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# Four Facets of Diminishment in Cicero's Pro Caelio: Dilemma, Irony, Understatement, and Comedy

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**Four Facets of Diminishment in Cicero's *Pro Caelio*: Dilemma, Irony, Understatement, and  
Comedy**

A Thesis

Submitted to the Faculty

of

Valparaiso University

by

**Donald Mathew Pasko**

in partial fulfillment of the

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of

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Four Facets of Diminishment in Cicero's Pro Caelio: Dilemma, Irony, Understatement, and  
Comedy

The *Pro Caelio*, a defense speech by Marcus Tullius Cicero, is today read in high school Latin and college classes because of what it is: a tour de force, an exceptionally adroit display of forensic skill by Cicero in turning a challenging trial, which could have cost the life of his client, Marcus Caelius Rufus, to a successful conclusion. Cicero had friends on both sides of this court case, which meant he had to walk a razor's edge in order to both win the case and not alienate his friends.

The law under which Caelius was charged was *lex Plautia de vi* (Plautian law concerning violence). Five charges were levelled against Caelius: disturbing the peace at Naples, assaulting Alexandrians at Puteoli, damaging to the property of Palla, taking payment to finance the attempted murder of Dio and attempting to poison Clodia, and murdering Dio. The charges against Caelius were serious, some of which were capital. Moreover, Caelius was probably guilty of some of the charges against him. This was going to make Cicero's defense of him a challenge.

This essay explores the strategy Cicero used in order to defend Caelius. It will show how Cicero used diminishment in order to make the charges against Caelius appear insignificant. The Oxford American Dictionary defines diminish as "to make or to become less." This is usually understood in comparison to something else—to make less than or to become less than something else. In the trial of Caelius, Cicero, facing the daunting task of defending Caelius against serious charges, maneuvered to make the charges seem petty. Although Cicero seemed to imply some guilt existed, he questioned whether the innocuous violations were worth the time of the court. This tactic gave the defense leeway to say Caelius was guilty of something but not of what the prosecution was claiming. This too gave an opening to the jurors who might have

identified with someone who made a trivial violation. Cicero also used tricks of oratory to confuse the audience and make the prosecution's charges obscure, thereby diminishing the charges. Cicero ultimately succeeded in defending his client through diminishment.

Diminishment has many facets. In this essay I will examine four: dilemma, irony, understatement, and comedy. Each facet lends itself to defensive maneuvers and so are likely to be chosen to defend a guilty party because facts are not needed, and the emphasis of guilt can be directed away from the defendant. Each facet contributes to diminishment differently. Dilemma offers two choices, both of which are bad and one of which is true; the other may be false and thus be used to draw false conclusions. An effective method of boxing in someone, dilemma's two bad choices force the opponent to accept a bad choice or initiate an argument on why the dilemma is not an accurate portrayal of the situation. Diminishment is accomplished through dilemma by the recipient of the dilemma making a choice of one of two bad choices, thus harming himself. Dilemma is giving one two bad choices; one cannot but harm oneself, giving the impression of incompetence. When one wishes to say something in a subtle way, irony is the tool of choice. Irony is when the intended message conveyed by words conflicts with the literal meaning of the words used. Meaning one thing while saying another, irony is implication without explication. Effective irony depends upon the listener's knowledge and understanding of both the subject of irony and the literal meaning of the words that are used in a contrary fashion. The literal meaning may be couched in falsehoods, making the contrary meaning inaccurate. If one wishes to keep a low profile and still say something of worth without saying it explicitly, understatement is useful. Understatement, can imply something to be the case without explicitly stating it, thus the implication is unhindered by the truth. Understatement is saying less than what one means, thus giving weight to what is not said. If one wishes to have a high profile and say



something conspicuously, while downplaying the seriousness of the matter, comedy can be effective. The comedic aspect of diminishment requires two radically unequal positions be obtained between two parties in which the attainment of one is compared to the other, resulting in humor. Laughter comes at the expense of one of the two parties. Ridicule is usually the goal. Comedy is used to diminish by incongruity (e.g., the juxtaposition of the high with the low) and thus transpose the powerful into a weak position, as with the other facets of diminishment, comedy is not bound by truth. Diminishment is affected through ridicule, implication, weight of the unspoken, impression of incompetence. The four facets of diminishment each contributes to deflect focus from the truth and establish a falsehood. Rather than establish facts, Cicero offers insinuations. In the *Pro Caelio* Cicero insinuates that Caelius and Clodia were lovers, and that Caelius terminated the relationship.<sup>1</sup> This is important because Cicero argues that Clodia's testimony is based on her being Caelius' jilted lover.

Cicero subjects the charges against Caelius to the four facets of diminishment. It will be shown how Cicero uses the facets together to diminish the charges against Caelius. To date, a comprehensive analysis of Cicero's facets of diminishment in *Pro Caelio* has not been done. Dilemma and comedy in the *Pro Caelio* each have been extensively written about in modern times. Ancient authors have commented on irony and understatement in the *Pro Caelio*. In this essay I will assess the strengths and weaknesses of each facet and show how Cicero used them together to diminish the charges against Caelius. I will also examine the context within which Cicero used diminishment and explain why Cicero utilized each specific facet of diminishment

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<sup>1</sup> Christopher P. Craig, *Form as Argument in Cicero's Speeches: A Study of Dilemma* (Atlanta: Scholars Press, 1993) 109.

to suit each particular situation. In this way one can understand Cicero's strategy in the *Pro Caelio*.

## 2. Background

A true understanding of Cicero's arguments, requires a certain familiarity with the case, the personalities involved, and the unique challenges the case posed for Cicero. The main personalities involved in the case were

### Marcus Caelius Rufus

- He had been a mentee at age sixteen of Cicero.
- He had prosecuted Antonius successfully.
- He was a neighbor of Clodia.
- He faced five charges as the defendant in the *Pro Caelio* trial in 56 BC.

### Catiline

- He had competed unsuccessfully against Cicero for consul.
- He had been leader of the conspiracy to overthrow the Roman government.
- He had tried to assassinate Cicero.
- Caelius had been a follower of Catiline.
- Catiline died in Battle of Pistoria against Roman forces, Jan. 62 BC.

### Clodia

- She was a member of an aristocratic family of twenty-eight consulships.

- She was the brother of Clodius, the defendant in the Bona Dea trial.<sup>2</sup>
- Cicero casts Clodia as a scorned woman during the *Pro Caelio* trial.

#### Atratinus

- He was the son of Bestia, whom Caelius twice attempted to bring to trial for electoral malpractice.
- He served as prosecutor for Caelius' trial. He brought charges against Caelius to prevent Caelius from taking his father, Bestia, to trial again.

#### Ptolemy XII Auletes

- He was the King of Alexandria and Egypt from 80 – 58 BC and 55 – 51 BC.
- He was a friend of Rome.
- He taxed Alexandrians in order to pay for a bribe to induce Rome to recognize Ptolemy as King. This action resulted in an uprising.
- He left Alexandria for Rome due to uprising seeking support to be reinstated as King.
- He paid agents to prevent Alexandrian delegation from reaching Rome.
- The prosecution in Caelius' trial alleged that Caelius had acted as Ptolemy XII Auletes' agent in attempting to kill Dio.

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<sup>2</sup> Bona Dea trial was the trial of Clodius for having entered the house of Caesar where the celebration of the Bona Dea (Good Goddess) took place in December 62 BC. The celebration was an all-woman affair, no men were allowed in the house. Clodius dressed up as a woman and entered the house allegedly to meet Caesar's wife. Clodius was found out and charged with sacrilege. Cicero testified against Clodius in the Bona Dea trial directly contradicting Clodius' alibi.

Dio

- He was a philosopher from Alexandria, who, together with 100 citizens, had travelled to Rome to argue against reinstating Ptolemy as king.
- His delegation was assaulted in Puteoli and Naples by agents of Ptolemy.
- He was killed in Rome by agents of Ptolemy, and Caelius was charged in his death.

This trial was of immense personal significance for Cicero given he had mentored Caelius when Caelius was sixteen years old in preparation for a public career.<sup>3</sup> Cicero thought that Caelius was “a young man of brilliant intellect, remarkable application, and influential position.”<sup>4</sup> This close relationship eventually grew strained when Caelius involved himself with Catiline, a disgruntled loser in the competition with Cicero for consul in 63 BC. This loss motivated Catiline all the more as a revolutionary. According to the Roman historian, Sallust, Catiline “had great vigor of both mind and body, but an evil and depraved nature”<sup>5</sup> and “gathered around himself throngs of all depraved and criminal sorts,”<sup>6</sup> whom he manipulated to achieve “control of the government, and he did not consider it at all important by what means he achieved his objective, provided he gained sovereignty for himself.”<sup>7</sup> Catiline acted in the role of a demagogue, one who seeks support from the populace by appealing to their prejudices. That

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<sup>3</sup> R. Gardner, “Roman Politics 63 – 57 BC” in *Pro Caelio, De Provinciis Consularibus, Pro Balbo*, Loeb Classical Library 447 (Cambridge: Harvard University Press, 2005), 398.

<sup>4</sup> Marcus Tullius Cicero, “Pro Caelio” in *Cicero: Pro Caelio, De Provinciis Consularibus, Pro Balbo*, trans. R. Gardner, Loeb Classical Library 447 (Cambridge: Harvard University Press, 2005), 1.1.

<sup>5</sup> Sallust, “The War with Catiline” in *Sallust: The War with Catiline, The War with Jugurtha*, Loeb Classical Library 116 (Cambridge: Harvard University Press, 2013), 5.1-5.2.

<sup>6</sup> Sallust, “The War with Catiline,” 14.1.

<sup>7</sup> Sallust, “The War with Catiline,” 5.6.

Caelius had supported Catiline for Consul could have cast doubt on Caelius's judgment. Caelius' association with Catiline would later prove to hurt Caelius. After Catiline was defeated in his bid for consulship, Caelius left for Africa as aide-de-camp.<sup>8</sup> Catiline then waged covert activities against Rome, including an assassination attempt of Cicero. When these schemes failed, Catiline attempted outright war against Rome, culminating in his death in January, 62 BC, at the Battle of Pistoria. The conspiracy died with him. During Catiline's covert war against Rome, Caelius was in Africa and not involved in Catiline's covert activities. Returning to Rome in 59 BC, Caelius charged C. Antonius Hybrida (Antonius) with *maiestas* (high treason) for his part in Catilinarian conspiracy as well as further treasonous behavior in Macedonia.<sup>9</sup> This was a fateful decision, for not only was this Caelius' first foray into law, the trial pitted Caelius against Cicero. Cicero defended Antonius, who had been Cicero's co-consul in 63 BC.<sup>10</sup> Despite having been on opposite sides during the Antonius trial, Cicero still decided to defend Caelius in the *Pro Caelio*.

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<sup>8</sup> Cicero, "Pro Caelio," 30.73.

<sup>9</sup> Gardner, "Roman Politics, 63 to 57 BC," 385.

<sup>10</sup> At his trial, Antonius, who as governor of Macedonia, is described by Caelius as having "stretched out in a drunken stupor," when it was learned the enemy was approaching, Quintilian describes in *Orator's Education* (4.2.123). Antonius was convicted and sent into exile. According to Cassius Dio, Antonius was convicted for fleeing the enemy, but this was not the accusation; the accusation was partaking of Catiline's conspiracy, and for this he was not convicted. R. G. Austin disagrees with Dio and says a conviction can only follow an accusation, and no conviction can arise when no accusation was present. Cassius Dio, *Roman History*, trans. Earnest Cary (New York: The Macmillan Company, 1914) 38.10 <https://archive.org/stream/diosromanhistor03cass>. Austin reconciles Dio's assertion by noting that the main charge was *maiestas* and the conspiracy was a "side issue." *Pro M. Caelio Oratio*, Appendix 7. In the *Pro Caelio* (31.74), Cicero says, "He [Caelius] accused Gaius Antonius, my colleague ... to whom the recollection of a signal service rendered to the State was of no avail, while the suspicion of an intended crime did him great harm." Antonius' service was the defeat of Catiline; however, Antonius was not able to do battle the particular day Catiline was defeated. The suspected crime was the Catiline conspiracy of which Antonius was suspected of sympathizing. Antonius' conviction on other than conspiracy charges Cicero interpreted as signaling a move to remove those not supporting Catiline, Cicero included, points out Austin. Cicero concluded this move as blowback from the Catiline conspiracy. As such the conviction

Caelius' prosecution of Antonius did not only annoy Cicero; it also had more lasting political repercussions. Cicero's accusation against Caesar at Antonius' trial led Caesar to grant Clodia's brother, P. Clodius Pulcher's (Clodius) request to be adopted into a plebian family and thus to compete for tribune. Before this point Caesar and Pompey were only suspicious of Cicero,<sup>11</sup> but later, at Antonius' trial, when Cicero launched into his attack against the triumvirate, and Caesar in particular, Cicero "confirmed their suspicion in his defence of Antonius."<sup>12</sup> When defending Antonius, Cicero's speech "took the shape of a contumacious diatribe, exposing the threat to the republic by the triumvirs' violence and in particular denouncing Caesar virulently."<sup>13</sup>

By attacking Caesar (Cicero blamed Caesar for the accusation against Antonius<sup>14</sup>), and thereby confirming Caesar's suspicion of Cicero's subversion, Cicero inadvertently ignited

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would not be partaking of the conspiracy but rather, fleeing the enemy. This is congruent with Cassius Dio's account: if the charge were conspiracy this would not make sense coming from those sympathizing with the conspiracy.

