

THE PERSUASIVE FORCE OF HUMOR: CICERO'S DEFENSE OF CAELIUS

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OFTEN in the study of public address, speeches of great political importance are presumed to be of equal rhetorical importance. In his *Defense of Caelius* Rome's greatest orator-statesman, Cicero, demonstrated his supreme mastery of the art of persuasive speaking through his use of humor and his ability to adapt to the rhetorical situation. This stunning rhetorical *tour de force* was all the more impressive because the speech did not affect the course of history, settle any political dispute, did not save Rome from conspiracy nor protect a Roman citizen from the tyranny of oppressive governors.

Cicero argued his case with a master's command over the psychological needs of his audience. He fully recognized the persuasive force of humor and exploited this force to his client's fullest advantage. In the process, he revealed the values of his fellow Romans more profoundly than conventional political oratory usually did. Most great orators made their reputations as persuasive speakers by meeting the demands of politically fortuitous situations. They spoke to issues which turned the course of civilization. The trial of Caelius, however, was by any account a frivolous and petty affair—one that would not normally generate the opportunity for sophisticated rhetoric. But by employing conventional oratorical elements in a most unconventional strategy Cicero adapted to the unique

situation of the trial and revealed for us the paradoxical appeals that swayed Roman minds.¹

In April of 56 B.C. Marcus Caelius Rufus was brought to trial accused of five serious offenses under the law of violence (*lex de vi*). The first charge was fomenting sedition at Naples. Austin dismisses this as "some local dispute, such as would normally have been settled in the local courts."² The second charge concerned the attack on the Alexandrian ambassadors at Puteoli. It derived from an incident concerning Ptolemy Auletis of Egypt who was dethroned in 58 B.C. and fled to Rome. Pompey wished him reinstated but the Alexandrian delegation opposed such an action. They were attacked and murdered by Ptolemy's

¹ No study has been published in speech journals about the *Pro Caelio*. A brief description of the speech can be found in George Kennedy, *The Art of Rhetoric in the Roman World* (Princeton: Princeton Univ. Press, 1972), pp. 198-200. Classicists have recognized the brilliance of the *Pro Caelio*. See Gaston Boissier, *Cicero and His Friends, A Study of Roman Society in the Time of Caesar*, trans. Adnah David Jones (New York: G. P. Putnam's Sons, 1925), p. 159; J. F. Gilliam, "The *Pro Caelio* in St. Jerome's Letters," *Harvard Theological Review*, 46 (April 1953), 103-7; R. G. M. Nesbet, "The Speeches" in T. A. Dorey, *Cicero* (New York: Harper & Bros., 1981), p. 36. By far the most thorough study of the speech has been the commentary by R. G. Austin, *M. Tulli Ciceronis, Pro M. Caelio Oratio* (Oxford: Clarendon, 1960). The best literary study has been Katherine A. Geffcken's *Comedy in the Pro Caelio* (Leiden: E. J. Brill, 1973) which argues that the speech fits into the Roman literary genre of comedy and implies that Cicero intended this. Geffcken's analysis does not focus on how humor was used as a persuasive tool nor does it draw conclusions about the values of Cicero's audience.

² Austin, p. 152-4 presents the available evidence to interpret the accusations.

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henchmen at Puteoli. Clodius' connection with this incident is obscure.

The third charge concerned the property of a woman named Palla. This charge probably concerned the violent dispossession of her property and presented the prosecution the best opportunity to accuse under the *lex de vi*. Palla was otherwise unknown but she may have been the mother or stepmother of L. Gellius Poplicola who married Sempronia Atratinus, sister of the prosecutor.

The fourth charge was attempted murder of the Academic philosopher Dio. Dio had led the Alexandrian embassy referred to in the second charge and was murdered by P. Asicius, Ptolemy's henchman, Asicius was prosecuted but secured an acquittal on the defense of Cicero. Caelius was here charged with another, unsuccessful attempt to murder Dio.

The final charge concerned the attempted poisoning of Clodia. Cicero dealt with this charge at length in the speech but the details remain obscure.³

There was a tendency at that time to widen the scope of the *lex de vi* a fact of which the prosecutors took advantage because cases concerning this law held precedence over other public business and were heard even during public holidays when other courts were not in session. It just so happened that the trial of Caelius was scheduled to take place April 3-4, the first day of the *Ludi Megalenses* (April 4-10); so while everyone else prepared to enjoy the festivities the court convened to try M. Caelius Rufus. This unusual timing provided Cicero with the perfect element to draw together his defense. It is a mark of his genius to take this most grave and serious situation and turn it to his advantage by the use of humor.

Cicero's client was the acid-tongued,

bon vivant, Marcus Caelius Rufus. The young Caelius was brought to Rome by his father to study under Cicero. Feeling restrained, he briefly joined the Catilinarian conspiracy and then served in the army in Africa. After returning to Rome he began his flamboyant career by prosecuting several prominent citizens including C. Antonius, Cicero's co-counsel, and L. Calpurnius Bestia. He also became romantically involved with the recently widowed Clodia Metellus, the queen of Roman society. The present trial resulted when the spurned Clodia sought revenge against her younger paramour.

