 30, on both Clodius and Milo being held equally responsible among most of their peers: *et erant uterque audacia pares*. See, however, Nippel 1995, 70-84; Vanderbroeck 1987, 30-33, who lay most of the blame at Clodius' feet. Tatum 1999, 234-236, offers a fairer treatment of Clodius. Cf. De Siena 2006, 227.

#### 4. *Antony's motives questioned*

Let us now examine the motives adduced to justify Antony's attempted assassination of Clodius. On close inspection, the motives ascribed to Antony for undertaking the "assassination" do not stack up. 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 weighed with caution, the more so because he charges Antony with the intent to murder Clodius in the *confirmatio* section of his undelivered speech, the part that is devoted to making attacks on Antony. Cicero portrays Antony as offering to assassinate Clodius as penance for the wrongs he had committed against him (i.e. Cicero)<sup>27</sup>. While it is true that Antony had sought Cicero's support in 53 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<sup>28</sup>. Thus, this assertion can quickly be discarded.

Other explanations have been offered to account for Antony's actions. Some, for example, have wished to see the hand of Caesar in them<sup>29</sup>. The basis of this theory is that Clodius had been working against Caesar's interests, and, even occasionally, serving Pompey<sup>30</sup>. Such a conspiracy, however, seems implausible: Caesar would not have chosen the useful and prominent Antony to assassinate Clodius.

A more personal motive is to suppose that Antony tried to kill Clodius because he was having an affair with Fulvia, Clodius' redoubtable wife<sup>31</sup>. We must bear in mind, however, that Cicero is the first to bring this charge against Antony. Indeed, logically, if there had been a passionate love affair (*Phil.* 2, 77)<sup>32</sup>, why after Clodius' death did Fulvia

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<sup>27</sup> *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.

<sup>28</sup> *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) 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.

<sup>29</sup> Weigall 1931, 131; and especially Babcock 1965, 16-17; and Traina 2003, 16-21.

<sup>30</sup> Gruen 1966, 123, 126-127; Cf. Rundell 1979, 324 with n. 90. On Clodius' vexing independence and opposition to Caesar, see Tatum 1999, 109-110; Cristofoli 2020.

<sup>31</sup> Clark 1895, 37; Denniston 1926, 105; Babcock 1965, 16-17, who accepts the affair charge. See esp. Schultz 2021, 67 n. 57.

<sup>32</sup> Myers 2003, 337-353, on Cicero's rhetorical attempt to emasculate Antony and portray Fulvia as domineering (344).

choose to marry Curio instead of Antony, who eventually became her husband after Curio's death? The accusation is, therefore, almost certainly mendacious and mischievous on Cicero's part, a classic example of him engaging in throwaway innuendo with no supporting evidence<sup>33</sup>.

On balance, then, all of the motives attributed to Antony prove unsatisfactory. It should have been obvious to Antony that attacking Clodius with malice would be counterproductive. Nevertheless, another possibility is that an altercation or assault may have occurred accidentally during the chaos of the street fighting (see section 6 below). But if this were the case, it would not have been as serious an incident as Cicero presents in the *Second Philippic*. Accordingly, it must be asked whether the incident did indeed actually take place in the way that Cicero claims.

##### 5. *Persuasive contexts*

Before examining Cicero's comments, it is necessary to offer some brief introductory remarks about his oratorical and rhetorical practices. Cicero's speeches are tendentious works of persuasion. As the foremost advocate of the Late Republic, his focus on winning over his audience often trumped probative argument and accuracy. H. Gotoff aptly shows that Cicero «will subordinate the truth even when it is on his side, if he has a more useful strategy»<sup>34</sup>. Moreover, Cicero believes advocates were permitted to engage in *ad hominem* attacks (*inv.* 1, 22; cf. *rhet. Her.* 1, 8), and indeed Cicero's educated audiences perhaps expected to hear such invective gambits at court<sup>35</sup>. Evidently, Cicero had the latitude to massage the truth in his speeches and to engage in character attacks against his opponents. The question often facing scholars, then, as P. A. Brunt suggests, is: did it suit Cicero's case to engage in misrepresentation<sup>36</sup>? Let us turn to the passages in question.