<sup>11</sup> Caesar, wanting to gain the admiration of the masses, submitted a bill authorizing a considerable area of land to be given to the populace. To avoid the hostility of the optimates (the best men, the elite, of the Roman senate) the bill was written to the optimates' advantage. The optimates feared that this bill would place the masses under control of Caesar, and so Caesar "would attach the multitude to him and gain fame and power over all men." *Roman History*, 38.201. The bill became law. According to Dio, "By this means Caesar attached the plebs to his cause." *Roman History*, 38.211. Cicero, an optimate, was discouraged by Caesar's ingratiating himself with the masses; Cicero and Lucullus (another optimate) decided to "kill both Caesar and Pompey through the help of a certain Lucius Vettius," *Roman History*, 38.215. They failed. Vettius was arrested and gave the names of Cicero and Lucullus and another, Bibulus, who actually was not involved in the plot. Bibulus being named in the plot and being the one "who had revealed the plan to Pompey, it was suspected that he [Vettius] was not speaking the truth in the case of the others either." *Roman History*, 38.215.

<sup>12</sup> Cassius Dio, *Roman History*, trans. Earnest Cary (New York: The Macmillan Company, 1914) 38.215. <https://archive.org/stream/diosromanhistor03cass>.

<sup>13</sup> Jeffrey W. Tatum, *The Patrician Tribune: Publius Clodius Pulcher* (Chapel Hill: University of North Carolina Press, 1999), 103-104.

<sup>14</sup> Dio, *Roman History*, 38.217.

Caesar's anger toward Cicero, so that after Cicero's tirade, Caesar and Pompey managed to have Clodius adopted into a plebian family, thereby making Clodius eligible for tribune,<sup>15</sup> and in position to present a bill to exile Cicero.<sup>16</sup> Clodius, as tribune in 58 BC, managed Cicero's exile, by passing a law, the basis of which was that anyone who executed citizens without a trial was subject to exile; the law was designed to charge Cicero retroactively for the five Catiline conspirators who had been executed by Cicero with the senate's blessing without trial in 63 BC.<sup>17</sup> While Cicero was in exile Clodius destroyed his property.<sup>18</sup> Thus, Caelius' prosecution of Antonius entangled Cicero to the extent that he had been exiled by Clodius.

Despite having served on the opposing side in the trial, Cicero cites Caelius' prosecution of Antonius as an indicator of Caelius' stalwartness in the *peroration* of the *Pro Caelio*: "I promise you this, and I pledge the State that, if I myself have served the State well, he [Caelius] will never swerve from my political principles. This I promise, relying upon the friendship between us, and also because he has already bound himself by the strictest of covenants."<sup>19</sup> One of the covenants of which Cicero speaks refers to the prosecution of Antonius,<sup>20</sup> which, according to

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<sup>15</sup> R. Gardner, "Early Career of M. Caelius Rufus," in *Cicero: Pro Caelio, De Provinciis Consularibus, Pro Balbo*, Loeb Classical Library 447 (Cambridge: Harvard University Press, 2005), 399.

<sup>16</sup> By Caelius having charged Antonius, Caelius put into motion the machinations for Clodius to be tribune in 58 BC. Clodius, as tribune, was in a position to protect Caesar's interests in Senate legislation; but, more importantly, as tribune Clodius can be expected to repay Caesar the favor Caesar bestowed on Clodius. In 62 BC, Clodius, an aristocrat, dressed in women's clothing, was apprehended at the ritual of Bona Dea where males are excluded.<sup>16</sup> Clodius was brought to trial for sacrilege where Cicero presented evidence against Clodius' alibi. Clodius was acquitted and Clodius was henceforth Cicero's enemy. Now, Clodius was given an opportunity for revenge on Cicero. Plutarch, *The Lives of the Noble Grecians and Romans*, The Dryden Translation, vol. 4 (Franklin Center: The Franklin Library, 1981), 46-50.

<sup>17</sup> Gardner, "Roman Politics 63 – 57 BC," 387-388.

<sup>18</sup> Gardner, "Roman Politics 63 – 57 BC," 389.

<sup>19</sup> Cicero, "Pro Caelio," 32.77.

<sup>20</sup> Cicero, "Pro Caelio," 502nb.

Cicero, binds Caelius to following the law because no one flaunting the law would bring such a prosecution. Thus, for Cicero, Caelius' prosecution of Antonius is an indication that Caelius is a law-abiding individual/citizen.

After Antonius' trial, Caelius got himself into more trouble and further separated himself from Cicero, by moving into the upscale Palatine district and becoming intimate with Clodia. Clodia is thought by Andrew Dyck<sup>21</sup> to have persecuted Cicero's family when Cicero was in exile, though there is no evidence for this other than Cicero's own mention in the *Pro Caelio*, "I am now forgetting, Clodia, the wrongs you have done me; ... I pass over your cruel actions towards my family during my absence."<sup>22</sup> By defending Caelius in the *Pro Caelio*, Cicero exacted revenge on Clodius and Clodia.

All of this background prepares us for the complicated case of the present trial, the *Pro Caelio*, which took place just seven months after Cicero's return from exile.<sup>23</sup> Caelius was being prosecuted by Atratinus whose father, Bestia, had been prosecuted by Caelius once, and now Caelius charged Bestia again for *ambitus*, for bribery. Caelius had supported Bestia for political office in late 57 BC. In January 56 BC Caelius was prosecuting Bestia. T. P. Wiseman considers "This volte-face may reflect Caelius' break with the Claudii."<sup>24</sup> If so, this might mark the falling out between Clodia and Caelius. In any case, Atratinus retaliated with five charges including capital charges against Caelius, resulting in this trial. Atratinus decided the best way to free his

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<sup>21</sup> Andrew R. Dyck (ed.), "Introduction" in *Pro Marco Caelio* (New York: Cambridge University Press, 2013), 13.

<sup>22</sup> Cicero, "Pro Caelio," 20.50.

<sup>23</sup> Walter Englert, *Cicero: Pro Caelio* (Bryn Mawr: Bryn Mawr Latin Commentaries, 1990), 4.

<sup>24</sup> T.P. Wiseman, *Catullus and His World: A Reappraisal* (New York: Cambridge University Press 2002), 67.



father from the charges was to charge Caelius under the *lex Plautia de vi*, which barred “any act of violence ... contra rem publicam,”<sup>25</sup> any act of violence against the Republic. This *lex Plautia de vi* created the *quaestio perpetua* (perpetual inquiry), the court that meets every day, through festivals.<sup>26</sup> Atratinus wanted Caelius exiled before Caelius could bring the second accusation for bribery to court and thus halt Bestia’s second run for praetor.

Sometime between moving into the Palatine and bringing the second accusation against Bestia, Caelius apparently had a serious break with Clodia: so serious that Clodia acted as a witness against Caelius for the prosecution. Cicero is concerned with launching a preemptive attack on Clodia before she ever appears as a witness in order to destroy her credibility. (Witnesses are called after the prosecution and defense speeches are given).<sup>27</sup> In his defense of Caelius, Cicero wanted the jurors to believe that Caelius had terminated the relationship with Clodia and that Clodia’s humiliation at being a jilted lover was the reason charges had been levelled against Caelius. In my view, the prosecution’s case against Caelius seems to have been an attempt by Atratinus to stifle the accusation against Bestia and by Clodia to seek revenge as a jilted lover.

As unlikely as it may seem, Caelius’s trajectory and that of Ptolemy XII Auletes intersected and resulted in the trial of Caelius. Driven out of Egypt by the populace for an unpopular tax, Ptolemy went to Rome searching for an army to reinstall him as ruler of Egypt and Alexandria. When the populace of Alexandria learned Ptolemy was in Rome and the reason he was there, a delegation headed by the philosopher Dio was sent to inform the senate “of all the wrongs they

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<sup>25</sup> Dyck (ed.), “Introduction” in *Pro Marco Caelio*, 1.

<sup>26</sup> Dyck (ed.), “Introduction” in *Pro Marco Caelio*, 1.

<sup>27</sup> Wiseman, *Catullus and His World*, 70.

[the Alexandrians] had suffered.”<sup>28</sup> Ptolemy dissuaded by violence the delegation at Puteoli and Naples from reaching Rome. The senate, alerted to the disappearance of the delegation, asked for Dio to come before the senate. Before he could do so, he was assassinated (57 BC.) Ptolemy then left Rome. With Ptolemy gone and Dio murdered, the pressure to keep silent about Ptolemy’s secret maneuverings (i.e., his having ordered the murder of Dio’s delegates, having bribed the delegates, and having ordered the murder of Dio) dissipated allowing discussion of the criminal acts that happened, with the result of charges being brought against some of Ptolemy’s party. Caelius was one of two Romans charged; the other was P. Asicius, who was charged with the murder of Dio, was defended by Cicero, and was acquitted.<sup>29</sup> T. P. Wiseman considers Caelius as having worked “secretly for Ptolemy (therefore, in effect, in Pompey’s interests), and that when this became known to Clodius and his sister [Clodia], it caused a sudden violent breaking-off of relations at both the political and the personal level.”<sup>30</sup>

According to the prosecution, Caelius participated in suffering the Alexandrian delegation a beating at Puteoli and attempted to murder Dio. The charge of attempted murder of Dio “allowed the prosecution to import ancillary charges unrelated to *vis*, namely the taking of Clodia’s gold under false pretenses and the attempt to poison her.”<sup>31</sup> To end Dio’s life, according to the prosecution’s argument, Caelius needed funding and sought gold from Clodia, which in the aftermath, he attempted to hide by attempting to poison Clodia;<sup>32</sup> hence, the charge of stealing Clodia’s gold and attempting to poison Clodia.

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<sup>28</sup> Cassius Dio, *Roman History*, 39.13.2.

<sup>29</sup> Wiseman, *Catullus and His World: A Reappraisal*, 62.

<sup>30</sup> Wiseman, *Catullus and His World: A Reappraisal*, 67.

<sup>31</sup> Craig, *Form as Argument*, 106.

<sup>32</sup> Dyck (ed.), “Introduction” in *Pro Marco Caelio*, 4.

All the charges pertained to Dio and his delegation from Alexandria, Egypt. The charges of civil disturbance at Naples and assault on Alexandrians at Puteoli likely were charges of violence against members of Dio's delegation to Rome. The charge of damage to the property of Palla was probably a reference to damage incurred during the violence at Puteoli or Naples. Taking gold for the attempted murder of Dio and the attempted poisoning of Clodia were charges addressed by Cicero. Caelius was alleged to have taken gold from Clodia to finance the murder of Dio and then to have attempted to poison Clodia to cover up the crime. The charge of the murder of Dio, though a capital crime, was addressed by Cicero briefly to say the man responsible, Ptolemy, was a king, and the man who did the deed had been acquitted.

In such a complicated case, both the prosecution and the defense relied on multiple speakers to address different issues. For the prosecution Atratinus spoke first and covered Caelius' immorality and character. Clodius spoke next and covered the Alexandrian delegation and evidence that Clodia would give. Herennius was last and discussed Caelius' immorality and self-indulgence. For the defense Caelius spoke first on his own behalf. Crassus spoke second and directed his speech to the first three charges. Cicero spoke third and focused particularly on disparaging the credibility of Clodia in relation to the charges of *de Dione* (attempted murder of Dio) and *de veneno in Clodiam parato* (attempted poisoning of Clodia) as well as rebutting the prosecution's attack on Caelius' moral character.<sup>33</sup> T.P. Wiseman explains court procedure at the time:

Once the judges had been sworn in, the main speeches would be given, prosecution first, then defence. After that, witnesses would be called. This postponement of testimony till

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<sup>33</sup> D. H. Berry, "Pro Caelio: Introduction," in Cicero: Defence Speeches, tr. D. H. Berry (New York: Oxford University Press, 2008), 125.

the end is important for understanding the tactics of each side, particularly in trying to neutralize in advance the effect of the opposition's witnesses.<sup>34</sup>

Given that Cicero was the last to speak, he not only was in the position to address any of the prosecutor's assertions not already answered by Caelius or Crassus but also to augment any arguments introduced by Caelius or Crassus. Given that the jurors heard Cicero last, his words may have had a more lasting effect on them.

Opinion was divided regarding Caelius' guilt, but it seems likely that he had participated in some of the crimes of which he was charged. T. P. Wiseman claims, "Caelius was used to beating people up,"<sup>35</sup> that he was heavily in debt due to "electoral bribery,"<sup>36</sup> which left him in need of Ptolemy's money, and that the location of two of the crimes happened to be the place Caelius frequented for his "disgraceful pleasures."<sup>37</sup> R. G. Austin states the circumstances were "vague and complicated," but that "there must have been some truth at the bottom of such persistent rumors."<sup>38</sup> T. A. Dorey asserts that "Caelius had taken some part in the campaign of persecution and intimidation directed against the Alexandrian envoys. Otherwise the charge *de Alexandrinorum pulsatione Puteolana* would have been inexplicable."<sup>39</sup> All this points toward Caelius' guilt.