Clodia was the most famous personality involved, but she never appeared in court. She was the unseen prosecutrix according to Cicero. A member of one of the most illustrious patrician families, Clodia was the most liberated woman of her day, openly flaunting her considerable charms and serving as the hub of the social set that included the poet Catullus and even Cicero himself.⁴ It was likely that a political marriage of sorts between the two was considered but did not materialize.⁵ We remember her more as the poet Catullus' lover, Lesbia, and his poems to her offer much evidence to collaborate Cicero's arguments.⁶

Clodia's youngest brother's (P. Clodius) antipathy to Cicero began in 62 B.C. when, having been accused of defiling the religious celebration of the *Bona Dea*, Cicero testified against him. Clodius became a henchman for the Caesarian fac-

⁴ Plutarch, *Cicero*, 29.2-3.

⁵ Cicero, *Letters to Atticus*, 2.9.1, 2.12.2, 2.14.1, 2.22.2, and 2.23.2. See also Boissier, pp. 162-3; Emma Crownover, "The Clash Between Clodia and Cicero," *Classical Journal*, 30 (December 1934), 138-46; T. A. Dorey, "Cicero, Clodia, and the *Pro Caelio*," *Greece & Rome* 5 (1958), 176; W. Warde Fowler, *Social Life at Rome* (New York: Macmillan, 1927), p. 155; and William C. McDermott, "The Sisters of P. Clodius," *Phoenix*, 29 (Spring, 1970), 39-46.

⁶ Some scholars have questioned the identification of Lesbia with Clodia but all recent commentators now agree with Apuleius, *Apol.* 10 that *eadem opera accusant C. Catullum quod Lesbiam pro Clodia nominarit*.

³ Austin, p. 153.

tion and when elected Tribune in 58 B.C. was the leader of the movement that exiled Cicero. Later his excesses were so great that even the Triumvirate could not control his physical assaults and he was eventually murdered in an accidental confrontation with the anti-Caesarian Milo on the outskirts of Rome in 53 B.C.⁷

While Clodia may have been the hidden antagonist, Caelius was prosecuted by three men. The first to speak was L. Sempronius Atratinus, son of Bestia. Atratinus was 17 years old at the time. His inexperience and friendly family relations with Cicero were cleverly exploited by the older orator. Atratinus' subsequent career was long and quite distinguished. The second prosecutor was P. Clodius, not Cicero's enemy, but an obscure member of the family. He played no important role in the trial. The third prosecutor was L. Herennius Balbus. He was an old friend of Atratinus' father and, judging from Cicero's defense, was the most effective prosecution speaker.⁸

There were also three speakers for the defense. Caelius spoke first in his own defense. Little remains of his speech except some examples of his brutally ascerbic wit. The second speaker was Crassus who had a few years before joined Caesar and Pompey to form the first Triumvirate. Cicero spoke last, as was his custom. His defense is the only one of the six speeches extant.

CICERO'S SPEECH

Cicero molded his strategy to fit exactly the unique circumstances of the trial setting. First of all he wanted to entertain the jurors who were fore-

going their holiday in order to hear the case. Secondly, he would embrace the prosecutors and undermine their case by minimizing their role in the trial. Next he would isolate the absent Clodia as the real prosecutor and attack her character with impunity since no one would or could defend her. Finally, he would build a positive defense by a strong appeal to traditional Roman values and tie his client to those values. These purposes can be seen at work as they build upon one another throughout the four major parts of the speech—the introduction, the defense of Caelius, the attack on Clodia, and the conclusion.

The Introduction

The first sentences of Cicero's *Pro Caelio* are classic examples of "golden age" Latin prose. Many elements of linguistic subtlety, grammatical complexity, and periodic suspense are present. The thought is a carefully presented antithesis balancing what is serious and important on one hand with what is frivolous but entertaining on the other. Cicero immediately alluded to the unusual circumstance of a trial conducted on a public holiday. He asked what heinous crime must have been committed. Surely, one would think that the very existence of the state was imperiled; but alas, one discovered rather a personal squabble between young, talented, and charming men. Furthermore, since the suit was really initiated by an influential "prostitute," the jurymen could justly resent being forced to work on their holiday.

This was the substance of the opening sentence. Clearly, but not emphatically, the antithesis was stated. Cicero began to polarize his audience's thinking so that the actions of the various parties involved fit one of the two positions. A trial ought to conduct serious business,

⁷ R. Gardner, *Cicero, The Speeches: Pro Caelio et al.* (Cambridge, Mass.: Harvard Univ. Press, 1965), pp. 376-79, gives a concise summary of events from the Catiline conspiracy to the recall of Cicero and clearly delineates the antagonism between Cicero and Clodius.

⁸ Austin, pp. 154-57; and Gardner, p. 404.

but it was, in fact, a product of a prostitute's malign influence.