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<sup>33</sup> *Phil.* 2, 48, *domi iam tum quiddam molitus est*. Cf. *Phil.* 2, 77. On Fulvia and the affair, see esp., Schultz 2021, 67 n. 57. See also Denniston 1926, 127; Ramsey 2003, 231. Cf. Cristofoli 2020, 240, who also appears to accept the veracity of the affair. Cicero employs a similar stock attack, albeit on a larger scale, against Clodia Metelli in the *Pro Caelio*, e.g. §§ 38, 49, 75. See Stroh 1975, 269-273, for the argument that Cicero invented the affair between Clodia and Caelius for rhetorical effect to distract from the main charges. Cf. Craig 1989, 313-328, who accepts the affair occurred; and more generally, Skinner 2011, 96-120, on Cicero's misleading portrait of Clodia and the likely invention of the affair.

<sup>34</sup> Gotoff 1993, 297.

<sup>35</sup> Craig 2004, 187-214.

<sup>36</sup> Brunt 1982, 146. There are large debates in modern scholarship about Cicero's concern for the truth. Some scholars, for example, see Roman court cases merely as oratori-

Cicero describes Antony's encounter with Clodius three times in his extant works, once in a judicial speech and twice in a political invective (*Mil.* 40; *Phil* 2, 21; 2, 48-49)<sup>37</sup>. In the first instance (*Mil.* 40), Cicero introduced the topic when Antony was opposing him in court as a *subscriptor* for the prosecution. The second and third instances are found in the *Second Philippic*, composed when Cicero was a hostile, consular opponent (*inimicus*, in fact) of Antony, seeking to undermine the latter's political position. The speeches cannot be expected to provide unbiased historical accounts, and yet not everything can legitimately be written off as fallacious invective.

### 5.1. *Pro Milone*, section 40, 52BC; deconstructing the defence

In the *Pro Milone*, Cicero seeks to argue that, against the prosecution's position, Clodius sought to ambush Milo on 18 January near Bovillae<sup>38</sup>. Furthermore, in a classic argument from probability, he maintains that Milo is unlikely to have committed the crime because he had not *even* tried to kill Clodius when he knew he could have done so with impunity<sup>39</sup>. As a case in point, he describes Antony's alleged earlier encounter with Clodius as the perfect opportunity for Milo:

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?

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cal or social prestige contests where the personalities mattered more than the facts and the charges (e.g., Riggsby 1997, 235-251, arguing against; cf. Powell 2008, 7). Other scholars think Cicero's educated audience occasionally cared more about seeing innovative uses of invective tropes than the validity of the probative arguments (Craig, 2004, 187-214). These issues, however, are not the focus of this article.

<sup>37</sup> In his forensic speeches, Cicero's primary goal is to persuade rather than tell the truth. See Gotoff 1993, 296-297, who explains that Cicero's speeches have «severe limitations as historical sources» because his focus is on «enchanted audiences, discomfiting opponents, changing minds, and winning».

<sup>38</sup> For pertinent information on the trial and the prosecution and defence personnel, see Alexander 1990, 151-152. For modern analysis of the *Pro Milone*, see Fotheringham 2013 and especially Keeline 2021. Cicero's claim that Clodius sought to ambush Milo was false, as Asconius makes clear: *Ascon. Mil.* 41 C., *quia falsum id erat – nam forte illa rixa commissa fuerat*. On Asconius and his historical methodology, see Keeline 2023, 41-68; cf. Marshall 1985; Lewis 2006.

<sup>39</sup> *Mil.* 38-41.



