INTERSECTIONALITY IN CICERONIAN INVECTIVE*

ABSTRACT

This article applies an intersectional approach to Roman invective (and praise) to elucidate how those at the centre of Roman power exploited discriminatory and laudatory ideologies relating to intersections of identity to sway a Roman jury. Analysing the depiction of an unnamed woman in the Pro Scauro *shows how Cicero plays upon normalized prejudices to bias the jury against* ista Sarda. *These internalized prejudices could also be utilized to discredit women with privileged intersectional identities, as demonstrated by Cicero's portrayal of Clodia and Sassia in the* Pro Caelio *and the* Pro Cluentio, *a process that helps reify the marginalization of certain identities.*

Keywords: intersectionality; Cicero; invective; rhetoric; oratory; *Pro Scauro*; *Pro Caelio*; *Pro Cluentio*

The use of intersectionality to read classical texts and analyse the treatment of marginalized or privileged peoples is a recent development in classical scholarship. While its use to deconstruct Ciceronian invective has not been explored in detail, Cicero's methods of invective against women with differing ethnic backgrounds are clearly predicated on an intersection of their marginalized identities. Intersectionality provides a methodology especially apt for the examination of how people with multiple marginalized identities were rhetorically manipulated in both negative and positive ways by a male orator who identified himself with Rome, which is to say, with the centrist and constitutional gaze. A prime example of how Cicero utilizes marginalized intersectional identities to create prejudicial narratives is found in his treatment of *ista Sarda*, an unnamed Sardinian woman in the *Pro Scauro*. The first part of this article will focus on how he highlights connections between the identities of *ista Sarda* as 'Sardinian/foreign/non-Roman', 'woman', 'old' and 'ugly' through differing and simultaneous intersections to present her in an overtly negative and derogatory fashion. The second part will focus on Cicero's use of intersectional invective to discredit élite Roman women such as Clodia, in the *Pro Caelio*, and Sassia, in the *Pro Cluentio*. It will be shown that Cicero necessarily employs different modes of denigration for these women in comparison with *ista Sarda* as their ethnicity, class and status differ from hers.

I. ROMAN EDUCATION AND INTERSECTIONALITY

As part of their rhetorical education, young Romans were taught to manipulate a person's identities and characteristics for the purpose of constructing oratorical narrative, invective or *laudatio*. In his *De inuentione rhetorica*, for example, Cicero advises (1.34):

omnes res argumentando confirmantur aut ex eo quod personis aut ex eo quod negotiis est attributum. ac personis has res attributas putamus: nomen, naturam, uictum, fortunam, habitum, affectionem, studia, consilia, facta, casus, orationes.[1]

All matters in adducing proof are strengthened either from that which is an attribute in people or from that which is in one's affairs. And we consider these things as attributes in people: name, nature, mode of living, fortune, character, frame of mind, endeavours, resolutions, deeds accomplished, misfortunes, speeches.

The Romans perceived a causal link between a person's attributes (and/or affairs) and the viability of an orator's construction of *omnes res*. As the orator's creation of *personae* was crucial to the jury's acceptance of his version of events,[2] the selection of attributes to include and discuss became a key part of the orator's rhetorical strategy.

Cicero details the characteristics that fall under each attribute above. The categories of *natura* and *fortuna* are particularly important for this article. Cicero comments: *hominum genus et in sexu consideratur, uirile an muliebre sit, et in natione, … aetate … formosus an deformis* ('of humans, the character is examined both in sex, whether one is male or female, and in nation/ethnicity, … age … whether beautiful or ugly', *Inu. rhet.* 1.35), and *seruus sit an liber, pecuniosus an tenuis … ac si de non uiuo quaeretur, etiam quali morte sit affectus erit considerandum* ('whether one is slave or free, wealthy or poor, … and if one will make enquiries about one not alive, the state of the mind, [demonstrated] through what the manner of death was, will also need to be examined', *Inu. rhet.* 1.35). The ways in which these aspects of identity are intersected inform the derogation or praise aimed at an individual. It is these discriminating *personae*, particularly those built out of multiple marginalized identities, which intersectionality analyses.

In 1989,[3] Kimberlé Crenshaw introduced the intersection metaphor and coined the term 'intersectionality', explicating how single axis identity categories are insufficient in explaining the lived experiences of, and discrimination suffered by, people with multiple marginalized identities. Crenshaw exposes how the intersection of 'woman' and 'Black' causes Black women in antidiscrimination laws to be relegated to a position of invisibility. As they are not perceived as representative of the established categories, '(white) woman' or 'Black (man)', created by those in power, discrimination suffered by Black women, which is frequently different to, and often greater than, that suffered by white women or Black men, is not seen as normative, and thus not recognized in legal

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[1] See also Quint. *Inst.* 5.10.23–36 (although Quintilian's work postdates Cicero's). Please note that the Latin quotations are cited from the relevant volume of the Loeb Classical Library series (Cambridge, MA and London) (but with consonantal spelling *u* printed throughout). All translations are my own.

[2] A starting point on Cicero's use of character to augment his argument is J.M. May, *Trials of Character: The Eloquence of Ciceronian Ethos* (Chapel Hill and London, 1988). See also C. Guérin, *Persona: L'élaboration d'une notion rhétorique au Ier siècle av. J.-C. Volume II: Théorisation cicéronienne de la persona oratoire* (Paris, 2011).

[3] K.W. Crenshaw, 'Demarginalizing the intersection of race and sex: a Black feminist critique of antidiscrimination doctrine, feminist theory and antiracist politics', *The University of Chicago Legal Forum* 139 (1989), 139–67. See also K.W. Crenshaw, 'Mapping the margins: intersectionality, identity politics, and violence against Women of Color', *Stanford Law Review* 43 (1991), 1241–99.

redress. Crenshaw's critical approach is situated in, and arises out of, similar approaches utilized by earlier Black and Women of Colour feminist activists and theorists and Critical Race Theory.[4] The Combahee River Collective, for example, argued in 1977 that inequality and discrimination could not be measured solely by single discrete categories of identity, but that racial, sexual, heterosexual and class systems of oppression interlock.[5] These approaches also fought against, and helped expose, the racist and sexist limitations of mainstream (white) feminism and Critical Race Theory.

Owing to its inherent nature, there is no established definition or application of intersectionality. Patricia Hill Collins, a key intersectional theorist, states in one of her earlier works that

[i]ntersectionality refers to particular forms of intersecting oppressions, for example, intersections of race and gender, or of sexuality and nation. Intersectional paradigms remind us that oppression cannot be reduced to one fundamental type, and that oppressions work together in producing injustice.[6]

Collins initially distinguished this from her conception of the 'matrix of domination', which 'refers to how these intersecting oppressions are actually organized. Regardless of the particular intersections involved, structural, disciplinary, hegemonic, and interpersonal domains of power reappear across quite different forms of oppression'.[7]

In critique of approaches that perceive each aspect of one's identity as a discrete essentialist category and then 'adding up' the discrimination suffered, such as adding 'race', 'gender' and 'class' together to get triple discrimination, intersectionality has evolved into a critical approach that views discrimination and opportunity as the result of mutually reinforcing systems of oppression, and takes a more holistic and integrated approach in perceiving identity.[8] Intersectional analyses now frequently incorporate aspects from Collins's definitions of intersectionality and the matrix of domination, including Collins herself. Race, gender, sexuality and class are not the only aspects which can fall under an intersectional lens. Nira Yuval-Davis, for example, recognizes age and sedentarism as other dimensions of intersectional identity.[9] Intersectional theorists further argue that differences occur not only across groups, such as 'men' and 'women', but also within groups, such as 'white women' and 'Black women'.

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[4] Crenshaw (n. 3 [1989]), 152–67 also acknowledges this, and Black feminism's contributions to feminist theory, citing Sojourner Truth and Anna Julia Cooper. Some earlier key texts include: G.E. Anzaldúa, *Borderlands/La Frontera: The New Mestiza* (San Francisco, 1987); A.Y. Davis, *Women, Race & Class* (New York and Toronto, 1981); b. hooks, *Ain't I a Woman? Black Women and Feminism* (Boston, 1981); A. Lorde, *Sister Outsider: Essays and Speeches* (Berkeley, 1984); C. Moraga and G.E. Anzaldúa (edd.), *This Bridge Called my Back: Writings by Radical Women of Color* (Watertown, MA, 1981). For a starting point on the history and development of intersectionality, see A. Carastathis, *Intersectionality: Origins, Contestations, Horizons* (Lincoln and London, 2016), 15–68.

