CICERO AND DIVINATION: THE FORMATION OF A LATIN DISCOURSE*

By MARY BEARD

This article is intended to be read in association with that of Schofield which follows. They share a common outlook—for we both believe that an understanding of the literary form of *De Divinatione* is integral to an understanding of its philosophical and historical point. But in detail our approaches are rather different. My own paper is the work of an historian and is concerned principally with the intellectual and cultural context of *De Divinatione*. My analysis of the text, highlighting its tensions and unresolved contradictions, follows from my analysis of that broader context. Schofield, by contrast, studies *De Divinatione* as an example of Hellenistic philosophical argumentation and explores the ways Cicero translates this not merely into Latin, but into a specifically Roman rhetorical mode. Other differences—in particular some disagreement as to how far it is possible to identify a 'Ciceronian position' on religion—are signalled in the text and notes of what follows.

Both papers were originally given in a series of seminars on Cicero's *De Divinatione* which we organized together at the Institute of Classical Studies, London. The other contributors to this series were Nicholas Denyer (with a paper now published in *PCPhS* 1985), and Elizabeth Rawson, who presented material now published in her book, *Intellectual Life in the Late Roman Republic*.

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The Roman élite in the last century B.C. were sceptical about divination, augury, prodigies and haruspicy; or, at least, that has been the view of most modern scholars.[1] One text repeatedly taken as evidence of this scepticism is Cicero's dialogue *On Divination*, a work in two books—the first, put into the mouth of Quintus Cicero, formulating along Stoic lines the arguments in favour of divination; the second, in the mouth of Marcus himself, attacking those arguments and undermining the principles of divinatory science.[2] The spirited tone of this second book has often captured the attention (and admiration) of modern rationalist scholars. Marcus ridicules, with all his rhetorical skill, the supposed examples of divination's success: he dismisses celebrated prodigies—rivers flowing with blood or statues dripping with sweat—as physically impossible;[3] he writes off so-called 'prophetic' dreams as merely reflections of man's daytime preoccupations, not as true warnings from the gods;[4] he pours scorn on such famous portents as cocks crowing in forewarning of military victory—'you talk, (Quintus), as if a fish and not a cock had done the crowing! But come; is there any time day or night, when they are not liable to crow?'[5] At first sight, it seems that Cicero is expressing here his own personal scepticism on such religious practices: everywhere 'rationalism' seems to win the day; divination is to be continued only for reasons of political expediency.[6]

Other works of Cicero appear to contradict their author's scepticism on the validity of divination. In *De Legibus*, for example, he affirms his support for traditional Roman

* I am grateful to many friends for their comments on various versions of this paper: to the Editor and Review Editor of the Journal, to Robin Cormack, Keith Hopkins and, of course, Malcolm Schofield—who will, I hope, recognize some of the fruits of his philosophical instruction in this finished version.

[1] The classic formulation of this view is that of L. R. Taylor, *Party Politics in the Age of Caesar* (1949), 76–97, and it remains the dominant view. For more recent expressions, see G. Dumézil, *Archaic Roman Religion* (1970), 549–50 and A. Momigliano, 'Religion in Athens, Rome and Jerusalem in the First Century BC', *AnnScNormPisa* 3, 14 (1984), 873–92.

[2] Throughout this article 'Marcus' (like 'Quintus') refers to the character in *De Divinatione*, 'Cicero' to the author of the dialogue.

[3] *Div.* 2, 27, 58.

[4] *Div.* 2, 68, 140.

[5] *Div.* 2, 26, 56.

[6] For a clear and balanced account of the orthodox position on *Div.* and the other theological works, see E. Rawson, *Cicero: a portrait* (1975), 241–5. The bibliography on *Div.* is now vast; the important article of J. Linderski ('Cicero and Roman Divination', *PP* 36 (1982), 12–38) contains a useful collection of references, as does also L. Troiani, 'La religione e Cicerone', *RSI* 96 (1984), 920–52. The most recent treatment—N. Denyer, 'The Case against Divination: an examination of Cicero's *De Divinatione*', *PCPhS* n.s. 31 (1985), 1–10—takes a different line from most; he argues convincingly for the philosophical inadequacy of Marcus' demolition of the Stoic case.

religious practices (including augury);[7] and his letters and speeches include many explicit references to the tenets of state religion.[8] Yet this apparent contradiction has not, even when recognized, stimulated any serious challenge to the view that Cicero himself was a sceptic on divination and other matters of religion. The problem has been side-stepped quite simply by privileging the philosophical writing (especially that of the last period of Cicero's life) above all other areas of the Ciceronian corpus. Either, it is commonly suggested, Cicero's sceptical philosophy reflects his 'true opinions', in contrast to the insincere or merely conventional appeals to religion in his public speeches.[9] Or, more cautiously, it is argued that *De Natura Deorum* (of 46) and *De Divinatione* (written in 45–44 B.C. as a supplement to the earlier work) represent a change in Cicero's considered religious outlook since his earlier writing, at least since the writing of *De Legibus* in the late 50s. Linderski and Momigliano have, for example, recently suggested that this shift from faith to scepticism may be ascribed not so much (as has previously been argued) to Cicero's shock at the death of his daughter Tullia, but rather to his disillusionment with state religion, whose forms he saw increasingly exploited by the Caesarian faction.[10] In each case, whether a shift of opinion is proposed or the late philosophy regarded as more truly 'Ciceronian' than any other work, the genuine scepticism of Cicero himself, at the time of his writing *De Divinatione*, is hardly called into question.

There are several objections to the usual deduction that *De Divinatione*, and particularly its second book, is an expression of Cicero's disbelief in the practice of divination. Some of these objections are general, or explicitly theoretical. It seems doubtful, for example, that 'belief' and 'disbelief'—with their suggestion of the personal commitment characteristic of modern world religions—are appropriate terms for the analysis of traditional Roman religion. Likewise it seems highly controversial whether the 'real views' of Cicero could ever be traced off from the views of the character of Marcus in the dialogue. For much recent literary theory has called into question the notion of any easy relationship between the author and his text. This is not the place to discuss such problems in detail, though an awareness of these and related issues underlies much of what follows in this paper.[11]

A more particular objection to the standard view stems from the structure of the work as a whole and the relationship between the second and first books. Cicero did not write the second book of *De Divinatione* in isolation, as a partisan tract against Roman traditions of divination. The second book is balanced by the first: the arguments *against* divination must be seen alongside the earlier arguments *in favour* of the practice. Both positions are laid out, and no conclusion, supporting one side or the other, is offered; instead, in the traditions of the Academic school of philosophy, the reader is left to make up his own mind on the most convincing case:

> 'It is characteristic of the Academy [says Marcus Cicero, at the very end of the work] to put forward no conclusions of its own, to approve those which seem most like the truth, to compare arguments, to draw forth all that may be said on behalf of any opinion, and without asserting its own authority to leave the judgement of those listening entirely free. We shall hold to this method, inherited from Socrates, and if it is agreeable to you, my dear brother Quintus, we shall follow it as often as possible in our future discussions.' 'Nothing could please me better', Quintus replied. When this was said, we arose.
>
> 'Cum autem proprium sit Academiae iudicium suum nullum interponere, ea probare quae simillima veri videantur, conferre causas, et quod in quamque sententiam dici possit expromere, nulla adhibita sua auctoritate iudicium audientium relinquere integrum ac liberum.

