Anchoring oratio figurata, oratio figurata anchoring

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My paper is about oratio figurata. I begin with a short introduction: what oratio figurata is, and why it was used, and how. Then, ideally, I would want to talk about oratio figurata as an anchoring device. But since it was itself a controversial subject which required anchoring, that must come first and I’ll anchor the anchoring device. This will make it possible to talk convincingly about the way Cicero used oratio figurata in his Pro Ligario to address the position of Julius Caesar after the defeat and demise of Pompey the Great.

INTRODUCTION

Oratio figurata, λόγος ἐσχηματισμένος, σχῆμα, schema, figura, usually translated in English as ‘figured speech’, refers to veiled speech, hidden meanings, innuendo. In the words of Zoilus, the famous fourth-century critic of Homer, it is ἐτερον μὲν προσποιεῖσθαι, ἐτερον δὲ λέγειν (“to pretend one thing but to say another”)¹. That sounds suspicious, like an art of lying. Yet it may be put to honourable purposes, as we will see.

One of those purposes, mentioned by all authors who discuss oratio figurata, is ἀσφαλεία (‘safety’) on occasions when it is unsafe to speak one’s mind. It is hardly a coincidence that the treatises on oratio figurata we have left all originate from hellenistic and imperial times, and that they discuss, among other things, ways to criticise or even just advise single rulers. Another occasion for figured speech is εὐπρεπεία: when it is impossible to call a spade a spade, as Tacitus was famously

¹ Phoeb. de Fig. 1 (Walz); cf. Quint. Inst. 9.1.14.
afraid to do\textsuperscript{2} - in other words, when it is indecent or tactless to use plain speech\textsuperscript{3}. But Quintilian (and his faithful followers Iulius Rufinianus and Iulius Victor) comes up with three uses:

\textit{Eius triplex usus est: unus si dicere palam parum tutum est, alter si non decet, tertius qui venustatis modo gratia adhibetur et ipsa novitate ac varietate magis quam si relatio sit recta delectat}\textsuperscript{4}.

This third use of course reminds us of ‘figure’ in the broad sense of ‘stylistic device’ – a sense that is more familiar to us, even if it was being ousted by the sense of ‘innuendo’ in Antiquity\textsuperscript{5}; more importantly it points towards the \textit{controversia figurata}, a type of declamation that was all the rage in Greek and Roman rhetorical schools.

The next question is of course how one actually goes about veiling one’s true intentions. Unfortunately, the ten pertinent treatises we have left\textsuperscript{6} are very different and sometimes apparently incompatible in the approaches, classificiations, and methods and techniques they offer. But roughly speaking, we can distinguish three main methods:

\textit{τὸ μὲν ἐστὶ σχῆμα λέγων μὲν ἀ βούλεται, δεόμενον δὲ εὐπρεπείας ἢ δι ἀξίωσιν τῶν προσώπων, πρὸς οὐδὲν ὁ λόγος, ἢ δι ἀσφάλειαν πρὸς τοὺς ἁκοούοντας· τὸ δὲ τι σχῆμα ἐστὶ πλαγίως ἐτερα μὲν λέγων, ἐτερα δὲ ἐργαζόμενον ἐν λόγοις· τρίτον σχῆμα ἐστὶ τὸ ὁίς λέγει τὰ ἐναντία πραγματεύομενον}\textsuperscript{7}.

The first \textit{schema}, then, is still fairly direct: it merely requires the use of euphemisms to soften one’s discourse. Demetrius gives the example of avoiding words like “cut” or “dagger” in the presence of the eunuch Hermias\textsuperscript{8}. But in the second \textit{schema} we find two distinct meanings: a literal meaning, which is not irrelevant to the case at hand, but which may be subordinate to the second one, which occurs indirectly (\textit{πλαγίως}).