[5] The Combahee River Collective, 'A Black feminist statement', in A. (G.T.) Hull, P. Bell-Scott and B. Smith (edd.), *All the Women Are White, All the Blacks Are Men, but Some of Us Are Brave: Black Women's Studies* (New York, 1982), 13–22.

[6] P.H. Collins, *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment* (New York and London, 2000²), 18.

[7] Collins (n. 6), 18.

[8] See also V.M. May, *Pursuing Intersectionality, Unsettling Dominant Imaginaries* (New York and London, 2015), 22.

[9] N. Yuval-Davis, 'Intersectionality and feminist politics', *European Journal of Women's Studies* 13 (2006), 193–209, at 201–2. See also Crenshaw (n. 3 [1989]), 151.

Much has been written on the uses and applications of intersectionality.[10] While some work focusses on the application of intersectionality as a theoretical framework, Vivian May writes

we must also remember that intersectionality *does* have a history, one that is oriented toward eradicating inequality: it thus seeks to make normative claims. Merely descriptive, demographic, rhetorical, or otherwise nominal uses of intersectionality are not, in my book, adequately intersectional.[11]

In the past, intersectionality as a methodological framework has rarely been applied to classical and ancient historical research.[12] As there cannot be an active reformative praxis that enacts change for those living in antiquity, an intersectional analysis of classical texts may not be considered 'adequately intersectional'. Moreover, the literary record of discrimination against marginalized peoples is frequently a minefield, as many sources are either fictional or belong to highly stylized rhetorical genres that may not accurately reflect real social interactions between living individuals.

However, it is important to use an intersectional approach to analyse Roman oratory as it allows more nuanced analysis of the interaction between rhetorical techniques and socio-cultural structures of oppression.[13] While modern classical scholarship recognizes that not all people within or across identity groups are treated equally, and that anyone who is not an élite Roman man is ideologically situated in a marginalized position, an intersectional analysis of Roman rhetorical tactics takes this position further and exposes the incrementation and heterogeneity of systemic prejudices in Roman society. Roman rhetoric and oratory served as theoretical training and practical performance of such othering.[14] As the excerpt from Cicero's *De inuentione rhetorica* above highlights, ideologies on aspects of identity, particularly those relating to systemic prejudices inherent in Roman society, inform and underlie the credibility of oratorical narrative.

Thus, while a reformative praxis for ancient marginalized peoples cannot be enacted, by examining how Cicero relies upon and utilizes existing structures of oppression and privilege to create credible forensic narratives, an activity that helps inform, normalize and reify societal ideologies and systems of power, this work actively exposes and seeks to disrupt these ideologies and systems of oppression. It further demonstrates the inadequacy of seeing identity and/or identity categories as singular and discrete, but encourages identity, discrimination and privilege to be seen in their multiplicity and analysed through their interconnections within and between each other. Lastly, the privileging of a Classical education, until recently, provided a vehicle for Greek and Roman ways of thinking that helped structure Western thought and society.

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[10] See e.g. D.W. Carbado, 'Colorblind intersectionality', *Signs: Journal of Women in Culture and Society* 38 (2013), 811–45, at 812–16, who lists and refutes the standard criticisms levelled against intersectionality. See also Carastathis (n. 4), 125–61; May (n. 8), 98–140.

[11] May (n. 8), 90.

[12] See also B.L. Sjöberg, 'More than just gender: the classical *oikos* as a site of intersectionality', in R. Laurence and A. Strömberg (edd.), *Families in the Greco-Roman World* (London and New York, 2012), 48–59, at 49.

[13] Intersectionality's increasingly frequent application in classical and ancient historical studies further demonstrates a belief in its applicability to ancient texts and material culture; see e.g. the creation of Edinburgh University Press' recent series, *Intersectionality in Classical Antiquity*.

[14] On the socialization of male students through Roman declamation, see e.g. W.M. Bloomer, 'Schooling in persona: imagination and subordination in Roman education', *ClAnt* 16 (1997), 57–78; R.A. Kaster, 'Controlling reason: declamation in rhetorical education at Rome', in Y.L. Too (ed.), *Education in Greek and Roman Antiquity* (Leiden / Boston / Cologne, 2001), 317–37.

An intersectional critique of Roman rhetoric highlights and explicates, in part, this long history of specific structures of oppression and privilege.

II. *ISTA SARDA* (AND OTHER FOREIGN WOMEN)

Although the *Pro Scauro* is fragmentary, part of Cicero's rhetorical strategy can be reconstructed, including his denigration of an unnamed Sardinian woman. It appears that the prosecution had claimed that Marcus Aemilius Scaurus made unwanted advances towards *ista Sarda* during his propraetorship in Sardinia. To protect her *pudicitia*, *ista Sarda* killed herself. Cicero refutes this charge, suggesting either that *ista Sarda* self-killed out of womanly rage and shame over her husband's, Aris', infidelity and desire to marry elsewhere, or that Aris had her killed so he could marry Bostar's mother.[15] Cicero refutes the prosecution's version of events, in part, through depicting *ista Sarda* as an extremely undesirable sexual partner. He further negates the idea that she may have killed herself to protect her *pudicitia* by insidiously merging her identity with the rumour of suicide to present her in an extremely negative manner. Cicero's methods of invective against *ista Sarda* are clearly predicated on an intersection of her marginalized identities.

Cicero strongly emphasizes the Sardinian identity of *ista Sarda* by using the ethnic adjective *Sarda* as a substantive (*Scaur.* 5, 6).[16] This groups her with the prosecution's Sardinian male witnesses whom Cicero discredits through negative stereotypes that represent them as untrustworthy liars who have a vested (pecuniary) interest in seeing Scaurus successfully prosecuted. In sections 42–3, Cicero highlights the Sardinians' Punic ancestry, playing upon derogatory Phoenician and Carthaginian ethnic stereotypes to evoke ideas of innate mendaciousness and treachery (42–3):[17]

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[15] Bostar's mother is unnamed in the extant sections.

[16] The use of ethnicity is not to deny the critical place race holds in intersectionality or that racism still pervades modern society; cf. S. Bilge, 'Intersectionality undone: saving intersectionality from feminist intersectionality studies', *Du Bois Review: Social Science Research on Race* 10 (2013), 405–24, at 413–14. Rather, it acknowledges the differences between Roman and modern perceptions of other peoples. Owing to the similarities between Roman and contemporary ethnic and racial ideologies, and Roman influence on modern racial thought, the term 'race' is used to describe the type of prejudice Romans directed towards non-Romans, which also recentres race as a central category of analysis. D.E. McCoskey, *Race: Antiquity and its Legacy* (Oxford and New York, 2012) provides a starting point for the complex question of race in antiquity. However, the work is problematic at times: see e.g. R.F. Kennedy, 'Race in antiquity', *CR* 63 (2013), 260–2.

[17] For recent studies on Greek and/or Roman perceptions of the Phoenicians and/or Carthaginians, see e.g. G. Devallet, '*Perfidia plus quam Punica*: l'image des Carthaginois dans la littérature Latine, de la fin de la république à l'époque des Flaviens', *Lalies* 16 (1996), 17–28; E.S. Gruen, *Rethinking the Other in Antiquity* (Princeton and Oxford, 2011), 115–40; B. Isaac, *The Invention of Racism in Classical Antiquity* (Princeton and Oxford, 2004), 324–51. Using derogatory ethnic stereotypes was a common rhetorical tactic: see e.g. Cic. *Flac.* 6, 9–12, 24; *Font.* 30–3, 64–6; A.M. Riggsby, *Crime and Community in Ciceronian Rome* (Austin, 1999), 129–36; D. Schmitz, *Zeugen des Prozeßgegners in Gerichtsreden Ciceros* (Frankfurt / Bern / New York, 1985), 148–57. It appears that it was not just the Punic Sardinians whom Cicero mentions in the *Pro Scauro*. Pompeius notes: *Sardus et Sardiniensis. quamquam in Cicerone in Scauriana inuenimus istam discretionem de Sardis et Sardiniensibus, ut illos incolas, illos aduenas doceat* (Keil, *Gramm. Lat.* 5.144.28–30). Owing to the speech's fragmentary nature, we cannot establish with certainty why Cicero makes this distinction (although see Riggsby [this note], 132).

fallacissimum genus esse Phoenicum omnia monumenta uetustatis atque omnes historiae nobis prodiderunt: ab his orti Poeni multis Karthaginiensium rebellionibus, multis uiolatis fractisque foederibus nihil se degenerasse docuerunt: a Poenis admixto Afrorum genere Sardi non deducti in Sardiniam atque ibi constituti, sed amandati et repudiati coloni. qua re cum integri nihil fuerit in hac gente plena,[18] quam ualde eam putamus tot transfusionibus coacuisse?