[7] *Leg.* 2, 13, 32–3.
[8] For example, *Ad Att.* 1, 16, 6; *Cat.* 2, 13, 29; *Sull.* 14, 40.
[9] For example, K. Latte, *Römische Religionsgeschichte* (1960), 285; J. Le Gall, *La religion romaine* (1975), 143–4.
[10] A. Momigliano, 'The Theological Efforts of the Roman Upper Classes in the First Century B.C.', *CPh* 79 (1984), 199–211; J. Linderski, art. cit. (n. 6).
[11] Difficulties with the application of the concept 'belief' are fully discussed by R. Needham, *Belief, Language and Experience* (1972). For a clear introduction to the debates on the status of the author, see C. Belsey, *Critical Practice* (1980).

Tenebimus hanc consuetudinem, a Socrate traditam, eaque inter nos, si tibi, Quinte frater, placebit, quam saepissime utemur.' 'Mihi vero', inquit ille, 'nihil potest esse iucundius'. Quae cum essent dicta, surreximus.[12]

Whatever the force of the individual arguments that have gone before, these final words in the dialogue explicitly suspend judgement.[13] Those who deduce Cicero's personal scepticism from the second book of *De Divinatione* ignore this clear denial of a directed conclusion and neglect to treat the dialogue as a whole, as a balance of arguments for and against divination.

No weight is added to the arguments against divination merely because they are spoken in the dialogue by the character of Marcus himself. Although it may be tempting (whatever the theoretical problems) to equate the words of a writer apparently speaking *in propria persona* with the 'correct meaning' of his work, that temptation here proves elusive; the 'authorial voice' in *De Divinatione* and the related *De Natura Deorum* constantly evades definition. Indeed Cicero himself in the introduction to the latter dialogue specifically states his opposition to attempts to identify his own personal opinions from his philosophical writing:

Those, however, who seek to learn my personal opinion on various questions show an unreasonable degree of curiosity.

Qui autem requirunt quid quaque de re ipsi sentiamus curiosius id faciunt quam necesse est.[14]

This statement encourages me to go further than Schofield in my rejection of any notion of a 'Ciceronian viewpoint' emerging from *De Divinatione*; but it is not my only argument.

The lack of a clear authorial voice is yet more forcefully demonstrated by the apparent shift in the opinions of the character of Marcus between *De Natura Deorum* and *De Divinatione*. In the earlier work Marcus takes only a small role, largely as narrator and listener; but at the end of the dialogue he supports the Stoic views of the nature of the gods that had been put forward by the character of Balbus: 'I felt that (the discourse) of Balbus was a closer approximation to the truth' ('ita discessimus ut . . . mihi Balbi (disputatio) ad veritatis similitudinem videretur esse propensior').[15] This contrasts markedly with Marcus' lengthy attack on the Stoic views of divination in *De Divinatione*. In part this contrast may be explained by reference to the traditions of Academic philosophy: the Academic philosopher (as Cicero claimed to be) would count himself free to espouse some individual doctrines of rival schools, while rejecting others; he might think it reasonable to accept, say, the Stoic views of the general character of the divine, while at the same time objecting to Stoic theories of divination. But there is a significance here beyond simple adherence to Academic traditions: the contrast in the views of Marcus between *De Natura Deorum* and *De Divinatione* also warns the reader against any attempt to trace an authorial voice from the various statements of the 'author-as-character' in the philosophical dialogues.

It is easy enough to cast doubt on the usual reading of *De Divinatione* and the standard assumption that Cicero expressed in that work his own scepticism on the validity of divination. Yet the arguments put forward so far raise as many problems as they solve. If Cicero's dialogue on divination offers the reader no directed conclusion, how are we to interpret this suspension of judgement? In many other of his philosophical treatises—*De Senectute*, for example, or *De Officiis*—the reader seems to be left in no doubt on the tenor and message of the work; why is *De Divinatione* different in this respect? How are we to interpret the strategies which in this and the related theological works so effectively efface the authorial voice?

[12] *Div*. 2, 72, 150. This is reiterated at *Fat*. 1, 1, with Cicero's explicit statement that in *ND* and *Div*. he laid out both sides of the question at issue 'so that each (reader) might more easily adopt the view that seemed to him the most probable' ('quo facilius id a quoque probaretur quod cuique maxime probabile videretur').

[13] I lay great stress on the fact that these words are (literally) the conclusion of the dialogue—in contrast to Schofield (below, pp. 56–60), who locates the 'authorial conclusion' in the immediately preceding chapters and their denunciation of 'superstition'.

[14] *ND* 1, 5, 10.

[15] *ND* 3, 40, 95.

A broader approach is needed. I shall attempt in this paper to throw light on the peculiar characteristics of *De Divinatione* by investigating the wider cultural and intellectual context within which the treatise was written. The first main section of the paper considers the history of philosophical inquiry in Rome before Cicero and shows how Cicero himself was an important innovator in attempting for the first time an active integration between Greek philosophy and traditional Roman practice and thought. The second section discusses the difficulties that necessarily stand in the way of such a cultural integration between two different systems of thought; it suggests that some of the tensions, problems and evasions characteristic of Cicero's theological works are a direct consequence of the particular difficulties of integrating the traditions of Roman state religion with a Hellenizing, 'scientific' approach. The final section draws on the earlier conclusions to argue that the importance of *De Divinatione* for the historian of religion lies not in the evidence it provides for the supposed scepticism of the Roman élite in the late Republic, but in its position as a specifically religious treatise; for as such it represents an important stage of cultural development at Rome—the definition of 'religion', for the first time, as an independent subject of discourse.