Cicero, however, had already begun to use this antithesis even more ingeniously than we might first expect. He knew that his client, Caelius, was not a paragon of Roman *gravitas*. It was not to Cicero's advantage, then, to have the jurors judge frivolous conduct severely. This problem was Cicero's most difficult challenge in the defense. He wanted the jurors to be harsh to Clodia's indiscretions while lenient to Caelius' and he bridged this dilemma with an adroit handling of his basic antithesis. In Roman times, as in ours, people wished that young men would behave maturely, but they knew that a certain amount of mischief-making was normal. Cicero succeeded in walking the thin line showing that Caelius' misdeeds were the normal perturbations of young men and that he had outgrown them and was ready to serve Rome in a mature and responsible way. Clodia, on the other hand, was past her youth and her continued licentiousness revealed her profoundly dissipated character. Thus the defense's case was effectively presented in the first paragraph. Caelius, a once frivolous but now serious young man, was being attacked by a wicked woman who was using another serious young man (Atratinus) frivolously to gain her end. The contrast of serious-frivolous is heightened by the actual circumstances of a trial conducted during a public holiday. The jurors now realized that the standard of judgment was the continuum serious-frivolous and that Caelius would be allowed to occupy both ends of that continuum while Clodia would not.

Cicero's strategy was set. His success was dependent on his ability to play up on both ends of his antithesis. He ultimately succeeded because he used his antithesis on another level to create another persuasive *tour de force* that the

prosecution could not overcome. While Cicero emphasized the serious business of the jury to protect the state from dangerous citizens, he proceeded to entertain the jurors with every trick of oratory so that the trial became a better show than the games at the arena. Now everytime Cicero emphasized how serious and hard working the jurors were, they *enjoyed* themselves all the more. Thus Cicero played his antithesis on two levels. Caelius was allowed to be both frivolous and serious while the jurors enjoyed themselves more at the "serious" trial than they would have at the "frivolous" games.

Cicero used, throughout the course of the speech, every imaginable oratorical trick at his command: polarized thinking, scapegoating, rhetorical questions, prosopopoiia, literary repartee, and rumor are the main weapons, but every page is frequented with subtle uses of the pleader's craft. George Kennedy's comment about the *Pro Cluentio* is equally applicable here. "The case as a whole, like those of Murena and Ligarius later, is a fine example of what most ancients admired in an orator: not legal knowledge (though Cicero displays a good deal) or logical clarity, but the ability to charm the jury and sweep it off its feet by colorful narrative, vivid characterization, radiant confidence, skillful emphasis and deemphasis, and in general the creation of a product of art."⁹

Cicero's art is so subtle at times it is almost beyond the comprehension of moderns, and the first words of the defense provide a clear example. The speech begins: "If there were anyone ignorant of our laws, judicial procedure, and our customs . . ." (1.1). Nothing could be less exciting and more prosaic to our ears than that. And yet the Latin contains a little gem of grammatical com-

⁹ Kennedy, pp. 170-71.

position. The string of genitives "laws, judicial procedure, and customs" is really in Latin a metrical chiasmus of two two-syllable genitives surrounding two five-syllable genitives (*legem iudiciorum consuetudinisque nostrae*). To the Roman ear, always sensitive to a well turned *clausula*, this little bit of linguistic footwork would have been most enjoyable and clearly indicated that Cicero would be at his finest that day. In the very next sentence Cicero performed a double version of the same trick. The sentence is one of those long periodic marvels of balanced dependent clauses that were Cicero's hallmark. The first *colon* begins *cum audiat* followed by the object *legem*. The second *colon* continues with a new clause whose subject is *legem* followed by another *cum audiat* clause. But Cicero's use of grammatical chiasmus is not exhausted; at the end of the *colon* we find the "influence of a prostitute" immediately contrasted with "Atratinus' devotion" (*opibus meretriciis: Atradini ipsius pietatem* [1.1]).

The use of *meretrix* (prostitute) to refer to Clodia, a distinguished Roman matron, was a bold move that tells us a great deal. Normally this would have been a grievous insult, but Clodia's bad reputation made it possible for Cicero to foreshadow here at the beginning the manner in which he intended to deal with her later in the speech. The word *meretrix* served Cicero's purpose in an additional way. By law a *meretrix* could not give testimony and was considered an outcast and not credible. By referring to Clodia as a *meretrix* Cicero not only showed that she was less than virtuous but also unbelievable. Cicero planted the seed in the introduction; after careful cultivation in the body, the point was used tellingly by the conclusion to undermine the entire prosecution case.

Kennedy's belief that Cicero was creating not only a persuasive masterpiece

but a work of art is confirmed by the careful selection of vocabulary. We began by pointing to the fundamental antithesis of "serious-frivolous." When Cicero made this point to the jury he did not tell them they simply had to work; instead they were "exercised" (*exerceatur* [1.1]), and "belabored" (*laboriosos* [1.1]), and deprived of their leisure time (*existimet quibus otiosus . . . esse* [1.1-2]). All of these words emphatically stress the burden placed upon the jury, a burden which we have seen was paradoxically the most pleasant in Rome that holiday season.