\textsuperscript{2} Per quae <e>geritur humus, Ann. 1.65.7.
\textsuperscript{3} These two occasions are mentioned in all ten treatises discussing \textit{oratio figurata}.
\textsuperscript{4} “There are three uses of this device: (1) if it is unsafe to speak openly, (2) if it is unseemly to do so, (3) when it is employed simply for elegance and gives more pleasure by its freshness and variety than the straightforward statement would have done.” (Quint. \textit{Inst.} 9.2.66, tr. Russell; cf. Iul. Vict. \textit{Ars} xxI, Rufin. \textit{Schem.} I).
\textsuperscript{5} Quint. \textit{Inst.} 9.1.14; 65.
\textsuperscript{6} Five are in Latin, five in Greek. They date from the second century BCE (?) to the fifth century CE. See bibliography.
\textsuperscript{7} “The first \textit{schema} is one that says what it wants, but requires tact, either because of the dignity of the persons to whom the speech is delivered, or because of caution with regard to the addressees. The second \textit{schema} says one thing indirectly, but in the words brings about something else; the third \textit{schema} brings about the opposite of what it says.” ([Dionysius], \textit{Περὶ ἑσχηματισμένων} α2 [tr. BB]).
\textsuperscript{8} Dem. \textit{Eloc.} 293.
while the other, literal meaning is also. So for example you can praise an angry man because he was mild yesterday – the praise is genuine and material, but at least as important is the underlying admonition – πλαγίως – that he should lay aside his anger. In the third schema, κατ’ ἐναντίον, the superficial meaning is cancelled by the hidden one: the two are each other’s opposites, and therefore incompatible. Quintilian considers this type of schema implausible but it is popular with Greek authors, who come up with many examples, usually for cases where it is injudicious to advise against a particular plan and yet you want to do so: you’ll then pretend to be in favour, but you’ll give such lame and useless arguments in favour, that your audience will immediately decide against the plan and consider themselves clever into the bargain.

These are, then, the main characteristics of oratio figurata: its definition, its uses and some of its methods. Since the present paper involves Roman oratory, we will have little to do with the third method of oratio figurata, and all the more with the second. But before we turn to Cicero, it is time to look at the way oratio figurata was itself anchored.

ANCHORING ORATIO FIGURATA

In Antiquity there was quite a debate on oratio figurata. One of its main and highly essential issues was whether it was usable at all. Quintilian formulates this problem as a rhetorical dilemma: Illud vulgatum: ‘quo schema, si intellegitur? Quo, si non intellegitur?’ His brevity verges on the obscure, but what he means is: either the addressee understands the meaning underlying the schema, in which case he is in the same position as someone who hears plain speech; so the schema is not necessary. Or the addressee doesn’t understand the schema, in which case the speaker has no advantage: on the contrary, in fact, because then the addressee will act in accordance with the literal meaning of the statement.

This clarification of the dilemma is given by pseudo-Dionysius, who is set on proving it specious. To this purpose he takes a provocative stance, claiming that on the contrary there is no such thing as simple speech and all speech is figured:

9 Inst. 9.2.85-89.
10 Hom. ll. B 72-121 (Agamemnon testing the Greeks) is a popular example. See e.g. [Dionysius of Halicarnassus] / Aelius Serapion Περὶ ἐσχηματισμένων A 5; B 15-16.
11 “The common puzzle: ‘What is the use of a Figure, if it is understood? And what is its use if it is not understood?’” (Quint. Inst. 5.10.70; cf. 9.2.69).
12 It is assumed that pseudo-Dionysius of Halicarnassus refers to (an) anonymous author(s) who wrote two treatises on oratio figurata: Περὶ ἐσχηματισμένων A and B (B being a more radical treatment of the material occurring in A) in the third century CE (Dentice di Accadia 2010, p. 14 f.). Heath (2003, 102 ff.) ascribes the works to Aelius Serapion (early second century CE). Merely for the sake of convenience, I here posit a single author.
ἡμεῖς δὲ φαμέν, ὅτι τοσοῦτον ἀπέχει όρθως λέγειν ὁ λέγων μὴ εἶναι ἐσχηματισμένους λόγους, ὥστε τούναντίον οὐδεὶς λόγος ἀσχημάτιστος οὐδὲ ἀπλοῦς λόγος οὐδεὶς13.

