

Publius Clodius *Biaiothanatos*: Cicero's Oratorical Necromancy in *Pro Milone* 79

In the year 52 BCE, the Roman praetor Titus Annius Milo and his lieutenant Marcus Saufeius were charged under the *lex Pompeia de vi* ("The Pompeian Law Concerning Political Violence"). Pompey passed this law with the murder of Publius Clodius Pulcher in mind, a murder which was carried out on the Appian Way by Saufeius under the command of Milo. Cicero, a good friend of Milo, would eventually take up the task of defending his friend, and much of his oratory at the trial is dedicated to undermining this law. He attempts to separate and refocus the *vis* of Milo, who was in fact acting in defense of the Roman Republic, and reposition it upon Clodius, who acted against the Republic. Cicero ultimately argues that Milo was acting in self-defense, but his strategy changes at §72, which is commonly known as the beginning of his *extra causam* argument.

The *extra causam* argument of Cicero's *Pro Milone* is a rhetorically emotional *tour de force*. Having defended his client Milo against the prosecution's claims of premeditated murder, Cicero attempts to move on from this original, *logos*-focused position. He then concentrates on an argument of sheer emotional output, which itself is designed to prove that Milo's killing of Publius Clodius, Cicero's arch-rival and Milo's political competitor, was in fact beneficial for the Republic. §79 is entirely concerned with the death of Clodius, as Cicero reminds his audience at its outset (*Quin sic attendite, iudices. Nempe haec est quaestio de interitu P. Clodi*: "But listen thus, O judges! This investigation is without doubt about the death of Publius Clodius"). In this section, Cicero calls upon both the judges and Pompey to imagine an entirely fictional scene in an effort to (1) cultivate the jury's fear of the prosecution, who are themselves supporters of Clodius, and (2) remind the judges that their current position as *ultores* of Clodius's death is without basis.

Cicero utilizes the rhetorical strategy of *eidolopoia* (“ghost-making”), which is not uncommon in his legal corpus, to achieve these goals. The dreadful image that Cicero chooses to paint here, however, is rather peculiar for his work; the audience becomes an active agent in the resurrection of Clodius’s past self. Cicero, the ring-leader of this hypothetical, repositions the audience in an effort to frighten, and in turn convince them that Clodius deserved to die. Yet, would this hypothetical description have truly been convincing and/or frightening to Cicero’s austere audience? Or would they have considered it merely a literary trope and therefore been unmoved by this work? The vivid imagery of an undead Clodius walking amongst the living once again was an image, I argue, that would have been terrifying to Cicero’s audience.

According to Cicero’s explicit and implicit *contra rem publicam* argument, Clodius’s violent nature while alive warranted a deservedly violent death. His bloody death along the *Via Appia* was followed by more tumult and suffering on behalf of the Roman populace. All of the violent events that surrounded Clodius’s death suggest that his ghost too would take up the sword *contra rem publicam*. Thus, by creating such a vivid scene and by reviving the image of an undead Clodius (*biaiothanatos*), Cicero himself succeeds in an oratorical necromancy of sorts. Having generated evocative hypotheticals, he can now manipulate his own threats and insults directed at Clodius without recompense. At the same time he convinces the judges that what Milo did to Clodius was truly for the betterment of all. By placing Clodius and the recent actions of the judges within the cultural context of necromancy, which has been researched thoroughly by Daniel Ogden (2001, 2002), Cicero not only showcases his masterful ability to captivate an audience, but also convincingly carries his *extra causam* to an emotionally disturbing climax. When one considers the cultural and historical context surrounding Clodius and his death as well

as Cicero's subtle, yet masterful, practice of oratorical necromancy, it becomes evident that Clodius and the mark he left on Rome remained a violently real threat to the Republic.

Bibliography

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