There is one more vitally important part of Cicero's introduction. We have already alluded to his reference to the devotion of the young prosecutor Atratinus. We would expect the defense attorney to undermine the prosecutor. This Cicero did, but with praise not condemnation. Atratinus we are told was a decent and honorable young man, in fact a "close friend" of Cicero (*humanissimo atque optimo adolescenti meo necessario*, [1.23-24]). He was motivated by "filial devotion, external pressure, and youth" (1.2). Either he attacked the man who attacked his father, or he was pressured by the powerful family of Clodia, or his youthful inexperience gave him hope of success. Cicero excused all of these motives and with them Atratinus as a serious prosecutor. No longer did Cicero pretend that the prosecutor was anyone other than Clodia. With this one sweeping argument Cicero dismissed the prosecutor by condescendingly praising him—he was not the equal of the great orator but a mere boy courageously defending his father while being manipulated by other more sinister forces. The same traits Cicero attributed to Atratinus he would now claim belonged to Caelius. Thus the two young men would both be identified together. To condemn one would condemn the other, despite the

fact that two more different youths would be hard to discover.

Thus in a mere twenty-eight lines Cicero had succeeded in preparing his audience for the speech to come. He had established his major thesis, elaborated it verbally and illustrated it with a poet's command of the language. He had embraced and dismissed the actual prosecutor while impugning the credibility of his hidden adversary. He had established those values by which he would immediately defend his client and, most important, he had established his own credibility as a master of oratory and a consummate artist.

The Defense of Caelius

Normally we would expect a formal *narratio* or narration of facts to follow the introduction.¹⁰ The *Pro Caelio*, however, is an exception. Cicero was well aware that his client was guilty of some social indiscretions if not actual crimes and there was little need to recite a catalogue of events to refresh the jurors' memories. Cicero chose immediately to defend his client from the malicious insinuations—no doubt well founded—of the prosecutors. Cicero, ultimately, wished the verdict to depend upon the present and potential character of Caelius and Clodia. He, therefore, immediately set about the task of explaining away Caelius' youthful follies and, more importantly, demonstrating his potential for great service to the state.

Cicero well understood that social relationships were the cement that held Roman society together so he first defended Caelius from the prosecutor's insinuations that Caelius was disobedient to his father and disliked by his fellow townsmen. Cicero defended Caelius' fa-

ther as a good Roman knight of unquestionable character. He argued that the father supported the son and that parents could judge better than outsiders whether the son treated them properly (2.3-4). As for his townsmen, they had elected Caelius to high office and had sent a delegation to the trial on his behalf. Cicero concluded this brief defense with an adroit identification of himself with his client stressing their common bonds of economic class and small town upbringing. "Indeed, turning to my own case, from these springs [of family and townsmen] my reputation among men flowed and my legal work and life have slowly found greater support because of the commendation and support of my friends" (3.6).

Having established a framework to build the defense, Cicero next turned to the accusation of his client's immorality. Caelius' behavior was more than circum-spect as the sordid details about Clodia disclosed in the latter part of the speech reveal. Cicero here refuted the allegations with a counteraccusation that all handsome youths are similarly slandered and that no formal charge had been made because there was no evidence to support it. Then came a counterattack. Cicero took umbrage that the elder prosecutors allowed the young Atratinus to accuse Caelius of moral turpitude. Cicero again undermined the youthful prosecutor with a brief lecture on how to conduct a proper accusation ending with a dismissal of the youth and a jibe at the covert instigator of the suit. "But the blame for your attack rests with those who would have you bear it while you deserve credit because we saw you speak reluctantly and gracefully" (3.8). Cicero then related how he had been entrusted with the young Caelius' education and that while Caelius a few years later did befriend the conspirator Catiline, he did not become heavily involved. This point

¹⁰ See *De Oratore* 1.5.17-18, 1.31.142-3, and 1.80.329; but also see *De Oratore* 2.38.159, 2.82.337, 3.55.211, for the administration to adjust to the particular circumstances of the occasion.

was no doubt the most embarrassing for Cicero to defend. Throughout his life Cicero was proud that he personally saved Rome from the peculations of Catiline, and now he had to defend a client who imprudently associated with that villain. Distasteful and awkward as it no doubt was, Cicero rose to the occasion. Catiline was depicted as a complicated and paradoxical figure with extraordinary charisma and immense energy which attracted many virtuous men. He was, we are told, a perverse genius whose cunning and charm duped many unsuspecting Romans. Cicero claimed that even he himself was duped for a while by the beguiling Catiline until he uncovered evidence of the conspiracy (6.14).¹¹ Cicero, then, denied that Caelius was guilty of any of a long list of prosecutorial charges. While we can infer that Caelius was not the villain depicted by Atratinus, we must nonetheless suspect that his early life was far from exemplary by virtue of the fact that a prosecutor could even mention many of these accusations in court and that Cicero did little more than deny many of them and minimize others.