Cicero faced formidable challenges. The most serious challenge was the likelihood that his client was guilty in some way. This necessitated the use of rhetoric to obfuscate any meaningful

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<sup>34</sup> Wiseman, *Catullus and His World: A Reappraisal*, 70.

<sup>35</sup> Wiseman, *Catullus and His World: A Reappraisal*, 74.

<sup>36</sup> Wiseman, *Catullus and His World: A Reappraisal*, 74.

<sup>37</sup> Wiseman, *Catullus and His World: A Reappraisal*, 74.

<sup>38</sup> R. G. Austin ed., "Appendix V: The Charges" in *M. Tulli Ciceronis: Pro M. Caelio Oratio* (New York: Oxford University Press, 2009), 153.

<sup>39</sup> T. A. Dorey, "Cicero, Clodia, and the *Pro Caelio*," *Greece and Rome*, 5 (1958):175-180 doi:10. 1017/S0017383500021240.

connection between Caelius and Clodia. Cicero was ultimately successful as seen by the fact that Caelius was not forced into exile after the trial.<sup>40</sup> That Cicero achieved success without facing the capital charges levelled at his client head on is remarkable and is a testament to his oratorical abilities.

### **Historiography**

From the distant past to the present, various scholars have examined Cicero's use of diminishment in the *Pro Caelio*. Scholars have noted different aspects of diminishment and accordingly have used different names for their treatment of diminishment. Quintilian (born AD 35), for example, focused on attenuation, which is an example of diminishment. Quintilian gives an example from *Pro Caelio* 38: "Suppose there was a widow woman living as she liked, a forward woman behaving with effrontery, a wealthy woman living extravagantly, a wanton woman living like a whore—should I take a man to be an adulterer if he addressed this lady rather freely?"<sup>41</sup> Here, the lover of the headstrong, reckless woman, who is a whore, speaks to her "rather freely," thus attenuating or diminishing the word "adulterer." The diminishment is predicated upon the woman being a whore and whores not being deserving of respect; thus, uninhibited speech is allowed with the woman, and the relationship does not rise to the level of adultery. More recent scholars have also commented on Cicero's tendency to diminishment, such as Andrew R. Dyck and Matthew Leigh. Dyck describes Cicero's strategy as "meiosis, reducing the significance of the charges, denying that there is anything at issue deserving of the court de vi

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<sup>40</sup> Dyck (ed.), "Introduction" 14.

<sup>41</sup> Quintilian, *The Orator's Education*, trans. and ed. Donald A. Russell, Loeb Classical Library 126 (Cambridge: Harvard University Press, 2001), 8.4.1.

with its specially expedited process.”<sup>42</sup> To accomplish this objective Cicero uses “theatrical allusions.”<sup>43</sup> Matthew Leigh states that “Cicero founds his defense on a strategy of trivialization, on the bid to make the jury believe that what is at issue is rather less than his opponents have made out.”<sup>44</sup> One means of trivialization is casting the persons of Clodia and Caelius as characters in Roman New Comedy as a *meretrix* and *adulescens*, respectively. The three aforementioned authors highlight three different types of diminishment: Quintilian notes Cicero’s diminishment of the moral failing of Caelius with respect to Clodia; Dyck shows how Cicero makes out the charges to be beneath the purview of the court *de vi*; Leigh suggests that he uses comedy to trivialize the people involved by incorporating Clodia and Caelius as stock characters in a comedy.

Michele Renee Salzman claims Cicero’s mentions of the *ludi Megalenses*, “a festival and games,”<sup>45</sup> in the *Pro Caelio* are meant to arouse from the jurors antagonism to the prosecution for bringing the jurors to court and sympathy towards the defense who say the case should not have been brought to court and so the jurors should not be there. April 4, 56 BC was the last day of the trial, the day on which Cicero spoke, and the first day of the *ludi Megalenses*. These feelings of antagonism and sympathy are due to the *ludi Megalenses*, which are a particular type of *ludi scaenici* (play), “in honor of the Magna Mater celebrated annually on the 4<sup>th</sup> of April with

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<sup>42</sup> Dyck (ed.), “Introduction” in *Pro Marco Caelio*, 11.

<sup>43</sup> Dyck (ed.), “Introduction” in *Pro Marco Caelio*, 11.

<sup>44</sup> Leigh, Matthew. “The Pro Caelio and Comedy.” *Classical Philology* 99, no. 4 (October 2004): 302, <http://www.jstor.org/stable/10.1086/429939>.

<sup>45</sup> Dyck (ed.), “Introduction” in *Pro Marco Caelio*, 4.

processions and games,”<sup>46</sup> The *ludi Megalenses*, being a “religious festival,”<sup>47</sup> all people are on holiday except for the jurors in this trial who must be feeling discontented having to watch from the restriction of their seats the festivities happening in the forum while they perform jury duty. Cicero refers to the *ludi Megalenses* when he speaks of “festivities and public games.”<sup>48</sup> Michele Renee Salzman argues that references to *ludi Megalenses* in the *Pro Caelio* are in response to the Clodii (Clodia’s extended family) in the past disturbing the religious observances by their conduct.<sup>49</sup> Clodia taking Caelius to trial during the *ludi Megalenses*, thus preventing the jurors from participating in the religious observance, was just the latest example of the family’s penchant for disrupting religious ceremonies.<sup>50</sup> By mentioning the *ludi Megalenses* Cicero intended to make the jurors think about the religious festival they were missing and agree with him that they should not have to meet on a holiday.

James May claims that in order to understand the content of Cicero’s oratory, one must understand the cultural context in which the speech was given. Furthermore, he claims that Cicero’s oratory is not to be judged by present day standards but by those in effect at the time the speech was given. These standards were shaped by the cultural forces of the time.<sup>51</sup> For the

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<sup>46</sup> *A Latin Dictionary Founded on Andrews’ Edition of Freund’s Latin Dictionary Revised, Enlarged, and in Great Part Rewritten by Charlton T. Lewis, Ph.D.* (New York: Oxford University Press, 1879), s.v. “megale.”

<sup>47</sup> The Oxford Classical Dictionary, 3rd ed. revised, s.v. “ludi.”

<sup>48</sup> Marcus Tullius Cicero, “Pro Caelio” in *Cicero: Pro Caelio, De Provinciis Consularibus, Pro Balbo*, trans. R. Gardner, Loeb Classical Library 447 (Cambridge: Harvard University Press, 2005), 1.1.

<sup>49</sup> Michele Renee Salzman, “Cicero, the Megalenses and the Defense of Caelius,” *The American Journal of Philology* 103, no. 3 (Autumn, 1982): 299-304, <http://www.jstor.org/stable/294473>.

<sup>50</sup> The earlier instances of this behavior are her brother Clodius’ sacra religious appearance at the women-only Bona Dea celebration in 62 BC, and Clodius giving the priesthood to the meritless in return for money in 58 BC.

<sup>51</sup> James M. May, “Ciceronian Oratory in Context,” in *Brill’s Companion to Cicero: Oratory and Rhetoric*, ed. James M. May (Boston: Brill, 2002), 53.

modern reader, Cicero's defense may seem problematic, because he seems not to address the charges directly, boasts about his own achievements, entertains the jury with theatrics, lauds the character of the client, and attacks the character of a witness. The transcendence of present day bias requires an understanding of the client-patron relationship and the importance of the "spoken word at the specific time and place of the *Pro Caelio*."<sup>52</sup>

May addresses the client-patron relationship as one where an influential person takes another person, the client, under their protection, and the client in return performs favors for the patron. The client-patron relationship was a symbiotic relationship and was the machine that drove Roman society. The patron commanding the most respect was the orator. Rome was an oral society: though writing was used, and the upper class was literate, Rome relied primarily on word-of-mouth transmission. In such a society, their listening ability was attuned to nuances of speech and speaking persuasively to a large audience held importance. The master orator held great stature and power in Roman society.

According to May, both the prosecution and the defense used ethos (character) and pathos (emotion) to sway the jury. Character was extremely important to Roman society and carried weight with the jurors. A sterling reputation could acquit someone, while a past character flaw could cause someone to be found guilty. Emotion shown by the speaker in voice tone or by changes in facial features could affect the jury. Ethos and pathos, important tools used in trials, are two of the three types of "proofs" offered by speech according to Aristotle.<sup>53</sup> By offering

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<sup>52</sup> May, "Ciceronian Oratory in Context," 53.

<sup>53</sup> Aristotle, *The "Art" of Rhetoric*, tr. J. H. Freese, Loeb Classical Library 193 (Cambridge: Harvard University Press, 2006), 1.2.3.



moral character as evidence of truth and arousing the emotions to capitalize on their vote, Cicero was carrying on the Greek tradition in Rome.

May focuses on important aspects of trial oratory that the modern reader should not overlook. Cicero's client-patron relationship with Caelius developed from their former mentor-mentee relationship. As a patron, Cicero's reputation, achievements, persona, played a part in his defense of Caelius. This explains why Cicero often offered his opinion on a variety of issues during his speech. His opinion bore weight with the jurors based on his stature in Roman society. The jurors expected Cicero not only to voice his opinions, but also to inform and entertain them through an oratorical performance. This was a typical expectation of jurors at the time.

William Batstone presents the *Pro Caelio* as an example of a sequence of changing personae of Cicero. Batstone claims that assuming a persona representing the self is characteristic of Romans and, for Romans, sincerity is only acting with the mask of self. Batstone gives an example taken from Roman New Comedy, Plautus' *The Rudens*, an examination of legal argument, that claims that everything depends on one's point of view. As a corollary, a case can be made for anything if the argument is constructed well enough. Using a different Plautus play, *Miles Gloriosus*, Batstone distinguishes between "signs" and "proofs," the former being an indication of fallible evidence, the latter being an indication of infallible evidence.<sup>54</sup> In the play a character sees what he does not see and does not see what he sees. This handling of evidence (what he sees and what he does not see) affects his self and shows that the persona we call "self" changes as the perspective changes.

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<sup>54</sup> Edward P.J. Corbett, Robert J. Connors, *Classical Rhetoric for the Modern Student*, 4<sup>th</sup> Edition, (New York: Oxford University Press, 1999), 56.

Batstone's claims about changing personae help us to unmask Cicero in *Pro Caelio*. While defending Caelius, Cicero obviously changes personae as he changes from one topic to the next. Each idea requires a tweak of his persona. Cicero is "acting" as a lawyer. He has his lawyer mask on. As a lawyer, Cicero criticizes the prosecution for defaming of Caelius' character, turns to the prosecutor, Atratinus, saying such defamation does not agree with his character and then brushes off the profligacy accusation by saying all beautiful people are so accused. Cicero then performs *prosopopoeia* as Appius Claudius Caecus (the founding ancestor of the Claudii, a consul twice, builder of the Appian Way, and the first aqueduct in Rome), and Publius Clodius (Clodia's brother). All this is offered up as entertainment to the jurors. Batstone says Cicero implied "the prosecutors are also comic figures."<sup>55</sup> From this implication is related "how the production of facts and the construction of the case should be seen."<sup>56</sup> His lawyer persona alone has different levels to which it could be tuned. He tuned his persona to the idea he was articulating. Constantly changing tone and demeanor must have been entertaining to the jurors. The question that arises here is whether there is a true self at all. Changing personae, points of view, and signs and proofs are all interconnected determinants. The persona worn determines the point of view. The point of view then determines what is considered a sign or a proof (evidence), which in turn determines justice in the *Pro Caelio*. Thus, the corollary applies: a case can be made for anything if the argument is constructed well enough.

D. H. Berry claims that Cicero's stance was that Caelius was "one of us," "the *Caelii*, the equestrian members of the jury, and Cicero on the one hand—all *equites*, actually or in origin—

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<sup>55</sup> William Batstone, "The Drama of Rhetoric at Rome" in *The Cambridge Companion to Ancient Rhetoric*, ed. Erik Gunderson, (New York: Cambridge University Press, 2009), 219.

<sup>56</sup> Batstone, "The Drama of Rhetoric at Rome," 219.

and the prosecutor Atratinus on the other.”<sup>57</sup> Caelius’ father was an equestrian, as Cicero mentions in the trial. Cicero says, “But to be the son of a Roman Knight ought not to have been used as ground for a charge by any accusers, nor before these judges, not when I speak in defence.”<sup>58</sup> By asserting that Caelius was brought to trial for being the son of an equestrian, Cicero draws together all *equites* with Caelius under the accusation. The intended effect was for the jury, composed of one-third senators, one-third *equites* and one-third *tribune aearii* (the latter of whom Cicero treated as *equites*<sup>59</sup> so in effect, one-third senators and two-thirds *equites*), will feel compelled to treat Caelius as one of them, an equestrian, and acquit him. What Cicero gave the jury was a plausible reason to explain Caelius’ immorality and to acquit Caelius. The reason for the former was by diminishing the stature of Clodia as a consort of Caelius, Cicero explained Caelius’ immorality as the result of associating with Clodia. The latter reason was Cicero associated Caelius with the equites, so he was able to convince the majority of the jury, two-thirds who were effectively equites, to acquit Caelius.

Another scholar, Christopher Craig, claims Cicero bares the topics of his judicial speeches on jurors’ expectations. Craig asks, “Does the audience expect exuberant *ad hominem* attacks not to be true? If they do not, then what is the relationship of *ad hominem* attacks to factually probative argument?”<sup>60</sup> Exploring these questions Craig examines juries and claims their members would have been educated on par with the books *Rhetorica ad Herennium* (author unknown) and Cicero’s *De Inventione*, both books of the time. *Rhetorica ad Herennium* lists descriptions

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<sup>57</sup> D. H. Berry, “Did Cicero Win His Cases Because of His Support for the Equites?” *The Classical Quarterly* 53, no. 1 (May 2003): 231.