To substantiate his bold claim, he anchors *oratio figurata* in existing canonical literature:

Τούτων δὴ καὶ τὰ παραδείγματα λαβεῖν ἐκ τῶν βυβλίων. ληψόμεθα δὲ παρὰ Δημοσθένους, Φουκιδίδου, Ξενοφόντος, Πλάτωνος, Εὐρυπίδου, τῆς κωμῳδίας, Ὠμήρου. ἀπὸ πασῶν ἰδεῶν τῆς ῥητορικῆς, συμβουλευτικῆς δικανικῆς πανηγυρικῆς14.

True to his word, the author gives a wealth of examples in both treatises. And he makes a good case for several reasons. For one thing, he gives persuasive examples not just of segments of texts, but also makes a convincing case for entire texts being figured. So, for example, the whole of Plato’s *Apology* is not just a defence of Socrates, but also an accusation of the Athenians, and an encomium of Socrates, and a deliberative speech about the ideal philosopher. Further, pseudo-Dionysius manages to demonstrate double meanings not only in successful persuasive texts, which are of course the first genre one thinks about in this context, but also in works that are at least formally hostile or alien to rhetoric, such as comedy, or Plato’s dialogues, and in works that predate the whole of rhetorical theory, let alone *oratio figurata* – namely Homer’s epics. Homer is especially relevant here both because of his authority – his works are after all something like a literary bible – and because of his antiquity: it allows pseudo-Dionysius to anchor *oratio figurata* by claiming that it already existed in legendary times, and that he is merely the one to put it on record.

Pseudo-Dionysius’ anchoring of *oratio figurata* is compelling, it has not solved the dilemma: “what is the use of a figure, if it is understood? And what is its use if it is not understood?” That job goes to Quintilian, who is to our knowledge the first Roman author to write about *oratio figurata*. The key to the solution is found in the following phrase: *Quamlibet enim apertum, quod modo et aliter intellegi possit, in illos*

13 “We claim that someone who says that figured speech does not exist is straying so far from the right expression that on the contrary, there is no speech that is unfigured, and no simple speech whatsoever” (Περὶ ἐσχηματισμένων Β1).
14 “We can take examples of this from the books. We will take them from Demosthenes, Thucydides, Xenophon, Plato, Euripides, comedy, Homer; from all types of rhetoric and oratory, deliberative, forensic, epideictic” (Περὶ ἐσχηματισμένων Β4).
tyrannos bene dixeris\textsuperscript{15} - in other words: there is a middle course between blatant obviousness of the figure, or its remaining unobserved, and that is ambiguousness, so that it is up to the addressee to opt either for the literal, or for the hidden meaning.

Quintilian had his own problems anchoring \textit{oratio figurata}. Writing under Domitian, who was notoriously paranoid and quite prepared to put people to death over equivocation, he must have realized the danger of discussing the phenomenon. Yet he discusses it extensively, but in his own characteristic way, that is, teaching by example: he uses the second type of \textit{oratio figurata}. To make his point, he anchors a single reference to the use of figures in real life in a long disquisition on figured speech in a seemingly innocuous, and hugely popular pastime: declamation. This enables him to make an important point:

\textit{Quamlibet enim apertum, quod modo et aliter intelligi possibilit, in illos tyrannos bene dixeris, quia periculum tantum, non etiam offensa vitatur, quod si ambiguitate sententiae posset eludi, nemo non illi furto favet. Vera negotia (...) necessitatem difficiliorum, cum personae potentibus obstant sine quarum reprensione teneri causa non posset}\textsuperscript{16}.

The example he then proceeds to give does not pertain to \textit{vera negotia}: it is again one from a declamation, so that the one dangerous reference to real life is nicely anchored in a bland background. So, characteristically, Quintilian at once demonstrates what he is talking about, because while discussing figured speech, he uses figured speech: he talks about \textit{vera negotia} indirectly while he discusses declamation.

\textbf{ORATIO FIGURATA ANCHORING}

For an example of \textit{oratio figurata} as an anchoring device I offer a brief discussion of some passages of Cicero’s \textit{Pro Ligario}. I chose Cicero deliberately because we cannot be sure whether he was at all formally acquainted, as it were, with the theories and methods of \textit{oratio figurata}. So like pseudo-Dionysius I am anchoring its practice in a venerable authority –a Roman one in this case.

\textsuperscript{15} “You can speak with success against those tyrants as openly as you please, so long as what you say can be given a different interpretation”, \textit{Inst.} 9.2.67. For \textit{illos}, “those”, see below.

