CICERO FOR AND AGAINST DIVINATION*

By MALCOLM SCHOFIELD

INTRODUCTION

This paper is a study of the way Cicero wrote philosophy. Or rather *a* way: as one would expect of an author of his ambition and versatility, Cicero produced different sorts of philosophical writing in different works. What I am considering here, accordingly, is the way Cicero wrote philosophy in one particular treatise, *de Divinatione*. Section I examines the place of *Div.* in his philosophical œuvre, and asks why he should have decided to devote a treatise to the topic. It suggests *inter alia* that he was attracted by the special opportunities for philosophical rhetoric which it afforded him. Section II explores the two distinctive styles of rhetoric in *Div.*, and proposes that they are best seen as a particular kind of marriage of the Greek and the Roman. Section III discusses the claim that *Div.* is to be read as a tract against superstition, and opposes to it a conception of the work—at once more straightforward and more nuanced—as an exercise in the opposition of arguments. It focuses particularly on the avowedly Socratic dimension of *Div.* Section IV supports the same view of the dialogue by emphasizing the philosophical weight of the arguments for as well as against divination.

It would be wrong to oppose discussion of Cicero as writer to discussion of Cicero as thinker. None the less there is force in the distinction; and the strategy of interpretation adopted in this paper is meant to suggest that, if we want to understand the thought of *Div.*, we must first grasp the significance of its Academic literary form. Indeed I favour a bolder and more general thesis: Cicero found himself freshly attracted to the sceptical philosophy of the new Academy at the time he composed his philosophical encyclopedia precisely because it gave him as encyclopedist the great rhetorical and expository advantage of *argumentum in utramque partem*. For when he wrote *de Republica* and *de Legibus* a little less than ten years before,[1] there was no sign of allegiance to the sceptical Academy.[2] What turned him into a sceptic? Not, I suggest, a purely philosophical conversion, for urbane men of affairs just turning sixty who are (as Cicero was) highly derivative thinkers do not undergo intellectual conversions, however else they may change. I propose that it was rather the attractiveness of the Academic philosophical style which most appealed to the orator as he embarked on his self-appointed task of educating the Roman reader in the subject. As he went through with the project, no doubt he discovered that his intellectual outlook was or had become sceptical. I do not mean that he had become a sceptic in the modern sense of an unbeliever. Rather, he had come to think with the Academy that whatever philosophical views a person holds had better be entertained not as firm convictions but simply as the best views that appear to him to be available after he has run

* The origins of this paper in a seminar at the Institute of Classical Studies are explained above by Dr Beard. The present version reworks a talk subsequently delivered to the Oxford Philological Society in November 1984. I am grateful to my audiences in London, Oxford and (on a further occasion) Belfast for their argumentative reactions. I am conscious of specific debts to Julia Annas, John Crook, John Dillon, Andrew Lintott and Richard Sorabji; and above all to Mary Beard, Nick Denyer and Elizabeth Rawson, for the stimulus of their talk and their writings, and for helpful comments on the penultimate draft. To Mary Beard, indeed, I owe not only specific ideas but the impetus to work on *Div.* and the whole approach to the dialogue indicated in the Introduction. It is therefore particularly important to acknowledge my responsibility for the final outcome.

[1] On the date of *Leg.*, see e.g. E. D. Rawson, 'The Interpretation of Cicero's "De Legibus"', *ANRW* I. 4 (1973), 334–56, at 335–8.

[2] There is reason to think that Cicero's philosophical position in general altered from the sort of Platonism associated with Antiochus in *Rep.* and *Leg.* to Academic scepticism (in the version of his first teacher, Philo of Larisa) in the philosophical encyclopedia of 46–44 B.C. This is the natural reading of *Acad.* I. 13, and Cicero is notoriously hostile to the sceptical Academy (whose characteristic methodology is notably absent in *Rep.* and *Leg.*) at *Leg.* I. 39. Some might feel the hypothesis of a return by Cicero to the philosophical allegiance of his youth after a period of sympathy with Antiochus to be paradoxical. Others will not find this psychological history too surprising; and it needs to be borne in mind that in *Rep.* and *Leg.* Cicero is trying to present himself as a major constructive political philosopher: he has no special occasion to consider epistemological questions there, whereas in the encyclopedia he is undertaking a judicious review of all philosophy, which inevitably involves him in more searching reflection on epistemology and methodology. The whole question is to be the subject of a forthcoming paper by J. Glucker.

through and compared the arguments on either side. And my suggestion is that Cicero came to find this position congenial in the process of trying it out as a literary strategy: first the words, then the matching intellectual stance.

This large speculation will not be argued here. I mention it in order to sketch a larger frame within which the present enquiry may be set.

I. THE PLACE OF *DE DIVINATIONE* IN CICERO'S PHILOSOPHICAL ŒUVRE

At the beginning of *Div.* II Cicero offers us a survey of his philosophical writings (II. 1–4). It constitutes a sort of *catalogue raisonné* of the whole philosophical œuvre, omitting nothing of substance except the very latest works of 44 B.C., not yet composed, and the problematical *de Legibus*. The first part of the list, which is all that will concern us, is presented roughly in chronological order of composition. But it is at the same time a remarkably logical order. Cicero not only wrote to introduce his readers to the main subjects of philosophy, but his own order of composition reflected a natural logical order which a reader could conveniently follow in exploring the subject.

Thus the catalogue begins with the *Hortensius*, Cicero's *protrepticus* or invitation to philosophy. Then it mentions the *Academica*, dealing with epistemology, which the Hellenistic schools included under logic or canonic, and took to be by rights the first subject in the philosophical curriculum, as specifying the yardsticks against which a philosophical system must be measured. The *Academica* performs the further service of introducing the reader to Cicero's own approach to philosophy, as he himself here indicates. Next Cicero lists *de Finibus* and the *Tusculan Disputations*: *Fin.* he describes as a work of exposition, setting out the views of the different schools on the end of life; *TD*, like *Acad.*, is presented as Cicero's own teaching—it reveals 'res ad beate vivendum maxime necessarias'. *Fin.*, we might say, is theory, *TD* a work of practical ethics. The Hellenistic schools sometimes made ethics the final subject of the curriculum, so as to have it culminate with the goal to which all the rest of philosophy pointed. Here Cicero exploits essentially the same idea, but makes it a reason for putting ethics early in the cycle of his works: the *fundamentum philosophiae* is placed 'in finibus bonorum et malorum'. A similar claim is implied with regard to *TD*: the thesis of the fifth book, that virtue is sufficient for happiness, 'totam philosophiam maxime illustrat'—presumably because it shows what the point of the whole enterprise of philosophy consists in. After *Fin.* and *TD* Cicero wrote (he tells us) *de Natura Deorum*, which embraces not just theology, but much that falls under physics, the third of the three main divisions of philosophy after logic and ethics recognized in the Hellenistic schools. And with *ND* he could surely have stopped, for by now he had covered the whole field of philosophy, and indeed in theology he had reached what the Stoic Chrysippus apparently regarded as the final topic in the curriculum.[3]

But he did not stop. Even though three books *de Natura Deorum* had been *perfecti*, he has started to write *Div.*—'ut [quaestio] plene esset cumulateque perfecta': 'so that the enquiry [viz. into the nature of the gods] might be fully and more than fully completed'.[4] Nor is he going to stop even at this. He plans to add a *de Fato*. When that is written the whole subject will have been dealt with 'abunde satis'—'in superabundant sufficiency', a palpable oxymoron. Cicero is going to town on theology, and he indicates that he knows very well that *ND* on its own would have sufficed.

Theology looms much larger in Cicero's philosophical writings than it does (for example) in Plato, Aristotle, or—so far as we can reconstruct them—the Hellenistic Stoics. Why did Cicero not write a *de Rerum Natura*, only a *de Natura Deorum*? There is not

[3] *SVF* II. 42 (= Plu., *Stoic. rep.* 1035 AB) and 1008 (= *Etym. Magn.* s.v. τελετή). There is some interesting material in P. Boyancé, 'Cicéron et les parties de la philosophie', *REL* 49 (1971), 127–54. But he fails to see that *Div.* II. 1–4 clearly follows the standard order: logic, ethics, physics.