All monuments of long existence and all histories have revealed to us that the people of the Phoenicians are the most innately deceitful. From these people, the *Poeni* are descended: by means of the many rebellions of the Carthaginians, by many violated and broken treaties, they have demonstrated that they had not departed in any respect from their kind. From the *Poeni*, after these people had been mixed with those of the Africans, the Sardi were not conducted to Sardinia and settled there, but were sent forth and repudiated as colonists. To what extreme degree, when there was nothing of virtue in these people as a whole, do we think that they have become sour through so many transfusions?

The superlative *fallacissimum* forcefully asserts that no other *genus* is more innately deceitful than the Phoenicians. The Carthaginian *Poeni*[19] have diverged in no way from their Phoenician ancestors. Cicero even provides examples of Punic treachery that allude to the Punic Wars, *multis Karthaginiensium rebellionibus*, *multis uiolatis fractisque foederibus*.[20] He climactically ends this section by asking: if the *Poeni* were completely dishonest when they were one *genus*, how much worse are the *Sardi* who are of mixed heritage?[21] These attributes of mendaciousness and treachery, however, are not highlighted in the character of *ista Sarda*. While this is due, in part, to the fact that she is not a witness, her identities clearly differentiate her from the male witnesses. The manipulation of various intersections in the identities of *ista Sarda* allows Cicero to paint a much more derogatory picture.

Cicero's exploitation of the death of *ista Sarda* is a prime example of how he utilizes marginalized intersectional identities to further an oratorical narrative. There are two views, Cicero claims, as to how *ista Sarda* died. One is that she committed suicide, the other, that she was murdered by her husband's freedman. Although Cicero states that the Sardinians find murder the more credible option, he uses the rumour of suicide to undermine the prosecution's case. The prosecution sought to provide a sympathetic picture of *ista Sarda*, possibly through a comparison with Lucretia, as they claimed that *ista Sarda* killed herself to protect her *pudicitia*: *nam iecit quodam loco uita illam mulierem spoliari quam pudicitia maluisse*[22] ('for he [the prosecutor] let fall in a certain place that that woman had preferred to be deprived of her life rather than her chastity', *Scaur.* 5). If so, Cicero needed to negate this, as it suggested to the jury that his client, Scaurus, was a sexual predator. If not, Cicero still needed to discredit the accusation that Scaurus had pursued (or would even be inclined to pursue) an affair with *ista Sarda*.

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[18] E. Olechowska (ed.), *Pro M. Aemilio Scauro oratio* (Leipzig, 1984), 19 deletes *pestilentiae* just before *plena*.

[19] J.R.W. Prag, '*Poenus plane est* – but who were the "Punickes"?', *PBSR* 74 (2006), 1–37, at 12–17 notes that *Poenus* could be used to mean Carthaginian. Here Cicero is most likely using *Poeni* to refer to the Carthaginians.

[20] See also A.R. Dyck (transl. and comm.), *Marcus Tullius Cicero: Speeches on Behalf of Marcus Fonteius and Marcus Aemilius Scaurus* (Oxford, 2012), 153.

[21] Cicero also relies upon known ethnic stereotypical tropes of unreliability or mendacious nature in the *Pro Flacco* (5[*M*], 6). However, Cicero could praise the credibility of foreign witnesses when it suited him, as in the *In Verrem*.

[22] R. Langlands, *Sexual Morality in Ancient Rome* (Cambridge and New York, 2006), 297–8. See also M.C. Alexander, *The Case for the Prosecution in the Ciceronian Era* (Ann Arbor, 2002), 108.

In the extant fragments, Cicero begins his discussion of the death of *ista Sarda* by discussing honourable suicides. He provides examples of Roman men who have committed suicide in a military context, before suggesting that, aside from Themistocles of Athens, the only honourable suicides found in Greek history are those of mythology (*Scaur.* 1–4).[23] Cicero characterizes the martial suicides of the Crassi as the height of honourability. Although Manius Aquilius is most courageous in wars, the Julii are the most celebrated of men, and Marcus Antonius commands with the utmost authority,[24] none of them, Cicero asserts, can match the Crassi. As no other peoples, not even the Greeks, were able to emulate such behaviour, Cicero implies that this was distinctly Roman.[25] By virtue of her intersectional identity as 'woman' and 'Sardinian/non-Roman', *ista Sarda* is precluded from the sphere of honourable (martial) suicide.

This primary exclusion from noble suicide foreshadows section 5 of the speech, where Cicero directly questions the honourability of her act. As *ista Sarda* cannot have read works on death by illustrious authors such as Plato and Pythagoras, claims Cicero, she had no justification for considering her suicide honourable (*Scaur.* 5).[26] Underlining this slur is the implicit assumption that the level of education *ista Sarda* received, if any, would not be equal to that of a Roman (or Greek) man. This rhetorical narrative relies on the fact that she is Sardinian.[27] Arguably, it also plays upon gender stereotypes, insinuating that as a woman her understanding would be impacted.[28] Thus, the intersection of 'Sardinian' and 'woman' allows Cicero to proclaim to the jury that not only would *ista Sarda* not have read Greek philosophical texts, but, even if she had, she would not have been able to understand or interpret them correctly. This is highlighted by Cicero's reference to Theombrotus of Ambracia,[29] who committed suicide owing to a misreading of Plato (*Scaur.* 4). If even (presumably) educated Greek men do not always understand Greek philosophy, how is it possible, Cicero implicitly asks, for someone who is neither a man nor Roman or Greek to be either educated or intelligent enough to draw upon philosophical arguments to commit an honourable, or even justifiable, suicide?[30] Cicero's derogation of the understanding of *ista Sarda* also helps to mitigate the suggestion that *ista Sarda* was 'witty', *salsa* (*Scaur.* 6), negating an aspect of her character that could have tempted Scaurus into lustful feelings towards her.

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[23] For the problematic nature of Themistocles as an example, see G.D. Williams, 'Cleombrotus of Ambracia: interpretations of a suicide from Callimachus to Agathias', *CQ* 45 (1995), 154–69, at 164.

[24] For brief discussion of these men, see Dyck (n. 20), 123–4.

[25] For discussion of death in a military context, see C. Edwards, *Death in Ancient Rome* (New Haven and London, 2007), 19–45. For suicide in antiquity, see e.g. M. Griffin, 'Philosophy, Cato, and Roman suicide: I', *G&R* 33 (1986), 64–77; M. Griffin, 'Philosophy, Cato, and Roman Suicide: II', *G&R* 33 (1986), 192–202; Y. Grisé, *Le suicide dans la Rome antique* (Montréal and Paris, 1982); T.D. Hill, *Ambitiosa Mors: Suicide and Self in Roman Thought and Literature* (New York and London, 2004); A.J.L. van Hooff, *From Autothanasia to Suicide: Self-Killing in Classical Antiquity* (London and New York, 1990).

[26] See also Alexander (n. 22), 289 n. 39.

[27] Dyck (n. 20), 125.

[28] Cf. Cic. *Scaur.* 6, where Cicero suggests that she was *salsa*, indicating a certain level of education.

[29] For a complementary reading of Cicero's utilization of Theombrotus to belittle the death of *ista Sarda* as unjustifiable, see Williams (n. 23), 163–6.

[30] Cicero also appears to use education to enhance the negativity of one's or a group's identity in the *Pro Flacco* (see e.g. *Flac.* 9, 11).

By raising the issue of motive, Cicero leads the jury to question why she committed suicide. He does not give them long to contemplate, claiming a few sections later that *ista Sarda* killed herself owing to *muliebris dolor*: *Arinis uxorem pelicatus dolore concitatam, … arsisse dolore muliebri et mori quam id perpeti maluisse* ('the wife of Aris, having been stirred up with anguish of [his] cohabiting with a kept mistress, … became inflamed with womanly sorrow and preferred to die rather than endure it', *Scaur.* 9). The inclusion of *muliebris* aligns her suicide with negative gender stereotypes. Conservative Roman ideology views women as more susceptible to unrestrained emotion, as they lack the masculine capacity to exert self-control. Consequently, the negative gendering of the suicide of *ista Sarda* enhances Cicero's derogation of her character.