*Recently too, when Marcus Antonius had inspired all loyal citizens with high hopes, and when he, a young man of eminent nobility, had bravely taken upon himself an important public duty, and had already enmeshed in his toils the monster who was struggling to escape the nets of justice, what a chance, what an opportunity, immortal gods, was that! When Clodius in his flight had hidden himself in the shadows under a staircase, would it have been hard for Milo to finish off the pest with no ill-will to himself and to the great glory of Marcus Antonius?*<sup>40</sup>

This is intriguing indeed, and many questions emerge as a result of Cicero's opaque 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 claims in *Phil* 2, 21, he was armed with a sword? From where had he chased Clodius to the nondescript staircase? Clearly, Cicero is vague on specifics in this account, either because his audience was well aware of such a relatively recent incident or because he sought to misrepresent a minor event in a sinister fashion. The orator provides just enough details to give his account the air of plausibility.

While it has been presumed that the Latin implies Antony sought to harm Clodius, Cicero eschews providing any more incriminating details and simply suggests that Antony chased Clodius to a staircase. He makes no explicit accusation against Antony. In fact, he goes out of his way to shower Antony with superlatives (e.g., *fortissime*, *nobilissimus*). In *Pro Milone*, he makes his case that Milo had plenty of better opportunities to kill Clodius; everybody appeared to want the ex-tribune dead, even Antony. At the same time, Cicero can cleverly and indirectly undermine the standing of a prominent member of the prosecution by calling into question Antony's devotion to the memory of Clodius<sup>41</sup>. Moreover, Cicero's skill here lies in his ability to create a sinister scenario using insinuation: the audience is left to assume that Antony must have attacked and threatened Clodius, even though Cicero is extremely vague on details and does not provide any compelling evidence. Bending the truth this way, if we are correct, might seem an outrageous gambit to run on Cice-

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<sup>40</sup> All block translations come from the most recent Loeb editions, with occasional modifications.

<sup>41</sup> So Fotheringham 2013, 248. See also Powell 2008, 2, for another example of Cicero using «silky ridicule» and «gentlemanly undermining» in the *Pro Murena* targeting Cato and Servius Sulpicius.

ro's part. But Roman advocates, unlike their modern counterparts, certainly believed they were permitted to attack their legal opponent<sup>42</sup>.

Nor did Cicero lack motivation for such mendacity. When the allegation is first proffered during his defence of Milo, there was a need to undercut, albeit respectfully, Antony's credibility and presence among the prosecutors, who were allotted two hours to present their case. Antony spoke second and continued the prosecution's argument that Milo's actions had been premeditated. If, as is probable, he vigorously petitioned to prosecute this case (at a time when the court exposure could assist his future election campaign), his presence as *subscriber* is a good indication that he was regarded as an effective orator, who would have satisfied the chief prosecutor Appius Claudius and Clodius' supporters<sup>43</sup>. Later oratorical performances (though none of those in court) seem to bear this out<sup>44</sup>. No wonder, then, that Cicero took aim at him, especially when one also considers that Cicero had recently aided Antony in his canvass for the quaestorship and considering their past family ties. Personal vexation at Antony's thoughtless disloyalty may have motivated Cicero to insinuate that he had tried to harm Clodius. This was not all. Since Antony was not a kindred relation of Clodius, it was easier for Cicero to deploy against him the traditional forensic *topos* of *antikategoria*—a rhetorical device that permitted him effectively to repudiate Antony's charge by accusing him of the same crime<sup>45</sup>.

From a rhetorical viewpoint, then, Cicero tries to achieve various aims at once: first, he seeks to undercut Antony's lofty argument that Milo acted *contra rem publicam*, since he himself had seemingly seen fit to try to harm Clodius; secondly, Cicero seeks to call into question Anto-

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<sup>42</sup> Skinner 2011, 98: «Personal attacks on prosecutors and their witnesses, unimpeded by the rules of the court, were an integral part of the defence tool kit.» See, too, Cic. *Cluent.* 139, where Cicero explains that orators will say anything the situation demands.