\textsuperscript{16} “For you can speak with success against those tyrants [i.e. those occurring in declamations] as openly as you please, so long as what you say can be given a different interpretation, because it is only the risk of conviction, not also offence that has to be avoided. If this danger can be eluded by an ambiguous remark, everybody is in favour of the trick. Real life (...) is subject to a difficult necessity, when there are powerful personages presenting an obstruction, and the cause cannot be maintained without blaming them,” (\textit{Inst.} 9.2.67-68).
The Pro Ligario is a late speech. It was held in 46, before Julius Caesar as a single judge, as it were, and Cicero is trying to persuade Caesar to allow Ligarius, an active supporter of Pompey, to return to Rome. The speech was successful, by the way: Caesar broke down and cried at the peroratio and Ligarius was allowed to come home – and to become one of Caesar’s killers two years later.

Naturally, one of the main functions of the Pro Ligario is to defend Ligarius’ support of Pompey against Caesar. This Cicero does by employing two status, that is, two different lines of defence. The status deprecationis is used to ask for forgiveness; the status comparationis is used to downplay Ligarius’ anti-caesarian activities. For in his support for Pompey Ligarius has done nothing worse than Cicero himself has done; and he actually played a better role than the Tuberones, the prosecutors in this very case! But not just the Ligarius’ role is downplayed, also the civil war itself:

Secessionem tu illam existimavisti, Caesar, initio, non bellum, nec hostile odium sed civile discidium, utrisque cupientibus rem publicam salvam, sed partim consilii partim studii a communi utilitate aberrantibus. Principum dignitas erat paene par, non par fortasse eorum qui sequebantur; causa tum dubia, quod erat aliquid in utraque parte quod probari posset; nunc melior ea iudicanda est quam etiam di adiuvèrent. Cognita vero clementia tua quis non eam victoriam probet in qua occiderit nemo nisi armatus?

In fact the civil war is framed as the sort of skirmish that is not unheard of in the Roman republic: there was no question of war (bellum), of proper foreign enemies (hostile) or serious disaffection (odium), rather the movement was a secession (secessio), a diverging (discidium: the same word is actually used for Ligarius’ separation from his beloved family in Lig. 5) of opinions among citizens (civile), and the parties involved merely stayed away (aberrantibus) from the common good. The two protagonists (principum: Caesar and Pompey) were well matched, and it was almost a matter of coincidence that Caesar was victorious.

The sting is in the tail of this paragraph, however, since suddenly Cicero is pointing to something new, and that is Caesar’s position and its impact. Caesar has just been made dictator for the next ten years and that, of course, is completely

17 “At the outset, Caesar, you held that that movement was a secession, not a war, not an outburst of hatred between foes, but of dissension between citizens, a dissension in which either party had the welfare of the state at heart, but in which each, through policy or through passion, swerved from the interest of the general body. The protagonists enjoyed an almost equal prestige, though that of the adherents may perhaps have been inferior. Between the two causes it was at the time difficult to decide, for the reason that on either side there was something to approve; today that cause must be adjudged the better, wherefo the gods added their assistance. But now that we recognize your clemency, who so blind as to disapprove that victory wherein none save combatants fell?” (Cic. Lig. 19, tr. after Watts).
inconsistent with old-fashioned republican values. Cicero draws attention to this very subtly: he uses the word *clementia*, which is typically the sort of virtue to attribute to a monarch. Nor does he leave it at that: in what at first sight seems to be blatant flattery, he emphasizes Caesar’s *clementia* time and again. The word occurs six times in this comparatively short speech; and so is *humanitas* associated three times with Caesar, and *misericordia* five times\(^\text{18}\). These are traditionally the virtues to which one appeals when trying to manipulate a standard rhetorical tyrant into displaying them: you tell him that he is exceptionally mild, and humane, and merciful, and then this tyrant can hardly fail to live up to the image that is painted of him\(^\text{19}\). So what seems to be flattery is actually a case of anchoring Caesar’s dictatorship in the age-old, bad cliché of tyrant, and therefore a sample of spendid innuendo.