However, when Cicero uses *muliebris dolor* in relation to a woman whose identities are less marginalized than the identities of *ista Sarda*, his invective is less derogatory. This is seen in the *Pro Cluentio* (13):

filia, quae non solum illo communi dolore muliebri in eius modi uiri iniuriis angeretur, sed nefarium matris pelicatum ferre non posset, de quo ne queri quidem se sine scelere posse arbitraretur, ceteros sui tanti mali ignaros esse cupiebat: in huius amantissimi sui fratris manibus et gremio maerore et lacrimis consenescebat.

[Sassia's] daughter, who was not only tormented by that common womanly sorrow in the injuries of this manner characteristic of a husband, but was also not able to bear the wicked cohabitation of her mother as [his] mistress, from which she believed, indeed, that she herself was not able to lament without crime, was desiring others to be ignorant of such evil directed to her: in the hands and chest of this most loving brother of hers, she was wasting away with mourning and tears.

While Cluentia laments and weeps, possibly even being a slight burden to her brother, she restrains her sorrow outside the family sphere, indicating some measure of self-control. Cicero not only implies that Cluentia is Roman,[31] but also claims that she comes from a leading family of Larinum (*Clu.* 11). Cluentia is thus identified as a Roman woman occupying a space of social privilege. Her behaviour, likewise, accords with this status: her restraint and self-control (at least in the public sphere) reflect the behaviour expected of an ideal (Roman) woman. As this aligns with the jury's racial, gender and class prejudices, Cicero can thus describe Cluentia's *dolor muliebris* as *communis*, normalizing her reaction to create a sympathetic narrative. Conversely, the emphasis Cicero places on the ethnic identity of *ista Sarda* would specifically exclude her *dolor muliebris* from normalized (Roman) behaviour, marking her as transgressive.

Cicero reinforces the idea that the suicide of *ista Sarda* was inherently unredeemable by emphasizing the method used. In Roman thought, hanging was perceived as a non-Roman, feminine and shameful way to kill oneself.[32] Rebecca Langlands compares Lucretia's noble masculine suicide through the use of steel to the inferior method, hanging, used by the Teutonic women, which was seen as effeminate, shameful and

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[31] At *Clu.* 156, Cicero specifies that Cluentius is a Roman *eques*, suggesting that Cluentia too is Roman. Further, Larinum appears to have received Roman citizenship prior to the speech: E. Robinson and T. Sironen, 'A new inscription in Oscan from Larinum: decisive evidence in favor of a local cult of Mars and *Mater* (*Deum*?)', *ZPE* 185 (2013), 251–61, at 259. Whether Cluentius, Cluentia or Sassia identified themselves as culturally or ethnically Roman is not mentioned and, for Cicero, was irrelevant in his oratorical narrative.

[32] For discussion of hanging in antiquity, see Edwards (n. 25), 107–9; E. Fraenkel, 'Selbstmordwege', *Philologus* 87 (1932), 470–3; van Hooff (n. 25), 64–72.

foreign.[33] Lucretia's suicide embodies ideal Roman values, which allows her death to set the standard for female suicide.[34] While Lucretia's motivation was used to create a code of morality, and her manner of death was Roman and masculine, the motivation of *ista Sarda* was womanly distress, and her manner of suicide both feminine and foreign. This combination of motivation and manner is enhanced by the conceptual link between *dolor* and hanging in Roman thought.[35] Thus, the interplay between the intersecting identities of *ista Sarda* and the manner of her suicide reinforces the negativity underlying the intersection of 'woman' and 'foreign'.

In Cicero's *De prouinciis consularibus*, however, there are foreign women who are capable of honourable suicide: *constat nobilissimas uirgines se in puteos abiecisse et morte uoluntaria necessariam turpitudinem depulisse* ('it is established that the most noble *uirgines* cast themselves into wells and through voluntary death deterred the inevitable dishonour', 6). This situation is similar to the prosecution's version of the death of *ista Sarda*, as these women sought to protect their honour from a Roman governor's pursuit through suicide. However, the *uirgines* are represented in a very positive manner. The use of *uirgo* evokes ideals of youth, purity and unmarried status.[36] Further, no ethnic adjective is employed. Instead, the qualifying adjective is *nobilissimae*. As *nobilissimus* was associated with well-established Roman families, these women are tinged as slightly Roman. The honourable nature of their suicide is thus assured by the positive ideological connotations underlying the intersection of *uirgines* and *nobilissimae*. In contrast, the intersection of 'non-Roman' and 'woman' informs the negativity and immorality surrounding both the motivation for and the manner of suicide of *ista Sarda*. Her identity as *anus* further contrasts with the *nobilissimae uirgines*. *ista Sarda* becomes an old married Sardinian woman, who cannot be ascribed the innocence and purity associated with the idea of a *nobilissima uirgo* of unspecified ethnic background. By avoiding aspects of the intersectional identities of *uirgines* that were often perceived in a negative manner, such as 'foreign' and 'woman', Cicero instead brings to the fore an intersection that is seen as particularly positive, 'young virginal girl' and 'nobility', ensuring that a Roman jury could perceive their action as honourable.

This section of the *Pro Scauro* shows how the manipulation of the marginalized intersectional identity of *ista Sarda*, alongside the motivation for and method of her suicide, presents her death negatively. As the Romans were ambivalent about the nobility of suicide, which depended upon various factors such as the status of the person, the method of suicide, and the underlying motives,[37] Cicero needed to find a way to present the suicide of *ista Sarda* that was both disgraceful and would eliminate any sympathy aroused from the prosecution's narrative. By merging her marginalized identities, 'foreign', 'woman' and (implicitly) 'old', with the method of her suicide, hanging, and its cause, *muliebris dolor*, Cicero plays upon the structures of oppression inherent in Roman society to write a credible, dishonourable suicide for *ista Sarda* that

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[33] Langlands (n. 22), 184–6.

[34] For discussion of Lucretia, see S.R. Joshel, 'The body female and the body politic: Livy's Lucretia and Verginia', in A. Richlin (ed.), *Pornography and Representation in Greece and Rome* (New York and Oxford, 1992), 112–30; P. Klindienst Joplin, '"Ritual work on human flesh": Livy's Lucretia and the rape of the body politic', *Helios* 17 (1990), 51–70.

[35] See van Hooff (n. 25), 71, 105.

[36] See also E. Dickey, *Latin Forms of Address: From Plautus to Apuleius* (Oxford and New York, 2002), 200–1. P. Watson, '*Puella* and *virgo*', *Glotta* 61 (1983), 119–43 discusses the term *uirgo*.

[37] See e.g. Hill (n. 25).

strongly contrasts with ideal suicides, such as Lucretia's, the epitome of Roman
female martial honourable suicide, and those of the *nobilissimae uirgines*, who are
'allowed' an honourable suicide through the downplaying of their foreign identity
and the highlighting of their youth and nobility.

The effectiveness of this method of invective is clearly demonstrated as the
prosecution could depict the suicide of *ista Sarda* in a positive manner (that is, an act
of preserving her *pudicitia*), and Cicero's *nobilissimae uirgines* in the *De prouinciis
consularibus* were able to engage in honourable self-killing. By playing upon
interrelated and mutually reinforcing Roman oppressions in terms of race, gender, age
and class ideologies, Cicero (and the opposing counsel) can highlight varying
intersections of identity, both marginalized and privileged, to ensure that a Roman
jury will see a particular person and/or action in a particular way. The prosecutor in
the *Pro Scauro* appears to have done his best to present the death of *ista Sarda*
positively, raising her desire to protect her *pudicitia*. In contrast, Cicero plays upon
intertwined ideas of womanly passion, stereotypes of old women, the *anus* (discussed
below) and negative ideas about ethnic and foreign identities to completely undermine
and reverse this presentation of the suicide of *ista Sarda*. An intersectional
understanding shows the contest over identities and the stakes attendant upon the
rhetorical manipulation of their intersections.

On a deeper level, by specifically mentioning the *exempla* of the Crassi, Cicero
creates a narrative whereby a suicide informed by the intersection of 'Roman' and
'male', tinged with a martial flavour that aligns with glorious suicide for the good of
Rome, starkly contrasts with a suicide informed by the intersection of 'woman' and
'foreign'. As a foreign woman, *ista Sarda* could never fight in the Roman army, and
thus could not, arguably, give her life for the good of the Roman state and the safety
of its citizens. This is heightened by the fact that no mention is made of suicides by
women that could be seen in a positive light, such as Lucretia's. By confining the
realm of honourable suicide to men, and Roman men in particular, Cicero can
implement the intersecting negative aspects of Roman racial and gender ideology
without 'muddying the waters' through positive representations of women.