<sup>43</sup> Lewis 2006, 246, argues Antony joined the prosecution to please Fulvia, but this is highly unlikely. On Fulvia, see Schultz 2021.

<sup>44</sup> Drumann-Groebe 1899, 370; Kennedy 1972, 297-300; Huzar 1982, 639-657. See also *ORF* 2, 468-476, for fragments of his extant speeches. Most famously, Antony gave the funeral speech for Caesar in 44: Cic. *Att.* 14, 10, 1; *Phil.* 2, 91; Quint. 6, 1, 31; Plut. *Ant.* 14; Cic. 42; App. *b. civ.* 2, 143-147. He also performed well at several important known *contiones*: Cic. *Att.* 7, 5, 8; *Phil.* 2, 78, 86; *fam.* 12, 22, 1; Dio 45, 30.

<sup>45</sup> On *antikategoria* (sometimes rendered *anticategoria*), see Quint. 3, 10, 4; 7, 2, 9. For a brief definition, see Dominik-Hall 2007, 487 (glossary). Craig 2004, 200, shows that Cicero uses what Quintilian will later style *antikategoria* prominently in several judicial speeches (e.g., *Pro Roscio Amerino*). Cf. Craig 1993, 147-168, on its use in the *Second Philippic* to undermine Antony's *dignitas* and *auctoritas*.

ny's political inconstancy. Naturally, these undermine his credibility. Cicero's description of the altercation also has the advantage of characterising Clodius as a coward, while portraying Antony's attempt as a public service. It is entirely plausible, then, that the orator is misrepresenting details of this incident for his rhetorical purposes.

In sum, the Antony and Clodius episode has a clear rhetorical function. It provides another example to support Cicero's overarching argument that Milo had had plenty of opportunities to assassinate Clodius over the years but refrained from doing so. Would it have been difficult to finish Clodius off after his encounter with Antony?, Cicero asks the jury. His implied answer is no. Therefore, why would Milo assassinate Clodius in more difficult circumstances on the Appian Way? Moreover, Cicero's example serves a double purpose: it undermines a key member of the prosecution, but in a way that is quite oblique. What was alleged, exactly? Antony chased Clodius to a staircase. And the scarcity of detail is also suggestive: Cicero cleverly keeps the key particulars of Antony's act vague here, and quickly proceeds with his argument.

## 5.2. Second Philippic, section 21, 44BC; Cicero's rebuttal

In the *Second Philippic* (21), Cicero depicts the episode rather differently:

P. Clodium meo consilio interfectum esse dixisti. 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?

*You say that I instigated the killing of Publius Clodius. Now what in the world would people be thinking if he had lost his life on the memorable occasion when you chased him with a sword in the Forum before the eyes of the Roman people and would have finished the job, if he had not flung himself under the stairs of a bookshop and barricaded them, thus stopping your assault?*

Some scholars have rightly been alert to the potential exaggeration and unlikelihood of this description<sup>46</sup>. This speech, after all, is a classic example of Roman invective<sup>47</sup>. Moreover, it is necessary to understand Cicero's persua-

<sup>46</sup> Tatum 2024, 59, Denniston 1926, 105; cf. Rossi 1959, 11.

<sup>47</sup> For a discussion of Roman invective, see Powell 2008, 1-24, who notes that an invective is not only a direct attack but also a «declaration of open enmity» (p.2). Cf. Craig 2004, 191, who describes the *Second Philippic* as Ciceronian invective «*par excellence*».

sive aim. Antony had, in his reply to the *First Philippic* of 19 September 44, accused Cicero of ordering (or, at least inspiring Milo to undertake) the killing of Clodius, a weighty allegation given the continued influence of Clodius' supporters. In response, Cicero throws the charges straight back at Antony. Indeed, Cicero makes these comments during his *refutatio*, when he is in the process of rebutting a string of Antony's charges<sup>48</sup>. Given this fact, Cicero had reason to employ *antikategoria*. Indeed, he had good reason to resurrect and amplify his account of the clash between Antony and Clodius, which would now no longer be fresh in his audience's memory.