The arguments I shall present, unlike those of Schofield, are not philosophical in the technical sense, but they have necessarily involved me in certain decisions on method which may seem important, if not contentious, to a specialist in Hellenistic and Roman philosophy. Two of these should be noted at this point:

(*a*) In setting *De Divinatione* in its literary context, I have not considered in any detail the fragmentary works of Ciceronian philosophy. Much of my argument centres on the structure of Cicero's dialogues and treatises; hence any great stress on works surviving only in fragments, where the overall structure is lost, could well be misleading. The most notable omission that results from this principle is *De Fato*. This work was written, like *De Divinatione*, as a supplement to *De Natura Deorum*—but it survives only in some twenty pages, probably less than a quarter of the whole.[16]

(*b*) I have not concerned myself with the Greek sources of Cicero's philosophy. While I recognize that the treatises and dialogues do not constitute 'original' philosophical thought, in the modern sense of the word, I assume that Cicero exercised some choice in drawing on the Greek authorities available to him. That act of choice, in my view, makes *De Divinatione* and the related works understandable within a first-century context, whatever the 'source' of the ideas contained within them.[17]

These preliminary decisions, while avoiding some of the traditional problems of Ciceronian philosophy, have enabled me to proceed with a broader approach than is usually adopted in this subject. In this way, I believe, Cicero's *De Divinatione* (and particularly its second book) can be set in a new and more helpful context than hitherto.

I. PHILOSOPHY AT ROME: THE PLACE OF CICERO

Rome in the late Republic was the site of much philosophical activity. Elizabeth Rawson's recent study of intellectual life in Ciceronian Italy has amply documented the wide range of philosophical writing of the period that survives in fragments or passing references in later writers.[18] This section offers a brief review of the earlier history of Roman philosophical activity, in order to point up the new and distinctive features of the surviving treatises of Cicero: although Cicero was by no means the first Roman to study and write philosophy, he was the first (or at least among the first) fully to integrate Hellenizing philosophy with traditional Roman practice. Cicero was, in short, an innovative figure in the development of philosophy at Rome.

[16] For the place of *Fat.* in the programme of theological works, see *Div.* 2, 1, 3. I stand by this justification for leaving the fragmentary treatise out of my consideration; but I cannot help but be struck by Schofield's observation that *Fat.* is a 'philosopher's work', constantly avoided (for one reason or another) by historians and literary critics. See below, p. 50.

[17] Although the search for Cicero's sources is no longer at its height, the simple fact that Cicero *is* the source for so much of Hellenistic philosophy, necessarily focuses the interests of philosophers rather differently than those of historians. See, for example, recently C. Schäublin, 'Cicero, "De Divinatione" und Poseidonius', *MusHelv* 42 (1985), 157–67.

[18] See E. Rawson, *Intellectual Life in the Late Roman Republic* (1985), esp. pp. 282–97.

(*a*) *Philosophy before Cicero*

Philosophical enquiry was known at Rome long before the mid-first century B.C. As early as the fourth century B.C. there was, according to Pliny, a statue of Pythagoras in the Roman *comitium*—an indication of some contact between Rome and one of the major figures of Greek philosophy, though probably not of any significant degree of Roman philosophical activity in the strictest sense.[19] From the second century, however, there is considerable evidence of active philosophical interest among the Roman élite. It is unnecessary here to detail this fully, but the main strands of evidence can usefully be summarized.

The earliest surviving Latin literature often shows clear influence of the Greek philosophical tradition and contains precise references to Greek philosophers and schools. Ennius, for example, produced translations or adaptations of Greek philosophical works, including Euhemerus' tract on the human origins of the gods.[20] More striking still, the popular, comic, dramatic works of the late third and early second century B.C. display an obvious acquaintance with Hellenizing philosophy. In part this may be ascribed to the Greek origin of Roman comedies; but only in part. Both Plautus and Terence not only refer to philosophers (the former sometimes to individual schools),[21] but also on occasion assume some common, if stereotyped, perception on the part of their audience of the nature of philosophical activity. So, for example, in Plautus' *Captivi* a pretentiously clever response to an apparently simple question ('Is his father alive?') brings forth the ironic comment:

> All is well now; the man's not only lying, he's philosophizing too.
>
> Salva res est, philosophatur quoque iam, non mendax modo est.[22]

There is also ample documentation of the presence of Greek philosophers at Rome. Even before the famous sojourn of Panaetius in the second half of the second century some philosophers came to Rome, principally as ambassadors, but also engaging in teaching during their stay. In 155 B.C., for example, Critolaus, Carneades and Diogenes, who came to petition the Romans to remit a fine imposed upon the Athenians, also gave lectures to a (reputedly) large audience;[23] and in 169 the unfortunate Crates of Mallos, head of the Pergamene library, Stoic and ambassador of Attalus, used his enforced convalescence in Rome—he had broken his leg falling down a sewer on the Palatine—for teaching (presumably Stoic) philosophy.[24] Others no doubt came to Rome for more specifically philosophical purposes. Among these perhaps were the two Epicureans present in the city to be expelled in 173 (or 154),[25] and the philosophers and rhetoricians again victims of expulsion in 161.[26]

Members of the Roman élite formed personal contacts with these Greek scholars. So, for example, in the second half of the second century Scipio became closely associated with Panaetius and, perhaps a little earlier, there is evidence of connections between L. Marcius Censorinus and the Academic philosopher Clitomachus.[27] More frequently, though, Romans met Greek philosophy and philosophers in Greece itself, away from Italian soil. Aemilius Paullus came into contact with philosophers at Athens at the time of the campaign of Pydna,[28] and during the late second and early first centuries several Romans

[19] For the statue, see Pliny, *NH* 34, 6, 26. In my view, H. D. Jocelyn, 'The Ruling Class of the Roman Republic and Greek Philosophers', *BullRylandsLib.* 59 (1976), 323–66 seriously overestimates the degree of active Roman philosophical interest indicated by this statue.

[20] Ennius, *Var.* 45–146 (Vahlen); and for a convenient compilation of other references to Greek philosophy in Roman Republican writing, see G. Garbarino, *Roma e la filosofia greca dalle origini alla fine del II secolo A.C.* (1973).

[21] See, for example, Plautus, *Pseud.* 465 (Socrates); *Rud.* 1003 (Thales); *Pers.* 123 (Cynics); Terence, *And.* 55–9; *Eun.* 262–4.

[22] Plautus, *Capt.* 282–4.

[23] See, for example, *De Or.* 2, 37, 155; Aulus Gellius, *NA* 6, 14, 8–10; Plutarch, *Cato Maior* 22, 1–5.

[24] Suetonius, *Gramm. et Rhet.* 2, 1–2.

[25] Athenaeus 12, 68, 547a; Aelian, *VH* 9, 12; Suidas, s.v. Epikouros, 2405. The consul of the year is recorded only as L. Postumius, whence the confusion of dates. See further Garbarino, op. cit. (n. 20), 374–9.

[26] Suetonius, *Gramm. et Rhet.* 25, 1.

[27] For the relationship of Panaetius and Scipio, see A. E. Astin, *Scipio Aemilianus* (1967), 294–306. For Censorinus and Clitomachus, *Lucull.* 32, 102.