The identity of *ista Sarda* as 'old' is only implicitly utilized by Cicero when he
discusses her suicide. In sections 8 and 12, however, Cicero specifically identifies her
as an *anus*. Unlike 'its masculine counterpart' *senex*, a term which generally evokes a
set of positive associations, Vincent Rosivach notes that the stereotypical associations
aroused by *anus* are 'typically negative'.[38] Although not all are applicable to *ista
Sarda*, some do apply. In particular, the fact that '[i]t was a given that Roman men
found the *anus* sexually unattractive'[39] pertains to Cicero's representation. Not only
did the *deformitas* of *ista Sarda* preclude Scaurus from desiring her as a lover, but
her *foeditas* was also the reason why Aris did not want to marry her (*Scaur*. 8).[40]
Cicero plays upon these prejudices (*Scaur*. 6):

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[38] V. Rosivach, '*Anus*: some older women in Latin literature', *CW* 88 (1994), 107–17, at 107.
See also T.G. Parkin, *Old Age in the Roman World: A Cultural and Social History* (Baltimore,
2003), 86–7.
    [39] Rosivach (n. 38), 110.
    [40] The portrayal of *ista Sarda* conforms with some chief elements of invective against old women
identified by A. Richlin, *The Garden of Priapus: Sexuality and Aggression in Roman Humor* (rev.
edn, New York and Oxford, 1992), 109.

nec de pudicitia plura dixit, ueritus, credo, ne quem inridendi nobis daret et iocandi locum: constat enim illam cum deformitate summa fuisse tum etiam senectute. qua re quae potest, quamuis salsa ista Sarda fuerit, ulla libidinis aut amoris esse suspitio?

and he [the prosecutor] did not say many things concerning *pudicitia* as he was afraid, I believe, lest what he gave to us was a point of mocking and joking. For it is well known that that woman not only possessed the utmost deformity, but also was of old age as well. As a result, how can there be any suspicion, however much that Sardinian woman was witty, of lust or love?

By specifically pointing out the intersection of her age and her physical appearance, Cicero precludes *ista Sarda* from being a desirable, or even credible, love interest for Scaurus. Further, the specific order in which this passage is written implies that, as an old and ugly woman, *ista Sarda* cannot be chaste: the prosecution did not talk much about *pudicitia*, lest it produce mockery, for (*enim*) the woman was old and ugly. Here Cicero is clearly drawing upon the association of *pudicitia* with youth and beauty.[41] Thus, unlike women such as the young, beautiful, Roman Lucretia, or the young, pure, very noble *uirgines*, *ista Sarda* is deliberately excluded from this sphere of youth, beauty and Roman (or deliberately unspecified) ethnicity. As *pudicitia* was strongly associated with these three aspects, the intersecting identities of 'old', 'ugly' and 'Sardinian' ideologically distance her from being *pudica*.

    In Cicero's corpus, it was not only young Roman women, or young women of unspecified ethnic background, who could be presented in an ideal fashion. In the *In Verrem*, Cicero presents Philodamus' daughter (also unnamed in the oration) positively, despite being Greek/non-Roman. The identities of Philodamus' daughter that Cicero highlights are her physical beauty, ethnic background (*Graeca*, *Verr.* 2.1.66) and class (*Verr.* 2.1.64):

is ad eum rem istam defert, Philodamum esse quendam, genere, honore, copiis, existimatione facile principem Lampsacenorum; eius esse filiam, quae cum patre habitaret, propterea quod uirum non haberet, mulierem eximia pulchritudine; sed eam summa integritate pudicitiaque existimari.

He [Rubrius] gave an account of that matter to him [Verres]: that there is a certain man, Philodamus, who is by descent, repute, wealth and character unquestionably the foremost man in Lampsacum; that he has a daughter, who was living with her father because she did not have a husband and who is a woman of extraordinary beauty, but is judged to have the utmost purity and chastity (*pudicitia*).

The identities and characteristics Cicero emphasizes allow him to credibly present Philodamus' daughter as chaste (*integritas pudicitiaque*) to a Roman jury. Although Cicero implicitly acknowledges that physical beauty can elicit undesired lust, sexual advances and/or rape[42] (and, consequently, the potential loss of her *pudicitia*), his strategic emphasis in this sentence on the intersection of 'upper class', 'unmarried' and 'daughter', while avoiding mention of her ethnicity, undercuts this ideological prejudice. Instead, she is judged to possess both beauty and her *integritas* and *pudicitia*.

    Throughout the narrative of this episode, Philodamus' daughter is neither seen nor heard (unlike *ista Sarda* who is depicted as being present at dinner parties and as interacting with men), but remains in the background, as all ideal women in Greek ideology should. Not only does her absence allow Cicero to demonstrate that she is

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[41] See also Langlands (n. 22), 298.
[42] The dangers of beauty are discussed in Langlands (n. 22).

an ideal Greek woman, but it also furthers her positive depiction to a Roman audience. In fact, Cicero implicitly suggests that she is an obedient woman who follows her father's orders, as Philodamus' daughter does not visibly contest her father's authority and (presumably) remains in her quarters (*Verr.* 2.1.66–7). Although she is *Graeca*, marking her as 'other' and 'Greek', her apparent *pietas* towards her father aligns her with ideal *Roman* daughterly behaviour.[43]

The mutability of identity in Roman rhetorical invective and *laudatio* is further seen when Philodamus' daughter is compared with Pipa and Nice, also from the *In Verrem*.[44] Pipa and Nice are the wives of two prominent Syracusans. While the identity of *uxor* contrasts with the identity of *filia*, both Pipa and Nice, like Philodamus' daughter, are described as belonging to classes of privilege: Nice is described as a *nobilis mulier* ('noble woman', *Verr.* 2.5.31) and Pipa is said to be *honesto loco nata* ('born from noble rank', *Verr.* 2.5.31);[45] both are physically beautiful, *mulieres nobiles et formosae* ('noble and beautiful women', *Verr.* 2.4.136),[46] and their ethnic identity is indirectly highlighted, as Cicero emphasizes that their husbands come from Syracuse, implicitly marking each woman as Syracusan (and thus non-Roman). Their behaviour, however, is strikingly different from that of Philodamus' daughter. Both women are unfaithful to their husbands, and Pipa's name *istius nequitia tota Sicilia peruagatum est* ('was publicly made known through all Sicily by the vileness of that man [Verres]', *Verr.* 2.3.77).[47] Pipa is further characterized as acting in the capacity of a tax-farmer (*Verr.* 2.3.77, 78, 79), transgressing traditional female gender roles. In contrast to Philodamus' daughter, here, Cicero plays upon negative stereotypes associated with élite beautiful non-Roman women. These women are not élite beautiful obedient *pudicae filiae* following the directives of their *patres*, but are transgressive uncontrollable women who cheat on their husbands and engage in the male sphere of business. Thus, by changing the intersection of 'Greek', 'élite', 'beautiful' and 'daughter' to 'Syracusan', 'élite', 'beautiful' and 'wife', Cicero manipulates differing prejudices to portray these women in completely different, but credible, ways.