Cicero continued the defense of Caelius' character by refuting the following charges: first that Caelius was a member of a private political club (*sodalicum*) whose purpose was to corrupt elections by bribery.¹² Second, Caelius was accused of luxurious living and excessive debts. Third there was a charge of assault and battery on a Senator and other nocturnal escapades that frightened the wives of other men of rank. Cicero then shifted the defense to deal with some of the formal charges pressed by the prose-

cutor Herennius and defended in the speech for the defense by Crassus. Specifically, Cicero denied that any evidence existed to incriminate Caelius in the murder of Dio. Cicero seemed to have little interest in clarifying the details and to this day the formal accusations remain obscure.¹³ Herennius also attacked the general immorality of Caelius and delivered what must have been the most effective prosecutorial attack since Cicero felt obligated to deal with him personally. Because Herennius was older, his moral lectures were more effective than the upstart Atratinus. Cicero painted Herennius as a well intentioned but overly censorious old man who failed to recognize the difference between normal adolescent revelry and criminal immorality.

Still the list of accusations, by its length alone, had to leave many jurors with strong suspicions of guilt, and it is clear that Cicero wished to divert their attention from Caelius by shining the spotlight on Clodia. He did this by insinuating that Atratinus and the other prosecutors might be throwing the shafts but they were being furnished by a secret hand.¹⁴

Cicero diverted attention by continuing what had become a battle of literary repartee among the pleaders. Atratinus evidently began by calling Caelius a "pretty little Jason" (*pulchellum Iasonem*) while Caelius retorted that in that case Atratinus must have been a "curly-haired Pelias" (*Pelia cincinnatus*).¹⁵ Crassus carried on the mythological reference by quoting a passage of Ennius' *Medea exsul* in reference to the embassy

¹¹ See Michael C. Leff, "Redemptive Identification: Cicero's Catilinarian Orations," in Charles J. Stewart, et al. *Explorations in Rhetorical Criticism* (University Park: Penn State Univ. Press, 1973), pp. 158-77 for a rhetorical analysis of a different Ciceronian view of Catiline.

¹² See Austin, pp. 64-5, note for 16.26.

¹³ See Austin pp. 74, sec. 23.2-3; and Appendix V, pp. 152-4.

¹⁴ 8.20-9.21.

¹⁵ The joke rests on the charge that Caelius tried to steal the gold of Clodia and then deserted her as Jason had taken the golden fleece with the aid of Medea but then deserted her. Pelias was an opponent of Jason and tried to dethrone him.

of Dio. Cicero topped everyone, deliberately distorting the passage "to entertain his audience"¹⁶ by referring to Clodia as the "Media of the Palatine" (*Palatinam Medeam*), a particularly biting retort since Media had poisoned her children to be with her lover, Jason, and Clodia's husband had died mysteriously—Cicero insinuates by poisoning—immediately prior to her affair with Caelius.

Thus, Cicero established, as best he could, the character of Caelius. Had the defense rested here the outcome would most likely have been defeat. But Cicero had no intention of simply denying charges and apologizing for youthful excesses. He intended to strike at the heart of the prosecution with a passion so intense and an attack so rhetorically resplendent that the figure of Caelius would soon be virtually forgotten by everyone. From this point until the conclusion Clodia became the dominant personality of the trial.

The Attack on Clodia

Outright denial is not nearly as effectively persuasive in diminishing incriminating evidence as is the comparison with far more gross abuses of morality. Cicero knew this and based his defense on his ability to reveal the character of Clodia as so sordid, contemptable, and unRoman that Caelius would, by comparison, seem excusable if not innocent. After disposing of Caelius' indiscretions Cicero focused attention on Clodia by means of a formal partition. "There are two charges, one of gold and the other of poison in which one and the same person is involved. From Clodia the gold was received, for Clodia the poison was destined. All other complaints are not formal charges but personal slander

more appropriate to a brawl than a court of justice."¹⁷

Cicero, then, briefly described how Caelius' involvement in any charge was ancillary to some machination of Clodia. The stage for a brutal attack was set with an understatement of which Cicero is not usually considered to be a master. "All this part of our case, gentlemen, is concerned with Clodia, a woman not only noble but notorious—about her I shall say no more than is necessary to repel the charge."¹⁸ Having prepared the audience for what appeared to be a diplomatic handling of Clodia, Cicero struck immediately with as biting a piece of wit as can be found in any of his speeches. After attacking the prosecution for rumor mongering throughout the first part of the speech, Cicero now showed that he would take second place to no one in any aspect of persuasive appeal. He now referred to the widespread rumor that Clodia had committed incest with her brother (and Cicero's archenemy) P. Clodius. But Cicero did not simply state the rumor, he used a figure technically known as *reprehensio* or self-correction. "I should defend my client all the more vehemently were I not inhibited by my personal hatred of that woman's husband—brother I meant to say; I'm always making that mistake."¹⁹

17 13.30. This is the first instance where Clodia is referred to by name. Previously she was not named but alluded to as a prostitute (*meretrix*).

18 13.31. See Austin, p. 89 note 31.5 for some examples of how the word "noble" (*nobili*) can mean "prostitute" (*meretrix*) in certain contexts. The clear implication here is that Cicero has again chosen his words with great care so that a double condemnation is implied. First, Clodia is from a noble family but notorious. Second, she is more precisely a whore.