[28] See, for example, Pliny, *NH* 35, 11, 135.

are attested either to have studied philosophy there or to have taken the opportunity to attend lectures while in Athens for other reasons. Amongst these were not only Cicero himself, but also L. Licinius Crassus (*cos*. 95), and M. Antonius (*cos*. 99)—both of whom took advantage of service in the East to visit Athens and listen to the leading philosophers of the day.[29] By the end of the second century a number of Romans were considered philosophical experts in their own right. Among early Roman Stoics, Spurius Mummius, who served as ambassador in the East in 140/139, was described by Cicero as 'learned in the doctrines of the Stoics' ('doctus ex disciplina Stoicorum')[30] and, with even greater stress, P. Rutilius Rufus (*cos*. 105 B.C.) was regarded as a man 'devoted to philosophy' ('philosophiae deditus') and 'widely read in Greek literature, a pupil of Panaetius, virtually perfect in Stoic doctrines' ('Graecis litteris eruditus, Panaeti auditor, prope perfectus in Stoicis').[31] More widely popular, however, and probably earlier in its vogue was Epicureanism. Cicero again discusses the works of one C. Amafinius, the earliest attested Latin philosophical treatises. Cicero is disparaging, but admits that Amafinius' writing drew many adherents and imitators.[32] One such adherent was perhaps T. Albucius, praetor towards the end of the second century, who is described by Cicero in the following terms:

> Titus Albucius was learned in all things Greek, or rather almost completely Greek . . . he spent his youth at Athens and turned out a perfect Epicurean . . .
>
> Doctus etiam Graecis T. Albucius vel potius paene Graecus . . . fuit autem Athenis adulescens, perfectus Epicurius evaserat . . .[33]

We must imagine with these early Roman philosophers a small group of men prepared to exploit fully both the opportunities for philosophical study in Greece (as T. Albucius), and also, no doubt, the increasing flow of philosophical writing into Italy and the resources of the well-stocked libraries of the Roman upper class.[34]

(*b*) *Cicero's innovation*

It is tempting to regard Ciceronian philosophy as the direct continuation of this earlier philosophical activity, representing no particular new or problematic development. In part the works of Cicero themselves give this impression; for not only does Cicero's own survey of the history of Roman philosophy in the fourth *Tusculan Disputation* relate his own philosophical achievements closely to those of his predecessors,[35] but the choice of characters and the dramatic setting of several of the dialogues in the second-century 'Scipionic Circle' may suggest to the reader that the arguments of Ciceronian philosophy are *appropriately* put into the mouths of Scipio and his contemporaries. This is illusory; the contribution of Cicero himself to the history of Roman philosophy was far more innovative than this would suggest. Cicero for the first time Romanized Greek philosophy, tackling Roman problems, with Roman *exempla*, in a Roman setting. For his predecessors, by contrast, philosophy had remained essentially Greek, even if practised by Romans.

The first argument in justification of this distinction is a negative one. There is no reason to believe that the arguments put by Cicero into the mouths of the so-called 'Scipionic Circle' accurately reflect the type of philosophical debate in second-century B.C. Rome. Cicero no doubt aimed at historical accuracy up to a point; there are, for example, no glaring anachronisms in the historical allusions incorporated into the dialogues, and the characters assembled for each work represent plausible groups of contemporary inter-

[29] *De Or.* 1, 11, 45–7 (Crassus); 1, 18, 82 (Antonius). And in general, see Rawson, op. cit. (n. 18), 6–7.

[30] *Brut.* 25, 94.

[31] *De Or.* 1, 53, 227; *Brut.* 30, 114. Rutilius Rufus was, it seems, sufficiently expert in philosophy to be cited by Posidonius, *Off.* 3, 2, 10.

[32] *Tusc.* 4, 3, 6–7. No precise date is given for Amafinius, but the implication is that these Epicureans had chronological priority over the early Stoics. For Amafinius' imitators, see *Acad. Post.* 1, 2, 5; *Ad Fam.* 15, 16, 1; 15, 19, 1.

[33] *Brut.* 35, 131.

[34] For libraries in Italy, see Rawson, op. cit. (n. 18), 39–42.

[35] *Tusc.* 4, 1, 1–3, 7.

locutors. But in terms of the philosophical argument of the dialogues, the second-century characters are principally convenient vehicles for essentially first-century debate.[36] This is clearly indicated on one occasion by Cicero's uncertainty, quite late in the process of composition, as to the identity of his interlocutors. Writing to Quintus in 54 B.C., on the progress of his *De Republica*, he reports on his original scheme to set the work in 129 B.C. in the company of Scipio, Laelius and their associates—characters, he argues, who gave weight to the speeches because of their high rank. Yet, he continues, when he had parts of the dialogue recited to one of his friends, it was suggested to him that it would be more appropriate if he himself were to take the part of the main speaker. So Cicero changed the speaking characters of the dialogue—temporarily, as we now know: Marcus Cicero himself and Quintus took the place of Scipio and Laelius.[37] This is clear evidence that those characters were part of the literary scheme of the dialogue, not in any sense external voices reported by Cicero.

The second argument concerns the character of the earliest phases of Roman philosophy. There is no evidence that any philosophical writing at Rome before the age of Cicero went beyond the exposition of the major tenets of the Greek philosophical schools or beyond translations of Greek treatises. This point must be expressed negatively and, to some extent, tentatively, for the simple reason that only the scantiest fragments of early Roman philosophy survive. But such material as is preserved stands firmly against any suggestion that earlier writers had, as Cicero, constructively *used* Greek philosophy to deal with Roman problems. The theoretical works of Ennius, for example, were clearly translations of Greek treatises; while the writing of Amafinius and his followers seems (as far as can be gathered from the brief testimony of Cicero) to have offered little more than didactic accounts of Epicureanism—Everything you ever wanted to know about Epicurus —and never dared to ask.[38]

This suggested contrast between Cicero's philosophy and the work of his predecessors may at first sight appear at odds with the impression given by Cicero in the *Tusculans* and elsewhere, that his own philosophical activity had direct precedents in earlier Roman history. But here one should bear in mind Cicero's defensive stance in most of the philosophical works. He is concerned to justify his own activity in philosophy and its suitability for a Roman statesman by tracing back its roots into earlier Rome and by claiming it, almost, as a traditional activity for the Roman élite. This is clearly a procedural tactic and one that tends to elide any differences between Cicero and his predecessors. It would be unwarranted to assume that the traditional colours in which Cicero from time to time paints his work necessarily indicate that it was itself a traditional part of Roman intellectual life.[39]

On occasion Cicero's treatment of the work of his predecessors implicitly defines it as Greek, despite his overall attempt to assimilate their work to his own. This emerges most clearly from Cicero's description of the Epicurean T. Albucius. It is striking that the man is designated not merely 'learned in all things Greek' ('doctus Graecis'), but also 'almost completely Greek' ('potius paene Graecus').[40] It is as if a passionate interest in Hellenizing philosophy served to dissociate the philosopher from traditional Roman culture: he became *de facto* Greek. No one could speak of Cicero in these terms. His brand of philosophy, while including from time to time exposition of Greek theory, is distinctive for its integration of Greek philosophy with Roman practice—with Roman political institutions in

[36] In this I broadly follow the arguments of Astin, op. cit. (n. 27), 9–10.

