

CASA ESSAY

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CICERO: PRO CAELIO: WHAT WAS IT THAT MOST UNDERMINED CLODIA'S CASE – HER CHARACTER, THE PREJUDICES OF ROMAN MEN, THE SKILLS OF CICERO OR ...?

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At the conclusion to Cicero's defence of Marcus Caelius, the reputation of Clodia is sealed: she is effectively a *meretrix*, whose libidinous nature has ensnared a multitude of young Roman men, including the accused Caelius. Her role in the prosecution is that of an embittered ex-lover, who seeks vengeance on Caelius – and thus her testimony against the young man is not to be trusted; in fact the whole trial is poisoned by her malice. From this standpoint, Clodia's case was totally undermined and Caelius was acquitted of the charges laid against him. But what was it that truly undermined the case of Clodia? Was she really so depraved a character in life or was this impression rather created by the skill of Cicero or was she perhaps the victim of gender stereotypes? The purpose of this essay will be to discuss the various elements that counted against Clodia: firstly, the skills of Cicero in his speech, secondly, the reputation of the character of Clodia, and thirdly, the prejudices of men in Rome.

Throughout his defence speech for Caelius, Cicero employs a great abundance and variety of rhetorical and oratorical techniques in order to persuade the jury to arrive at his desired conclusion to the case: Caelius is innocent of the charges – the real culprit is Clodia. The techniques that will be discussed include: *insinuatio*, the polarization of the thinking of the jury, *prosopopoiia*, the creation and spreading of rumour, the utilization of humour, and sudden changes of tone and mood.

The first major obstacle that Cicero faced was the extent of the charges laid against Caelius, who was charged with five separate crimes under the *lex de vi*: namely, “of beating up the Alexandrian envoys at Puteoli, of causing the riot at Naples, [and] of murdering Dio” (Wiseman 1985:68). The fourth charge was concerned with the property of Palla, and the fifth charge for the attempted poisoning of Clodia. To this end Cicero cleverly uses the rhetorical device of *insinuatio* (Prill 1986:105) – he diverts the attention of the jurors away from the primary charges of homicide and of inciting to riot and focuses their attention on the two charges which relied on Clodia's testimony: the attempted murder of Dio and the attempted poisoning of Clodia (Wiseman 1985:83). In addition, Cicero further isolates Clodia by belittling the roles which the three prosecutors play in the case: Atratinus, although performing his role admirably, is far too young to handle such an abusive case –

“*neque enim decebat neque aetas illa postulabat ...* for such a vein was appropriate neither to his personality nor to his youthful years” (Cic. *Cael.* 7); the prosecution speech of Herennius, who is sarcastically referred to by Cicero as “*meum familiarem* – my friend” (Cic. *Cael.* 25), is disregarded by Cicero as being impressive in style but false in terms of its actual content; lastly, Cicero dismisses in passing the speech of Publius Clodius (the third member of the prosecution): “*aliquot enim in causis eum videram frustra litigantem* – for I had been to a good many trials in which Clodius ended up on the losing side” (Cic. *Cael.* 27) – *id est*, this man is not a very gifted attorney according to Cicero.¹ Thus by concentrating on the charges which concerned Clodia and by dismissing the roles that the three prosecutors had in the case, Cicero is able to highlight the character of Clodia as the mastermind behind this entire trial (Volpe 1977:315), which of course would appear totally inappropriate to the jurors since she had formerly been Caelius’ lover. This view of Clodia as the primary instigator of the case rather than as one out of a number of witnesses would spell the beginning of the end for the prosecution.

Having successfully directed the minds of the jurors towards the character of Clodia by playing down the role of all other people in the case and by constant allusions to the woman, Cicero then proceeds to create a polarization in the minds of his audience so that they are forced to judge the behaviour of the people who partake in the trial as being either serious or frivolous (Volpe 1977:313). This antithesis is initiated by Cicero in the very first sentence of his defence:

miretur profecto quae sit tanta atrocitas huiusce causae, quod diebus festis ludisque publicis, omnibus forensibus negotiis intermissis, unum hoc iudicium exerceatur.