However, the disparity with which the same person could be represented, such as the contrasting depictions of *ista Sarda* by Cicero and the prosecution, raises questions as to how believable such narratives were to a Roman audience. While not every word in Roman forensic oratory needed to be absolute truth, for a speech to be effective, it had to have a 'ring of truth' in order to be acceptable and credible to a Roman jury.[48] To achieve this, Cicero himself 'pointed out that a successful advocate … must have a firm grasp of his audience's presuppositions and prejudices',[49] as seen, for example, in his *De inuentione rhetorica* (1.29):

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[43] See also A. Keith, 'Cicero's Verres, Verres' women', in J. Fabre-Serris, A. Keith and F. Klein (edd.), *Identities, Ethnicities and Gender in Antiquity* (Berlin and Boston, 2021), 69–92, at 71, 73.
[44] For discussion of the women in Cicero's *In Verrem*, see Keith (n. 43). See also R.G.M. Nisbet, 'The orator and the reader: manipulation and response in Cicero's *Fifth Verrine*', in T. Woodman and J. Powell (edd.), *Author and Audience in Latin Literature* (Cambridge / New York / Oakleigh, VIC, 1992), 1–17, at 6–8, 11–12; F. Santoro L'Hoir, *The Rhetoric of Gender Terms: 'Man', 'Woman', and the Portrayal of Character in Latin Prose* (Leiden / New York / Cologne, 1992), 38–40.
[45] See also Cic. *Verr.* 2.4.136, 2.5.81.
[46] For Nice's beauty, see also Cic. *Verr.* 2.5.82.
[47] See also Cic. *Verr.* 2.5.81.
[48] A.M. Riggsby, 'Did the Romans believe in their verdicts?', *Rhetorica* 15 (1997), 235–51.
[49] Riggsby (n. 17), 3.

probabilis erit narratio, si in ea uidebuntur inesse ea quae solent apparere in ueritate; … si res et ad eorum qui agent naturam et ad uulgi morem et ad eorum qui audient opinionem accommodabitur.[50]

The *narratio* will be credible, if these things which one is accustomed to see in real life seem to appertain to this section; … if the matter conforms both with the character of those who act in it and the customs of the public and with the beliefs of those who hear it.

Although speaking of the *narratio*, these principles can be extended throughout the speech. Cicero needed to ensure that his characterization of individuals and peoples aligned with Roman *mores*. If he were to espouse prejudices not widely held by jurors, his arguments would have much less, if any, credibility. Thus Cicero emerges as a master in the manipulation of intersectional identities to accord with Roman structures of privilege and oppression, structures that a Roman jury would want to believe in and uphold. With people he wants to discredit, such as *ista Sarda*, Pipa and Nice, Cicero constructs his invective around specific intersections of identity that fuel mutually reinforcing ideological prejudices. The same holds true for those Cicero seeks to praise—the *nobilissimae uirgines* and Philodamus' daughter show how intersecting both privileged and marginalized identities could be manipulated to present a positive narrative.

III. ÉLITE ROMAN WOMEN

Élite Roman women are also the target of Cicero's intersectional invective. However, his tactics necessarily change when denigrating women such as Clodia, from the *Pro Caelio*, and Sassia, from the *Pro Cluentio*. Influenced by Devon Carbado's articulation of 'colourblind intersectionality', this section will demonstrate how Cicero adapts his mode of invective to his target's status.

Carbado coined the terms 'colourblind intersectionality' and 'genderblind intersectionality' to designate instances where specific axes of identity are 'invisible or unarticulated as an intersectional subject position', such that being 'white' or 'male' does not need articulation as an identity but is already assumed.[51] The pervasiveness of the intersectional identity 'white', 'male' and 'heterosexual' in the West creates a code of conduct that is 'already normative'.[52] As a result, it is an assumed invisible standard perpetuated by those in power that automatically ensures anyone excluded from this specific identity will be found lacking when measured against it.[53]

Cicero's rhetorical tactics regarding Clodia and Sassia (as well as Cluentia above) align with 'colourblind intersectionality', where 'Roman' in Cicero's oratory is equivalent to the racial category 'white'. In Roman thought, 'traditional' moralized 'Romanness' is equated with the behaviour expected of élite Roman men, which becomes the normative code of conduct. Élite Roman women, although differentiated from Roman men to their disadvantage, were also expected to partake in a normative female code of conduct. The ideal Roman *matrona* is chaste, respectable, subdued, a

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[50] See also *Rhet. Her.* 1.16.
[51] Carbado (n. 10), 817.
[52] Carbado (n. 10), 818.
[53] For examination of 'colourblind' and 'genderblind intersectionality' in modern forensic cases, see Carbado (n. 10).

dutiful wife, if married, and a loving protective mother, if she has children. Cicero assumes that the jury will have internalized this norm as the 'correct' behaviour for women. As a result, he can implicitly measure Sassia and Clodia against it and find them wanting.

Neither the *Pro Cluentio* nor the *Pro Caelio* names the ethnic backgrounds of Sassia and Clodia. Owing to the prominence of her family, the jurors would have known that Clodia was Roman. Sassia, however, did not live in Rome, and is associated with her hometown of Larinum through the adjective *Larinas* (*Clu.* 192).[54] However, Sassia's son, Cluentius, is described as a Roman *eques* at section 156, which implicitly aligns Sassia with one of the wealthier classes of Roman citizens. If both women were present during the trial, this would help render visible their identities,[55] as the jury only needed to look at Clodia or Sassia to 'see' (= 'assume') their gender and class. If not, their male family members who were in court would still provide the jury with visual cues. And yet their visual appearance would not necessarily mark either woman as ethnically Roman. Instead, their ethnic background is just assumed in the orations.

This unarticulated but normalized assumption of ethnicity and expected behaviour is extremely important to Cicero's rhetoric, as it allows him to 'credibly' demonstrate how each woman transgresses the ideal behaviour of a Roman upper-class woman. In the *Pro Cluentio*, Cicero's invective against Sassia depicts her as the most transgressive of Roman *matres*. Not only does he construct Sassia as a transgressive mother, including the claim that she indirectly made her daughter Cluentia divorce her husband, A. Aurius Melinus, so she could marry him herself (*Clu.* 12–16), but he also identifies her as an unnatural mother by focussing on (supposed) personality traits such as cruelty and animosity towards her children: *crudelis et huic infesta mater* ('a cruel and dangerous mother to this man [Cluentius]', *Clu.* 42); *ea crudelitas, ut nemo matrem appellare possit* ('such great cruelty that no one is able to call [her] mother', *Clu.* 199).[56] Here Cicero clearly plays upon her normative intersectional identity as 'Roman', 'élite', 'woman' and 'mother' to render Sassia as the antithesis of the ideal Roman *mater*.[57] Sassia neither protects her children and family nor attempts to control her lust and passions, but rather allows herself to be controlled by them.[58]

The vituperation of Clodia works similarly. Cicero's main strategy is to depict Clodia as a *libidinosa meretrix* ('licentious prostitute')[59] seeking revenge upon her ex-lover Marcus Rufus Caelius. Calling her a *meretrix*,[60] a Palatine Medea (*Cael.* 18), implying a connection between Clodia and Clytemnestra (*Cael.* 62), in conjunction with the phrases *muliebrem libidinem* ('womanly desire', *Cael.* 1) and *libidinosa meretricio*

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[54] Cf. A.C. Clark (ed.), *M. Tulli Ciceronis orationes: Pro Sex. Roscio, De imperio Cn. Pompei, Pro Cluentio, In Catilinam, Pro Murena, Pro Caelio* (Oxford, 1905), who prefers *Larino* over *Larinatem*.

[55] It is uncertain whether either of them was in court, although J.T. Kirby, *The Rhetoric of Cicero's Pro Cluentio* (Amsterdam, 1990), 61 mentions that Cicero depicts Sassia as present. Alexander (n. 22), 321 n. 32 notes that it is not known if Clodia appeared as a witness; cf. Kirby (this note), 61 n. 25.

[56] See also Cic. *Clu.* 44.

[57] For further discussion of Sassia as the antithesis of the good Roman mother, see S. Ige, 'Rhetoric and the feminine character: Cicero's portrayal of Sassia, Clodia and Fulvia', *Akroterion* 48 (2003), 45–57, at 47–50.

[58] For discussion of Sassia, see Kirby (n. 55), 41–5, 60–2; V.M. Patimo, 'Sassia: un'amante "elegiaca" *ante litteram* nella Pro Cluentio?', *EClás* 135 (2009), 30–49; Santoro L'Hoir (n. 44), 41–3.

[59] For further discussion of this aspect of Clodia's characterization, see Ige (n. 57), 50–3.

[60] Cicero calls Clodia a *meretrix* and uses the adjective *meretricia* at *Cael.* 1, 37, 38, 48–9, 50, 57.

more ('with a lusty meretricious manner', *Cael.* 38), Cicero characterizes Clodia as a woman of unrestrained sexual passion, who has transgressed her role as a Roman *matrona*. Cicero strengthens his invective against Clodia by othering her as foreign. The poetic allusion to Medea in section 18 marks Clodia as ethnically 'other', suggesting that she is not, in fact, quite Roman. This is jarringly emphasized when Cicero adds the adjective *Palatina* to *Medea*, situating her physically in the centre of Rome. Clodia's *Romanitas* is again questioned when Cicero calls her a *quadrantaria illa permutatione* ('that quarter as exchange', *Cael.* 62) recalling to the jury Caelius' prior characterization of Clodia as a *quadrantaria Clytemnestra* in his own forensic oration.[61] By aligning Clodia not only with foreign women but also with mythological Greek figures who embodied transgressive behaviour, Cicero can play upon the jury's ethnic prejudices to suggest that Clodia, the *Palatina Medea*, engages in transgressive behaviour for a Roman woman. It is possible that Cicero sought to do something similar for Sassia when he deploys the term *Larinas* in a passage which highlights the distance between Larinum and Rome through the description of her journey from the former to the latter (*Clu.* 192–3). Sassia's assumed 'Roman' identity juxtaposed with her physical distance from Rome and the adjective *Larinas* would reinforce Sassia's ideological distance from the sphere of 'ideal Roman'.