<sup>58</sup> Cicero, “Pro Caelio,” 2.4.

<sup>59</sup> Berry, “Did Cicero Win His Cases Because of His Support for the Equites?” 223.

<sup>60</sup> Christopher Craig, “Audience Expectation, Invective, and Proof,” in *Cicero: The Advocate*, Jonathan Powell and Jeremy Paterson, eds., (New York: Oxford University Press, 2006), 187.

(points) of praise of one's character to be used to describe a person one is defending and a description of its opposite to describe a person one is prosecuting. These points are gathered into three sections. One is for "external elements"<sup>61</sup> such as birth. Another is for "physical attributes"<sup>62</sup> such as strength. The last is for the four cardinal virtues: Wisdom, Justice, Courage, and Temperance.<sup>63</sup> Craig claims the expectations of Cicero's audience of jurors can be detected through familiarity with *Rhetorica ad Herennium* and *De Inventione*. The points enumerated above when used for reproach would be the focus for *ad hominem* attacks. The subject of a speech of praise is to be shown as possessing the cardinal virtues; the target of an adversely critical speech is to be shown to be lacking the cardinal virtues.

In judicial oratory the moral values evinced in the defendant's behavior (i.e., his character) is most important to the jury. The defense must portray the defendant's character as most high, while the prosecution as most low. The jurors of the time expected such criticism of character; the criticism they expected may not be true, only "plausible."<sup>64</sup> According to Craig, Cicero, was selective with the invective points, careful not to choose any that are not aligned with his evidentiary argument. Thus, a point of attack contradicting an evidentiary argument, though fulfilling the need for humiliation, would be discarded in favor of the evidentiary argument.

Craig's work helps explain how the jurors' expectations dictated the topics of Cicero's speech. The *ad hominem* attacks in judicial oratory were only required of the prosecutor. Nevertheless, when defending his client, Cicero blamed Clodia for Caelius' behavior; when he

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<sup>61</sup> Craig, "Audience Expectation, Invective, and Proof," 189.

<sup>62</sup> Craig, "Audience Expectation, Invective, and Proof," 189.

<sup>63</sup> Craig, "Audience Expectation, Invective, and Proof," 189.

<sup>64</sup> Craig, "Audience Expectation, Invective, and Proof," 194.

did so, Cicero took on the persona of the prosecutor, and as such summoned the prosecutor's arsenal of weapons, including *ad hominem* attacks, against Clodia.

To summarize, what Quintilian calls attenuation, Dyck calls meiosis, and Leigh calls trivialization, I call diminishment. The diminishment found in the *Pro Caelio* is of many forms; diminishment of the charges, of Caelius' moral failings, of the person of Clodia, among many others.

Clodia taking Caelius to court during the ludi Megalenses disrupted the jurors' religious observance which Cicero capitalized on by sympathizing with the jurors. The client-patron relationship needs to be recognized in Caelius' relationship to Cicero. This symbiotic relationship was one that was long lasting. The location of the courts was in the forum where other political and entertainment events were held resulting in the courts assuming an entertainment aspect for the public. Character and emotion played an important part in the defense and prosecution.

The notion that viewpoint determines one's world view has as its derivative that the persona worn determines the point of view; the point of view determines the evidence; and the evidence determines justice in the *Pro Caelio*. Jury expectations influence defense and prosecution speeches. The moral values of the defendant would be described as high by the defense, while the prosecution would describe the moral values as low. The jury would expect such claims, as they only need to be plausible for the jury to accept the claims. The many forces at work in this trial are played superbly by a great orator and manipulator, Marcus Tullius Cicero.

*Pro Caelio* scholarship is vast and covers the work from every available angle; although very helpful, the scholarship has not fully addressed all the facets of diminishment together. This I hope to add to the historiography.

### 3. Strategies of Diminishment

#### A. Dilemma

The first strategy Cicero uses and one of the most striking ways Cicero enacts diminishment is by employing the rhetorical trick called dilemma: a type of syllogism “made of three propositions: a major premise, a minor premise, and a conclusion.”<sup>65</sup> The major premise has the major term, the minor premise has the minor term, and the “conclusion is the proposition deduced from the two premises.”<sup>66</sup> In a dilemma the major premise is composed of two or more hypothetical propositions (an ‘if clause.’) So, a dilemma is an impossible predicament which presents two bad options with no easy way out, where an “if clause” with a condition is given, and then a conclusion. To have a conclusion does not mean that the conclusion has been truthfully derived from the premises. The syllogism may be valid, the conclusion logically derived from the premises, but not be true, for one of the premises may not be true. “If we assent to the truth of the premises and if we agree that the reasoning is valid, we must grant the conclusion.”<sup>67</sup> According to Christopher P. Craig, dilemma, as it appears in Cicero’s *Pro Caelio*, has its antecedents in Aristotle’s *Rhetoric*, a work written to instruct readers in the art of speaking in such a way as to optimize influence under different circumstances. Craig gives an

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<sup>65</sup> Corbett and Connors, *Classical Rhetoric for the Modern Student*, 42.

<sup>66</sup> Corbett and Connors, *Classical Rhetoric for the Modern Student*, 43.

<sup>67</sup> Corbett and Connors, *Classical Rhetoric for the Modern Student*, 43-44.

example of what Aristotle calls an enthymeme: “a ‘syllogism’ in which the premises are only generally true.”<sup>68</sup> This example of enthymeme from Aristotle is as follows.

For instance, a priestess refused to allow her son to speak in public; ‘For if,’ said she, ‘you say what is just, men will hate you; if you say what is unjust, the gods will.’ On the other hand, ‘you should speak in public; for if you say what is just, the gods will love you, if you say what is unjust, men will.’ This is the same as the proverb, ‘To buy the swamp with the salt’; and retorting a dilemma on its proposer takes place when, two things being opposite, good and evil follow on each, the good and evil being opposite like the things themselves.<sup>69</sup>

The omitted and understood term is that people hate the truth, and that the gods hate the untruth. This enthymeme assumes the truth of its contrary: if one speaks the truth, people will hate you; to its contrary, if one speaks the untruth, people will love you. The two opposite subjects are truth and untruth. The consequence of truth is that people will hate you and the gods will love you; of untruth, the consequence is that people will love you and the gods will hate you.<sup>70</sup> What this shows is that Aristotle is devising *topoi* (forms) for enthymemes that “take the form of dilemmas,”<sup>71</sup> but Aristotle does not name them.

The concept of dilemma evolved in the first century BC. It was Cicero himself who helped to formalize dilemma as a specific rhetorical technique. He classified it as an irrefutable argument in *De Inventione*,<sup>72</sup> in which *ad hominem* arguments are made against a person to criticize an “inconsistency of the target’s [person’s] actions.”<sup>73</sup> In *De Inventione* Cicero defines argument as

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<sup>68</sup> Richard A. Lanham, *A Handlist of Rhetorical Terms* (Berkeley: University of California Press, 1991), 65.

<sup>69</sup> Aristotle, *The “Art” of Rhetoric*, 2.23.15.

<sup>70</sup> Aristotle, *The “Art” of Rhetoric*, 312na.

<sup>71</sup> Craig, *Form as Argument in Cicero’s Speeches*, 12.

<sup>72</sup> Marcus Tullius Cicero, “De Inventione” in *De Inventione, De Optimo Genere Oratorum, Topica*, Trans. H. M. Hubbell, Loeb Classical Library 386 (Cambridge: Harvard University Press, 1949), 1.29.44-45.

<sup>73</sup> Craig, *Form as Argument in Cicero’s Speeches*, 12.

a construction of some kind to prove “with probability or prove irrefutably.”<sup>74</sup> An irrefutable argument is one, Cicero says, of the type dilemma, enumeration, or inference. Dilemma is distinguished by offering two alternatives, both of which refute the opponent. “If he is a scoundrel, why are you intimate with him? If he is an honest man, why accuse him?”<sup>75</sup> The two opposite things are scoundrel and honest man; the two opposite consequences are intimacy and accusation. The understood missing terms are “you are not intimate with a scoundrel” and “you do not accuse an honest man.” This particular dilemma is formed as two questions, rather than as statements.

Whereas Cicero only provides an example of dilemma in *De Inventione*, Quintilian eventually provided an authoritative definition, of the term.<sup>76</sup> Quintilian defines dilemma in the *Institutio Oratoria* as follows. “One can also give one’s opponent the choice between two propositions, one of which must be true, and ensure that whichever he chooses does his case harm.”<sup>77</sup> What can be gleaned from this definition, as Craig explains, is that the opponent is unhindered to choose, the choice is made in the present, the dilemma is directed to the opponent, and the dilemma can be “couched in the form of alternative questions, direct or indirect.”<sup>78</sup> Dilemmas not conforming to Quintilian’s definition occur when the speaker is speaking of himself in a dilemma and not of his opponent; or when the speaker is speaking in the past tense (where choice is not possible), but the rest of Quintilian’s definition is satisfied.

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<sup>74</sup> Cicero, “De Inventione,” 1.29.44.

<sup>75</sup> Cicero, “De Inventione,” 1.29.45

<sup>76</sup> Craig, *Form as Argument in Cicero’s Speeches*, 17.

<sup>77</sup> Quintilian, *Institutio Oratoria*, 5.10.69.

<sup>78</sup> Craig, *Form as Argument in Cicero’s Speeches*, 17.



There are 126 dilemmas in the 58 extant speeches of Cicero. Of these, 90 dilemmas conform to Quintilian's definition.<sup>79</sup> If all the dilemmas were equally divided among the 58 speeches there would be 2.1 dilemmas for each of the 58 speeches. *Pro Caelio* has 9 dilemmas, 6.9 dilemmas more than if the total 126 dilemmas were equally divided among the 58 speeches. That works out to be approximately four times as many dilemmas in *Pro Caelio* than in the average Ciceronian speech.

So why does Cicero use dilemmas so often in this particular speech? I argue that Cicero uses dilemma as a deceptive trick in argument to deceive the jurors with the mere appearance of a sound argument when in fact he has no basis for an argument. Cicero's dilemmas are procedurally valid but not true. He uses the horns of the dilemma to narrow the field of choice and steer toward a false conclusion: in this case, a not guilty verdict. For example, "Thus, if Caelius told you the truth, you abandoned woman!, you knowingly gave him the gold to commit a crime; if he did not venture to tell you, you did not give it."<sup>80</sup> The truth, according to Cicero, was Caelius telling Clodia that he needed money to finance the murder of Dio. If he did tell her so, then Clodia did knowingly give Caelius the gold to commit a crime. This horn of the dilemma is true. The second horn of the dilemma, if, however, Caelius did not tell Clodia the truth, then Clodia did not give him the gold, is not true. There is no basis for a requirement for Clodia not to give Caelius the gold. The false, second horn corners Clodia into committing a crime. Because Clodia claims she gave the gold to Caelius, the second horn is obviously not a real choice. The dilemma offers the only real choice to be the first horn when Caelius tells Clodia the gold will be used to finance the murder of Dio, thus implicating Clodia in the murder. So, of

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<sup>79</sup> Craig, "Alphabetical List of Citations of Dilemma Forms in Cicero's Speeches," in *Form as Argument in Cicero's Speeches: A Study of Dilemma*, 211-212.

<sup>80</sup> Cicero, "Pro Caelio," 22.53.

the two choices, one is true, one is false, thus the dilemma satisfies the conditions set in Quintilian's definition. Here, the dilemma exemplifies a conclusion, Clodia gave the gold to Caelius to finance Dio's murder, knowing what the gold was for, because the other choice cannot be true given Clodia claims she did give the gold to Caelius. But the conclusion is not necessarily true. Caelius may have told Clodia any number of lies, and Clodia may have given Caelius the gold, or Clodia may have given Caelius the gold without any reason. Dilemma offers a portal to diminishment by using parameters chosen for the purpose of deception and not conforming to reality. Dilemma offers two possibilities, but reality is not limited to the two. The spectrum of possibilities is endless. By limiting the choices to two harmful choices, Cicero corners Clodia with a dilemma, in which the semblance of a syllogism or argument has more weight than the argument itself. This is the trap that Cicero set nine times in the *Pro Caelio*, each of the traps adhering to Quintilian's definition of dilemma.

The subjects of the dilemmas vary, but it is significant that Clodia is either the subject of the dilemma or is referenced in the dilemma in eight of the nine dilemmas. Only one dilemma has Caelius as its subject with no reference to Clodia. What all nine dilemmas have in common is their being "hypothetical and memorable."<sup>81</sup> The hypothetical aspect does not allow for facts and it supports baseless, imaginary allegations, whose excoriating value increases with repetition. What all eight dilemmas concerning Clodia have in common is the intention "to give the illusion of rigor."<sup>82</sup> By discounting alternatives favoring Clodia and concentrating only on those alternatives critical of Clodia, Cicero was able to guide the jurors to a position where Clodia's testimony had no standing. The concentration of dilemmas concerning Clodia shows the great

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<sup>81</sup> Craig, *Form as Argument in Cicero's Speeches*, 174.