[37] *Ad QF* 3, 5 (5–7), 1–2, with Garbarino, op. cit. (n. 20), 18–20.

[38] See above, n. 32. An apparent exception to this would be the second-century Q. Mucius Scaevola (whose views on the tripartite division of the divine are quoted by Augustine, *CD* 4, 27). I have, however, been convinced by the views of B. Cardauns (*Varros Logistoricus über die Götterverehrung* (Diss. Köln, 1960)), that Augustine is in fact quoting not from any philosophical work of Scaevola, but from the words of the *character* of Scaevola in a Varronian dialogue.

[39] As E. Rawson notes (op. cit. (n. 18), 57), this defensiveness on Cicero's part should warn us against overestimating the amount of early Roman philosophical activity on the basis of those early Roman philosophers he cites. It is likely that, in self-justification, Cicero is not selecting, but parading all such characters that he can find.

[40] *Brut.* 35, 131. For Athens as the obvious location of philosophical debate, see *De Or.* 1, 11, 45–7; 1, 18, 82.

De Republica, with traditional Roman moral values in *De Officiis* and with Roman divinatory practice in *De Divinatione*.

It must remain uncertain how far the work of Cicero stands apart from that of his direct contemporaries. I have treated Cicero himself as the philosophical innovator in the late Republic—largely because there is no firm evidence of other writing of precisely his kind. Lucretius' brilliant exposition of Epicurean philosophy hardly engages deeply with Roman practice; while the surviving parts of Varro's Hellenizing systematization of Roman traditions leave it unclear to what extent he had undertaken a constructive integration of the two systems. We can, however, do little more than guess at the character of the rest of Varro's output or the other first-century philosophy so ably resurrected by Rawson. It may be that 'Cicero' should stand as shorthand for his whole generation.[41]

II. THE PROBLEMS OF CULTURAL INTEGRATION: CICERO'S SUSPENSION OF JUDGEMENT

The development of philosophical or 'scientific' thought is a well-recognized problem in cultural history and anthropology. Scholars in many different fields have investigated the complex stages by which individual societies, either through internal change or outside influence, adapt their traditional 'symbolic' inheritance to a 'scientific' world view. Anthropologists, in particular, have highlighted the problems associated with the introduction of 'scientific' thought into an essentially 'pre-scientific' society.[42] Students of the ancient world also have recognized many of the same issues in the origins and early history of Greek philosophy. They have long appreciated that the rise of pre-Socratic philosophy was embedded in a complex set of relations between the mythical, symbolic inheritance of the early philosophers and their increasingly scientific modes of thought;[43] and recent work on such developed scientific studies as Aristotle's *Historia Animalium* has shown that there are still latent conflicts between traditional systems of classification and a strictly scientific approach.[44] Curiously, this method of approach has never been applied to the growing 'intellectualization' of Roman life in the first century B.C.

Cicero's innovation in integrating Hellenizing systems of thought with traditional Roman practice and institutions can well be understood in similar anthropological terms. There are, of course, obvious differences between the philosophical developments of first-century B.C. Rome and those of early Greece: Roman philosophy largely involved the adoption of *external* (Hellenizing) models of thought; the origins of Greek philosophy are conventionally seen as the consequence of *internal* revolution in ways of thinking. Yet the underlying cultural clash in each case was very similar. Cicero, like the pre-Socratic philosopher (or like the tribesman adapting western medicine to his traditional knowledge of witch-doctoring), was necessarily faced with conflicts between his 'pre-scientific', traditional ways of understanding the world and the 'scientific' world view implicit in the Greek philosophical modes of thought he was attempting to deploy. These conflicts provide an important background to any understanding of the characteristics of Cicero's philosophical output.

[41] Lucretius was surprisingly (in modern eyes) uninfluential in the history of Roman philosophy; he may almost be seen as the final flowering of the tradition of Epicurean writing started by Amafinius. See Rawson (op. cit. (n. 18), 285) and—for his Greek, rather than Roman, character—P. Boyancé, *Lucrèce et l'épicurisme* (1963), 7–32. The assessment of Varro's theological works is made particularly difficult by the fact that almost all the substantial fragments are preserved in the Christian polemic of St Augustine.

[42] Amongst the many modern studies of 'pre-scientific' thought and transition in modes of thinking, note especially: J. Goody, *The Domestication of the Savage Mind* (1977); R. Horton and R. H. Finnegan (edd.), *Modes of Thought: Essays in Thinking in Western and Non-Western Societies* (1973). The terminology in this area is far from standard. I have used the following pairs of opposites interchangeably: traditional/non-traditional; mythological/non-mythological; pre-scientific/scientific; symbolic/encyclopaedic. I have used inverted commas wherever these technical terms might be confused with popular usage.

[43] L. Gernet, 'Choses visibles et choses invisibles', *Anthropologie de la Grèce antique* (1968), 405–14 (translated in *The Anthropology of Ancient Greece* (1981), 343–51); G. E. R. Lloyd, *Magic, Reason and Experience: Studies in the Origin and Development of Greek Science* (1979), 1–8; J.-P. Vernant, 'La formation de la pensée positive dans la Grèce antique', *Mythe et pensée chez les Grecs* (1965), 285–314 (translated in *Myth and Thought among the Greeks* (1983), 343–74). Even the most traditional studies of the pre-Socratics discuss such issues; see, for example, W. K. C. Guthrie, *A History of Greek Philosophy* I (1962), 58–62 (on Thales).

[44] G. E. R. Lloyd, *Science, Folklore and Ideology* (1983), 7–57.

The most acute problem in integrating traditional Roman practice with Hellenizing philosophy arose in those areas where Greek philosophical discourse clashed with the institutional framework of Roman politics and religion. Roman institutions were not Greek. They could not convincingly be interpreted by a straightforward application of Greek theory, especially where Roman traditional knowledge (whether implicit in 'common sense' or explicit in a literary tradition) offered its own independent, often competing, interpretation. Roman augury provides a clear example here. It was deeply embedded at the centre of Roman political and religious life, defined and regulated in the written tradition of the priestly books; it made sense according to the logic of the symbolic inheritance of Rome and Roman views of the operation of the gods in the world; its traditional interpretation could not simply be passed by in favour of a Greek philosophical scheme of divine involvement in the world.[45] So, for example, as Cicero states in *De Divinatione*, Roman augury involved no predictive element, but was concerned rather simply to ascertain divine approval for the undertaking contemplated;[46] by contrast, its Greek 'equivalent', *mantike*, whose philosophical aspect forms the basis of much of the dialogue, was defined by Cicero himself as 'the foresight and foreknowledge of future events'.[47] The conflict is immediately apparent. In the case of such central Roman institutions as augury, a Greek theoretical approach thus necessarily involved a complex process of active reinterpretation of the Roman inheritance within an overall Hellenizing model and also, no doubt, a rethinking of the theory itself in the light of Roman practice.