Cicero's intermingling of Clodia's identity as foreign(ish) with the lowering of her social (and cultural) standing by naming her a *meretrix* demonstrates to the jury her double transgression of the upper-class Roman *matrona*.[62] The prejudice aroused from this negative intersection of 'foreign/(uncontrolled) Greek', 'woman' and 'low-class' clearly differs to that caused by the lived marginalized intersectional identities of *ista Sarda*. As the Clodii were a well-known family, Cicero could not suggest with any credibility that Clodia actually was a 'foreign-ish *meretrix*' (unlike the derogation of *ista Sarda*, who was likely unknown to the general Roman populace). Instead, Cicero utilizes this intersection of identities, '(uncontrolled) foreign/Greek' and '(transgressive) *meretrix*', to characterize Clodia's behaviour. By conflating her identity with behaviour that embodies accepted negative interrelated stereotypes, Cicero can proclaim to the jury that she directly transgresses the behaviour expected of an upper-class Roman woman. This 'othering' of Clodia also simultaneously highlights the power underlying institutionalized Roman perceptions of identity. As Clodia was neither Greek nor a *meretrix* but could still have her character assassinated through an alignment with 'Greek/foreign prostitute', Cicero's rhetoric shows how powerful discriminatory stereotypes and prejudices could be for a Roman audience.

Despite the differences between the intersectional identities of Sassia, Clodia and *ista Sarda*, all three are wealthy women who, Cicero claims, use their wealth to keep a man or men within their power. The wealth of *ista Sarda* appears to have 'enslaved' a Roman citizen, her husband, Aris.[63] Cicero's description implies that Aris possesses power and

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[61] For discussion of Cicero likening Clodia to Medea and to Clytemnestra in order to masculinize her, see B. Xinyue, '*Imperatrix* and *bellatrix*: Cicero's Clodia and Vergil's Camilla', in D. Campanile, F. Carlà-Uhink and M. Facella (edd.), *TransAntiquity: Cross-Dressing and Transgender Dynamics in the Ancient World* (London and New York, 2017), 164–77, at 167–8.

[62] The scholarship on Clodia is extensive, and recent bibliographies can be found in J.D. Hejduk, *Clodia: A Sourcebook* (Norman, 2008); M.B. Skinner, *Clodia Metelli: The Tribune's Sister* (New York, 2011); J.J. Valverde Abril, 'Bibliografía Clodiana (I): Nota bibliográfica sobre la figura de Clodia-Lesbia', *FlorIlib* 20 (2009), 309–43.

[63] For a brief discussion of Aris as a Roman citizen, see Dyck (n. 20), 126, 127–8.

agency over *ista Sarda* in their marriage. On the surface, *ista Sarda* can only watch in helpless womanly *dolor* as Aris leaves her for another woman (*Scaur.* 9):

Arinis uxorem pelicatus dolore concitatam, cum audisset Arinem cum illa sua metus et fugae simulatione Romam se contulisse, ut, cum antea consuetudo inter eos fuisset, tum etiam nuptiis iungerentur, arsisse dolore muliebri et mori quam id perpeti maluisse.

The wife of Aris, having been stirred up with anguish of his cohabiting with a kept mistress, when she had heard that Aris had gone to Rome with that woman of his, simulating fear and fleeing, so that, as before when there was a love affair between them, so also when they were to be joined together in marriage, became inflamed with womanly sorrow and preferred to die rather than endure it.

Despite Cicero's suggestion that Aris is trapped in his marriage, ultimately, Aris initially *chooses* to stay with *ista Sarda* in order to retain her dowry, however much he may 'fear' her or find her unattractive: *is cum hanc suam uxorem, anum et locupletem et molestam, timeret, neque eam habere in matrimonio propter foeditatem neque dimittere propter dotem uolebat* ('neither was he, because he was fearing this wife of his, old and rich and troublesome, wanting to have her in marriage on account of her ugliness nor to renounce [her] on account of her dowry', *Scaur.* 8). And yet the similarities between the characterization of *ista Sarda* and the comic character of the *uxor dotata*[64] may suggest to a Roman audience that she was not as powerless as she seems.

The *uxor dotata* is a literary stock figure used in a range of literary genres, including Roman comedy. Cicero aligns *ista Sarda* in various ways with this stereotype. As noted above, *ista Sarda* is described as old and ugly/sexually unattractive, two aspects commonly applied to the *uxor dotata*.[65] The description of *ista Sarda* as *molesta*, 'troublesome' or 'vexing',[66] further accords with the idea that *uxores dotatae* often nag and 'challenge' their husbands.[67] The other main similarity, and, in this context, the most important, is the idea of the husband being under the control of his wife because of her dowry. In Roman thought, the dowry was often conceived of as belonging to the wife[68] owing to legal provisions concerning its return in the event of divorce.[69] As a result, there appears to be an accompanying psychological anxiety that the wife, on account of this wealth, would subsequently become the person wielding power within the marriage.[70]

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[64] See also S. Treggiari, *Roman Marriage: Iusti Coniuges from the Time of Cicero to the Time of Ulpian* (Oxford and New York, 1991), 330.

[65] See e.g. Plaut. *Merc.* 755; *Asin.* 893–5; E. Schuhmann, 'Der Typ der *uxor dotata* in den Komödien des Plautus', *Philologus* 121 (1977), 45–65, at 59–60.

[66] *OLD* s.v. *molestus* 1a.

[67] S.L. James, '*Mater*, *oratio*, *filia*: listening to mothers in Roman comedy', in D. Dutsch, S.L. James and D. Konstan (edd.), *Women in Roman Republican Drama* (Madison, WI, 2015), 108–27, at 109; Treggiari (n. 64), 330.

[68] Treggiari (n. 64), 325–6.

[69] R.P. Saller, 'Roman dowry and the devolution of property in the Principate', *CQ* 34 (1984), 195–205, at 196–7.

[70] See also P. Culham, 'Women in the Roman Republic', in H.I. Flower (ed.), *The Cambridge Companion to the Roman Republic* (Cambridge, 2004), 139–59, at 150. S.M. Braund, 'Marriage, adultery, and divorce in Roman comic drama', in W.S. Smith (ed.), *Satiric Advice on Women and Marriage: From Plautus to Chaucer* (Ann Arbor, 2005), 39–70, at 47–50 briefly discusses this psychological power in the *Aulularia* and other comic plays.

In fact, this power goes further. As Kathleen McCarthy notes in her analysis of Plautine comedy, 'the *uxor dotata*'s wealth usurps the proper role of the *senex*.'[71] Plautus, for example, uses the noun *imperium* to describe the power that the *uxor* possesses over her husband (*Asin.* 87; *Aul.* 168). The *senex amator* not only is placed under the command of his wife, but he is also, in the *Menaechmi*, positioned as a slave (*Men.* 766–7).[72] The power dynamics are clearly inverted in these marriages, and the husband is even placed in the lowest, and one of the most contemptible, societal roles. *ista Sarda*, then, on account of her dowry, can be said to have a certain amount of power over Aris. If, as Cicero strongly emphasizes, *ista Sarda* is not a Roman citizen, the marriage between herself and Aris would not be subject to the same legal conditions as that between two Roman citizens. Depending on the circumstances, it may not even be a legal marriage. This, however, is not at issue in the extant fragments. Cicero's rhetoric treats the union as though it is subject to the same conditions as a legal Roman marriage. While a good Roman male citizen would rail against being in the economic and pecuniary power of a Roman woman, Aris is a slave to the power and wealth not only of a woman but of a Sardinian woman at that.