[4] The editors, following the MSS, print *plane*, 'manifestly'. Prof. R. G. M. Nisbet suggests the obviously more appropriate *plene*, comparing Livy XLII. 52. 13: 'omnia plena cumulataque habere'.

much profit in speculation on the first point.[5] More can usefully be said about what positive motives Cicero may have had for writing at such length, reckoned both absolutely and comparatively, on theological questions. A general historical answer suggests itself immediately. In barest outline it goes as follows: A person may or may not be interested in physics. But every people has its religion, and in societies not purely traditional there are few intelligent individuals who have not thought and formed views about religious questions. Certainly there is evidence that in the last decade or two of the Republic, a good number of upper-class Romans engaged in such reflection. In turbulent times religion both matters more and becomes more controversial, and these were men with a more sophisticated appetite than their forbears, perhaps partly because of an increasing exposure to Hellenistic culture, for intellectual discussion about it; an appetite sharpened by the responsibilities many of them bore for administering and maintaining the rites of the state religion. Cicero could, therefore, reasonably have expected to find a receptive readership for his presentation of discussions of philosophical questions about the existence and nature of the gods. There would have been little resistance either to the idea that these were important issues or to the suggestion that they should concern Romans in public life or destined to play a part in it.[6]

No area of religion was more written about in late Republican Rome than divination. We know of (but little about) numerous books on augury, mostly by men who—like Cicero—were themselves augurs; the Latin version of the *disciplina Etrusca* made by A. Caecina, one of Cicero's correspondents, was 'a major event'; and divination figured largely in the massive works of learned speculation composed by Cicero's acquaintances Nigidius Figulus and M. Terentius Varro, the leading religious writers of the age. Nigidius, in particular, is known to have practised astrology, and to have written separate treatises on Italian divination as well as the extensive *de Dis*.[7] Among Greek philosophers the subject of divination seems to have loomed larger in Panaetius' thought than in his Stoic predecessors; and Posidonius wrote a work of no less than five books about it (*Div.* I. 6).

It is not, therefore, hard to understand at a general level why Cicero should have chosen to write at length on theology in general and on divination in particular: the *Zeitgeist* blew him into it. But can we isolate any more specific reasons why he adds special treatises on divination and fate when he could have regarded himself as having discharged his obligations to theology with the completion of *ND*?

It might be said that Cicero himself tells us why in *ND*. At the beginning of *ND* II he deploys some popular considerations in support of the idea that there are gods, before turning to the formal arguments of the major Stoics. They are perhaps in a strong sense his own work, not adapted from a Greek source, for they consist mostly of Roman historical anecdotes, introduced (no doubt) to engage the Roman reader's interest in the Stoic case. II. 7–12 present evidence from divination for the existence of gods.[8] In Book III the fragmentary text resumes at a point (III. 14) where Cotta replies to this passage, initially with the argument that if (as the Stoics say) the future is fated, there is no advantage to be got from knowing by divination what will happen. Further criticisms of the belief in

[5] Walter Burkert, 'Cicero als Platoniker und Skeptiker', *Gymnasium* 72 (1965), 175–200, at 193–4, supposes that Cicero is repelled by the *obscurity* of nature. It is a commonplace of his philosophical writings that φύσις κρύπτεσθαι φιλεῖ. An Academic sceptic, doubtful about the claims of the dogmatist in any area, will quite properly be most sceptical of all about the possibility of discovering the truths of physics: 'latent ista omnia, Luculle, crassis occultata et circumfusa tenebris, ut nulla acies humani ingenii tanta sit quae penetrare in caelum, terram intrare possit' (*Acad.* II. 122). So (Burkert suggests) Cicero the Academic will avoid physics. Yet (as Burkert oddly fails to note) only a few paragraphs later on the *Academica* gives an eloquent rationale of why we *should* do physics, whether we are sceptics or dogmatists (ibid. 127–8); and, of course, *ND* does include quite a lot of Epicurean and Stoic physics.

[6] No historian, I have used such authorities as J. H. W. G. Liebeschuetz, *Continuity and Change in Roman Religion* (1979), ch. 1; A. Wardman, *Religion and Statecraft among the Romans* (1982), ch. 2; A. Momigliano, 'The theological efforts of the Roman upper classes in the first century B.C.', *CP* 79 (1984), 199–211.

[7] I owe the judgement that Caecina's publication of the *disciplina Etrusca* was 'a major event' to Elizabeth Rawson (private correspondence). For documentation and discussion of the late Republican writings on divination mentioned in the text see her new book, *Intellectual Life in the Late Roman Republic* (1985), ch. 20.

[8] I do not mean that Cicero himself collected the Roman anecdotes, which derive from the well-known historian and lawyer Coelius Antipater, who seems to have had a digression on prophetic dreams in his work on the Second Punic War (cf. *ND* II. 8). But it was Cicero's idea to include the material in a work of philosophy.

divination follow, and then without pausing Cotta turns to unrelated arguments of Cleanthes (III. 14–19). Balbus is made to object that this procedure has given him no opportunity to reply on any topic (III. 19):

> So matters of the first importance have passed by in silence [sc. without comment from me]—issues concerned with divination and fate, which you touch on very briefly, whereas our school is accustomed to say many things about them; although they are distinct from this question which is now before us.

Divination and the connected topic of fate have been very properly brought into the discussions of *ND*. But a Stoic would insist that, to do them the justice they require as distinct subjects, distinct treatment should be devoted to them. Cicero therefore writes *Div.* and *Fat.* to satisfy this need.

Was that his only or his most important motive? Consideration of the literary and philosophical character of *Div.* and *Fat.* suggests not. In *Fin.* Cicero does his duty by the ethical systems of the philosophical schools, setting out the *ratio* of the Epicurean and Stoic as each would want it explained, to be followed by the case against. In *TD* he is no longer under the constraint of having to give a full and technically accurate textbook exposition of the doctrine of a particular school or schools. He can accordingly explore central human problems in a more popular style from a more independent point of view. In a similar fashion *Div.* and *Fat.* can be more experimental than *ND*, which is the official statement of the school theologies. They are experimental in quite different directions. *Fat.* is technical, dense, intense, full of subtle dialectical twists and turns, very much focused on Epicurus, Chrysippus and Carneades, and devoted to an abstruse metaphysical topic. It conveys the interplay of ingenious minds arguing and putting fresh and unexpected lines of thought to each other better than any of Cicero's other philosophical writings, even though it is formally presented not as dialogue but as the continuous discourse of a single speaker. It is the Ciceronian treatise philosophers most enjoy reading. It is considerably stiffer and more esoteric than *ND*. *Div.*, by contrast, is not esoteric at all, and in fact takes a lot of getting through for philosophers: it is too popular a read for them. It is leisurely and expansive, reliant more on batteries of examples than on subtleties of philosophical argument (which is in fact in short supply). It treats a subject of general interest, in ways palpably designed to appeal to the Roman reader and with comparatively little exposition or criticism of Greek philosophical positions.

If we had only *Fat.* or only *Div.*, it would perhaps be hazardous to apply the concept of experimentation. As it is, the polarity of these two sequels to *ND*—their opposition in virtually every conceivable dimension—can hardly be just a consequence of the difference in their subject matter.[9] Someone writing a whole sequence of philosophical books in as short a time as Cicero allowed himself would have been almost bound to try out different philosophical styles in its course. I propose that the contrast in style between *Div.* and *Fat.*, and between each of them and *ND*, is to be interpreted as the product of a deliberate attempt to do philosophy successively in as Roman, and then in as Greek a way as possible.

Cicero invariably strives, of course, to give a Roman cast to any philosophical topic he takes up, in the service of his attempt to give philosophy a proper place at Rome and in Latin literature. He makes his interlocutors distinguished figures in Roman public life; he quotes extensively from the Latin poets; his illustrations are drawn as often as not from

[9] Although (as Nick Denyer points out to me) this difference does account for the fundamental contrast between *Fat.* as an abstract dialectical argument and *Div.* as a collection and examination of concrete examples. The two subjects demand different methods, as Chrysippus, for example, had already appreciated, to judge from our evidence of his writings on them. Examples are either irrelevant or at any rate have no probative force in a discussion of fate, which requires subtleties of logic not needed in a treatment of divination. So in adopting different methods Cicero will certainly be responding to the dictates of the subject matter and simultaneously reflecting his Greek sources. What the sources can hardly have determined is the idea of writing a *Div.* and a *Fat.* in immediate succession, as πάρεργα to an *ND*, with all the further rhetorical possibilities it opens up.

Roman myth or history. But divination was a subject particularly suited to this sort of treatment, and one Cicero was particularly well placed to exploit, by virtue of his special talents and interests. The position of divination in Roman history and public life fascinated him as a politician and observer of politics. As an augur he enjoyed the advantage of being able to acquire a knowledge of its history, ritual conventions, management and political uses. He had an easy command of the discussions of the subject in Greek philosophy. And last, but by no means least, it was a topic which enabled him to let his powers as a writer and as an orator flow more freely than in most areas of philosophy.

II. ANECDOTE AND CROSS-EXAMINATION

In a revealing text Cicero develops his often repeated view that philosophy in Latin should be readable, attractive to anyone interested in philosophical questions and not just those who happen to adhere to a particular system of dogmas. It is partly for this reason, he says, that he has adopted the Academic and Aristotelian practice, to be followed in the two books of *Div.*, of presenting both sides of an argument. For that method gives the writer *maxima dicendi exercitatio*: the scheme of arguments *pro* and *contra* attracts Cicero because it affords the opportunity for rhetoric, for using the advocate's skill in presenting a case as powerfully as his resources permit (*TD* II. 6 ff.).