19 13.32. Austin (p. 90), with an understatement of his own remarks that "Cicero's wit is not always in good taste." This rumor of incest is confirmed by the poet Catullus who had his own affair with Clodia. Catullus' poems range the entire gamut from infatuation to profound love, to quarreling, to break-up, to anger, and eventually to disillusionment. They offer us an independent source of information with which

¹⁶ Austin, p. 68, note 1.8.27 and quotes Quintilian 1.8.11 to confirm Cicero's frequent use of the tactic.

Cicero followed this biting assault with another. In the next sentence he claimed to proceed "with moderation" and then he had the temerity to say "I have never yet felt it necessary to fight with a woman, especially with one who has always been considered everyone's friend rather than anybody's enemy."²⁰ We revealed earlier how it had been Cicero's intention to entertain his audience and make this trial the best show in town during the public holiday. Before the jurors could compose themselves after these outrageous witticisms Cicero launched into his next example of rhetorical virtuosity.

He upbraided the absent Clodia in yet another way, by what is called *prosopopoiia* or a "speech in character." This elaborate technique consisted of a speaker pretending to speak as some famous or important personage, or abstraction.²¹ Cicero chose to call up before the jurors Appius Claudius Caecus (the blind) the great-great-great-grandfather of Clodia and an immensely distinguished Roman of the past.²² No one was better suited to chastise Clodia for disgracing her proud and glorious family to indulge her lusts. Cicero had the blind Claudius compare Clodia with the other distinguished women in the family, Quinta Clodia and the vestal Claudia. Finally he ended with a superbly adapted set of rhetorical questions. "Was it for this that I broke off the peace of Pyrrhus so that

you might daily make bargains with your infamous paramours? Was it for this that I built an aqueduct that you use for incest? Was it for this that I built the Appian Way that you would travel it with a caravan of other women's husbands?"²³ The first *prosopopoiia* over, Cicero doubled the effect by moving into another. Having used one member of the family to rebuke her for being lustful he next summoned up another to charge that she was not lustful enough. The young brother Clodius, Cicero's enemy, was now impersonated to remind the sister that she had all the beauty, money, and power to attract dozens of men. She need not confine herself to one relationship; besides, "Why pursue this one man who disdains you?"²⁴ This doubled use of *prosopopoiia* helped undermine Clodia's credibility. The destruction was accomplished by the humorous development along the basic theme of seriousness-frivolity. For Clodia now was the victim of both sides of this antithesis as exemplified by members of her own family.

It is likely that the case was won by this point. Austin concludes that "Cicero's tactics are masterful; even by the end of §38 he must have known that he had won his case, with Clodia laughed out of court." Boissier agreed, writing "that day Clodia suffered for her whole family. Never had Cicero been so sharp and stinging; the judges must have laughed much, and Caelius was acquitted."²⁵ Cicero did not rest the defense for he did not yet deal with the actual incidents of the gold and poison and the telling of these tales could only entertain the jury more.

At this point in the speech Cicero, having destroyed Clodia's character, di-

to compare with Cicero. Poem 79 refers to Catullus' love, called Lesbia, and her lover "Lesbius." The parallel between this and "Clodia-Clodius" leaves no doubt what is meant.

²⁰ 13.32.

²¹ See Austin, pp. 90-1 for detailed references and examples.

²² Austin, p. 92, summarizes his accomplishments as "censor in 312, consul in 307 and 296, builder of the Appian Way and the Aqua Appia; the speech with which he caused Pyrrhus' peace offer to be rejected was still extant [in Cicero's day]. He was a scholar who interested himself in linguistic problems, and the first Roman prose writer."

²³ 14.34.

²⁴ 15.36.

²⁵ Austin, p. 91; and Boissier, p. 175.

gressed to rebuild Caelius', knowing that a comparison of the two would work to his advantage. The digression was somewhat lengthy (sections 37-51) but essential to the final persuasive goal. The career of Caelius was now brought before the jurymen for consideration. Service in the army, participation in public debates, active prosecution of citizens, these were the actions of a matured, responsible youth, Cicero told the jury. Yes, Caelius had been indiscreet as a youth, but the fault was not so much his as the permissive society which failed to maintain the severe standards of old. On and on Cicero developed this commonplace, offering to cite famous men who had debauched themselves as youths. The point was clear. Caelius was now reformed and responsible and Rome should not be deprived of his future services on account of a few peccadillos typical of modern youth. This type of pleading does not fit modern taste, but Austin observes, "Although much of it seems rather dreary moralizing to us, a Roman jury would have found it perfectly natural and even congenial."²⁶

Cicero undoubtedly sensed that at this point the jury needed a change of pace, so the serious, moralizing sections were used to balance the fun and frivolity that arose during Clodia's attack. After satisfying the jurors that they were indeed participating in serious business, Cicero again put his guiding antithesis to work by a renewed attack on Clodia's version of the actual crimes.