To refer to the supposed attempt on Clodius' life, Cicero uses a euphemism, *negotiumque transegisses*, «you would have finished the business», perhaps a colloquialism for «slay»<sup>49</sup>. Note, too, how in this account Antony wields a sword (*gladio*), with which he pursued Clodius. The image Cicero creates is one of Antony as a threatening, undignified menace. Extending the imagery, the attack is now presented as having occurred in front of many onlookers (*inspectante populo Romano*), which portrays the incident as being commonly known<sup>50</sup>.

One similarity in both accounts is the reference to Clodius escaping from Antony's attack by hiding under a staircase (*in scalas*)<sup>51</sup>. And yet, even here we should be alert to the potential rhetorical thrust of this comment: Clodius' hiding under the stairs connotes servile and unmanly behavior, which should be antithetical to a Roman grandee<sup>52</sup>. Moreover, the trope (hiding under the stairs) is used by later authors such as Horace (Epis. 2, 2, 14-15)<sup>53</sup>. Arguably, Cicero is simply continuing to indulge in a favourite pastime (the humiliation of Clodius) at the same time as refuting Antony's accusations<sup>54</sup>.

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<sup>48</sup> Cic. *Phil.* 2, 20-22. See, e.g., Usher 2008, 127-128, on Antony's charges; Ramsey 2003, 164ff.

<sup>49</sup> Ramsey 2003, 193.

<sup>50</sup> Cicero's views on Roman visual culture and of the importance of the Forum, where all eyes were on grandees, is explained at *Planc.* 64-66. The visual imagery is powerful, but Vasaly 1993 has shown how Cicero exploits such images for his persuasive aims.

<sup>51</sup> Lacey 1986, 173, argues for «up the stairs », because, *inter alia*, under the stairs implies Clodius had no means of escape. *Contra* Denniston 1926, 105-106, who bases his views on Cic. *Mil.* 40. Molyneux 1961, 250-251, tried to bridge the discrepancies, arguing Cicero had no need to include the details in *Pro Milone* as they were not pertinent to the case.

<sup>52</sup> On *virtus* (Roman manliness), see McDonnell 2009. On stairs as a favourite hiding place of slaves, see Denniston 1926, 105-106 and Rudd 1989, 124.

<sup>53</sup> For discussion, see brief comments of Rudd 1989, 124.

<sup>54</sup> Usher 2008, 131, argues that Cicero employs humour prominently in this speech to undermine Antony. Cf. Antony's so-called love affair with Curio (*Phil.* 2, 45). The image of Antony chasing Clodius around the Forum may certainly fit this.

## 5.3. Second Philippic, sections 48-49, 44 BC; rebutting charge of ingratitude

The final reference to the altercation between Antony and Clodius (*Phil.* 2, 48-49), should also be set in its persuasive context. Here Cicero is rebutting another of Antony's charges: ingratitude. Such an allegation is no trivial matter but rather speaks to a core component of Roman aristocratic ethics. In response to Cicero's *First Philippic* of 2 September, Antony had delivered a speech on the 19<sup>th</sup> in which a key prong of his rhetorical attack appears to have been to accuse Cicero of failing to repay many of Antony's good deeds (*Phil.* 2, 48, *qui sua erga me beneficia commemorat*; cf. *Phil.* 2, 5-6). This would be a serious breach of the rules of *amicitia*, the formal bond of friendship and favours that tied Roman aristocrats together<sup>55</sup>. Cicero, therefore, parries this charge with his own counterclaim, asserting that he behaved with great generosity towards Antony, and that the latter admitted as much when he offered to kill Clodius to help restore the balance of *beneficia* (*Phil.* 2, 49):