Defence and attack, however, may call for different sorts of exercise of oratorical skill. The two books of *Div.* give Cicero a chance, unparalleled in his philosophical works, to engage first in the rhetoric of anecdote, then in the rhetoric of cross-examination. To exaggerate a little, *Div.* is an exercise in the writing of philosophy *as* anecdote and *as* cross-examination.

The fundamental contrast between the two books is that of method. The case for divination rests for the most part on an appeal to experience, as Cicero hints at early on in the introduction to the whole work (I. 5): 'In the old days, I think, people believed this because they were struck by outcomes, not because they were convinced by argument' ('atque haec, ut ego arbitror, veteres rerum magis eventis moniti quam ratione docti probaverunt'). The case against, on the other hand, appeals constantly to reason, and especially to the irrationality of supposing that the experiences which advocates of divination rely upon are to be explained as cases of divination rather than in some more humdrum way.

(*a*) *Anecdote*

Quintus makes it abundantly clear at the beginning of his presentation of the case *pro* what its basis is to be: nothing novel, just a very ancient view, supported by general consensus (I. 11: 'nihil, inquit, equidem novi, nec quod praeter ceteros ipse sentiam; nam cum antiquissimam sententiam, tum omnium populorum et gentium consensu comprobatam sequor'). After a brief conspectus of the two sorts of divination and the two kinds of premonition which form their basis, he says (I. 12): 'I think inquiry should be directed at the outcomes rather than the causes of these phenomena' ('quarum quidem rerum eventa magis arbitror quam causas quaeri oportere'). The slogan *eventa, non causae* ('outcomes, not causes') punctuates his whole argument, particularly in its early stages: 'I don't know *why* any of these things happen: but I do grasp *what* happens' ('cur quidque fiat, ignorem, quid fiat, intellego' (I. 16); cf. e.g. 'cur fiat quidque, quaeris recte omnino; sed non nunc id agitur; fiat necne fiat, id quaeritur' (I. 86); or in more theoretical vein, probably from Posidonius, when it is said of diviners that 'etsi causas ipsas non cernunt, signa tamen causarum et notas cernunt' (I. 127)).

Cicero contrasts popular faith in *eventa* with 'subtle philosophical arguments designed to show why there is such a thing as divination ('philosophorum . . . exquisita quaedam argumenta, cur esset divinatio' (I. 5)). But the appeal to experience is actually very Stoic, and its prominence in Book I presumably reflects Stoic strategy. In general Stoics would insist that one can know the *that* (ὅτι) without knowing the *why* (διότι): that we can all have a certainty (a φαντασία καταληπτική) with respect to something that is so, even if it can be the subject of scientific understanding (ἐπιστήμη) only for God or the Sage. In

particular we are told that they prove divination a skill or art (τέχνη) 'on the evidence of outcomes' (δία τινας ἐκβάσεις);[10] and it sounds as though Chrysippus' *On Dreams* consisted largely of a collection of divinatory dreams whose significance he then explained (I. 39; II. 144).[11] Probably it is this Stoic emphasis on examples that Cicero has in mind when, at the beginning of Book II, he compliments Quintus with the words (II. 8): 'You have defended the Stoic view accurately and in Stoic style' ('accurate tu quidem, . . . Quinte, et Stoice Stoicorum sententiam defendisti'). At any rate, Quintus has supported his insistence on the fact of divination with a massive battery of examples drawn from experience, fictional or putatively historical, reserving any speculative philosophical rationale of divination (apart from a short section at the end of the treatment of dreams) until the last twenty paragraphs of Book I. And it is significant that Cicero continues, with an explicit reference to his appeal to examples (II. 8): 'I am particularly pleased that you used a lot of Roman examples—and relating to famous and distinguished men' ('quodque me maxime delectat, plurimis nostris exemplis usus es, et iis quidem claris et illustribus').

This deluge of examples permits Cicero to indulge his skills as a story-teller (not to mention his ambitions as a poet) on a much grander scale than the limited space available in *ND* II ad init. had permitted. The reader may be forgiven for feeling sometimes that the real point of *Div.* I is simply that it gives him the opportunity to do so. The underlying philosophical thought is presumably that it is precisely an authentically messy welter of allegedly divinatory experiences which gives the best chance of persuading someone of the case for divination. One of the very rare philosophical arguments put forward by Quintus has a bearing on this point. He cites from Cratippus (Cicero's Peripatetic friend) an analogical argument for the thesis that, even if diviners err, 'it is enough to establish the existence of divination that on just one occasion the connection between prediction and outcome is such that there seems no way it could be luck' (I. 71; cf. 125). This is an interesting and persuasive account of what is necessary and sufficient to establish the case for divination; it survives unscathed the criticisms levelled against it in Book II (107–9). Certainly it gives some justification for Quintus' strategy in Book I: swamp the reader with examples; for if the connection between even one prediction and its outcome strikes him as too close, too detailed, etc. to be a coincidence, then to that extent you have persuaded him that divination occurs. Of course, there are alternative justifications conceivable: pile up the evidence; if there is a lot of it, the reader may begin to think there must be something in it.

But why the chaotic disorder of Quintus' examples? Nothing could be more straightforward than the structure of Book II: any table of contents drawn up for Book I would be a fairly optimistic and arbitrary construct (for an attempt see Appendix I).

It would have to show Quintus switching erratically both from one sort of divination to another, and from anecdotes to arguments and theories back to anecdotes again. In particular he moves without scruple to and fro between the main divisions of artificial and natural divination, which organize the argument of Book II so lucidly. Since Cicero can impose clear structure when he wishes, I infer that in Book I he is deliberately avoiding too close an adherence to the definitions and divisions of philosophical tradition. Presumably he wants to enhance our sense of divination as actual, unpredictable, immensely various experience. Perhaps, too, he is trying to bring home how hard it is to separate experience from interpretation where divination is concerned. There is a sort of openness to surprise and so to belief in Book I that is quite precluded by the firmly regimented scepticism of Book II.

As Cicero takes pains to point out at II. 8, the experience on which Book I draws most heavily and self-consciously is Roman political and historical experience. There is nothing exceptional in this, since (as we have noted) the use of such examples is one of Cicero's standard techniques for commending philosophy to his Roman readers in terms they will immediately understand, respect and find congenial. But Roman examples are the focus of *Div.* I, not (as often elsewhere) merely illustrative material. Their cumulation

[10] D.L. VII. 149.

[11] *On Oracles* probably followed the same pattern, to judge from I. 37, II. 115.

consequently helps to inculcate two more specific and substantive messages, one about Rome and its history, the other about philosophy.

At the very outset of Book I Cicero stresses the fundamental role of divination within Roman political history (I. 3–4). This theme is constantly reiterated: both in general terms ('nihil fere quondam maioris rei nisi auspicato ne privatim quidem gerebatur', I. 28) and in the course of reflection on particular instances ('sed quid vetera? M. Crasso quid acciderit, videmus, dirarum obnuntiatione neglecta', I. 29). Quintus is made to imply that the health of a *res publica* depends upon respect for auspices and divination in general (I. 95): 'Who can fail to see that in all the best states great weight has been attached to the auspices and to the other sorts of divination?' ('quis vero non videt in optima quaque re publica plurimum auspicia et reliqua divinandi genera valuisse?') And the suggestion is insinuated that when Rome was properly governed by a strong senate, divination was taken more seriously and the security of the state was consequently better assured (*ND* II. 9; cf. *Div.* I. 92): if Rome has become negligent and cynical about observing the auspices, so much the worse for Rome. The implication and the suggestion are not pressed hard. Even so, no reader could avoid concluding that to reject divination is (according to Book I) to reject something deep and important, and more especially something deep and important in the actual experience of the Roman people.

There is a philosophical consequence that follows from this conclusion. At *Rep.* II. 21–2 Cicero (exploiting an idea in Polybius)[12] has Laelius criticize Plato and his Greek successors for discussing the question of the ideal state 'sine ullo certo exemplari'. Scipio has introduced something novel and characteristically Roman into political philosophy by rooting his treatment of the subject in the actual history of an actual state. The result is a welcome gain in realism: a conception not (like Plato's) 'repugnant to the life and customs of men' ('a vita hominum abhorrentem et moribus'). *Div.* I makes no explicit claim along these lines. Yet Cicero obviously thinks he has done nothing but improve the case for divination by concentrating (of course not exclusively) on examples drawn from Roman political experience. Chrysippus is criticized for dwelling too much on 'minuta somnia', 'trivial dreams', and not enough on 'exempla grandiora' (I. 39). Cicero could not claim, as is appropriate in political philosophy, that his treatment of divination is more *realistic* than the Greeks'. He surely does think that Book I presents its *importance* more successfully than Chrysippus' *On Dreams*.