Some areas of Roman life were more easily susceptible to a Greek philosophical interpretation. In some aspects of political philosophy, for example, the precedent of Polybius no doubt eased the integration between Roman practice and Hellenizing philosophy; but there were other particular areas where Roman cultural attitudes were either (contingently) relatively easy to reconcile with aspects of Greek theory, or where those attitudes were not closely defined within any institutional or written tradition. This was most obviously the case with ethics, oratorical principles and some aspects of religious thought. Subjects such as the fate of the body and soul after death, for example, could more readily be treated in Greek philosophical terms than augury, simply because (unlike augury) they were not a central element of the institutional framework of Roman religion. Greek philosophy was not here liable constantly to conflict with the established 'traditional' knowledge of Rome. Yet even in these more tractable subjects the problems of integration between the two cultural systems were not negligible. At the most fundamental level of language, a simple exposition of Greek theory in Latin involved greater difficulties than simply forming a dictionary of equivalent terms; it involved, in part, a rethinking and reworking of such theory, so that it could make some sense in the Latin language and in the world view incorporated in that language.[48] Cicero's expertise in *De Officiis*, for example, at constructing an apparently close fit between Greek and Roman ethical outlooks should not mislead us into supposing that the two systems somehow 'naturally' overlapped.[49]

Cicero's theological works can best be understood in the context of these problems of cultural integration. I shall highlight in the following pages some of the tensions, constraints and evasions within, particularly, *De Divinatione* and *De Natura Deorum*, and I shall argue that these, as a whole, may be explained by reference to the underlying confrontation between traditional Roman symbolic knowledge of the workings of the world and the developed Hellenizing encyclopaedic rules for comprehending the same phenomena. The tenor of these arguments will be generalizing and structural in two particular respects. First, while recognizing that certain features of tension that I identify can, individually, be explained by a variety of piecemeal explanations, my argument will focus

[45] On the formal traditions of augury, see J. Linderski, 'The Augural Law', *ANRW* II, 16, 3 (1986). For the augural books, P. Regell, *De augurum publicorum libris* (1878); *Fragmenta auguralia* (1882).

[46] *Div.* 2, 33, 70.

[47] *Div.* 1, 1, 1.

[48] For a rare appreciation of the extent of the difficulty involved in translating Greek philosophy into Latin, see A. E. Douglas, 'Platonis Aemulus', *G&R* 9 (1962), 41–51.

[49] For a clear illustration of the fact that Greek and Roman ethical systems could be perceived as strikingly different, see Dionysius of Halicarnassus, *Rom. Ant.* 5, 8 (Greek distaste for the traditional severity of a Roman father).

on the whole structure of tensions and constraints in Cicero's theological works. This is not to deny the validity of such piecemeal explanations as have been offered, but to suggest rather that a different type of explanation is appropriate when the individual features are considered as part of a broader pattern. Secondly, my primary interest lies in the tensions and contradictions between two systems of thought, rather than in the particular handling of these tensions by Cicero as author. In this respect my paper differs from that of Schofield: whereas he is concerned principally with the author's handling of the difficult subject of divination, I focus on the more general context within which divination necessarily becomes a difficult subject. In the course of this discussion the Academic school of philosophy will sometimes figure prominently, the school to which, in the writing of the last phase of his life, Cicero frequently claimed adherence.[50] Although the history of the Academy is complex and in places obscure, it is clear that it was known for most of antiquity as the leading school of scepticism, that it regarded firm knowledge as impossible to obtain, and that its traditional practice was to lay out both sides of any question under discussion without attempting to reach a firm conclusion. Cicero's method was no doubt influenced by this philosophical school. But it is not enough to explain the characteristic features of uncertainty present in the theological works simply by reference back to the principles of the Academy; for that explanation itself raises the more pertinent and interesting question of why the principles of the Academy should prove an attractive theoretical stance in Cicero's philosophical writing. Schofield suggests that the Academic philosophical style was peculiarly appropriate for educating the Roman reader in the subject of philosophy. I would add that behind Cicero's Academic stance there were strong structural pressures against the formulation of firm opinions—namely, the problems necessarily encountered in any attempt to integrate Hellenizing and traditional Roman thought.

(*a*) *The position of priest and philosopher*

One of the main characters in *De Natura Deorum* is both a priest of Roman state religion and a philosopher—a combination of roles that exemplifies the tension between traditional Roman religious practice and Greek philosophical thought. C. Aurelius Cotta, consul in 75 B.C. and *pontifex* from perhaps as early as 91 B.C. is depicted as host for the discussion on the nature of the gods and also acts as mouthpiece for the arguments of the sceptical Academic, attacking in particular the Stoic view of the gods put forward by the character Balbus. The fundamental contradiction of his role is plain: Cotta, the *pontifex* and representative of Roman state religion, takes a radically sceptical stance on the nature of the gods and, paradoxically, mounts a particular attack on the principles of Stoicism—the one ancient philosophical system that we now perceive to have been relatively easily compatible with the traditional symbolic inheritance of Roman religion.[51]

The ambiguities in Cotta's role are made particularly prominent twice in the dialogue. The first occasion is at the beginning of the second book where Balbus, in trying to persuade Cotta to give some firm opinion on the nature of the divine, draws attention to his dual role:

> It is the mark of a philosopher and a pontiff and a Cotta to possess not a shifting and unsettled conception of the immortal gods, like the Academics, but a firm and definite one like our school [sc. the Stoics].
>
> Est enim et philosophi et pontificis et Cottae de dis immortalibus habere non errantem et vagam ut Academici sed ut nostri stabilem certamque sententiam.[52]

[50] See, for example, *Div.* 1, 3, 6–4, 7 ('nos' referring to the Academics) and *ND* 1, 5, 11–12 (both passages from the authorial statement in the introduction, not from the dialogue proper).

[51] I would emphasize *relatively* here. Although *we* readily perceive apparent similarities between Stoic and traditional Roman views of the gods (the pervasiveness of the divine; divine benefits for man), even here, as I suggested above (p. 41), an active reinterpretation of both was required before they could convincingly be seen to overlap.

[52] *ND* 1, 1, 2.