I am sure he would wonder what the special gravity of this case might be, seeing that it is the one and only trial to be held at a time of festivities and public games, when all legal business is on vacation (Cic. *Cael.* 1).²

The seriousness of a trial governed by the *lex de vi* is compared to the frivolousness of the festival day which is occurring throughout the city. This trial would determine the fate of Marcus Caelius, who, although frivolous in his youth, had become an eminent citizen of Rome with great potential – “*adulescentem inlustri ingenio, industria, gratia* – a talented, energetic, popular man” (Cic. *Cael.* 1); however, Cicero contrasts this serious affair by stating that it is “*opibus meretriciis* – financed by a whore” (Cic. *Cael.* 1).³ It would seem ridiculous and an outrage to the members of the jury that they were detained on such a festive day by the designs of a whore; moreover, that they should be forced to proceed with this serious trial even when all other forensic business in the city had been deferred for the day. And so throughout his oration Cicero employs this comparison between the seriousness of the trial of Caelius and the frivolous behaviour of Clodia as a means of discrediting the case of the prosecution (Volpe 1977:314).

¹ Cf. Grant 1969:169; 179; 181.

² Grant 1969:166.

³ Grant 1969:166, 167.

Nowhere is this serious-frivolous antithesis more apparent than when Cicero employs *prosopopoiia* – a rhetorical technique whereby the speaker (in this case Cicero) pretends “to speak as some famous or important personage” (Volpe 1977:319). Cicero first elects to ‘summon’ before the court the famous ancestor of Clodia, Appius Claudius Caecus: this man, being the model Roman, is capable more than anybody else of scolding the acts of Clodia in her pursuit of Caelius and of other young men in general. Claudius contrasts the debauchery of Clodia with the female virtues of some of the famous women of their family and concludes with a series of questions:

Ideone ego pacem Pyrrhi diremi ut tu amorum turpissimorum cotidie foedera ferires, ideo aquam adduxi ut ea tu inceste uterere, ideo viam munivi ut eam tu alienis viris comitata celebrares?.

Did I tear up that bargain with Pyrrhus merely in order that you should drive some disgusting sexual bargain every day? Did I bring water to Rome only that you should have something to wash yourself with after your impure copulations? Was the sole purpose of my Road that you should parade up and down it escorted by a crowd of other women’s husbands? (Cic. *Cael.* 34)⁴

The famous deeds of one of the most respected figures in Roman history are compared with the foul deeds of one of his descendents – by what other means could Cicero better emphasize the depravity of Clodia? The imagery in the second comparison must have almost sealed the case for the jury – the great Claudius allowed water to be channelled via aqueducts into Rome so that his sordid descendent Clodia could use it *inceste*: this ambivalent term could denote a number of different sexual actions from *fellatio* (Butrica 1999:136) to the usage of water by Clodia in a brothel (Bruun 1997:368) or even to an “incestuous relationship between Clodia and her brother” (Butrica 1999:137) – in fact the ambivalence of the term would be more effective in that each juror could try to imagine what foul deed was behind this word (Butrica 1999:138).

Throughout the trial, the defence and the prosecution had thrown a series of taunts at one another in a “battle of literary repartee” (Volpe 1977:317): Atratinus commenced this by labelling Caelius as a *puchellum Iasonem*, Caelius in turn called Atratinus a *Pelia cincinnatus*. Cicero, however, broke the direct references to the Argonaut myth by labelling Clodia as a “*Palatinam Medeam* – Medea of the Palatine” (Cic. *Cael.* 18) – the witty insinuation made by Cicero is that Clodia poisoned her husband (who had died previous to the Caelius’ affair in strange circumstances) just as “Medea had poisoned her children”.⁵ This type of insinuation along with other innuendoes in Cicero’s speech falls under the general technique of the creation of rumour (Gotoff 1986:126).

Later Cicero utilizes another form of rumour known as *reprehensio*: “*cum istius mulieris viro – fratrem volui dicere* – the woman’s husband – sorry, I mean brother” (Cic. *Cael.* 32). Cicero’s self-correction does not have the effect of removing

⁴ Grant 1969:186.

⁵ Cf. Grant 1969:176; Volpe 1977:318.

the slander about Clodia's incestuous relationship with her brother, rather it emphasizes it (Volpe 1977:318). Cicero realizes that rumour has the ability to linger in the minds of the members of the jury panel, and, although such slurs might not condemn Clodia, they might inadvertently affect the thoughts of the jurors: could Clodia's testimony really be trusted – this woman who might have killed her own husband and slept with her own brother?