Cicero developed the attack by comparing the prosecution "witnesses'" lack of credibility with the defense's testimony of Lucius Lucinius. Lucinius, Cicero argued, was a man of the highest virtue and integrity, a most responsible and reliable witness, as well as scholarly,

learned, and cultured.²⁷ His testimony was to be contrasted with Clodia's slaves.

The plot consisted of an attempt by Caelius to secure Clodia's gold and then bribe her slaves to poison her. Lucinius was to be the intermediary. The slaves, however, remained loyal to Clodia, reported the plot to her and were instructed to continue the plan so that Caelius and Lucinius could be caught red-handed. The slaves were to meet Lucinius at a public bath and turn over the poison to him; then, as soon as he had taken the box of poison, they would seize him. This was the plan, but in fact the slaves bungled the seizure and Lucinius escaped. As a result there was no hard evidence to incriminate anyone, simply two former lovers making accusations and some slaves and a Roman citizen with contradictory stories.

This story was not difficult for Cicero to rebut. He was aided by the fact that Clodia's slaves had recently been freed, which meant they could not be tortured for their testimony. Cicero claimed this was both a precautionary move to keep them silent and a reward for their "services" to their mistress. In a house of such perversion, Cicero implied, a mistress' slaves were her confidants and paramours.

After completely discrediting the witness, Cicero burlesqued the entire episode. The text gracefully depicts the slaves hiding in the baths, Lucinius' arm stretching out to receive the poison. Then, recognizing the trap, he quickly pulled back his hand and ran away while the slaves, who outnumbered him, failed to run him down. Burlesque was exactly what was happening and Cicero himself referred to the entire episode

²⁶ Austin, p. 102.

²⁷ 21.52, *sanctissimi hominis atque integerrimi*; 22.54, *gravissimum testem*; 22.54, *ille vir illa humanitate praeditus, illis studiis, illis artibus atque doctrina.*

as "mime," a Roman equivalent to our burlesque show.²⁸

The analogy with modern burlesque is a bit misleading in one regard, important to our understanding of the Roman character. In the last years of burlesque theaters were relegated to the more tawdry sections of town because their stripteases were not considered appropriate to good behavior. This attitude was shared by Romans when writing moralizing literature, but the *Pro Caelio* offers indisputable evidence that the most grossly sexual references could be made in a staid, public courtroom which would not only be accepted without reservation by the audience but thoroughly enjoyed. For all the pervasive sense of decorum that fills the pages of Roman rhetorical theory, the practitioners knew only too well that their audiences loved stories of scandal and sex and supplied that need whenever possible. The final attacks on Clodia's character reveal a great deal about the Roman character and Cicero's ability and willingness to exploit it.

Cicero was not inhibited by propriety in revealing Clodia as a wanton woman. He used the accusation of attempted poisoning to create a bit of malicious gossip of his own. In the course of his burlesque of the entire poisoning sequence, Cicero launched into a digression over the recent death of Quintus Metellus, the husband of Clodia. Cicero extolled his patriotism and then depicted a deathbed scene complete with tearing eyes, broken voices, and joined hands—so melodramatic that it could be used in a modern soap opera. Then, theatrics put aside, Cicero turned serious and asked how Clodia could dare accuse anyone else of poisoning?²⁹

Recalling this rumor vividly for the jury, Cicero resumed his burlesque of the plot. He questioned how these slaves, fully dressed, would be allowed to hide in the public baths, especially since they could not use the busy entrances and had to be concealed in the inner rooms. Maybe the solution, Cicero gleefully suggested, was that Clodia had paid off the bath attendant by sexual favors. Specifically she payed a *quadrans* which was the usual bath admittance fee, but the Latin reference *quadrantaria illa permutatione* implies a reciprocal payment by which the bath man in exchange for sexual services payed her a *quadrans*. Several rumors were alluded to here. The first was that Clodia received all her lovers for a fee of a *quadrans*.³⁰ The second played upon Caelius' reference to Clodia as *quadrantaria Clytemnestra* which combined both the "*quadrans*" rumor with the "murder of Metellus" rumor. Austin, with the usual British understatement remarks, "It would have been interesting to have watched the faces of the jury at this point."³¹ That Clodia, a Roman aristocrat, was perfectly capable of sleeping with the lowest of social outcasts was confirmed by Catullus in a poem addressed to Caelius (they were friends) about this very subject.³² The brutal frankness of these allusions by Catullus and Cicero reveal a willingness by Romans to use personal refer-

it was "in the air" before the trial. See Boissier, pp. 162-3, and Crownover, pp. 142-46.

³⁰ Plutarch, *Cicero*, 29.4.

³¹ p. 124.

³² The poem (no. 58) is one of the most extraordinary in all literature. In only five verses Catullus evoked the shift from extreme tenderness to bitter disillusionment reflected by the use of the word *glubit* to achieve an extraordinary agricultural metaphor. James Michie conveys the poetry in a brilliantly literal translation:

The Lesbia, Caelius, whom in other days
Catullus loved, his great and only love,
My Lesbia, the girl I put above
My own self and my nearest, dearest ones,
Now hangs about crossroads and alleyways
Milking the cocks of mighty Remus' sons.