<sup>82</sup> Craig, *Form as Argument in Cicero's Speeches*, 171.

importance Cicero placed on the possible testimony of Clodia, a prosecution witness. Cicero wanted to ensure Clodia's testimony would not be received well; that her testimony would be received with skepticism. That Cicero chose this tactic did not bode well for Caelius, for, by putting forward gossamer arguments rather than facts, Cicero gambled that the jurors would not catch on that the only facts in the case were unfavorable to Caelius.

Cicero's intentions are clear from the very first dilemma in the speech, which attempts to discredit the whole of Clodia's possible testimony based on her lascivious behavior. The first dilemma in the speech, occurring at section 35, comes after the *prosopopoeia* of Appius Claudius, which highlights the affair with Caelius by asking the simple question, "Woman, what hast thou to do with Caelius, ...?"<sup>83</sup> After concluding the *prosopopoeia*, Cicero, as himself, asks of Clodia that to prove her case she needs to explain her relationship to Caelius, and the trips to Baiae and social gatherings, including debaucheries. After this inquiry comes the first dilemma in the speech.

And since in some mad and reckless frame of mind you have desired that these matters should be brought into the Forum and into court, you must either disprove them, and show that they are false, or else you must confess that neither your accusation nor your evidence is to be believed.<sup>84</sup>

Here, the matter brought to the fore is Clodia's alleged conduct with Caelius: the loose living, vice ridden, sexual conduct of a widowed woman with a younger man. The dilemma juxtaposes false allegations with Clodia telling the truth, and true allegations with Clodia telling falsehoods.

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<sup>83</sup> Cicero, "Pro Caelio," 14.34.

<sup>84</sup> Cicero, "Pro Caelio," 15.35.

For Clodia to be believed, the allegations of loose living must be disproved; if not, her testimony is not to be believed, the same as happens to the testimony of a *meretrix*.<sup>85</sup>

Parsing the selection closely reveals Cicero compared Clodia to a lover-scorned woman; however, his overarching strategy was to equate Clodia's lifestyle to that of a prostitute.<sup>86</sup> *Meretrix* is Latin for prostitute, harlot, or courtesan. "These matters" refer to Clodia's lifestyle that Cicero is juxtaposing to that of a prostitute. A prostitute has ill-fame, *infamia*, a Roman legal term in which the holder either is not to be believed in court or holds little trust in court.<sup>87</sup> The phrase, "in some mad and reckless frame of mind,"<sup>88</sup> suggests a woman whose affair has been ended by the man, in other words, a woman scorned: Clodia.<sup>89</sup> In such a frame of mind, as a woman scorned, Clodia had brought to court and before the public her affair with Caelius, an affair Cicero claimed should be placed among the debaucheries and amours which rumor has given up to the public. If these rumors cannot be explained, anything Clodia says is suspect and she is discredited as a witness.

The dilemma as Cicero presented it was irrefutable: there was no option other than disproving the allegations and the truth having been told, or the allegations were true, and she had spoken falsehoods. "Cicero does not present the option of denying the love affair."<sup>90</sup> Cicero treated the love affair as the nexus of his argument that Clodia was a jilted lover and whatever she said stemmed from her anger of having been being jilted. The love affair having been a figment of

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<sup>85</sup> Wiseman, *Catullus and His World*, 85.

<sup>86</sup> Wiseman, *Catullus and His World*, 85.

<sup>87</sup> Wiseman, *Catullus and His World*, 85.

<sup>88</sup> Cicero, "Pro Caelio," 15.35.

<sup>89</sup> Wiseman, *Catullus and His World*, 81.

<sup>90</sup> Craig, *Form as Argument in Cicero's Speeches*, 111.

Cicero's imagination<sup>91</sup> was plausible precisely because the affair was necessary to his argument, though he may have at times been reluctant to express that thought of the love affair because Caelius was then dragged into a poor perspective of consorting with a meretrix. If the affair were simply imaginary, Clodia would have no foreknowledge of an attack on her and would have no qualms about appearing in court.<sup>92</sup> She appeared in court. If she had an idea of what attack Cicero was planning, or if the affair were true, she may not have appeared in court. With this dilemma Cicero launched an *ad hominem* attack on Clodia to destroy her credibility. As Skinner notes,

Arguments from character and way of life were not regarded as irrelevant, as scholars reading Cicero's speeches may be tempted to see them nowadays, but rather as supremely relevant to establishing the facts of guilt or innocence.<sup>93</sup>

Showing Clodia as a consumer of vices lowered her esteem in the Roman mind such that her credibility was undermined. Such an attack was permissible in Roman law, and Cicero portrayed Clodia's behavior as lascivious in order to make her unfit as a witness.

Cicero's gambit vis-à-vis Clodia was to separate her from the gens Claudia through *prosopopoeia* of members of the gens Claudia (Appius Claudius Caecus) attacking her character. The attack cut Clodia off from her family, and she became an easier target for ridicule and humiliation. Having a personified family member such as Appius Claudius Caecus attack her would cause the jury to reconsider Clodia not as a respectable personage. If Clodia's court portrait is not respectable then what evidence she presented, as Cicero's dilemma suggests, was

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<sup>91</sup> Marilyn B. Skinner, *Clodia Metelli: The Tribune's Sister*, Women in Antiquity, edited by Ronnie Ancona and Sarah B. Pomeroy (New York: Oxford University Press, 2011), 111.

<sup>92</sup> Skinner, *Clodia Metelli: The Tribune's Sister*, 111.

<sup>93</sup> Skinner, *Clodia Metelli: The Tribune's Sister*, 99. Skinner quotes: Powell, J. G. F., "Invective and the Orator: Ciceronian Theory and Practice" in J. Booth, ed., *Cicero on the Attack: Invective and Subversion in the Orations and Beyond* (Swansea: Classical Press of Wales, 2007), 8.

not to be believed. The Appius Claudius Caecus *prosopopoeia* comes immediately before the first dilemma in the speech. Once she was cut off from her family and not seen as respectable, the addition of the dilemma brings those matters that reduced her respectability into consideration vis-à-vis her evidence. Was such a person's evidence to be believed?

Cicero says she was not to be believed. Also, because Clodia desired that these matters be brought into court, it was Clodia's responsibility to prove the matters false, or not to be believed as a witness. Cicero was using Clodia's lifestyle to portray her as an unrestrained female run amok in a male dominated society, *patria potestas*,<sup>94</sup> where paternal authority was all important. *Patria potestas* no longer had force when the male head of household died. However, the assets of a female "would pass under the authority of a guardian (tutor)."<sup>95</sup> It is my opinion that Cicero portrayed Clodia as a threat to society, because there was no male in control of her: her father was dead, her husband as well. Clodia's three brothers, Gaius, Appius, and P. Clodius Pulcher exercised "tutorial oversight of her assets."<sup>96</sup> After Appius and P. Clodius died, Gaius went into exile. The function of tutor, if it was being performed, gave "her free rein to manage her property as she liked."<sup>97</sup> Skinner comments,

Adultery was threatening partly because ... the physical integrity of women could figuratively represent the safety of the state. ... Female sexuality was potentially ruinous, all the more so if the woman was not under her husband's *manus* and possessed independent means [such as the case with Clodia.]<sup>98</sup>

If Clodia was not what rumors say she was, then her testimony will be accepted because her behavior conformed to the norm. If Clodia was what rumors say she was then her testimony will

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<sup>94</sup> Skinner, *Clodia Metelli: The Tribune's Sister*, 35.

<sup>95</sup> Skinner, *Clodia Metelli: The Tribune's Sister*, 33.

<sup>96</sup> Skinner, *Clodia Metelli: The Tribune's Sister*, 58.

<sup>97</sup> Skinner, *Clodia Metelli: The Tribune's Sister*, 58.

<sup>98</sup> Skinner, *Clodia Metelli: The Tribune's Sister*, 78.

not be accepted because her behavior did not conform to the norm. Cicero seized on Clodia's lifestyle as deviated from the norm, made her an outlier, thus made her susceptible to diminishment by comparison to meretrix.

While Cicero directs the first dilemma at Clodia and does not mention Caelius by name but only includes him in "these matters," with the next dilemma Cicero mentions Caelius by name but still directs the dilemma at Clodia:

[I]f there existed a woman such as I painted a short while ago, one quite unlike you, with the life and manners of a courtesan—would you think it very shameful or disgraceful that a young man should have had some dealings with such a woman? If you are not this woman, as I prefer to think, for what have the accusers to reproach Caelius? But if they will have it that you are such a person, why should we be afraid of this accusation, if you despise it? Then it is for you to show us our way and method of defence; for either your sense of propriety will disprove any vicious behavior by Caelius, or your utter impropriety will afford both him and the rest a fine opportunity for self-defence.<sup>99</sup>

In this dilemma, Cicero, with sarcasm, provides a description of a type of woman and asks Clodia whether it would be right for a young man to interact with such a woman? What Cicero accomplishes in this first sentence, which is a question, is to normalize the Clodia-as-meretrix/Caelius relationship so that Caelius is not frowned on, while the meretrix half of the relationship is still held in low esteem.

The dilemma deals with the love affair without ever mentioning it, and addresses Clodia's lifestyle.<sup>100</sup> If Clodia is not a seductress, Cicero says, the young man has done no wrong. If Clodia is a temptress and the young man interacts with her why should anyone concern themselves with Caelius in the relationship if Clodia condones the relationship? In other words, either Clodia's decency will prohibit any untoward advance by the young man or Clodia's

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<sup>99</sup> Cicero, "Pro Caelio," 20.50.

<sup>100</sup> Craig, *Form as Argument in Cicero's Speeches*, 113.

depravity will welcome his advances and give reason for them; her depravity will give support to Caelius' role in the relationship to be proper in Roman society. If Clodia is not a temptress, Caelius did no wrong and he had no affair with her. If Clodia is a temptress her depravity is the reason for Caelius' advances and therefore he did no wrong. Either Caelius had no affair with Clodia because she is not that type of woman, or Caelius did have an affair with Clodia and the reason for the affair lies with Clodia's depravity, and again Caelius did no wrong. The picture Cicero paints of Clodia is a *femme fatale* who is among many men at dinner parties, beach parties, boat parties, and has a house at Baiae where this all takes place. Cicero claims that to say she is not this woman temptress is to deny all the parties she is known to hold. The only alternative is to say she is the temptress, she has no decency, all the parties support this, and that because of being a temptress Caelius had an affair with her, within the lines of normal in Roman society.

Either choice condones (or, at least, minimizes the potential disgrace of) Caelius' behavior. The first choice, "If you are not this woman [with the life and manners of a courtesan] ... for what have the accusers to reproach Caelius?" appears to let off Clodia, because she was not a seductress. The second choice, "if they will have it that you are such a person [courtesan], why should we be afraid of the accusation if you despise it?" embraces the relationship with Caelius. The first choice was only for appearances, for there are apparently "accusers to reproach Caelius."<sup>101</sup> There was an implication, that Caelius had a relationship with Clodia. These accusers link Clodia to Caelius in a relationship saying she was this seductress. The first choice was saying because of these accusers Clodia must be a seductress. So, despite appearances, the first choice for Clodia was that she was a seductress. The second-choice forces Clodia to

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<sup>101</sup> Cicero, "Pro Caelio," 20.50.



embrace her depravity. In summary, both choices of the dilemma exonerate Caelius from crossing any social taboos. Both horns of the dilemma cause Clodia to be cast in the light of a courtesan, a *meretrix*.

Again, Clodia is drawn by Cicero into a comparison to a courtesan the fulcrum being a subscriber to social convention or unconformity. What tips the scale one way or the other is whether Clodia conformed to social convention or not in the eyes of the jury. Cicero attempts to confuse by juxtaposing the courtesan having an affair with a young man, with a woman, not so obviously a courtesan, with accusers saying she is a courtesan vis-à-vis Caelius. The choice is between a courtesan or a woman accused of being a courtesan. There is little leeway between the two. The two are so similar the jury may confuse one with the other, precisely what Cicero is counting on.

Whereas the aforementioned dilemmas pertained to Clodia's general character and credibility, others fixed on her actions. For example, in section 52 the dilemma concerns where Clodia and Caelius, stood in the other's eyes: "And regarding this charge, I first ask, whether he told Clodia for what purpose he took the gold, or whether he did not. If he did not tell her, why did she hand it over? If he did tell her, she made herself his accomplice in this crime."<sup>102</sup> Before the dilemma Cicero reviews the facts, or rather the charges that Caelius took gold from Clodia to pay slaves to kill the ambassador from Egypt, Dio, and then attempted to poison her to cover it up. In the dilemma Cicero concentrates on the first charge, taking the gold from Clodia, which he assumes happened, and with that assumption places Clodia in a dilemma of being either a liar or an accomplice to a crime. But this dilemma is not true. Caelius could have said any number of

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<sup>102</sup> Cicero, "Pro Caelio," 21.52.

reasons why he wanted the gold, and Clodia might have gifted the gold (perhaps without clear reason): the transfer of the gold, which is claimed by Clodia to have occurred but under deception, corrals her into having been an accomplice to murder.<sup>103</sup> For Cicero the transfer of gold depended on Caelius having told Clodia the gold was needed to facilitate the murder of Dio.