It is not just *ista Sarda* whom Cicero depicts as presenting a threat. Sassia and Clodia also threaten Roman patriarchy. However, as they are élite Roman women, Clodia's and Sassia's threat differs from the threat of *ista Sarda*, and is predominately shown through their power and ability to destroy young, apparently honourable, Roman men through prosecutions. Clodia is described as the *caput accusationis* ('head of the prosecution', *Cael.* 19) and the *fons* ('source', *Cael.* 31) of the prosecution. She is further described as a *mulier potens* ('powerful woman', *Cael.* 62). Although the appellation is given with sarcasm, she is still able, according to Cicero, to bring a prosecution against one of the leading men of Rome. Even being called 'Medea' accords a certain power to Clodia, albeit a destructive and foreign one. Sassia, too, is accused of bringing the prosecution against her son, Cluentius (*Clu.* 18). Although she may not present quite the same threat that Clodia does, Sassia still threatens Roman patriarchal order. She betrays the motherly role of supporting her family, and even tortures slaves in Rome when investigating the death of her husband Oppianicus (*Clu.* 176–7). Like Clodia, her wealth and social position accord her the contacts necessary to bring forth a prosecution against her son. Moreover, both Clodia's and Sassia's riches are referred to as *ops* (*Cael.* 1, 32; *Clu.* 18). While wealth is the primary meaning of the term in these passages, *ops* also possesses the connotation of power, highlighting, again, the connection between the women's wealth and their social status.[73] The wealth of *ista Sarda*, by contrast, is never termed *ops*, at least in the oration's extant sections. The term Cicero uses in the *Pro Scauro* is *locuples*, which lacks the same underlying connotations.[74]

Like *ista Sarda*, Sassia and Clodia are represented as using their wealth to gain psychological power over a man. Cicero, however, aligns neither woman with the

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[71] K. McCarthy, *Slaves, Masters, and the Art of Authority in Plautine Comedy* (Princeton and Oxford, 2000), 69.

[72] See also A. Rei, 'Villains, wives, and slaves in the comedies of Plautus', in S.R. Joshel and S. Murnaghan (edd.), *Women and Slaves in Greco-Roman Culture: Differential Equations* (London and New York, 1998), 92–108, at 95–6; E. Stärk, 'Plautus' *uxores dotatae* im Spannungsfeld literarischer Fiktion und gesellschaftlicher Realität', in J. Blänsdorf with J.-M. André and N. Fick (edd.), *Theater und Gesellschaft im Imperium Romanum / Théâtre et société dans l'empire romain* (Tübingen, 1990), 69–79, at 71–2; Treggiari (n. 64), 330.

[73] *OLD* s.v. *ops* 1a, 2b.

[74] *OLD* s.v. *locuples*.

uxor dotata. Sassia, arguably, could be seen to be an *uxor dotata*, as Cicero states that Oppianicus married her for her wealth (*Clu*. 27). Cicero's depiction of Sassia's marriage differs in that he does not suggest explicitly either that Sassia used her dowry to continue to control Oppianicus' actions or that Oppianicus was stuck in the marriage owing to her dowry. Further, Cicero does not use the word *dos*, but instead uses *pecunia Sassiae* (*Clu*. 27). In the *Pro Caelio*, Cicero claims that Clodia was able to seduce Caelius, who had been raised austerely, with her wealth. However, as Clodia and Caelius do not marry, there is no dowry involved. Thus, although both Sassia and Clodia possess psychological power over Roman men owing to their wealth, it is not used in the manner of an *uxor dotata*, nor is either woman's character explicitly aligned with the negative aspects of this literary stereotype as is the character of *ista Sarda*. Unlike Sassia and Clodia, even if *ista Sarda* had lived, the intersection of 'woman' and 'Sardinian' most likely would not have provided her the political power or opportunity to threaten honourable Romans with court proceedings. Consequently, Cicero needed to implement different rhetorical strategies to highlight how the wealth of each woman threatened Roman patriarchy.

IV. CONCLUSION

The rhetorical tactics of Roman invective are revealed more clearly from an intersectional analysis. Cicero exploits particular intersections of the identities 'woman', 'Sardinian/non-Roman', 'old' and 'ugly' attributed to *ista Sarda* in such a way as to play upon ideological prejudices. These identities and their subsequent denigration differ from those of the male Sardinian witnesses, who are also marginalized and subject to discriminatory narratives. Weaponizing their ethnic background, Cicero tars Sardinian men with innate mendacity and treachery. With *ista Sarda*, Cicero has a broader toolkit of abuse: the intersecting aspects of 'old' and 'ugly' preclude her from being a desirable love interest for Scaurus, while the intersection of 'woman', 'Sardinian/non-Roman' and 'old' cast her suicide in an immoral light.

The differences between the intersectional identities of *ista Sarda* and those of other non-Roman women demonstrate how intersections of identity differ both within and across identity categories. The *nobilissimae uirgines* and Philodamus' daughter, for example, are women of privilege who are implied to be of a specific social status. While Philodamus' daughter is identified as Greek, rather than using this ethnic identifier as a weapon of invective, as in other forensic speeches,[75] Cicero instead focusses on the similarities between ideal Greek and Roman daughters to present her in a sympathetic light. The ethnic background of the *nobilissimae uirgines* is glossed over. By intersecting aspects such as 'woman', 'élite', 'Greek'/'unspecified ethnic background', 'young' and/or 'daughter', Cicero can play upon mutually reinforcing race, gender, age and class ideologies to create narratives that present these women in a positive manner. In contrast, the intersection of 'woman', 'old', 'Sardinian/ non-Roman' and 'ugly' turns *ista Sarda* into an uncontrolled woman of passion whose actions are the antithesis of what would be considered 'honourable'. Thus, the

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[75] At times Cicero also draws distinctions in the same speech between different Greek peoples. For discussion, see Riggsby (n. 17), 132–4; A. Vasaly, *Representations: Images of the World in Ciceronian Oratory* (Berkeley / Los Angeles / Oxford, 1993), 192–205.

ensuing denigration or praise varies, depending upon the intersection of one's identities and the associated normalized prejudices that these intersections evoke. In part, this is because each intersection of identities differed, but it is also due to Cicero's differing rhetorical aims.

Cicero also directs intersectional invective towards élite Roman women. Again, the rhetorical tactics differ owing to the relatively privileged position women such as Clodia and Sassia possess. Clodia's and Sassia's wealth, in conjunction with the political power and status they hold as élite Roman women, allows them to obtain a certain amount of socio-political leverage. The prosecutions they (supposedly) bring against honourable Roman men demonstrate this hyper-potency, a distinctly Roman feminine transgressive quality. *ista Sarda*, contrastingly, cannot possess such power or bring such a threat, as she is not part of the Roman élite. Instead, Cicero aligns *ista Sarda* with a literary stereotype, the *uxor dotata*. Unlike his invective against Clodia and Sassia which focusses on the transgression of normalized ideal Roman behaviour, Cicero utilizes the intersectional identities of *ista Sarda* to create a unique piece of invective to demonstrate how a woman not of the Roman élite can still constitute a threat to Roman men.

One of the main benefits of using an intersectional approach to study the literary representations of women (or men) in ancient texts is that it allows for much greater nuance in the examination of how élite Roman men could employ rhetoric against people with marginalized or privileged identities, all in service of the male orator's goals. It demonstrates how closely intertwined identity, character, action and societal structures of oppression and privilege are, and their importance in creating credible narratives for a Roman audience. Rather than the older approach in Classics of understanding prejudice through trying to identify and reify social and gender stereotypes, Cicero's attempts to arouse prejudice within the Roman jury can be better understood through an intersectional approach. Intersectionality offers a critical analysis of the differing ways in which marginalized and privileged intersecting identities could be manipulated to create specific narratives that align with, and in turn reinforce, Roman ideological prejudices and practices of discrimination. Lastly, disregarding how different intersections of identity interact with a person's or peoples' treatment (rhetorical or otherwise) has the potential effect of generalizing diverse peoples into singular categories, potentially (re)silencing those consigned to the margins. Rather than adverting to Roman prejudices or to Cicero's play with stereotypes as if these were static cultural givens, we should acknowledge the relational judgements being used, asserted and manipulated. Identities cannot be reduced to singular discrete categories such as 'women' or even 'foreign women', but must be seen in their multiplicities, complexities and interrelations. Intersectionality demonstrates that marginalized people such as *ista Sarda* are worthy of examination. For all the paucity of extant material—her name, her words, her lived experience are silenced—an intersectional analysis of *ista Sarda* highlights just how concocted the (supposed) identity of an old, ugly, foreign, rich woman could be for Cicero and his audience.

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