One of the primary strategies of Cicero's speech is to create a humorous atmosphere for the jurors – if Cicero succeeded in mocking the prosecution's arguments and witnesses, the jurors would not take the trial seriously and would not therefore convict Caelius. Apart from some witty remarks and subtle allusions, Cicero generates a humorous response from his audience by portraying the events that were alleged to have occurred in the attempted poisoning of Clodia as though they were part of a mime and the various role-players as actors in this mime (Volpe 1977:320-321):

Mimi ergo iam exitus, non fabulae; in quo cum clausula non invenitur, fugit aliquis e manibus, dein scabilla concrepant, aulaeum tollitur

Well, that is not the sort of finale a real play has. It is more the ending of a song-and-dance show – the type of production where nobody has been able to think of a suitable ending and so someone escapes from someone else, and the clappers sound, and it's the curtain (Cic. *Cael.* 65).⁶

Thus Cicero effectively shows through a reconstruction of the events that Clodia's testimony as to how the attempted poisoning occurred is entirely fabricated.

Amid his discussion on the charge of poisoning, Cicero, in a demonstration of his genius, changes the mood and tone of his speech to that of an emotional, melodramatic eulogy for the recent inexplicable death of Quintus Metellus, Clodia's late husband (Volpe 1977:321). The paragraph starts with Cicero stuttering in his emotional recollection: "*Vidi enim, vidi et ...* – I personally participated" (Cic. *Cael.* 59); all the phrases are drawn out for maximum force: "*quam in curia, quam in rostris, quam in re publica* – in the Senate, the law courts, and all the political affairs of our city" (Cic. *Cael.* 59)⁷; the passage is packed with an alliteration of 'm' sounds for the effect of mourning; Roman patriotism runs throughout the piece in order to show what a loss to the Republic Metellus' death was – in short Cicero is employing every linguistic and grammatical trick that he knows so as to raise the emotional force of the passage. The jury and the audience around the forum must have been wiping the tears from their eyes.

⁶ Grant 1969: 205.

⁷ Grant 1969:201.

Then Cicero ends this tone and mood of mourning immediately in one of the most telling sentences of his oration:

Ex hac igitur domo progressa ista mulier de veneni celeritate dicere audebit?

Now, shall the woman who comes from such a house have the audacity to start discussions about the speeds with which poisons take effect ? (Cic. *Cael.* 60)⁸.

The audience must have spat in anger at the mention of Clodia and of poison. And thus through a cleverly interjected highly emotional passage, Cicero might have turned the jury against Clodia and the case as a whole – regardless of whether the rumour of her poisoning Metellus was true.

Cicero's characterization of Clodia works towards illustrating the fact that she is in effect a whore, since the testimony of prostitutes could not be trusted as evidence in a Roman trial:

quae se omnibus pervolgaret, quae haberet palam decretum semper aliquem, cuius in hortos, domum, Baias iure suo libidines omnium commearent, quae etiam aleret adolescentis et parsimoniam patrum suis sumptibus sustineret.

Imagine a person who offered herself to every man, who quite publicly had a calendar of different lovers for every day, whose gardens, home and house at Baiae were thrown wide open to every sort of lecherous riff-raff, who kept young men and helped them to endure their fathers' meanness by paying them herself (Cic. *Cael.* 38)⁹.

Was Clodia really such a depraved character as Cicero would have his audience believe? We can assume that she certainly was involved in some scandals and that her reputation was somewhat dubious for the following reasons: firstly, Cicero in selecting his line of attack for the defence of Caelius would have obviously targeted the weakest point of the prosecution for his attack – there must have been therefore some veritable grounds for his assault on Clodia. To put it another way, if Clodia had a reputation akin to that of “*Q. illa Claudia* – the celebrated Quinta Claudia”, her ancestor, then Cicero's speech would have fallen on deaf ears; secondly, Cicero constantly drops allusions to scandalous events that must have occurred involving Clodia – he repeatedly refers to Baiae, a holiday-town, which Clodia often frequented.¹⁰ In fact Clodia's family was not unaccustomed to public scandal: her brother, the infamous Publius Clodius Pulcher, had violated the sacred rites of the Bona Dea, which were reserved for females only, by entering the ceremony dressed as a woman – Cicero acted as a witness in ensuring that Clodius' alibi was proven false and that he was convicted.

Having said all that, Cicero obviously does exaggerate the immorality of Clodia's character in order to supplement his case: that Clodia was so depraved a person that young men such as Caelius had no choice but to submit to her libidinous nature. But what about Caelius ? Clodia was clearly involved in some scandals, but

⁸ Grant 1969:202.

⁹ Grant 1969:189.

¹⁰ Cic. *Cael.* 34, Grant 1969:185.