In the following dilemma, Cicero doubles down on the same issue, further undermining Clodia's credibility about the gold:

But if he was as intimate with Clodia as you claim that he was, since you harp so much on his profligacy, he would certainly have told her why he wanted the gold; if he was not so intimate, she never gave it.<sup>104</sup>

He poses a dilemma to Clodia: Either Caelius was on intimate terms with her, with the consequence that Caelius told her the purpose of the gold or he was not intimate with her, hence, she never gave him the gold. Being told of the gold is predicated on being intimate. In other words, either Caelius tells the truth (the truth according to Clodia) about the purpose of the gold with the consequence that Clodia gave him the gold or Caelius was not intimate with her and did not tell her the purpose of the gold with the consequence that Clodia never gave him the gold.<sup>105</sup> Clodia has a choice: Either Caelius is intimate with her or not, with the respective consequences that she, Clodia, is an accomplice in Dio's death or that Clodia's assertion that she gave him the gold is false. Both choices are detrimental to Clodia and diminish her character. One choice turns the socialite aristocrat into an accomplice to murder, the other choice into a speaker of falsehoods. Either choice damages Clodia's character and would undermine her credibility as a witness for the prosecution. One of the two propositions, that Caelius was intimate with her or not, must be true; and whatever choice she chooses does her harm; thus, the structure conforms

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<sup>103</sup> Craig, *Form as Argument in Cicero's Speeches*, 115.

<sup>104</sup> Cicero, "Pro Caelio," 21.53.

<sup>105</sup> Cicero, "Pro Caelio," 21.53.

to Quintilian's definition of dilemma, and diminish the credibility of Clodia as a witness. In this instance, diminishment and dilemma conflate and deal a blow to Clodia and strike a blow for Cicero. The choice of "no relationship...that Clodia would have no grounds for knowing or suffering from Caelius' activities,"<sup>106</sup> is not offered. The choice of 'not intimate' is not a serious choice. To elude the dilemma, Clodia would need claim ignorance of Caelius's activities. By doing so she would cleave any tie to Caelius. But denying any knowledge of Caelius's activities would require Clodia to deny the affair, for the two lovers could be assumed to have confided in each other secrets to which others would not be privy.

As support for his assertion that Caelius had told Clodia the purpose of the gold, Cicero uses the prosecution's assertion of Caelius' reckless disregard ("profligacy") as a reason that he had told Clodia the purpose of the gold.<sup>107</sup> Cicero's train of thought is that if an affair existed—an affair breaking class distinctions, given Clodia is a noblewoman and Caelius is an equestrian and an affair in which the woman finances the man (a loan without time limit or witness<sup>108</sup>), where the woman is a participant in incest, and the woman displays ostentatious parties—then the affair must have consisted of individuals who were reckless enough to have exchanged the truth that the gold was to have financed the murder of Dio. The contrary is also true. If there was no affair there was no truth exchanged, and the gold was never given to Caelius. Being that there was no affair, there would have been no reason for Caelius to confide in Clodia, and thus, no gold would have been given.

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<sup>106</sup> Craig, *Form as Argument in Cicero's Speeches*, 115.

<sup>107</sup> Cicero, "Pro Caelio," 471nf.

<sup>108</sup> Skinner, *Clodia Metelli: The Tribune's Sister*, 108.

Each dilemma turns on a different aspect: Clodia's lifestyle as determiner of truth, the accusation of Clodia as a meretrix, dilemma as rhetorical trick, and the intimacy between Clodia and Caelius. What these dilemmas have in common is Clodia's hedonistic lifestyle. Whether fictitious or not, such a lifestyle provides Cicero with a situation (i.e., the affair), whereby Clodia, as lover, is the only person to know the circumstances around the lending of the gold, and the attempted poisoning of Clodia. Clodia's intimate relationship with Caelius allows her to know Caelius in ways others do not. At the same time such a relationship creates the appearance of a meretrix persona for Clodia, delegitimizing the knowledge such a relationship gained for Clodia and putting her in a situation where the knowledge gained about the charges is seriously impaired by her being in the situation (i.e., the affair) in the first place.<sup>109</sup>

All these dilemmas, however, may be purely inventions with little or no grounding in reality. Clodia only seeks retribution through the court as a witness for the prosecution. To be an effective witness, Clodia cannot have committed sexual misdeeds.<sup>110</sup> As a wealthy, widowed aristocrat, and a member in the gens Claudia, Clodia has the means and opportunity to either live in seclusion or live out in society. According to Skinner, Clodia's "behavior was discreet, and her reputation remained intact."<sup>111</sup> Cicero's attack on Clodia's character is launched from a need to show Clodia's behavior as equivalent to that of a meretrix; if there is no such behavior, Cicero needs to invent such behavior. That is what Skinner believes happened. In support of that view, in a letter, mid-January 62 BC, from Cicero to Q. Mellelus Celer, Clodia's husband, Cicero writes that he asked Metellus's wife, Clodia, to intervene for him with her husband's brother,

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<sup>109</sup> Skinner, *Clodia Metelli: The Tribune's Sister*, 108.

<sup>110</sup> Skinner, *Clodia Metelli: The Tribune's Sister*, 110.

<sup>111</sup> Skinner, *Clodia Metelli: The Tribune's Sister*, 110.

Metellus, concerning his apparent plan to make Cicero suffer in the public's eye in retaliation for an assumed slight in a speech Cicero gave.<sup>112</sup> Apparently, Clodia was friendly enough towards Cicero and thought of well enough by him for him to ask of her a favor, without consulting her husband. This is in striking contrast to the image he makes of her in the trial.

## B. Irony

A second strategy Cicero uses to pursue diminishment is irony. Richard A. Lanham states that irony is “implying a meaning opposite to the literal meaning.”<sup>113</sup> Quintilian says of irony, “we are asked to understand the opposite of what is said,”<sup>114</sup> and “the contrast ... is between the meaning and the words.”<sup>115</sup> Given there is no literal connection between the understood meaning and the words, irony is understood through intuition. Quintilian asks, “What was the object of the irony in the *Pro Caelio* except to make the affair seem less serious than was thought?”<sup>116</sup> This is exactly how Cicero employs irony: to make serious charges seem less serious, or even nonexistent.

Irony first appears in the guise of allegory with *Rhetorica Ad Herennium* in the 80's BC. In this book, under Distinction, are Figures of Diction and the Figures of Thought. Figures of Diction are affected by language while Figures of Thought by an idea. Allegory, classified as a Figure of Diction, is “denoting one thing by the letter of the words, but another by their

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<sup>112</sup> D. R. Shackleton Bailey, ed. and trans., *Cicero: Letters to Friends*, Loeb Classical Library 205 (Cambridge: Harvard University Press, 2001), 1:43.

<sup>113</sup> Lanham, *A Handlist of Rhetorical Terms*, 92.

<sup>114</sup> Quintilian, *The Orator's Education*, 9.2.44.

<sup>115</sup> Quintilian, *The Orator's Education*, 9.2.46.

<sup>116</sup> Quintilian, *The Orator's Education*, 4.1.39.

meaning.”<sup>117</sup> Allegory is conveyed by comparison, argument, and contrast. Allegory through contrast—calling a person or thing the contrary of what it is—is what we today call irony. In his *De Oratore*, circa 55 BC, Cicero explains that irony occurs “when the whole tenor of your speech shows you to be solemnly jesting, what you think differing continuously from what you say.”<sup>118</sup>

Both trope and figure are defined by Quintilian as similar to irony. In his *The Orator’s Education*, circa AD 95, Quintilian defines “trope” as a “shift of a word or phrase from its proper meaning to another, in a way that has positive value.”<sup>119</sup> He defines “figure” as an “innovative form of expression produced by some artistic means.”<sup>120</sup> Among the tropes described by Quintilian is allegory which “presents one thing by its words and either (1) a different or (2) sometimes even a contrary thing by its sense.”<sup>121</sup> Under the second meaning of allegory is irony, “in which meaning and the words are contrary.”<sup>122</sup> The contrariness is accomplished by “delivery, by the character of the speaker, or by the nature of the subject.”<sup>123</sup> If there is disconnect between any of these and the language, then the speech is aiming at other than what the words tell; thus, there is irony.

While tropes and figures can contain irony, the difference between the two is found in the length of the relevant words in the trope verses the length of the figure. In the trope, irony is

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<sup>117</sup> [Cicero], *Rhetorica Ad Herennium*, trans. Harry Caplan, Loeb Classical Library 403 (Cambridge: Harvard University Press, 1954), 4.34.46.

<sup>118</sup> Marcus Tullius Cicero, *De Oratore*, trans. E. W. Sutton, Loeb Classical Library 348 (Cambridge: Harvard University Press, 1948), 2.67.269.

<sup>119</sup> Quintilian, *The Orator’s Education*, 8.6.1.

<sup>120</sup> Quintilian, *The Orator’s Education*, 9.1.14.

<sup>121</sup> Quintilian, *The Orator’s Education*, 8.6.44.

<sup>122</sup> Quintilian, *The Orator’s Education*, 8.6.54.

<sup>123</sup> Quintilian, *The Orator’s Education*, 8.6.54.

found only in one or two words, while in the figure, relevant meaning can be found in the whole sentence. In addition, “the Trope is more open and, although it says something different from what it means, it does not pretend something different, for the whole context is generally quite straightforward.”<sup>124</sup> In figure, the meaning envelops the whole sentence, not only one or two words. The meaning in the figure is easily understood though it is not explicit. “In the Trope the contrast is between words and words, here [in the Figure] it is between the meaning and the words.”<sup>125</sup>

In Cicero’s opening argument, he describes the uniqueness of the trial being held during a public holiday when all other courts are closed. The effect that had on the perception of an outsider of the defendant could have been to make him appear unusually wicked for having challenged the very foundations of the state. But, Cicero continued, no crime of violence was being tried, only an unusually gifted man who has been brought to court by a courtesan and the man the defendant was arranging to bring to court. The irony between the two views—one the ostensible view of the court proceedings, and the other view, a history of how and why this case arrived at trial—tilts the opinion of the outsider towards sympathy for the defendant and lack of sympathy for the courtesan. This is Cicero’s opening gambit: making Clodia a person of egregious morals and Caelius an innocent young man.

When Cicero does not wish to be seen saying something but needs to say it, he uses irony. Paralipsis is an irony in which the speaker declines to speak on the matter yet in doing so speaks on the matter.<sup>126</sup> In answer to assistant prosecutor L. Herennius Balbus’ charges of immorality

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<sup>124</sup> Quintilian, *The Orator’s Education*, 9.2.45.

<sup>125</sup> Quintilian, *The Orator’s Education*, 9.2.46.

<sup>126</sup> Corbett and Connors, *Classical Rhetoric for the Modern Student*, 406.

against Caelius, Cicero's tactic is to promote the tolerance of the hedonistic life by describing that he (Cicero) has known people "who had given up their youth entirely to sensuality" and still transformed into respectable citizens.<sup>127</sup> Cicero then claims it is by social agreement that youth be given leeway in terms of morality but within limits so that no damage to persons or families is incurred. Cicero then uses projection/deflection to fend off Balbus' attack by saying the charges Balbus levels at Caelius are really the charges against young men in general and Caelius is standing in for the young men. Thus, according to Cicero, Caelius had been charged, "through no fault of his own but through the failings of many others."<sup>128</sup> Cicero then continued,

And therefore, I do not venture to reply as is fitting to your severe remarks—for my answer might have been to plead the indulgences allowed to youth and to ask you to pardon it—I say, I do not venture to do that; I do not seek refuge in the plea of his youth; I renounce the rights which are granted to all.<sup>129</sup>

Through this use of paralipsis, Cicero asks for leniency with respect to Caelius without explicitly doing so. In the first line Cicero states that an appropriate response would be to ask for leniency and a pardon, which he does in an oblique manner; after which he claimed three times not to be requesting that which he undoubtedly was, albeit through circuitous means. By not directly replying to the charge of immorality and obliquely asking for leniency, Cicero was, in effect, granting the legitimacy of the charge and asking the jurors for a pardon. The irony is that Cicero says he is defending Caelius against charges of immorality when he is in fact allowing for the charge. How Cicero effects diminishment is simply by refusing to confront the charge vis-à-vis Caelius and implicitly conceding that Caelius is guilty of the charge without explicitly saying so; by doing so, Cicero achieves a measure of diminishment of Caelius' moral excess. However, in

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<sup>127</sup> Cicero, "Pro Caelio," 12.28.

<sup>128</sup> Cicero, "Pro Caelio," 12.29.

<sup>129</sup> Cicero, "Pro Caelio," 12.30.



addition to this diminishment, Cicero depended on an implied social norm, “for by common consent a young man is allowed some dalliance, and nature herself is prodigal of youthful passions.”<sup>130</sup> An implied social norm is revealed by which young men are excused their moral excesses.

Another paralipsis occurs after Cicero’s description of an unnamed woman, who embraces the life of a courtesan. Cicero asks if a man were to be found with this woman would he be considered a lover or an adulterer, someone who ravages her chastity or someone merely satisfying his passion?