Quo quidem tempore P. Clodium approbante populo Romano in foro es conatus occidere, cumque eam rem tua sponte conarere, non impulsu meo, tamen ita praedicabas, te non existimare, nisi illum interfecisses, umquam mihi pro tuis in me iniuriis satis esse facturum. in quo demiror cur Milonem impulsu meo rem illam egisse dicas, cum te ultro mihi idem illud deferentem numquam sim adhortatus. quamquam, si in eo perseverares, ad tuam gloriam rem illam referri malebam quam ad meam gratiam.

*It was at this time that you tried to kill Publius Clodius [53BC, when Antony was standing for the quaestorship] in the Forum with the approval of the Roman people. And although the attempt was made on your own initiative, without any prompting on my part, you let it be known that you felt you would never make amends for the wrongs you had done me unless you killed Clodius. I wonder why, therefore, you say I prompted Milo to do that deed, seeing that I never encouraged you. To be sure, I preferred the exploit, if you persevered, to stand to your credit rather than be regarded as a favour to me.*

The Latin in this passage, like Cicero's argumentation, is complex and does not flow naturally<sup>56</sup>. Again, there are no compelling evidential details provided here, other than that Antony's attempt occurred in the Fo-

<sup>55</sup> On the political importance of *amicitia*, see, e.g., Brunt 1965, 1-20; Williams 1978, 195-210.

<sup>56</sup> Lacey 1986, 193.

rum in the sight of the (now approving) Roman people. Cicero is taking what appears in the *Pro Milone* to be a minor encounter and presenting it as a deliberate attempt to kill Clodius (*es conatus occidere*). He suggests Antony felt he *had* to kill Clodius (an avowed enemy of Cicero) as recompense for Antony's past injuries to the great orator. It was Antony, therefore, who was in Cicero's debt; otherwise, he would have no need to offer to assassinate Clodius. In this way, Cicero addresses Antony's claim of ingratitude.

Comparing the differences between the two speeches is also suggestive. In the *Pro Milone*, there is no mention of a sword or violence. There is no *explicit* accusation levelled against Antony. Nor is there any hint that Antony had planned an assassination. Moreover, in discussing the episode, Cicero speaks of Antony in respectful tones. Overall, Cicero appears only to reference a minor incident at a time of heightened gang violence. Even in the *Second Philippic*, the focus is on rebutting the charge that Cicero was complicit in Clodius' murder or had been an ungrateful friend to Antony. The imagery of Antony chasing Clodius with a sword creates both a sense of Antony as dangerous and unpredictable, but also serves to humiliate both men because they are acting in ways very unbecoming of grandees. This high-stakes distortion, therefore, can be seen as part of a necessary rhetorical strategy.

## 6. *An alternative explanation*

Unplanned skirmishes were not uncommon during the late 50s. A prominent example of such clashes is the meeting of Milo and Clodius by accident on that fateful day near Bovillae<sup>57</sup>. Their respective retinue of slaves initiated the fight<sup>58</sup>, which then escalated to the point where Clodius was wounded and subsequently murdered. A few years before, in 57, Cicero himself was the victim of an unexpected and unprovoked attack by Clodius and his gang in the streets, and needed to take refuge in the forecourt of a certain Tettius Damio (Cic. *Att.* 4, 3, 3).

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<sup>57</sup> On gang clashes, see: Ascon. *Mil.* 30-31 C.; Schol. Bob. 172, 18-20; Plut. *Caes.* 28, 4-5, *Cat.* 47, 1; Dio 40, 46, 3. Milo and Clodius, Bovillae: Ascon. *Mil.* 31-32, 41 C. On the accidental meeting, see: Ascon. *Mil.* 41 C.; Quint. 6, 5, 10. See Lewis 2006 63-65, 71; Cf. Lintott 2008, 33.