²⁸ See the text at 27.65 and Austin, pp. 128-29.

²⁹ It is not clear where the rumor started. Cicero is the first source we know that refers to the rumor but Austin (p. 119) and others think

ences to a degree unimaginable in our society.

Having gone this far, Cicero could not totally ignore the most damning—and entertaining—rumor of all. Again the poisoning incident provided the means. The poison was placed in a container, *pyxis*, usually translated "box." A *pyxix* was, however, a jar with a round top, a sort of squat amphora. Cicero made reference to the *pyxis* as part of "a most obscene story" (*obscenissima fabula*) that was familiar to all but which he "would prefer not to discuss."³³ Recently this most obscure jest has been explicated by a distinguished Ciceronian scholar. "Who then can doubt, even without clear parallel, that *pyxis* was used for *cunnius*, and that consequently the *pyxis Caeliana* was a real pottery jar fashioned for Caelius as a present for Clodia during their affair? The representation in plastic or painting on the lid of the jar was the *cunnius Clodia*. This made a double pun then—*Caeliana* 'of Caelius' or 'heavenly.'"³⁴ What this story lacked in taste it did not lack in persuasive force. Cicero, having delivered the most scathing attack on a woman in persuasive literature, closed the assault with the observation that "no man would have believed this story unless every base and disgusting detail had not fit perfectly with the lady's reputation."³⁵

The Peroration

Cicero had carefully brought the speech to its persuasive climax. He destroyed his opposition and sated his audience's desire for sordid gossip. He deliberately used every artistic trick at the orator's command to entertain the jurors and thus fulfill his original purpose. He

could not, however, end on this note of immorality, nor did he want to diminish the jurors' pleasure by concluding with a lengthy summary of facts. Instead Cicero chose to reintroduce the defendant as a decent, hard working, patriotic, young Roman. The peroration stressed every value of importance to the jury. Cicero offered the jury Caelius' pledge that his life would be devoted to the common good. Finally, he begged the jury not to crush Caelius' father. Every bit of Ciceronian *pathos* was used to describe succinctly the father's grief and his entreaties to the jury. In his last sentence, Cicero struck to the very root of the Roman value system. "Save Caelius for yourselves, for his family, and for our state and you will place him under an eternal obligation to you and your children; above all, gentlemen, you will reap the abundant and lasting harvest of his toils and labors."³⁶

The case was now completed. The opposition was destroyed, Caelius seemed by contrast a worthy man of potential value who should not be convicted to suit the lusts of a depraved woman. The verdict was never much in doubt.

CONCLUSION

The *Pro Caelio* is certainly one of the very best of Cicero's speeches. It shows his ability to analyze his audience and adapt to every aspect of the persuasive situation—place, personalities, time, and audience needs. It shows his profound grasp of the Roman mind. Cicero's use of humor appealed directly to the humanity of his audience. It revealed the strengths and weaknesses of the Roman character. Not only did humor help set the scene but it actually became a form of persuasion. Through humor more than anything else Cicero undermined his opposition. Through humor he re-

³³ 29.69.

³⁴ William C. McDermott, "In Caelianum," *Athenaeum, Studi Periodici di Letteratura e Sorta*, 48 (1970), 408-9.

³⁵ 29.69.

³⁶ 32.80.

vealed the prosecutions' weaknesses while he concealed his own. Nowhere else in classical oratory can one find a better example of the persuasive force of humor or an orator's recognition of its power. To this psychological insight he added a poet's command of language and, unquestionably, an actor's command of voice and movement.³⁷ The end result was a work of art, as Kennedy suggested. Much of the sordid detail we may characterize as tasteless and of questionable necessity in achieving the persuasive goal. We could describe the *Pro Caelio* in the same words Kennedy used for the Verrine Speeches. It is "vast in size and elaborate in detail, colorful, vivid and sensational, ethical and emotional, guilty and vindictive, unnecessary, but impressive."³⁸

The aftermath of the speech is of some

³⁷ Unfortunately we cannot analyze Cicero's delivery of this speech but Austin, pp. 141-43, should be consulted for an excellent summary on the subject.

³⁸ Kennedy, p. 165.

interest. Caelius did achieve some public success but ultimately died in an abortive revolt. Clodia, whose life prior to this trial is well documented in many sources, after the trial receded into total obscurity. Her life after the trial was never mentioned by any source. One presumes she began to act more as a Roman matron should; at least she was discreet in her indiscretions.

Cicero's career continued on with many successes and failures still before him. His fondest desire was to be remembered as the greatest orator and in the *Pro Caelio* he earned this credit. The poet Catullus,³⁹ whose damning attacks could not silence Clodia, expressed a view which centuries later remains unchallenged.

Of all Romulus' descendents
who are or were or are yet to be,
you Cicero, Catulus thanks,
who is the worst of poets,
so much the worst of poets, as you
are the best of orators.

³⁹ No. 49. My translation.