So the anecdotal method of Book I is not just something appropriate to the appeal to experience on which the case for divination must rest. Its Roman emphasis achieves two other things as well: it gives the philosophical argument extra weight; and it does so by showing how massive and inescapable is the role of divination in Roman myth and history. Once Cicero had decided to write *Div.*, then of course these results were difficult to avoid. But one could conceive of a mere transcription into Latin of (say) Chrysippus which failed to effect them. We must therefore give Cicero credit for some creativity in his marriage of Greek philosophy and Roman experience.

(*b*) *Cross-examination*

We are given a foretaste of the style of philosophical rhetoric that is most characteristic of Book II in a passage describing the sceptic's main tactic at I. 85:

> Nor indeed is any other argument brought forward why there should be no such kinds of divination as I say, except that it seems difficult to say with respect to each sort of divination what is its reason or cause. What can the *haruspex* say to explain why a punctured lung, even though the innards are sound, should make this the wrong moment and cause a postponement to another day? Why does an augur think it a favourable omen when a raven flies to the right but a crow to the left? Why does an astrologer think the conjunction of the moon with the planet Jupiter or Venus is propitious for the birth of boys, but its conjunction with Saturn or Mars unpropitious? Why should god warn us when we are asleep but not take any notice of us while we are awake? What, finally, is the reason why mad Cassandra foresees the future, but wise Priam cannot do the same?

[12] Polybius VI. 10, 12–14; 47, 7–10.

The tactic derives from the great Academic sceptic Carneades (cf. I. 12, 23), although it has an impressive ancestry in Greek philosophy. For there is in most of the instances mentioned by Quintus heavy, although implicit, reliance on οὐ μᾶλλον reasoning: there is no more reason for p than for q; but not q; therefore not p. Like all appeals to the Principle of Sufficient Reason it has fallen under deep suspicion in modern times. Nor, to judge from Quintus' reaction, were the Stoics cowed by it. He offers a sound reply to the battery of questions just quoted as follows (I. 86):

> *Why* does each thing happen, you ask. A perfectly good question. But that is not what is at issue now. The question is: *does* it happen or not? It is as if I were to say that a magnet is a stone which attracts and draws iron to itself; but I couldn't produce the reason *why* it happens; and you were then flatly to deny *that* it happens.

Although it is Carneades (no doubt mediated through Clitomachus) who inspires the sceptical assault upon divination in Book II, Cicero has ample scope for an individual use of his rhetorical powers. Earlier I introduced in connection with Book II the notion of the rhetoric of cross-examination, for much of Book II is reminiscent of nothing so much as passages in Cicero's forensic speeches where he is imagining that he has his opponent in (as we would say) the witness box and can tear his words to pieces. The best way to appreciate the comparison is to read *Div.* alongside a speech such as *Pro Sexto Roscio Amerino*, or (closer to *Div.* in date) the latter sections especially of *Pro Caelio*. Some parallel passages are set out in Appendix II.

It is of course true that all Cicero's philosophical treatises are written in a style impregnated with rhetorical technique; and his rhetorical instincts seldom desert him when he makes decisions whether at tactical or strategic level on the deployment of his material. But the special forensic tricks, particularly of cross-examination, which permeate *Div.* II, are not used nearly so extensively in the other critical books in the philosophical encyclopedia. The only comparable case is the Academic critique of Epicurean theology in *ND* I. Epicurus' views on divine form, for example, are accused of being 'scarcely up to the standards expected in old wives' talk' (I. 94: 'vix digna lucubratione anicularum'). The passage is too long to quote in full, but here is an extract (I. 95–6):

> But you never stop shouting: 'We must hang on to the truth that god is happy and immortal'. But what prevents him being happy without having two feet? . . . All you can say in reply is: 'I never saw the sun or the universe happy'. Well, have you ever seen any universe but this? 'No', you will say. Why, then, did you dare to say that there are, not thousands and thousands, but infinitely many universes? 'Reason has established it.' Then when we are inquiring into what being is supremely excellent, and also happy and eternal, i.e. into the nature of god, will not reason establish this for you: just as his nature surpasses us in immortality, so also it surpasses us in excellence of mind; and just as we are surpassed in excellence of mind, so also in excellence of body? Why, then, when we are inferior to god in other respects are we his equals in form?

But even *ND* I seldom uses the knockabout methods frequently employed in *Div.* II—e.g. at II. 56:

> You believe that the Boeotian seers at Levadia foresaw victory for the Thebans [sc. at the battle of Leuctra] from the crowing of cocks—poultry cocks: because cocks are in the habit of being quiet in defeat, but they sing when victorious. So this was the sign—*via* chickens—that Jupiter gave to so great a city? Are those birds not in the habit of singing *except* when they have scored a victory? But on that occasion they sang—yet *they* had not been victorious! 'Yes', you will say, 'That is the miracle.' Big deal! As if it was fish, not cocks, that did the singing! When is the hour, day or night, when they are not singing?

What gives scope for this sort of thing in *Div.* II but not in *ND* I is simply the anecdotal character of *Div.* I. The fact that the Stoic case rested on an appeal to experience allowed Cicero in Book I to multiply anecdotes at the expense of Greek philosophical arguments and theories. The same fact provides him in Book II with the opportunity to devote commensurately small space to the refutation of argument and theory, but a great deal of room for ridicule of Quintus' *exempla*.

The ridicule is distinctively Ciceronian in flavour. But as I suggested above, its inspiration (like that of the critical part of *ND* I) is Carneadean. Carneades' basic tactic against the Epicurean theologian or the Stoic defender of divination was simply to ask 'Why?' His aim was to convict the dogmatist of irrationality of various sorts: of inconsistency in his beliefs or in the grounds he offers for his beliefs (as at *ND* I. 95–6); of arbitrariness in holding that here one circumstance is significant, there its opposite (as at *Div.* I. 86), or again in giving great weight to one instance of something but none to apparently indistinguishable instances (as at *Div.* II. 56); of self-contradiction (as in the case of the cocks which both have and have not won a victory, ibid.); or of believing something improbably incongruous (a great city warned by insignificant birds, ibid.). It is precisely because the charge of irrationality is the chief philosophical criticism levelled by the sceptic against the dogmatist in these areas (the critiques of Epicurean and Stoic ethics from respectively Stoic and Antiochean standpoints in *Fin.* make an interesting contrast) that mocking cross-examination becomes a natural vehicle for its expression. For cross-examination characteristically exposes in a witness's testimony just the sorts of irrationality specified above. Thus the philosophical requirements of the case to be mounted against divination yield what for Cicero must have seemed perfect heaven: a situation in which full-blown rhetoric was exactly the right philosophical strategy—where philosophy could with perfect propriety *be* rhetoric.

In its way this is a Romanization of philosophy as thoroughgoing as Book I's immersion in Roman myth and history. *A priori* one might have thought that, in rejecting a case for divination built upon consideration particularly of Roman *exempla*, Cicero was inevitably distancing himself from the Roman experience: removing philosophy, as it were, from the Roman habitat in which Book I had domesticated it. But Book II avoids the problem without any sign of strain. It is not only that the rhetoric of the book is so Ciceronian and (therefore) Roman, but the very fact that it is so extensively preoccupied, albeit critically, with Roman *exempla* maintains the focus and something of the tone of Book I. Moreover, part of the case against divination turns on counter-examples of one sort or another. When these are drawn from Roman history (e.g. II. 22–4, 52–3, 99), the effect is to reinforce the importance of experience and Roman experience in considering the question, and to suggest that divination is misguided just because it is *false* to experience. Nor is the *persona* which Cicero manages to create for himself in Book II at all unRoman. In place of Quintus' believing (although not blindly pious) patriot, he substitutes an urbane patriot: dismissive of legends about Romulus (II. 80) or the Sibyl (II. 110–12), yet firm in his respect for the institutions of divination as part of Roman tradition, important as they are for the preservation of the state (e.g. II. 70–1).

III. CICERO SOCRATICUS

Cicero plainly invests a lot of energy and ingenuity into both books of *Div.* This is already evidence, I submit, that he puts a great deal of *himself* into both books. But it is not just learning and skill brilliantly and exuberantly deployed that we find there. More importantly and significantly, in both books his most characteristic intellectual sympathies are engaged.

Book I invokes experience, particularly historical experience, Book II is an exercise in sceptical reason. There is no doubting his attachment to the claims *both* of experience *and* of sceptical reason. We have already noted his remarks about the value of experience in building a political philosophy: suffice it to add that they shape the strategy not only of Book II of *de Republica*[13] but also of the legal code elaborated in Books II and III of *de Legibus*.[14] His allegiance to the Academy is sufficient to remind us of his commitment to sceptical argument. Nor is this conjunction of attitudes at all surprising. It is characteristic of the ancient sceptic to entertain a rational distrust of reason, and in consequence to practise suspension of judgement; and he sometimes copes with the problem of what to

[13] cf. *Rep.* II. 2–3.