I am now forgetting, Clodia the wrongs you have done me; I am putting aside the memory of what I have suffered; I pass over your cruel actions towards my family during my absence; pray do not imagine that what I have said was meant against you.<sup>131</sup>

Cicero says he forgets the injustices Clodia committed against him, the suffering he endured, and the outrageous acts towards his family during Cicero’s exile, only to deny what he said was directed to Clodia. The entire passage is ironic in that Cicero says the opposite of what he means; he is holding at the forefront the memory of his suffering: Clodia’s involvement in Cicero’s family’s suffering during Cicero’s exile is not forgiven by Cicero. Also, what he said about the unnamed woman was meant about Clodia. There is a long description of the unnamed woman’s activities, and only after asking Lucius Herennius (one of the assistant prosecutors) if the man with her is a lover or an adulterer, does Cicero call Clodia by name. The question Cicero directs to Herennius is in effect whether the woman is a courtesan or not. If she is a courtesan, then the consort is a lover, for courtesans have licit sex; if not, then an adulterer, having illicit sex. The description of the unnamed woman’s activities leaves no doubt that the woman is a courtesan,

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<sup>130</sup> Cicero, “Pro Caelio,” 12.28.

<sup>131</sup> Cicero, “Pro Caelio,” 20.49-50.

meaning that the man with her is a lover. Thus, Cicero wishes to establish that Caelius is acting well within the social mores of ancient Rome, and not participating in *stuprum*, illicit sex.

The most important role irony plays in *Pro Caelio* is a method by which Cicero seems to accede to Caelius' guilt of immorality. Cicero never says explicitly that Caelius is guilty of immorality or not, but only that, by tradition, young men are excused their moral excesses. In the *praemunitio*, the foreword, ignoring the formal charges, Cicero initially outlines the overarching argument spanning the *Pro Caelio* to exonerate Caelius, "this Medea of the Palatine and his [Caelius's] change of residence have been for a young man the cause of all his misfortunes, or rather of all the gossip."<sup>132</sup> The reference to the "Medea of the Palatine" alludes to Ennius' *Medea Exsul*, a Latin translation by Ennius of Euripides' *Medea*<sup>133</sup> that reduces Caelius's court troubles to Clodia and change of address (Caelius moving nearby Clodia.) The first quoted line, taken from Euripides' *Medea*, is the nurse speaking, saying she wishes the timber for the oars for the Argo had not been cut in the Pelion forest; the second, if the timber had not been cut Medea would not have set sail and fell in love with Jason and hence none of the troubles would have happened; the third line, Medea, lovesick, would not have happened had not the timber been cut, and hence, the deaths of Medea's children and Jason's bride by Medea would not have occurred.<sup>134</sup> By referring to Clodia as Medea of the Palatine, Cicero casts blame on her for all of Caelius' troubles. Cicero is confronting Caelius' morality issue by deflecting the issue onto Clodia. Following the analogy with Medea, all Caelius' troubles come to be when he moves his residence nearby Clodia's. They have an affair, then Caelius and Clodia have a separation,

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<sup>132</sup> Cicero, "Pro Caelio," 8.18.

<sup>133</sup> Skinner, *Clodia Metelli: The Tribune's Sister*, 165n32.

<sup>134</sup> Euripides, "Medea" in *The Plays of Euripides*, trans. Edward P. Coleridge, vol.1 (Franklin Center: The Franklin Library, 1983), 31.

afterwards Clodia becomes lovesick over Caelius and for this reason Caelius is in court. The prosecution attacked Caelius' morals. In Roman law, one lapse of integrity opens the door to others. By showing a lack of morals in Caelius, the prosecution can conclude Caelius was a threat to the state.<sup>135</sup> Rebutting the prosecution means deflecting the lack of morals from Caelius to Clodia using the Medea analogy. The irony of the situation is that the very allegation of immorality Clodia has brought against Caelius is now faced by Clodia herself.

### C. Understatement

A third strategy where Cicero employs diminishment to tackle the charges against Caelius is understatement: the detraction of the seriousness of the charges and the reduction of the charges to lesser charges. Understatement may be understood to be that which “causes more to be understood than one actually says.”<sup>136</sup> Without saying so, something is implied. In *De Oratore*, Cicero directly addresses understatement: “Then again there are those intentional understatements or overstatements which are exaggerated to a degree of the astonishing that passes belief.”<sup>137</sup> Cicero, in the *exordium*, says, “No crime, no reckless act, no deed of violence is being tried.”<sup>138</sup> This is an example of an intentional understatement that almost passes belief to say at the beginning of the trial, that there are no crimes committed. No crime implies there is a crime of lesser importance, and it is this unnamed, lowly crime that Cicero thinks ought to be given a pass by the court. Cicero says, “Now as to the reproaches cast on his morals, as to all the clamor made by his accusers, [they are] not criminal charges but abuse and slander.”<sup>139</sup> Charges

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<sup>135</sup> Skinner, *Clodia Metelli: The Tribune's Sister*, 99.

<sup>136</sup> Cicero, *De Oratore*, 3.53.202.

<sup>137</sup> Cicero, *De Oratore*. 2.66.267.

<sup>138</sup> Cicero, “Pro Caelio,” 1.1.

<sup>139</sup> Cicero, “Pro Caelio,” 3.6.

morph into slander, which, while still a crime, was a lesser one. Cicero is making out the charges to be pedestrian in nature; by doing so, he is describing the charges as not worth bringing to trial. Cicero's aim is to have the jury see the charges as something that happens daily, and not suitable for the only court that meets on holidays.

The pursuit of understatement has its own challenges for Cicero. With respect to the jury, Cicero, prefacing an understatement with “‘It seems to me ...’ or ‘Does it not seem to you ...?’” requires immense facility of elocution. Quintilian writes, “since things which are false or in their nature unbelievable must either strike the hearer with special force, because they surpass the truth, or else be taken as empty nothings, because they are not true.”<sup>140</sup> In other words, Cicero must hit the target where he does not top the truth nor is his talk taken as false, but strikes the listener with a modicum of truth; thus, not causing the jury to be skeptical of what Cicero is saying.

In the *exordium*, the first thing Cicero does is postulate an objective observer who sees the billing of the trial as unique, in that only this trial court holds business during the festivities, giving the defendant, a pall of wickedness exceeding that of defendants of other trials, supposing that any defendant in such a position would be guilty of a grave crime against the state. Once Cicero builds up the trial and charge, he then undercuts the seriousness of the crime and trial by describing the crime as “no crime, no reckless act, no deed of violence,”<sup>141</sup> and the defendant as an individual of high character who stands accused by the son of someone the defendant has charged twice, on behalf of a prostitute. Cicero implies that the objective observer would conclude that the woman's fury is to be restrained and the jury deserves the day off. The second

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<sup>140</sup> Quintilian, *Orator's Education*, 9.2.33.

<sup>141</sup> Cicero, “Pro Caelio,” 407.

conclusion understates the seriousness of the charges by claiming indirectly that the charges do not rise to the standard of the *quaestio perpetua* and hence should be dealt with by a lower court and given the lower court's schedule does not meet on holidays, the jurors should not have to be there. The first conclusion foretells the result of a jilted woman and her fury, and not just any woman, but a prostitute, who thus has no standing in a Roman court.<sup>142</sup> This unnamed woman is later revealed to be Clodia Metelli. The first reference to her is as an unnamed *meretrix*. This *meretrix* later in the *exordium* is described as having "intolerable passions and unnatural hatred of someone else [Caelius]."<sup>143</sup> Positioning Clodia as *meretrix* is a gross understatement given Clodia descends from a long line of nobility, stretching "six generations of consuls back to Ap. Claudius Caecus, and another six before that to the first known Appius Claudius, consul in the fifteenth year of the Republic."<sup>144</sup> She, too, married a consul, Q. Caecilius Metellus Celer, who was consul in 60 BC.<sup>145</sup> By positioning Clodia as a *meretrix*, Cicero protects "his client against the retaliatory accusation of *stuprum*, illicit sexual relations, with a noblewoman."<sup>146</sup> The passions and hatred are directed at Caelius and are later used to explain why Caelius is in this trial. By understating Clodia's social position as *meretrix* Cicero is both damaging Clodia's credibility and protecting Caelius. According to Thomas A. J. McGinn, a Classical Studies scholar, "Adultery and *stuprum* were conceived, not simply as sexual, but as social offenses—especially, but not uniquely, when the status of the male lover was inferior to that of his

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<sup>142</sup> Dyck, "Introduction" in *Pro Marco Caelio*, 13.

<sup>143</sup> Cicero, "Pro Caelio," 1.2.

<sup>144</sup> Wiseman, *Catullus and His World*, 15-18.

<sup>145</sup> Wiseman, *Catullus and His World*, 16.

<sup>146</sup> Skinner, *Clodia Metelli: The Tribune's Sister*, 109.

partner,”<sup>147</sup> as in the case with Caelius and Clodia. Adultery is simply the sexual encounter between a married woman and a man, irrespective of the man’s marriage status.<sup>148</sup>

Admitting “Caelius did support Catiline,”<sup>149</sup> (and so did other steadfast supporters of the empire, and Cicero admits he too was almost taken in by Catiline) and that Caelius was Catiline’s political adherent,<sup>150</sup> Cicero understates Caelius’ relationship with Catiline in Cicero’s plea to the jurors to reject the prosecution’s depiction that any friend of Catiline is a member of the conspiracy by saying he, Caelius, had an association with Catiline, without any qualification. Cicero acknowledges a relationship but disavows any stigma attaching to the relationship; for Cicero, friendship with Catiline does not translate into support for the conspiracy as it does for the prosecution.

In the *peroratio*, Cicero speaks of the “law” as being of the highest order, the law that made Catiline flee Rome, but a law only accessible to men.

The law which has to do with the rule, the high estate, the stability of our country, and the welfare of all; the law which Quintus Catulus carried at a time of last extremity; the law which, after the conflagration which raged during my consulship had been checked, extinguished the smoldering embers of the Conspiracy—is it under this law that there is now a demand for the sacrifice of Caelius’ youth, not for punishment in the interests of the State, but to satisfy the wanton whims of a woman?<sup>151</sup>

Cicero asks if the law which rules Rome, the same law which authorized Cicero, as consul, to use extraordinary measures to defeat the Catilinarian conspiracy, the law for which Catulus fought, is the same law that is trying Caelius, not at the behest of the state but at the desire of

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<sup>147</sup> McGinn, *Prostitution, Sexuality, and the Law in Ancient Rome*, 345.

<sup>148</sup> Jill Harries, *Law and Crime in the Roman World*, Key Themes in Ancient History (New York: Cambridge University Press, 2007), 96.

<sup>149</sup> Cicero, “Pro Caelio,” 4.12.

<sup>150</sup> Cicero, “Pro Caelio,” 4.10.

<sup>151</sup> Cicero, “Pro Caelio,” 29.70

Clodia. The law to which Cicero refers is the constitution, which incorporates the *senatus consultum ultimum*, or the ultimate decree, which “served as a substitute for the earlier practice of appointing a dictator with broad powers to meet a grave emergency.”<sup>152</sup> It was this law which Cicero invoked during the Catlinarian conspiracy. In that situation the consul Antonius was “to pursue Catiline with an army, while Cicero was to watch over the City.”<sup>153</sup> In the implementation of his duties of protecting Rome, Cicero assigned the death penalty to five citizens of Rome without a trial. It is because of this extraordinary measure within the constitution that Cicero questions whether the law is properly applied to Caelius given the charges stem from Clodia.

Cicero also asks how this law, which Catulus fought for and under which five citizens were executed, can be called into play by a woman. Cicero is making a case based on gender bias: because Clodia is a woman, she cannot apply a law against a man. Cicero claims Caelius is subject to the “whims of a woman.”<sup>154</sup> Cicero understates the nature of what the circumstances are: Caelius is charged with a capital crime, the murder of Dio, on which Clodia has information pertaining to the crime, that Caelius asked for and received gold from Clodia for which Caelius told Clodia he intended to pay for a show (*ludi*.) When Clodia discovered that Caelius had bribed the slaves of the owner of the house in which Dio had stayed, Caelius attempted to persuade Clodia’s slaves to poison her. This is pertinent information to the charges against Caelius. Cicero is encompassing all this information under the category of “whims of a woman,” in the hope that the all-male jury will side with the man against the woman, based on gender bias. Cicero is grossly understating the situation.

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<sup>152</sup> Sallust, “The War with Catiline,” 67n.

<sup>153</sup> Sallust, “The War with Catiline,” 36.3.

<sup>154</sup> Cicero, “Pro Caelio,” 29.70.

## D. Comedy

A fourth strategy Cicero uses to pursue diminishment is comedy. He makes the charges against Caelius seem unimportant by presenting them in a humorous way. Cicero's description of the "appropriateness" of laughter in his *De Oratore* provides insight in how he employed comedy in *Pro Caelio*; namely, that laughter "shatters or obstructs or makes light of an opponent, ... and it shows the orator himself to be a man of finish, accomplishment and taste..."<sup>155</sup> With comedy Cicero can simultaneously ridicule his opponent and look sophisticated. In *De Oratore* Cicero explains that the object of laughter is that which is "unseemly or ugly."<sup>156</sup> In the *Pro Caelio* Clodia Metelli is that object. In the *prosopopoeia* of Appius Claudius Caecus, Clodia's long dead ancestor, Cicero "introduces the comic principle of incongruity by juxtaposing Appius' great public services with Clodia's personal, physical misuse of these accomplishments."<sup>157</sup>

In section 30, Clodia's name is first mentioned (other references to her are indirect, calling her a *meretrix*) and it is regarding the charge of *de Dione* and *de veneno in Clodiam parato* that Clodia is referenced. The other charges are dismissed as gossip.