Cotta refuses to comply with Balbus' request but, despite his paraded role as representative of state religion, adopts an Academic stance that it is easier on such subjects to express negative views and disagreements than positive opinions. At the beginning of the third book the ambiguous role of Cotta is made explicit for a second time. Before embarking on an Academic deconstruction of the Stoic position put forward by Balbus, the character of Cotta is made to speak as *pontifex* and explicitly to accept the inherited traditions of Roman state religion, as handed down by his predecessors:

> For my part I shall always uphold [the ceremonies and duties of religion] and always have done so, and no eloquence of anybody, learned or unlearned, shall ever dislodge me from that belief on the worship of the immortal gods that I have inherited from our ancestors.
>
> Ego vero eas defendam semper semperque defendi, nec me ex ea opinione quam a maioribus accepi de cultu deorum immortalium ullius umquam oratio aut docti aut indocti movebit.[53]

This statement of explicit support for Roman state religion lies uneasily beside the sceptical arguments used by the character of Cotta in the rest of the book.

A similar ambiguity is inherent in the character of Marcus Cicero in *De Divinatione*; for his own position as a member of the augural college is hardly compatible with his role in the dialogue as sceptic on the principles of divination in general and augury in particular. He attempts to negotiate this incongruity by separating his rational scepticism on the theoretical validity of divination from his practical commitment to its continuance at Rome for reasons of tradition and political stability:

> However, out of respect for the opinion of the masses and for its great service to the state, we maintain the augural practices, discipline, religious rites and laws, as well as the authority of the augural college.
>
> Retinetur autem et ad opinionem vulgi et ad magnas utilitates rei publicae mos, religio, disciplina, ius augurum, collegi auctoritas.[54]

But the strategy of appeal to expediency and tradition does not entirely remove the tension between Cicero's prominent public role within traditional Roman religion and his denunciation of the principles of augury as a character in *De Divinatione*.[55] Like the character of Cotta, Marcus in *De Divinatione* highlights the underlying problems in reconciling traditional Roman practice and Greek philosophical theory.

(*b*) *Dialogue form and the suspension of judgement*

The dialogue form of Cicero's philosophical treatises allows the possibility of further play of ambiguity. Schofield argues strongly for a close relationship between the rhetorical character and philosophical point of Cicero's treatise, and suggests, in particular, that the traditional Stoic anecdotal defence of divination made 'knockabout' cross-questioning the appropriate sceptical response. I would argue more broadly that the dialogue structure itself could be used (though was not always) as a depersonalizing, distancing device, which obviated the need for Cicero, as author, to identify with any one expressed opinion.[56]

In both *De Divinatione* and *De Natura Deorum* the dialogue form allows the easy expression of uncertainty and suspension of judgement. This goes beyond the simple formula of *De Divinatione*, where each character offers a set of arguments on one side of the question without any final conclusion or evaluation of the two positions. In the more complex structure of debate in *De Natura Deorum* the interplay of characters is concluded by Cicero's report of the 'votes cast' on each side—again an equal division:

[53] *ND* 3, 2, 5.

[54] *Div.* 2, 33, 70.

[55] As Schofield points out, appeal to tradition can also be seen as characteristic of the sceptical philosopher, in places where reason appears to be insufficient to establish the truth (below, pp. 55–6).

[56] See below, pp. 45–6. Note also the sophisticated approach offered by P. Levine, 'The Original Design and the Publication of the *De Natura Deorum*', *HSCPh* 62 (1957), 7–36.

> Here the conversation ended, and we parted, Velleius thinking Cotta's discoursè to be the truer, while I that of Balbus approximated more nearly to a semblance of the truth.
>
> Haec cum essent dicta, ita discessimus ut Velleio Cottae disputatio verior, mihi Balbi ad veritatis similitudinem videretur esse propensior.[57]

Likewise, the dialogue form, with the possibility of continuity (or discontinuity) of character from one fictional discussion to the next, allows a more sustained undercutting of a directed thread of thought and the effacement of, in particular, the authorial voice. Cicero's own suspension of judgement is made more obvious to the reader by the fact that he appears as a character in both *De Natura Deorum* and its supplement *De Divinatione*, and expresses contradictory positions in each work.

There is a striking contrast in form and function of the dialogue between the theological areas of Cicero's philosophical corpus and those concerned with such topics as politics or ethics. In the latter Cicero uses dialogue to direct the argument to a conclusion which the reader tends to equate with the position of the writer, even if the writer is not present *in propria persona*; and the shifting, uncertain perspective of the characters, typical of the theological works, is almost entirely absent. So, for example, in the *Tusculan Disputations*, the character of Marcus plays a didactic role, guiding the argument to clear conclusions on such issues as the endurance of pain or the despising of death; similarly in *De Amicitia*, Laelius is given a directing role which involves no problematic juxtapositions or obviously conflicting attitudes.[58] The principal reason for this difference in the character of the dialogue between one part of the corpus and another is fairly clear: its formal potential for allowing suspension of judgement was most fully exploited in that area of Cicero's philosophy—namely the theology of state religion—where the difficulties of integration between Roman practice and Hellenizing thought were most acute.

(c) *The choice of interlocutors and their roles*

The identity, character and interrelationship of the various interlocutors in the dialogues are important elements in the presentation of ambivalence and suspension of judgement. The particular conflicts highlighted by the choice of Cotta and Marcus—both priests and philosophers—as main speakers in the *De Natura Deorum* and *De Divinatione*, may be set against more general principles of character choice, which underline the problems of the theological works, in contrast to other areas of Cicero's philosophical writing.

A most important, though rarely recognized, feature of the speakers in *De Natura Deorum* and *De Divinatione* is their parity of status. All the chosen characters (with the possible exception of Velleius in *De Natura Deorum*) enjoyed high political and social prestige—in contrast to the position in (say) the *Tusculans*, where the role of the second interlocutor is definitely subordinate and almost that of a pupil.[59] With Balbus and Cotta (in *De Natura Deorum*) and Quintus (in *De Divinatione*) the status of the characters gives weight and added point to the arguments they are said to espouse, making the reader's assessment of their arguments all the more difficult. Indeed, in the case of *De Divinatione*, the choice of two brothers as the two interlocutors in the dialogue serves not, in my view, to mark out the inferiority of the arguments of the younger and less distinguished, but to equalize as nearly as possible the weight of each side of the debate.[60] The contrast between the theological dialogues and many of the other treatises is clear, and the reason for it not hard to conjecture: where the subject allowed a clearly directed argument, that argument was often further highlighted by a marked difference in status between the main speaker

[57] *ND* 3, 40, 95.

[58] Only *Fin.* approaches the theological works in formal character; but it is still hardly comparable, being much more an explicit exposition of the different ethical systems of the different Greek schools (*Fin.* 1, 4, 12).