[14] cf. *Leg.* II. 23, III. 12.

think and how to act by following tradition.[15] It is equally characteristic of Cicero's own personality and temperament that he finds himself drawn to conservative positions while distrusting the power of reason to decide any issue for certain.[16] This combination of Academic and Ciceronian attitudes is perhaps most succinctly exemplified in what Cotta says about belief in the existence of gods at the beginning of *ND* III: 'I am persuaded of this by the authority of tradition: you do nothing to show *why* it should be so' ('id tamen ipsum, quod mihi persuasum est auctoritate maiorum, cur ita sit, nihil tu me doces' (III. 7); cf. 'mihi enim unum sat erat, ita nobis maiores nostros tradidisse. sed tu auctoritates contemnis, ratione pugnas; patere igitur rationem meam cum tua ratione contendere' (III. 9–10)). Even though Cicero notoriously distances himself from Cotta's theological position at the end of the same book (III. 95), the general intellectual posture it represents is obviously highly congenial to him, and in particular he affirms the wisdom of preserving *maiorum instituta*—traditions—in religion in his own authorial person at the end of *Div.* (II. 148).

The structure of the work as a whole would in any case suggest that Cicero saw much force in the case for divination as well as the case against it. Argument *in utramque partem* has not much point unless there really is something to be said on both sides. And if Cicero does not write as he does from a conviction that there is a real, live intellectual issue at stake in the debate about divination, then his motives for taking the trouble to give *Div.* the form it has become more opaque. What he actually asserts, at both the beginning and the end of the work, is that he wants to develop what can be said on behalf of each *sententia* and to compare argument with argument, so that he and we can avoid hasty commitment to a false or uncertain proposition, but come to 'approve what seems most like the truth' ('probare quae simillima veri videantur', I. 7, II. 150).

Older and more recent writers alike have sometimes construed *Div.* as a book with a very much simpler and quite unequivocal message. Pease in his massive edition called it 'a vigorous rationalist protest' against a combination of popular superstition and political and antiquarian obscurantism.[17] Momigliano describes it as 'a denunciation' of 'the inanity of divination'.[18] Book II *is*, of course, a sort of denunciation: the design of *Div.* requires Cicero to put the case against as powerfully as he can. But Pease and Momigliano take Book II to be not just the case against, but what Cicero himself believes and passionately wants us to believe.

How do we recognize Cicero's own voice in *Div.*? Mary Beard suggests that it is a mistake even to make the attempt, aptly citing *ND* I. 10: 'those who ask what my own opinion is on each topic exhibit more curiosity than they should'.[19] In *Div.*, however, Cicero goes out of his way to focus attention on this very question of his own beliefs. He has Quintus in Book I make capital out of the positive commitments to belief in divination which he has entered into in his poetry (I. 17, 106; cf. II. 45–6, 54), in his conduct as consul and augur (I. 22, 105–6; cf. II. 70), and in his account of his dream about Marius—he said, according to Quintus, that: 'nothing could be better evidence of divination than that' ('nihil illo . . . somnio fieri posse divinius', I. 59), and does not deny it when he discusses the dream in II. 140.

This feature of the work lends itself to exploitation by those who accept Pease's or Momigliano's interpretation. For in Book II Cicero—as spokesman for scepticism—responds in various ways to Quintus' citation of his words and deeds as evidence of his belief in divination. In each case he contrives to distance himself from what he did or said, at least as interpreted as indicative of belief (II. 45–6, 54, 59, 70, 140; cf. 28). It is very natural to take these disavowals as expressing Cicero's true view: he need not have raised

[15] A policy particularly characteristic of Pyrrhonian scepticism: see Sextus, *PH* I. 23–4, with commentary by M. F. Burnyeat, 'Can the sceptic live his scepticism?', in *Doubt and Dogmatism* (1980), ed. M. Schofield, M. Burnyeat and J. Barnes, at p. 33 n. 26, and J. Barnes, 'The beliefs of a Pyrrhonist', *PCPS* 208 (1982), 1–29, at 14–15. The best evidence known to me that this was also an Academic attitude is Cotta's series of statements in *ND* III. 5–9.

[16] This point is elegantly discussed, with his customary learning and authority, by W. Burkert, *Gymnasium* 72 (1965), 175–6, 183–4.

[17] *De Divinatione*, ed. A. S. Pease (1920–3), pp. 12–13.

[18] *CP* 79 (1984), 209.

[19] Mary Beard, 'Cicero and divination: the formation of a Latin discourse', above p. 35.

the issue of his own beliefs at all, or at any rate made it so prominent a theme in Book I; since he does introduce the matter, it would be disingenuous of him to suggest as he does (for example) that his private attitude to divination differs from his public attitude (II. 28) if he were not himself sceptical. And is not a conversation between brothers, with no third party present, the ideal way for Cicero to intimate that he really is speaking his mind?

Two further elements in the literary strategy of Book II may be adduced in support of this interpretation. First is the very fact that Cicero gives himself the sceptical arguments, leaving the Stoic case to his brother Quintus. Does not this distribution of the workload indicate clearly enough that he takes the sceptical case to be the stronger? Is not Quintus paid the courtesy of inclusion in the work, yet patronized (in this as in other areas of their relationship) by being made to succumb to superior fire-power (as he is actually made to acknowledge, with respect to the arguments against artificial divination, at II. 100)? Should we not anyway assume that, when Cicero speaks for the Academy, the school to which he gives allegiance, he means us to infer that he inclines to their arguments, in the absence of warning to the contrary? Secondly, at the end of Book II Cicero unites the voice of the spokesman for scepticism with what appears to be his authorial voice, comparing the object of *Div.* with things said in *ND*. The main point is to distinguish the superstition of divination, which is to be torn up by its roots, from true religion, which Cicero takes to include belief in a divine being, accepted for the Stoic reasons advanced in *ND* II. The passage (II. 148–9) has to be assigned considerable weight, and not just because it is part of the peroration of Book II and indeed of the whole work. For Cicero's authorial affirmation of reasoned belief in a divinity responsible for the universe repeats an earlier confession that he is inclined to this opinion (*ND* III. 95, prominently recalled at *Div.* I. 9). As it summed up the merits of the arguments of *ND*, so his authorial rejection of divination here must indicate his verdict on those of *Div*.

I take it that, whether or not they succeed in anything else, the arguments of the previous paragraph certainly establish that both directly (by using his authorial voice) and more indirectly (by his presentation of himself as spokesman for scepticism) Cicero identifies himself with the sceptical case against the Stoic. But this conclusion is for various reasons much weaker than what Pease and Momigliano assert about the intention of *Div.* According to our conclusion, Cicero's official *voice* in *Div.* is the voice of the sceptic. Can we legitimately take the further step of supposing that he *believes* that there is nothing in divination, or that he *thinks* the arguments of the sceptic stronger than those of the Stoic?

(1) It is clear on general philosophical and hermeneutic grounds that we cannot without more ado infer what Cicero does or does not himself think from what he says. Nor is either Pease or Momigliano well placed to insist that we can, in view of the readings they propose of *ND*. As we have noted, at the end of *ND* Cicero says that to him Balbus' defence of Stoic theology 'seemed to tip the scale when it came to judging what was most like the truth' ('ad veritatis similitudinem videretur esse propensior', III. 95). Neither Pease nor Momigliano takes these words as a sure guide to what Cicero actually thinks. Momigliano does not explicitly discuss them, but follows St Augustine in supposing that Cicero really subscribes to the sceptical arguments of Cotta in *ND* III: 'The impossibility of defending religion from a serious philosophic point of view had already been demonstrated in the *de Natura Deorum*'.[20] Pease does offer an interpretation of Cicero's avowal. He sees it not (as Momigliano presumably does) as a manoeuvre to deflect shocked charges of atheism, but primarily as a pedagogic tactic: when 'the Academic Cicero casts his vote . . . on the opposite side of the question from the Academic Cotta', the point is to indicate 'that

[20] *CP* 79 (1984), 208–9. His main reason for this conclusion seems to be that 'there is no reply' to Cotta's arguments against the Stoa—i.e. (if I understand him aright) none penned by Cicero. But the absence of a reply is surely simply a function of Cicero's standard and natural expository procedure in his philosophical dialogues: first he presents the arguments for a thesis, then those against. The spokesman *pro* is *never* given the right of reply: to assume that this indicates Cicero's view of the merits of his case would be like thinking that whichever side in court is permitted the last word is deemed to have won. It is true that the case against is often constructed from Academic materials (as in *ND* I and III, *Div.* II, *Acad.* II), but Cicero is at pains to insist that the Academy does not require of its adherents commitment to a party line. He is *free* to take what views seem to him closest to the truth, after listening to what has been said on *each* side of the question (II. 150; cf. e.g. *Acad.* II. 7–8, *TD* II. 4–5).

