

The Rhetoric of Rape:

Claudian, Ovid and the Significance of Legalistic Discourse in Proserpine Poetics

Claudian, though writing roughly 400 years after Virgil and Ovid and thus in a period in which the weight of poetic tradition has seemed to some to overwhelm individual utterance, is finding increasing appreciation for his own genius. In a recent publication, for example, Stephen Hinds contributed to the late antique poet's reinstatement with a discussion of generic reanimation that demonstrates that it is often when the critic reads Claudian as derivative that he is in fact innovative (2013: 171-2).

Concurrently, other recent scholarly panels and publications have bolstered the value of interdisciplinary and intergeneric approaches to literature. Claudian, already established as a poet of rhetorical and historical import through studies like those of Alan Cameron and now receiving increasingly positive attention strictly for his poetic prowess, proves to be an ideal subject for a study in the establishment of authority through intergeneric references.

The paper proposed here explores some of the ways in which Claudian, assuming Ovid as precursor and thereby maintaining his position in poetic tradition, extends his generic play beyond the field of poetry and into that of legal discourse, both in its reference to marriage law and in its deployment of the rhetorical strategies that often surround it.

The paper begins with a legalistic and rhetorical reading of Ovid's renditions of the rape of Proserpina in his *Fasti* and *Metamorphoses*. My reading will extend some of Hinds' (1988: 36-9) observations about Ciceronian intertext in order to illustrate a conscious attempt at displaying legal reference and rhetoric, a habit of Ovid's that E.J. Kenney and Russ VerSteege and Nina Barclay have pointed out in other Ovidian poems. Here, Ovid's Ciceronian cue introduces a remarkable awareness of Augustan marriage law and an aptitude for the appropriate

accompanying declamatory tropes. Thus, for example, the emphasis Ovid has Ceres place on status and potentially tarnished reputation in both the *Fasti* (*at neque Persephone digna est praedone marito*, (4.491) and the *Metamorphoses* (*neque enim praedone marito / filia digna tua est*, (5.521-2) accords with the *Lex Julia de Maritandis Ordinibus* and Ulpian's later use of it in determining lawful marriage or *conubium*. Likewise, Ovid surrounds his legal references with the appropriate rhetoric—in this case, invective.

In the *De Raptu Proserpinae*, Claudian proves himself aware of his poetic predecessor's play through a similar concern with the risks of a *raptus* marriage that is *indignus*, as, for example, he has Pluto defend himself as a worthy match (*nec indigni taedas patiere mariti*, (2.279). But Claudian adds to his version a nervous Jupiter threatening anyone who might inform about the rape. He thunders, "if anyone of the gods dares to betray the abductor to Ceres, I swear [...] that he will feel the blow of my thunderbolt and will regret being born to a divine lot and will desire death" (3.55-7, 60-2). With this threat, Claudian appropriates the rhetoric of rape by the allusion to more recent marriage law—that of Constantine, which calls upon any and all knowledgeable parties of a *raptus* marriage to inform on the situation (Evans-Grubbs, 65). In this way he gives his poem a flavor that can only be late antique, all while maintaining Ciceronian rhetoric and Ovidian playfulness.

Analyzing Claudian's employment of law and its rhetoric along with its (dis)similarity to Ovid's demonstrates some of the ways in which a poet may maintain a long-standing epic tradition that both appropriates and creates by calling upon the prosaics of law and rhetoric.

Works cited

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