We see something similar happening in paragraphs 29 and 30, where the three qualities are referred to, even appealed to, collectively, and thereby again single out Caesar as a single ruler:

> Quicquid dixi, ad unam sumnum referri volo vel humanitatis vel clementiae vel misericiordiae tuae. [30] Causas, Caesar, egi multas, equidem tecum, dum te in foro tenuit ratio honorum tuorum, certe numquam hoc modo: “Ignoscite, iudices, erravit, lapsus est, non putavit, si numquam posthac...” Ad parentem sic agi solet; ad iudices: “Non fecit, non cogitavit; falsi testes, fictum crimen”. Dic te, Caesar, de facto Ligarii iudicem esse, quibus in praesidiis fuerit quaere; taceo, ne haec quidem colligam quae fortasse etiam valerent apud iudicem: “Legatus ante bellum profectus, relictus in pace, bello oppressus, in eo ipso non acerbus, totus animo et studio tuus.” Ad iudicem sic, sed ego apud parentem loquor: “Erravit, temere fecit, paenitet; ad clementiam tuam confugio, delicti veniam peto, ut ignoscatur oro.\(^\text{20}\)”

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\(^\text{18}\) *Clementia*: Lig. 6; 10; 15; 19; 29; 30. *Humanitas*: Lig. 13; 16; 29. *Misericordia*: Lig. 1; 14; 15; 29; 37.

\(^\text{19}\) Cf. Dem. Eloc. 295; 292.

\(^\text{20}\) Every word I have spoken I want to refer to one single head – to your humanity or your clemency or your compassion. [30] Often, Caesar, have I pleaded many causes at your side, while the demands of your official career kept you at the bar, but never after this fashion: “I crave your pardon for my client, gentlemen; he blundered – he slipped – he never thought – if ever again...” that is the tone one adopts towards a parent, but to a jury we say: “He did not do this thing; he never dreamed of it; the evidence is false; the charge is invented.” Say, Caesar, that you are here to pronounce as judge upon Ligarius’s conduct; ask in what lines he was found; and lo! I am dumb, I do not even enumerate those circumstances that might perhaps have weight even with a jury: “He left the country before the outbreak of war to take up his legateship, he was left behind while peace still reigned, he was suddenly overtaken by the war, and in the war itself he showed no bitterness, being in soul and sympathy your devoted adherent.” That is the tone to use ot a jury, but I plead before a father: “He blundered, he acted thoughtlessly, he is sorry; I throw myself upon your clemency, I crave indulgence for his fault, I implore his pardon.”
But here, Cicero also makes clear the consequences of Caesar’s dictatorship: the normal state of affairs has been suspended, and it is severely compromised. Only a short while ago, when there was still a republic, there were proper courts with proper procedures to which Caesar had to adhere. In such a court there would have been a proper courtcase in which proper arguments furnished proper proof, whether from denial (*non fecit*) or intention (*non cogitavit*), or from the corruption of the prosecutor (*falsi testes, fictum crimen*). In such a court Cicero would have pleaded Ligarius’ case relying on arguments from force majeure (*Legatus ante ... bello oppressus*) and intention (*in eo ... studio tuus*). Now these arguments are relegated to a *praeteritio*, since Cicero is appearing in an autocrat’s court rather than a judicial court. In such a court, he must plead like a father pleading for his foolish, reckless son, who acted thoughtlessly (note the subtle difference between *non putavit* and *non cogitavit*) and rashly (*erravit, lapsus est, temere fecit*), and now begs for forgiveness. In fact Cicero here uses the *locus indulgentiae*, well known from Roman and hellenistic comedy, and therefore of course extremely unsuitable for a proper courtcase. It seems a charming joke, but anchoring the “trial” in this rather corny genre rather exposes it as a fake.

*Oratio figurata* is used, then, for ostensible flattery and as such can be taken at face value. But underneath this flattery can be regarded – by those who wish to do so – as a device to anchor Caesar’s new position in two powerful, familiar contexts: that of the prototypical (Greek) tyrant, and that of the grumpy father in a literary genre that nobody takes seriously. Perhaps Cicero wants to show that Caesar acts like a tyrant; he certainly seems to demonstrate that Caesar has made a joke out of venerable republican political and juridical institutions.
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