the dialogue is intended to exemplify Academic methods of inquiry rather than Academic dogma, and to illustrate the freedom of the Academy from dogmatic bonds'.[21] On either view, Cicero's profession in *ND* III. 95 is not simple personal disclosure (and, if we follow Momigliano, not personal disclosure at all). If things are different in *Div.*, we need to be shown why—particularly since any lack of straightforwardness in *ND* must infect *Div.* too, given that the stance Cicero adopts in *ND* is incorporated in the stance he takes in *Div.*[22]

(2) The case for holding that *Div.* II really expresses Cicero's own position on divination must therefore rest on the sorts of consideration about the structure of the work and its personal dimension which were introduced above. I begin with some of the less compelling among them. For example, it was observed that Quintus makes much of Cicero's talking and acting like a believer in divination; and the suggestion was that Cicero has him do so because he wants to arouse an interest in his personal attitude to divination which he will then go on to satisfy. But the main function of Quintus' references in Book I is rhetorical. It is to bolster the case for divination by a pleasant and mildly titillating *ad hominem* tactic: even someone who professes scepticism, like the Marcus of the dialogue, is or (in view of his words and his behaviour) ought to be a believer. How does Cicero meet the charge in Book II? Not (or at least not in these contexts) by asserting that he does *not* believe in divination. He adopts a Socratic tactic, and asks: what is the inquiry about? is it about the *res* or about me (II. 46)? That is, he diverts the question away from himself, and back to the substantive issue. And his stance in the inquiry is also a Socratic one: 'I don't contradict you: I simply ask you for reasons' ('nihil contra dico, a te rationem . . . peto'); or as he says a little later: 'It is not that I have simply lost all confidence that what you say is true: I just don't know—and I want to learn from you' ('non equidem plane despero ista esse vera, sed nescio et discere a te volo', II. 48). I do not think Cicero is being evasive to protect himself against public horror at his private disbelief. If people wanted to be shocked, there is all of Book II to shock them, full as it is not merely of ridicule of divination but of blunt remarks like 'esse divinationem nego' (II. 8, 45, 74). Perhaps there is a more private and not unSocratic irony designed for the *cognoscenti*: I say I don't know and I don't contradict—but really I do contradict, and know it's all nonsense. The natural interpretation, however, with the first claim on our attention, is surely one that makes Cicero's reply a clue to the way we are to understand the arguments of *Div.*: 'Quintus has attempted to use the question of my beliefs to strengthen his case and embarrass me. But that is not a proper philosophical move: we are inquiring into the truth, not each other's beliefs. And anyway inquiry, as an Academic conceives it, requires us to inquire, not to assert or deny beliefs dogmatically.' So, after all, Cicero raises the issue of his own beliefs, admittedly teasingly, to discourage us from curiosity about them. Which is what *ND* had already done rather more directly: 'those who ask what my own opinion is on each topic exhibit more curiosity than they should' ('qui autem requirunt quid quaque de re ipsi sentiamus, curiosius id faciunt quam necesse est', *ND* I. 10).

Similar things should be said about the significance of the fact that *Div.* presents a private conversation between brothers. There is just one passage in which Cicero introduces a comment on the privacy of the occasion: 'To begin with *haruspicina*, which I think should be practised for the sake of the state and of public religion (*communis religio*) —but we are alone: it is therefore the moment to inquire into the truth without attracting ill-will, especially for me, since I am in doubt on most questions—let us first, please, make "an inspection" of entrails' (II. 28). What privacy gives the interlocutors is not so much the freedom to say what they really believe, as liberty of *inquiry*—of putting in question things that it is expedient for them as public figures to treat as unquestionable.

[21] *De Natura Deorum*, ed. A. S. Pease (1955), p. 9; Pease allows that Cicero 'perhaps makes a shy concession to public curiosity [cf. *ND* I. 10] by indicating in III. 95 his support of the more probable views of Balbus', ibid. n. 4. He discusses the problem further on pp. 33–6 of his edition.

[22] Momigliano accepts this last consequence: he denies that Cicero's advocacy of a religion free of superstition at *Div.* II. 148–9 is to be taken seriously. But this is not the only place where Cicero quite properly distinguishes the thesis that there are gods from the thesis that there is something in divination: cf. e.g. I. 10; II. 41.

(3) The points made under (2) concern the interpretation of things said by Cicero as mouthpiece for sceptical arguments. But at the end of Book II Cicero appears to speak also as author; and in this capacity he expresses unequivocally the view that divination is superstition (II. 148–9). It is this passage, if any, which justifies comparison with 'the passionate earnestness of Lucretius'.[23] To come to a proper appreciation of it we need first to reflect further about Cicero's different voices in *Div.*

In *Div.* II it is possible to distinguish at least two philosophical voices employed by Cicero. One, heard most loudly at II. 148–9, but also prominent in the discussion of auspices, omens and lots at II. 81–5 and of dreams at II. 125 (cf. 141), is what one might call an Epicurean voice. Its Epicurean character is probably supported by Cicero's explicit reference to *ND* at II. 148, where he says that the way superstition takes advantage of human weakness and oppresses the minds of nearly all men was discussed there. Perhaps something along these lines was said in one of the lost portions of *ND* III. As it stands, however, the closest parallel occurs in *ND* I. 55–6, in the Epicurean attack on Stoic belief in divination. In his Epicurean mood, Cicero denounces divination in ringing tones of certainty, and seems to advocate the abandonment of the various divinatory practices as inevitably fomenting superstition, i.e. baseless fear of the gods.[24]

The other voice is Academic and Socratic. A typical expression of it is found at the very outset of Book II (II. 8):

> I must reply to what you have said, but in such a way that I affirm nothing but ask questions on all points, often with hesitation and without self-confidence. For if I were to treat as certain anything I said, I would myself be playing the diviner while denying that there is such a thing as divination.

Cicero is well aware that his questions will often have the force of assertions; and indeed 'esse divinationem nego' *is* an assertion. But such assertions do not express beliefs about how things are; they do not amount to a philosophical position. They simply express the view one has about where the truth *seems* to lie: 'quae simillima veri videantur' (II. 150). One of the differences between the certainty of the Epicurean and the hesitation of the Academic is that the Academic realizes that he may well change his mind. Confronted with an inconsistency between his arguments in *Fin.* IV and in *TD* V, Cicero replies (*TD* V. 33):

> You confront me with sealed documents, and put in as evidence what I said or wrote at some time. Deal that way with others [sc. dogmatists], who argue on the basis of a system that is imposed upon them: we [sc. Academics] live from day to day—whatever strikes our minds as deserving approval we maintain, and so we alone are free.

So Cicero speaks in Book II in differing philosophical accents, registering different frames of mind. There is no such thing as *the* voice of Cicero in *Div.* It might be felt that we should pay more attention to the Epicurean fervour of II. 148–9 than to the Academic hesitation of II. 8: his Epicurean voice represents his real opinion, but he pays lip service to Academic method. But this view does not take account of the fact that *Div.* II is framed by two non-committal Academic passages (II. 8 and 150). Surely the point of such a frame is to indicate to us the spirit in which we should read Book II as a whole; and the denunciation of superstition in II. 148–9 should therefore be treated as a rhetorical flourish.

This assessment of II. 148–9 is supported by the attitude to divinatory practices taken in the rest of Book II. II. 149 implies that there is something inevitably superstitious in them, and that consequently they must be torn up by the roots ('stirpes omnes eligendae'). Elsewhere Cicero argues that institutions of the state religion such as *haruspicina* and augury should be maintained, although not in the belief that they predict the future (which, as he points out, Roman augurs did not do: II. 70).[25] There is art in *haruspicina*,

[23] Pease, *De Divinatione*, p. 13.
[24] cf. *ND* I. 117.
[25] cf. e.g. R. M. Ogilvie, *The Romans and their Gods* (1969), ch. 4, at p. 61.

and augury is a *disciplina*. They are useful *rei publicae causa* (II. 28, 70, 75); and public religion and *patrius mos* (II. 28, 71), even popular opinion (II. 70), should be respected. There is much here in common with the rather more fideistic endorsement of *patrius mos* made by Cotta in *ND* III. 5 (this, too, is the voice of Cicero, a voice much more like Quintus' in *Div*. I than Marcus' in *Div*. II):

> Since all the religion of the Roman people is divided into rites and auspices, and a third additional category consisting of the warnings interpreters of the Sibyl or *haruspices* have uttered, making predictions from portents and prodigies, I have never thought that any of these forms of religion should be despised. I have persuaded myself that Romulus by establishing the auspices and Numa the rites laid the foundations of our state, which assuredly could never have become so great without the utmost efforts to please the immortal gods.