<sup>58</sup> Ascon. *Mil.* 31-32.

itaque ante diem tertium Idus Novembris, cum Sacra via descenderem, insecutus est me cum suis. clamor, lapides, fustes, gladii, haec improvisa omnia. discessimus in vestibulum Tetti Damionis. qui erant mecum facile operas aditu prohibuerunt. ipse occidi potuit, sed ego diaeta curare incipio, chirurgiae taedet.

*On 11 November as I was going down the Via Sacra, he came after me with his men. Uproar! Stones flying, cudgels and swords in evidence. And all like a bolt from the blue. I retired into Tettius Damio's forecourt, and my companions had no difficulty in keeping out the rowdies. Clodius himself could have been killed, but I am becoming a dietician, I'm sick of surgery.*

How far Clodius had planned this attack in advance is impossible to tell. And what was the goal? To unnerve the consular? Murder? Cicero appears to brush off the episode and certainly does not suggest it was an assassination attempt (unless alluded to at *Mil.* 37)<sup>59</sup>. Of most interest, however, is his report that Clodius was almost killed himself (*ipse occidi potuit*). Perhaps this is Cicero putting a favourable spin on the encounter, but it nevertheless shows the hazardous nature and unpredictability of street scuffles in the Rome of the 50s<sup>60</sup>.

Did something similar occur between Antony and Clodius? It seems plausible. Cicero recounts the Antony–Clodius episode in highly confrontational rhetorical contexts. As we have seen, he had some latitude for misrepresentation, as is evident from his misleading *narratio* in *Pro Milone*. Conceivably, too, there is some kernel of truth in his accusation, which he has manipulated to cast aspersions on 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 prospects and delaying his return to military service under Caesar. Or perhaps the encounter was an accidental event, part of the chaotic street fights of the late 50s, which were clearly very unpredictable. Cicero can then hang his misrepresentation on the fulcrum of the fact that Antony and Clodius had had a public disagreement or scrap. But, and this is key, any dispute

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<sup>59</sup> See Keeline 2023, 57, on this reference.

<sup>60</sup> Another example is the attack on Domitius and Cato on election day in early 55, where a gang killed the former's torch-bearer and wounded Cato in the right arm: *Plut. Cat. Min.* 42, 4-5, *Crass.* 15, 3-4, *Pomp.* 52; *App. b. civ.* 2, 17; *Dio* 39, 32, 2; cf. *Val. Max.* 4, 6, 4, on Pompey's toga stained in blood because of the violence. See Osgood 2022, 163-164. See also the examples above cited in n. 25.

was certainly not serious enough to estrange Antony fully from Clodius or his supporters. Therefore, there was no serious breach of their political *amicitia*. Cicero's distortions have clouded the historical reality<sup>61</sup>.

Admittedly, there is no more evidence for this alternative explanation than for Cicero's accusation. And yet, this interpretation meshes better with the historical and political evidence of Antony's career before and after the run-in with Clodius.

### 7. *Ramifications of the re-interpretation*

There are important ramifications for our understanding of Antony's career if we accept that he did not deliberately try to assassinate Clodius in 53.

First, a clearer picture emerges of the relationship between Antony and Clodius in the late 50s. At the time of Clodius' death, Antony should be regarded as an *amicus*, or possibly an estranged associate of the tribune, but assuredly not an *inimicus* as Cicero leads us to believe. Only Antony's influence as an ally can explain his prominent place assisting Appius Claudius at the trial of Milo (see below). Moreover, this understanding better explains Antony's retention of Clodius' supporters, such as Sex. Cloelius, later in his career<sup>62</sup>.

The correct understanding of the altercation between Antony and Clodius also smooths the path for Antony's later marriage to Clodius' prominent wife, Fulvia, in 47. How tactless and socially reproachable for her to marry a man who had rightly been accused of trying to murder her first husband, even allowing for the political expediency of aristocratic marriages. Given the likely distortions in Cicero's account, we can perceive that Fulvia, one of the most prominent and independent women of the Late Republic, could not be criticised in marrying an *amicus* of both her first two husbands, Clodius and Curio.