Now there are two charges, one about some gold, one about some poison, in which one and the same character is concerned. It is alleged that the gold was taken from Clodia, the poison procured to be given to Clodia. All the other matters complained of are not accusations, but slanders ...<sup>158</sup>

Again, in section 51, Cicero returns to the same two charges, saying the same woman is involved. This repetition frames the attack on Clodia, and in the interval between the two

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<sup>155</sup> Cicero, *De Oratore*, 2.58.236.

<sup>156</sup> Cicero, *De Oratore*, 2.58.236.

<sup>157</sup> Katherine A. Geffcken, *Comedy in the Pro Caelio* (Wauconda: Bolchazy-Carducci Publishers, 1995), 18.

<sup>158</sup> Cicero, "Pro Caelio," 13.30.



instances of charges, gives an opportunity to cause diminishment of Clodia, by way of dilemma, irony, and comedy and offer an apology for Caelius.

Two indictments, for the gravest crimes, are brought against Caelius, and in both the name of one woman appears: he is charged with having taken some gold from Clodia, and with having prepared poison to murder this same Clodia. The gold, according to you, he took to give to the slaves of Lucius Luceius, to procure the assassination of Dio of Alexandria...<sup>159</sup>

From section 30 to section 50, rather than addressing the charges, as would be expected, Cicero addresses Clodia in *prosopopoeia*, offers an apology for Caelius, and mounts various attacks against Clodia. A means of showing the inner workings of other's minds is a technique to create the illusion of what seems to be true. Cicero uses this technique, which is called *prosopopoeia*. Quintilian states that *prosopopoeia* can be used for reproach.<sup>160</sup> The first *prosopopoeia* is Appius Claudius the Blind, a dead, distant relative, questioning Clodia why she is spending time with Caelius, and was it for Clodia to spend time with Caelius that he (Appius Claudius) built the aqueduct, and built the Via Appia. He used the technique of *prosopopoeia* to castigate Clodia. In the *prosopopoeia* one of Clodia's moral degradations is paired with one of Appius Claudius' achievements to highlight what Geffcken calls "the comic principle of incongruity."<sup>161</sup> By using comic inversion Cicero entertains the jurors and lessens the seriousness of the trial. Transposition "of the *potens* into the *humilis*,"<sup>162</sup> says Geffcken, is changing the place of the mighty into the place of the lowly. This Cicero does with Clodia. Taking the persona of Clodia's youngest brother, he questions Clodia about her relationship with Caelius. He tries to make it appear that Clodia wants Caelius, but Caelius does not want her. She is rejected. Cicero, as her brother, tells

<sup>159</sup> Cicero, "Pro Caelio," 21.51.

<sup>160</sup> Quintilian, *The Orator's Education*, 9.2.30.

<sup>161</sup> Geffcken, *Comedy in the Pro Caelio*, 18.

<sup>162</sup> Geffcken, *Comedy in the Pro Caelio*, 18.

her to seek out someone else; that from her house situated on the Tiber she can view “where all the young men come to bathe.”<sup>163</sup> Cicero is portraying Clodia as an older woman preying on younger men, a sexual and social violation for a noble woman. Through comedy, Cicero is making Clodia to be the aggressor, and so the transgressor.

After voicing the persona of Clodia’s brother, Cicero proceeds to quote Caecilius and Terence, two Roman New Comedy authors, adopting the persona of a father figure, for that of Caecilius a stern father, for Terence a lenient one, for Caelius.<sup>164</sup> Cicero quotes Caecilius:

Why have you become acquainted with a strange woman?

Scatter and squander;

You may do as you please for all I care. Tis you, not I,  
who’ll rue your poverty.

I have enough whereon to live what remains of my life in  
comfort.<sup>165</sup>

Cicero here is entertaining the idea that the prosecution put forward, that Caelius is spending extravagantly and has a relationship with a “strange woman.” A quote from Terence shows these problems are not insolvable.

He has broken a door, the wreck shall be made good;

He has torn your clothes, they shall be mended up.<sup>166</sup>

Terence’s quotation shows that with whatever charges are brought against Caelius restitution can be made for whatever Caelius might have done. Cicero’s comic use of Caecilius and Terence are a ploy to entertain the jury and show the lack of substance of the prosecution’s case.

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<sup>163</sup> Cicero, “Pro Caelio,” 15.36.

<sup>164</sup> Stephen Usher, *Cicero’s Speeches: The Critic in Action* (Oxford: Oxbow Books, 2008) 92.

<sup>165</sup> Cicero, “Pro Caelio,” 16.37.

<sup>166</sup> Cicero, “Pro Caelio,” 16.37.

His apology for Caelius, which starts at section 39 and extends to 43, Cicero begins with a look back to an earlier time and to those who had built Rome, and says those builder of Rome had no use for moral license but strove instead for “glory and honor.”<sup>167</sup> That people nowadays are different, and should be allowed license to indulge in life’s pleasures is the thesis of the apology. Cicero’s apology ends with a nod towards those unnamed men who indulged in moral license as a youth and forsook it as they matured, implying that is the track Caelius is on. There is afterwards an argument that being an orator, such as Caelius, leaves no time to indulge oneself in life’s pleasures, so that Caelius had no time to partake of excesses. The final argument, that it has always been a custom to indulge in courtesans, and Clodia was one, is that any affair Caelius might have had with her is protected by custom.

After disposing of the gold charge in sections 52 through 55, in section 61 Cicero begins the examination of how the poison was to be delivered to Clodia, by way of her slaves who would attempt to take possession of it at the Senian Baths, followed by the construct of truth overpowering falsehood.

How great is the power of truth, which when opposed to human ingenuity, cunning and craft, and opposed to all the falsehood and treachery in the world, is easily able to defend itself unaided!<sup>168</sup>

For example: the whole of this little play, by a poetess of experience who had already composed many comedies—how devoid it is of plot, how utterly fails to find an ending!<sup>169</sup>

Here, Cicero finds that truth is invincible against whatever humans can conceive to muster, including falsehood and treachery. As an example of such invincibility Cicero draws upon the

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<sup>167</sup> Cicero, “Pro Caelio,” 17.39.

<sup>168</sup> Cicero, “Pro Caelio,” 26.63.

<sup>169</sup> Cicero, “Pro Caelio,” 26.64.

attempted delivery of poison to Clodia's slaves to show "this little play...how devoid it is of plot, how utterly it fails to find an ending."<sup>170</sup> R. Gardner claims *fabula* could mean that Clodia authored plays, that she was devious, or that stories were told about her.<sup>171</sup> I take a different view, that the *fabella* (little play) is the attempted transfer of the poison from Licinius to Clodia's slaves. That "poetess of experience" refers to Clodia's having devised schemes such as this one, in the past, as does "who had already composed many comedies." That the story is devoid of plot refers to the attempt of poison transfer having failed. Geffcken says "Because of her family's reputation and traditions and because of her visibility as a society leader, Clodia was a perfect target for hostile, aggressive, and obscene humor."<sup>172</sup>

More specifically, the failed transfer of the poison Cicero considers a mime,<sup>173</sup> a dramatic production directed by, he says, a female commander.<sup>174</sup> The comparison to a mime suggests the lack of speech during the incident, and the playing of women's parts by prostitutes,<sup>175</sup> a nod towards Clodia. There were many persons in the Senian Baths to grab the lone Licinius before he handed over the box of poison to the slaves. At the moment Licinius offered the box of poison in his hand the men appeared from hiding in the Senian Baths to capture Licinius with the poison. Licinius escaped, but it is not clear how he did so. This all makes the incident comical: Licinius could easily have been overpowered but he was not; the men appeared at the right time but did not apprehend Licinius. It is as if Cicero were dismissing the incident as unimportant, hence, comical.

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<sup>170</sup> Cicero, "Pro Caelio," 26.64.

<sup>171</sup> Cicero, "Pro Caelio," 486na.

<sup>172</sup> Geffcken, *Comedy in the Pro Caelio*, 41.

<sup>173</sup> Cicero, "Pro Caelio," 27.65.

<sup>174</sup> Cicero, "Pro Caelio," 28.67.

<sup>175</sup> Cicero, "Pro Caelio," 488nb.

Cicero's *prosopopoeia* as Appius Claudius Caecus is not only humorous, as it juxtaposes great achievements of Claudius against immoralities of Clodia but serves to dissociate Clodia from the Claudii clan by claims of immorality from a noted member of her own family. That it is Appius Claudius being personified sends a message of stern disapproval and disavowal of her. Rejection by her family gives Clodia the likelihood of being rejected by the jurors too as a witness. With only the *prosopopoeia* of Appius Claudius, Cicero manages to cut Clodia off from her family and makes her appear vulnerable to comic playacting herself.

#### 4. Conclusion

Cicero, wielding dilemma, wreaks devastation against the prosecution by insinuating that the prosecution's witness, Clodia, is a prostitute; that she knowingly financed a crime; that a split had occurred between Caelius and Clodia resulting in this trial; and that Clodia is not to be believed. The speech enthralled the jurors and left Clodia in a precarious position whereby if she were to testify no one would believe her, and if she did not testify everything the defense said about her would appear to be true. Dilemma was Cicero's first line of defense because dilemma could potentially cause the prosecution the most damage including against the credibility of Clodia. Dilemma, as a form of syllogism, adopts the appearance of argument and can deceive people into believing what they are hearing is argument.

Irony is second only to dilemma in importance for arguing diminishment in defending Caelius in *Pro Caelio*. Cicero uses situational irony and paralipsis to highlight the incongruities between the prosecution's case and the defense's case. The prosecution uses the accusations of immorality against Caelius as a means to attack his character. Cicero rebuts the accusation in a paralipsis where he implicitly pleads for leniency for the excesses of youth. The trial is presented by the prosecution as being of high importance for trying the defendant on a holiday because of

the seriousness of the case, while the defense offers the casualness of the defendant, and dismisses the charges as the whims of a woman rejected. For the defense the serious charges are the accusations of a woman scorned; the charges change into accusations of not just any woman, but of an aristocrat turned courtesan. This maneuver grabs the attention of the jury and provides entertainment to the jurors. The charges are only accusations, the person making the accusations is a scorned woman, who is a courtesan, if not a prostitute. The defense makes of the prosecution's witness, Clodia Metelli, the crux of the case. Everything turns on Clodia. Cicero places the prosecution's star witness in situational irony, for Clodia is in court to substantiate the charges against Caelius and Cicero is using her to diminish the charges. Paralipsis is used when Cicero does not want to be seen saying what he implies. By way of implication using paralipsis Cicero is one step removed from actually saying what is implied. Using paralipsis Cicero concedes the charge of immorality against Caelius without explicitly doing so.

Understatement is third in line in importance for arguing diminishment in defending Caelius in *Pro Caelio*. Understatement lessens the importance of the object on which it describes. The charges against Caelius are diminished by understatement by calling them slander. The charges are said not to be worthy of being brought into a special court held on holiday because they are slander. Using understatement, the case is lowered in importance by mischaracterizing understatements.

Comedy is fourth in line in importance for arguing diminishment in defending Caelius in *Pro Caelio*. Comedy is used to derogate the object of laughter, who is likely to be Clodia. Cicero directs laughter to Clodia to diminish her, and hence to present her as an object of ridicule so that the jurors judge her testimony as worthless, and thus protect Caelius from the effects of her possible damaging testimony.

Each of the four facets of diminishment speak to different needs of diminishment. Each facet accomplishes diminishment but in a different way. Dilemma is giving one two bad choices. One cannot but harm oneself, giving the impression of incompetence. Dilemma is used repeatedly against Clodia. Irony is meaning one thing while saying another. Implication without explication is usually the goal. Paralipsis, a type of irony, is used when Cicero does not wish to be seen saying what he has to say. In Cicero's paralipsis about forgetting the wrongs Clodia did to Cicero's family when Cicero was in exile, Cicero magnifies the wrongs. Understatement is saying less than what one means. This gives weight to what was not said. Cicero understates the nature of what the circumstances surrounding Caelius are pertaining to the charges. In comedy, a radically unequal position must be obtained between two parties in which the attainments of one are compared to the other, resulting in humor. In comedy laughter is at the expense of one of the two parties. Ridicule is usually the goal. The object of ridicule in *Pro Caelio* is Clodia. Diminishment's goal is impression of incompetence, implication, weight of the unspoken, and ridicule. This all is accomplished through insinuation, rather than facts.

Together, these facets combine to diminish the charges and to tear down the sophisticated edifice of Clodia Metelli. All of these facets were focused on Clodia, who was made to look incompetent, ridiculed, a *meretrix* and a jilted woman behind the trial. Cicero makes Clodia to be the face of the trial, tears her down, manages to convince the jurors that in doing so he destroys the prosecution's case against Caelius.

The prosecution's case is devalued by Cicero by mischaracterization of the facts. The charges are what they are—a capital charge and other violence charges. The court is what it is—the *quaestio perpetua*, the court that meets on holidays. No matter how Cicero describes the case, it is what it is. Cicero circumvents the facts by describing the case as other than what it is. Through

diminishment Cicero successfully mischaracterized the case and got Caelius acquitted. *Pro Caelio* not only stands as a tribute to Cicero's wit, invective and humor, but also his ability to diminish the truth to achieve his ends.



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