The fact that II. 148–9 apparently urge the abandonment of two thirds of what Cotta counts as true religion marks it out as an eccentric passage among Cicero's sceptical writings on the subject.

So although in II. 148–9 Cicero uses an authorial voice, he does so with a rhetorical panache which should not be taken *au pied de la lettre*—to judge from the attitude to the divinatory practices of the state religion evidenced elsewhere in Book II and in *ND* III. Consequently the passage does not carry the weight as evidence of Cicero's actual beliefs regarding divination that *a priori* one might suppose.

(4) Book II, as an Academic book, does not set forth *beliefs*. When Cicero himself gives us clues in the text as to what sort of text it is, they point to an interpretation which construes *Div*. as a philosophical inquiry, not the tract for the times discerned by Pease and Momigliano. But does there not remain a presumption that Cicero, as an Academic, inclines to the Academic arguments he puts in his own mouth? Does not Book II disclose his real *views*, presented not (for all the rhetorical power of their expression) as truth claims, but as the appearances which seem to him likeliest to be true, and which he thus finds persuasive?

These questions can conveniently be approached *via* a consideration of the reverse side of the same coin: Quintus' role in Book I. The suggestion was made that Cicero makes Quintus Stoic spokesman because he means to assign the inferior interlocutor the weaker case.

Quintus makes an earlier appearance in Cicero's philosophical works in *Fin*. V. Among the interlocutors who gather in Athens, Piso is reminded by their surroundings of Plato, Atticus of Epicurus—and Quintus of Sophocles (V. 1–3). He takes virtually no further part in the conversation (but neither does Atticus) until the end of the dialogue: Cicero presents himself as so far unpersuaded of Piso's defence of Antiochus' version of Peripatetic ethics, but Quintus finds it not only satisfactory but a subtler theory than is offered by other schools (V. 95–6). Should we infer that Quintus is portrayed as more of a poet (he *did* versify) than a philosopher, too easily persuaded—and of the wrong view (Cicero rejects what is distinctive in Antiochean ethics in *TD* V)? Perhaps there is something in this. But it is hard to guess how much: Quintus is apparently already sympathetic to the Peripatetic view, so we may be meant to think it is that, not weakness in dialectic, which makes him easier to satisfy than Cicero himself; Antiochus' view of what happiness consists in *is* in some ways subtler than the Stoic conception; and Quintus' verdict (like Atticus') has in any case the primarily dramatic function of adding variety to the responses Piso's argument elicits—the variety of reasonable disagreement which Cicero wants us to see as typical of philosophical discussion. The dramatic point would fail if Quintus' and Atticus' verdicts were not worth having.

Cicero himself certainly has a larger role than his brother in *Div*. (as in *Fin*. V). In *ad Att*. XIII. 19 he confesses that in recent works (*Fin*. and the revised *Acad*.) he has given himself the chief part. But it is significant that he claims, without palpable implausibility, that he has not (in *Acad*.) made his own case appear the stronger one.

I conclude that it is hard to be sure *what* inferences one is justified in drawing from the choice of Quintus as interlocutor in *Div*. It may indeed be that it indicates a tacit comment on the relative weakness of the Stoic case. But I suspect that Cicero was more interested in its expository potentialities. In particular, Quintus' retreat from the Stoic

position at II. 100 is conceivably no more than a dramatic means of reminding the reader that the Peripatetics would agree with the sceptics in rejecting artificial divination, while accepting divination by dreams and prophetic frenzy (cf. I. 5, plainly recalled by II. 100). The passage momentarily brings the dramatic conventions of the dialogue into the foreground, or at least the middle ground, of our attention, too. We are made to remember that the interlocutors are two cultivated amateurs of philosophy, rehearsing the arguments *pro* and *contra* for the pleasure and instruction of their leisure. Quintus at least can evidently do this perfectly well, in the interests of dispassionate inquiry, without commitment to the case he is arguing.

The case of Quintus in Book I exhibits both a contrast and a similarity with that of Cicero in Book II. There is no comparable disclaimer by Cicero to suggest that he is similarly disengaged from the sceptical case. So we must indeed conclude that he inclines towards it.[26] But as it is Quintus' argument that really matters, not his own assent to it, so the main point of Book II is to present the sceptic's case, not to disclose Cicero's endorsement of it, nor (still less) to endorse it. Cicero says as much himself at the very end of the work. He has been fighting the Stoics, he says (II. 150):

> But since it is characteristic of the Academy not to introduce any judgement of its own, but to approve what seems most like the truth; to compare cases and to express what can be said against each view; and (without bringing in play any of its own authority) to leave the judgement of the audience free and all their own—we shall hold to this practice, which was inherited from Socrates, and use it as often as we can, brother Quintus, if you are agreeable.[27]

IV. THE MEANING OF *DE DIVINATIONE*

Section III exploited Cicero's own descriptions of his sceptical stance in Book II and his account of the object of *Div.* as a whole to rebut interpretations which construe it simply as an attack on divination. But an author's own statements do not decide issues of interpretation once and for all. In the present case there are both historical and philosophical reasons that might be offered for discounting them and for preferring an interpretation such as Pease's or Momigliano's. Very likely these reasons are what actually motivated their view of *Div.* as a rationalist protest against the inanity of divination. Whether or not Cicero intended it (they might say), that is the meaning *Div.* must have had in its historical context, and the meaning it still has for the intelligent modern reader, too. For to all but the most sophisticated Roman intellectual, *Div.* must have been *taken* primarily as a demolition by Cicero of belief in divination. What will have impressed his contemporaries are not the careful Academic nuances but the brilliance and savagery of the rhetoric of Book II. And this historical assessment can be supported by a philosophical

[26] Do Cicero's letters to Caecina (*ad Fam.* VI. 5 (? Jan. 45) and 6 (? Oct. 46)) also indicate an inclination to disbelief in divination? He contrasts his own sort of prophecy, based on political experience, with Caecina's Etruscan lore. We may certainly infer that Cicero was not a fervent, committed believer. But the urbanity with which he teasingly develops the τόπος forbids any more decisive deduction.

[27] The contrast between *iudicium*, an assent expressing belief, and approval (*probare*) of 'ea quae simillima veri videantur', a form of acceptance of the appearances which falls short of the commitment to belief, is just one way of expressing the crucial distinction between the Stoic and Academic epistemologies. The contrast or contrasts have been explored in a number of recent publications and I make no attempt in the present paper to contribute to or even reflect the discussion, except in a very general way. See further M. F. Burnyeat, 'Can the sceptic live his scepticism?', and G. Striker, 'Sceptical strategies', in *Doubt and Dogmatism*, ed. Schofield et al.; M. Frede, 'Des Skeptikers Meinungen', *Neue Hefte für Philosophie* 15/16 (1979), 102–29; J. Barnes, art. cit. (n. 15); M. F. Burnyeat, 'The sceptic in his place and time', in *Philosophy in History*, ed. R. Rorty, J. B. Schneewind and Q. Skinner (1984), 225–54. In particular I have not tried to get to grips with the way Cicero's Academic scepticism, which permits and requires him to find the truth or something close to it on any given philosophical topic and so to incline either to the case *pro* or the case *contra* (e.g. *ND* I. 11–13, *Acad.* II. 7, *Div.* I. 7), differs from the more thoroughgoing practice of ἐποχή characteristic of Carneades. Cicero's position seems to be inherited from his teacher Philo of Larisa, whose departures from Carneadean scepticism are the subject of Harold Tarrant's new monograph, *Scepticism or Platonism? The Philosophy of the Fourth Academy* (1985). See also Michael Frede's article, 'The sceptic's two kinds of assent and the question of the possibility of knowledge', in *Philosophy in History*. I think there is still scope for greater clarity about what precisely *probatio* of 'ea quae simillima veri videantur' commits someone to, and about the obscure concept of the *veri simile* which is crucial to understanding it.

judgement: the arguments of Book II are indeed lethal—they strike us that way, and they must have seemed so to Cicero and those for whom he wrote.

I shall dispute both the historical and the philosophical verdict, and first the philosophical.

Because not many of us believe in divination, it is easy to *assume* that the arguments *contra* in *Div.* are better than those *pro*. The assumption obviously needs examination; and when examined it turns out that there is much to be said against it. I leave aside the embarrassing circumstance that Book II attacks a definition of divination (II. 13–19) which Book I had already emended (I. 9: presumably to draw the teeth of the attack). This is a local carelessness of composition no doubt due to inadequate work on his sources by Cicero in his well-known haste. Nor should much be made of the appearance in Book II of (for example) an elaborate description and critique of the *tripudium* (II. 71–3; cf. 76), when Book I had taken pains to have Quintus already write off the practice as the degenerate institution Book II says it is (I. 27–8). This, too, is just a little local difficulty. What does matter is that on three crucial issues the criticisms of Book II leave divination and its defence in Book I more or less unscathed—or so at least it might reasonably appear.