Additionally, several scholarly interpretations of Antony's career in the late 50s should be abandoned. As mentioned, the view that Antony was seriously estranged from Clodius because of the assassination attempt cannot stand. Furthermore, Jerzy and Anna-Kaminska Linderski's

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<sup>61</sup> As Syme 1939, 146, long ago cautioned historians: «The survival of the *Philippics* imperils historical judgement and wrecks historical perspective».

<sup>62</sup> So Lewis 2006, 246. On Cloelius, see Damon 1992, 227-252. Antony sought Cicero's support in 44 for Sex. Cloelius' recall from exile: Cic. *Att.* 14, 13b.



1974 thesis that the assassination attempt forced Antony to abandon his first campaign for the quaestorship is also unlikely<sup>63</sup>. 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 *suo anno* for the same reason as other politicians: the tedious (and financially costly) electoral delays<sup>64</sup>. The whole process had become a farce and, worse still, the tenure of office would be markedly truncated for the eventual victors<sup>65</sup>. Even though Antony was intending to serve under Caesar, there was little glory to be won in continuing his campaign.

Moreover, the interpretation that Antony performed a stunning *volte-face* in prosecuting Milo is unpersuasive. This argument implies that, despite trying to murder Clodius previously, he would now champion the patrician tribune's memory. But if the attempt had occurred in the way Cicero alleges, the extremely hostile reaction of Clodius' supporters against Milo indicates that Antony's overtures would not have been well received. One may go further and suggest that the Clodians would likely have suspected Antony of being a *prevaricator*, someone who would sabotage the prosecution<sup>66</sup>. There is no scenario in which Antony could have been anything but a liability for the prosecution.

A. 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<sup>67</sup>. Even if this is not accepted, his appearance draws attention to a circumstance that can explain why Cicero targets Antony in his speech for Milo: he did so to *repay* Antony for his ingratitude for Cicero's past support. Antony chose to side with the Claudii.

This reinterpretation also yields a better understanding of the arc of Antony's career. His appointment as *subscriber* points to his being a

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<sup>63</sup> Linderski-Kaminska-Linderski 1974, 213-223. It is important to stress that the Linderskis' article is seminal in correctly dating Antony's quaestorship to 51. Respectfully, I disagree with them only on the reason for Antony's initial abandonment of his campaign in 53 for 52.

<sup>64</sup> Büzl cited in Linderski-Kaminska-Linderski 1974, 217, first argued that Antony would not want to be elected to office if the tenure was truncated. The Linderskis do not believe the loss of tenure would have bothered Antony.

<sup>65</sup> Elections delays and farcical nature of the process: Cic. *Mil.* 24; Ascon. *Mil.* 30 C.

<sup>66</sup> On *praevaricatio*, see, e.g., Gruen 1974, 318; Loska 2019, 215-222. If Antony had tried to kill Clodius in 53 and it was common knowledge, the prosecution in Milo's case would surely have feared Antony might have been colluding with the defence (particularly given his ties to Cicero).

<sup>67</sup> Lintott 2008, 295.

trusted ally of Clodius' supporters at a time of critical importance. Ultimately, for Antony the role of *subscriber* 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 (murder should not go unpunished, whatever the circumstances). But for him, personally, the prosecution held the prospect of oratorical glory and the affection of the *plebs urbana*, of the sort his grandfather M. Antonius (cos. 99) had once enjoyed. All these motives are in harmony with the list of reasons Cicero gives for undertaking a prosecution<sup>68</sup>.

The alleged assassination attempt is one more example of Ciceronian distortion that must be discarded if we are to better understand Mark Antony and his career.

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<sup>68</sup> Cic. *off.* 2, 49-50.

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