[59] For various solutions to the identity of 'A' in *Tusc.*, see T. W. Dougan (ed.), *ad* 1, 5, 9. For my purposes it is sufficient to recognize that the interlocutor (whoever he is) is of clearly inferior status.

[60] For a fuller discussion of the role of Quintus, see Schofield, pp. 60–1.

and his interlocutors; where the problems of handling the subject in Greek philosophical terms made a directed argument impossible, the equal status of the opposing views put forward was underlined by the equality of social and political status between the various interlocutors.

Cicero had considerable freedom of choice in selecting the interlocutors for his philosophical dialogues. With hindsight it is easy to forget that the characters were not predetermined and that, even within the necessarily limited circle of Romans who might be considered suitable mouthpieces for Greek philosophy, Cicero had a relatively wide range from which to choose. When, for example, Cotta or Marcus himself (as both priests and philosophers) are selected as main interlocutors, we must regard this as a conscious choice on Cicero's part, and a conscious attempt to highlight the tensions inherent in their dual role. The difficulties we find in the contradictory position of these two characters are intentional ones; they could, after all, have been avoided simply by the choice of different interlocutors. Although it is difficult in most cases to be certain how far Cicero was aware of the problems and contradictions so evident in a modern reading of his work, his choice of characters represents one area of certainty: he was not only anxious to provide an integration between traditional religious practice and Hellenizing philosophy; he was also concerned to highlight the problems of such an integration.

Many of these examples of uncertainty or tension I have cited from the theological works were, no doubt, individually influenced by other factors, such as Cicero's imitation of Academic philosophical practice. When taken together, however, they form a much more telling picture, marking out Cicero's theological dialogues (in contrast, say, to the ethical works) as a particular area of difficulty and uncertainty for their author. We can never be absolutely certain what the ultimate cause of that difficulty was; but the place of Cicero in the history of philosophy at Rome and his innovation in integrating Roman and Hellenizing traditions strongly suggest that the difficulty is to be primarily explained by reference to the predictable (yet hard to resolve) cultural clash between different systems of thought.

III. *DE DIVINATIONE* II: THE CASE AGAINST SCEPTICISM

This paper began with simple expressions of doubt on the conventional assumption that Cicero's personal scepticism can be deduced from the second book of *De Divinatione*. These doubts have been reinforced by a consideration of the work in its wider literary and intellectual context. I have shown that it is not justifiable to extract one part of one work and to claim for that part the status of Cicero's 'real views'; nor is it justifiable simply to compare an expression of scepticism in, say, *De Divinatione* with support for state religion in *De Legibus* and deduce from that either a change of opinion or insincerity in the earlier work. For each element of Ciceronian argument—whether tending towards 'scepticism' or 'faith', whether in the mouth of Marcus or any other of the chosen interlocutors—must be seen not in isolation, but as part of a broader whole, where firm views in one place find their contradiction or erosion in another, in the same or a related work. The identification of a clear authorial standpoint can be made only at the cost of blindness to the many devices within the theological works by which that standpoint is constantly evaded or sidestepped.

It is not my purpose just to reinforce the negative arguments against Ciceronian religious scepticism, but rather to demonstrate different, positive, ways of understanding Cicero's theological dialogues. Two particular conclusions may be suggested: the first, a reformulation of the arguments from cultural integration that have emerged at various points during the paper; the second, following from that, an attempt to evaluate the significance of *De Divinatione* as a document of the history of religion.

(*a*) Cicero's philosophical works demonstrate a remarkable mastery of a wide range of Greek philosophical theory and a sophistication in the (almost excessively) expert deployment of Greek philosophical arguments. None the less, the theological works in particular are also tentative in the sense that they represent the first attempts at the formation of a scientific discourse on Roman religion. A comparison between Ciceronian philosophy and that of the generation or two following him makes clearer this tentative

quality: while Horace and Seneca, for example, deftly used an established discourse of Greco-Roman philosophy to explore freely such notions as *otium* or *divitiae*, Cicero, by contrast, was still (at least in the area of theology) attempting to establish the discourse within which such philosophical argument might be possible. In this sense, Cicero's handling of state religion in his philosophical works does not constitute the argued presentation of an opinion or a view; it constitutes rather the process of formation of a discourse on theology.

(*b*) *De Divinatione* is a work of much greater importance for the history of religion than any exclusive concentration on its author's views has ever revealed. Its most striking positive feature is the fact that it is a dialogue about religion; that, over two books, an argument is sustained specifically on the subject of divination. This amounts to a clear indication of one of the most important religious developments of the late Republic. Not only was it a period characterized by intense interest in religion, as has been so well documented by Momigliano and Rawson;[61] but it was, more crucially, the period when 'religion', as an activity and a subject, became clearly defined out of the traditional, undifferentiated, politico-religious amalgam of Roman public life.

The differentiation of religion is evident in many aspects of late Republican life. A classic example is found in the history of the Bacchic cult in the early second century B.C. The unprecedented nature of this cult lay in its status, for the first time in Roman Italy, as a specifically religious organization; and it was partly this novelty which led the senate in 186 B.C. severely to curtail its activities.[62] Later, however, individual members of the traditional Roman governing class are themselves found participating in, rather than prohibiting, such developments. Appius Claudius Pulcher in the first century B.C., for example, assumed the role of (self-proclaimed) 'expert' in augury. He has often been treated as a conservative traditionalist, vociferously upholding the rites of state religion in the face of growing neglect or scepticism amongst his peers. In fact, both the missionary zeal of Pulcher and the doubts or unconcern of his contemporaries are part of the same, new, phenomenon. It was now possible for members of the Roman élite to proclaim a particular stance in relation to religious activity; it was no longer simply 'something they did'.[63] So with *De Divinatione* (and its related dialogues), for the first time, we find developed verbal arguments specifically on state religion. 'Religion' had now been defined as a subject of Roman discourse.

Newnham College, Cambridge

[61] See the articles of Momigliano, cited nn. 1 and 10; and Rawson, op. cit. (n. 18), 298–316.

[62] The clearest account of this aspect of the incidents of 186 is given by J. A. North, 'Religious Toleration in Republican Rome', *PCPhS* n.s. 25 (1979), 85–103.

[63] Note Appius Claudius' book on augury (*Ad Fam.* 3, 4, 1), his debate with C. Marcellus on the nature of the augural discipline (*Div.* 2, 35, 75; *Leg.* 2, 13, 32) and his popular (almost humorous) image as the keen augur *par excellence* (Varro, *RR* 3, 2, 2). Other contemporary religious experts include P. Nigidius Figulus and Aulus Caecina (for whom, see Rawson op. cit. (n. 18), 309–12 and 304–6). They are wrongly called 'traditionalists' by, for example, A. Wardman, *Religion and Statecraft among the Romans* (1982), 46–7.