Caelius, the accused, possessed a reputation that should have been marred even more by scandal in the public eyes. “*At studuit Catilinae, cum iam aliquot annos esset in foro, Caelius* – Yes, after he had served several years’ apprenticeship in the Forum, Caelius did become an adherent of Catilina” (Cic. *Cael.* 12).¹¹ The fact that Caelius had supported Catilina was a serious problem for Cicero’s case: Catilina had attempted to initiate a coup d’état in Rome some years before Caelius’ trial, and moreover he was prosecuted and convicted by Cicero himself, who showed that man to be the very model of depravity and immorality. Cicero therefore had to provide a scapegoat for Caelius by explaining that Catilina was a master at deceiving other people, and almost in fact deceived Cicero himself. This wasn’t Cicero’s only difficulty with the young Caelius: the accused appeared to enjoy life filled with flamboyance and extravagance – “*purpurae genus... amicorum catervae... splendor... nitor* – the shade of purple he wears, or his crowd of friends, or the flamboyant glamour of his personality” (Cic. *Cael.* 77).¹² Caelius certainly was not meek in his life-style (Wiseman 1985: 65). Hence Cicero had a problem: Clodia and Caelius in comparison were not so far removed in terms of their respective reputations. Cicero would have to find a means of justifying Caelius’ behaviour and simultaneously condemning the similar behaviour of Clodia – to this end he would utilize the gender prejudices of Roman men.

The Romans maintained their traditional view of the roles of women in society even into the chaotic period of the Late Republic. Women were forced to act in a subservient role to men – to aid and supplement their men in their pursuit of greater social and political status – and thus the virtues that they were expected to display corresponded to their societal role: “the acceptable female models were examples of restraint, propriety, and fortitude” (Hillard 1992:38). In concordance with this, there was something extremely depraved and immoral about the notion of a woman who possessed authority and power, who gave up her traditional secluded private life as a *matrona* for a public life; in fact officially women were not allowed to take part in government affairs: they could not run for any specific political office, nor vote during elections, and were even at times barred from attending the forum (Hillard 1992:38-39). Cicero manipulates the jury by bringing this gender stereotype into play in his attack of Clodia: by belittling the role of the three main prosecutors, Cicero, as already stated, is portraying Clodia as the instigator of the trial – she had all the *auctoritas* (Hillard 1992:50). Cicero refers to Clodia’s authority by sarcastically labelling her as *imperatrix* – commandress (Cic. *Cael.* 67), along with other epithets of power throughout the speech.¹³ The notion of a female commander would have appeared morally repulsive to most Roman men.

“Women on the stage were held in even lower esteem. For a woman to step onto the boards was to take an irreversible step ... The assumption that actresses were prostitutes was automatically made” (Hillard 1992:52-53). The portrayal of Clodia as the chief actress of an elaborate mime in Cicero’s reconstruction of the testimony of attempted poisoning was therefore not only employed to show the apparent

¹¹ Grant 1969:172.

¹² Grant 1969:212.

¹³ Grant 1969: 206.

fabrication of the truth but more importantly it fixed the notion of Clodia as a mime actress in the minds of the jurors – and hence the natural association to be made was that she was acting as a prostitute. A woman in a position of power was bad enough for the Roman jury to accept, but an actress – effectively a prostitute – in power? This would not be accepted by the men of the courtroom with their fixed views of gender roles in society. Caelius on the other hand, given his role as a male in society and also given his youth, would be permitted to possess a certain amount of power, and moreover, would be allowed to err occasionally.

It is difficult to determine what factor was the most damning to Clodia's case: from the one point of view, it would seem that her constant presence in a court case, given her reputation and the power which she possessed on account of her wealth, would undermine her role as a Roman woman in the traditional sense and thus make her testimony incredible to the male jurors. However it must also not be forgotten that this trial, which can easily be labelled as 'Clodia's case' is actually 'Caelius' case' – he was the man who was under suspicion – not Clodia. It is a testament to the genius of Cicero that the direction of the trial was altered to an attack on this woman – that he was able to ensnare the attention of the jury away from its primary focus and through a plethora of rhetorical techniques show Clodia to be a model of depravity. The negative perception of Clodia's character in the public already existed prior to Cicero's case, as did gender stereotypes obviously, but it was the skill of Cicero which harnessed these aspects and allowed them to be presented in such a way that the court would have to pronounce Caelius innocent ... or rather Clodia guilty.

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