First, Book I appeals to experience (*passim*), and in particular to cases where divinatory prediction and eventual outcome are matched too closely and in too much detail to be due to chance (I. 71, 125). Book II denies that there are such cases; in particular, it argues from the many instances in which predictions fail that any successes must be just flukes (II. 109; cf. e.g. 52, 121). This is an unsatisfying response from the Academic, especially given that he complains that the Stoic will not give reasons or answer 'why?' questions (e.g. II. 27, 46). For the Stoic's point is precisely that some successful predictions are so successful as to demand explanation, not the denial that explanation is possible which the appeal to chance in effect constitutes. To insist on this is a strength, not a weakness, of his position, particularly when he also has a reply—disputed, admittedly, by the Academic—to the objection that divination sometimes fails (empirical skills, e.g. those employed in medical or meteorological prognosis, often do: I. 24, II. 47).

Second, the Stoic confesses that he does not know why divination works, only that it does (e.g. I. 12, 15, 16, 23, 86). Book II holds that it is just not philosophical to take this line (e.g. II. 27, 46). We have already noticed Quintus' apt reply (I. 86). There are two further things that could be said on his behalf. One is to repeat that someone who believes in divination is at least gesturing towards an explanation of some extraordinary experiences, whereas the sceptic, with his complacent talk of chance, refuses to do even that. The other is to recall that the Stoics are not alone among philosophers in thinking it proper to be confident *that* something is so while doubtful about *why* it should be, and to be more confident of it than of any conceivable attempt to prove or disprove it. In different ways Moore, Austin and Wittgenstein are all more sympathetic to the view that we can be rightly certain of something without having a philosophical justification of it than they are to the Socratic insistence on reasons and foundations of knowledge.[28] Right or wrong, there is a lot of argumentative support that could be deployed to the advantage of the Stoa on this point.

Third, the Academic complains that those who countenance divination commit themselves to a whole welter of arbitrary and therefore irrational and therefore silly beliefs. In a recent paper Nicholas Denyer has shown that this complaint rests for the most part on a massive *ignoratio elenchi*.[29] The idea of divination is an idea about divine communication or revelation. What is given us in divination is a sort of language by means of which the gods speak to us, and in particular send us messages for our own good. This language, like human natural languages, is made up of essentially arbitrary signs. Just as it is arbitrary, and so a matter of pure convention, whether the word for dog is *dog* or *chien* or *Hund*, so it

[28] Indeed, the sceptical Academy, under Philo's influence, seems to have favoured an epistemology of just this sort (see Tarrant, *Scepticism or Platonism?*, ch. 3). They presumably took the view that as rationalists the Stoics were straightforwardly committed to a more foundationalist position, and could therefore be required in controversy to justify what they claimed to know: 'ratione pugnas; patere igitur rationem meam cum tua ratione contendere' (*ND* III. 9–10). But the Stoic position is, as we have seen, more Moorean than this. See further my article 'Preconception, argument, and god', in *Doubt and Dogmatism*.

[29] N. C. Denyer, 'The case against divination', *PCPS* 211 (1985), 1–10.

is arbitrary whether it is the flight of a raven on the left or on the right that is favourable. In neither case does it matter what the convention is, still less why it is as it is, so long as we (when we say 'dog') or the gods (when they send the raven to the right) reliably communicate the appropriate meaning. The arbitrariness of the signs is no obstacle to their serving as reasonable instruments of communication; nor is it reasonable to demand that they should not be arbitrary.

In the last few paragraphs we have only been doing what Cicero calls *conferre causas*, 'comparing cases' (II. 150), following his prescription 'to compare arguments with arguments carefully again and again' ('ut diligenter etiam atque etiam argumenta cum argumentis comparemus', I. 7): a prescription that presumably applies to the reader as well as to the composer and interlocutors of *Div*. Nor have the points made in them on behalf of the Stoa invoked considerations beyond the conceptual range of the ancient mind. This brings me to the question of what *Div*. must have meant to its Roman readership.

It seems a fair guess that, like most books, *Div*. would have meant different things to different people. Perhaps at smart parties (although not only there) it might indeed have been agreed that Cicero's object was to heap rational ridicule on divination. But there must have been some thoughtful readers who appreciated that *Div*. is designed, like *Acad*. and *Fin*. and *ND*, to present as forcefully and sympathetically as possible the views of different schools so that readers can make up their own minds. They will have realized that this is what Cicero rightly felt to be distinctive about his own Academic and Socratic presentation of philosophy as an argument between people, not the advocacy of a dogma. In this as in other respects, too, *Div*. was obviously very different from Lucretius' *de Rerum Natura* or the augur Gaius Marcellus' demythologizing, utilitarian account of divination. Another reaction might be expected from those troubled spirits who felt that there is sometimes *something* in divination, even if they did not quite know what. How can we be sure (any more than Cicero himself) that such a reader might not have found some passage in Book I —e.g. the story of Cicero's own dream—more compelling than the attempts to explain such experiences away? It is often just a page or two in a book, not its over-all argument or conception, that makes us sit up. The beauty of Cicero's method is that, even if he himself prefers and intimates a preference for the arguments of Book II, his conscientious Academic search for rationality allows him to allow the reader to find the opposite point of view, perhaps justifiably, more convincing. It constitutes a mechanism for counteracting authorial error and bias.

My argument, therefore, is that *Div*. is no simple tract but a multilayered work of surprising obliqueness and complexity. Cicero the author becomes Cicero the Academic interlocutor who questions (but says he does not assert beliefs contrary to) the interlocutor Quintus (who does not believe the distinctively Stoic views he asserts), who quotes in his support Cicero's own words and actions (which may or may not reflect beliefs Cicero holds or once held).[30] A Chinese box like this does not have, and can never have had, a single meaning.

St John's College, Cambridge

[30] This is a convenient place at which to comment on the fact that in *Leg* II. 32–3 Cicero goes out of his way to raise the philosophical question of the validity of divination and to express his own unequivocal endorsement of the Stoic theory. I take it that this is in contradiction with the view he favours in *Div*. The most likely explanation of the contradiction is that he has changed his mind on the issue. There is not much to be said for the alternative explanation favoured by some, that *Leg*. is a work of political theory, in which Cicero adopts the *genus civile* of the *theologia tripertita* associated with Varro and some earlier writers, whereas *Div*., as a work of philosophy, belongs to the *genus physicum* (so that it would be a kind of category mistake to think *Leg*. and *Div*. conflict—they represent two quite different kinds of discourse). For in general there is no evidence that Cicero knew or (if, as is probable, he did know) liked the *theologia tripertita*—his own distinction in *ND* III. 5–10 between customary and rational belief does roughly the same sort of job, after all. And in particular there is no ground for treating *Leg*. II. 32–3 as not the expression of a properly philosophical view. Cicero has already made provision for augurs in his legal code (II. 31); auspices could be defended on either a utilitarian or a theological theory of augury—it does not matter which from the point of view of the code. So the passage must be counted as a purely philosophical digression, included for the intrinsic interest of the issue, even though its outcome will make no practical political difference. I suggest that when he wrote *Leg*. Cicero had not yet reflected on Carneades' arguments against divination: when he did his views, which may never have been deeply rooted, shifted (cf. n. 2 above). Perhaps, therefore, he had been a believer in divination when he wrote the poems Quintus quotes back at him, and when he had the dream about Marius that Quintus cites.

APPENDIX I. THE STRUCTURE OF *DIV.*

Book I

1–7	Introduction to whole work
8–9	Connection with *ND*
9–11	Introduction to Q.'s argument
11–33	*Artificiosa divinatio* its failures and successes the same as those of other *artes* dependent on long observation Cicero's poetry quoted at length against himself (13–15, 17–22) examples from Roman augury in particular (25 ff.)
34–71	*Naturalis divinatio* *furor oraculorum* (34, 37–8) digression on *haruspices* (35–6) a jumble of examples (Greek and Roman) of dreams (39 ff.), concluding with Q.'s and M.'s dreams (58–9) philosophical theories of dreams (60–5) more on *furor* (65–9) Cratippus' argument (70–1)
72–9	*Artificiosa divinatio* again—cases of *ex tempore coniectura*
79–109	General arguments for divination arguments for a *vis divina in animis* (79–81) Stoic argument (82–3) rebuttal of scepticism (84–7, 109) appeal to history, especially examples of Roman augury (87–108)
110–17	*Naturalis divinatio*—philosophical explanations
118–31	General philosophical rationale of divination
132	Conclusion

Book II

1–7	New introduction to whole work
8–25	General philosophical arguments against divination
26–7	Summary of Q.'s exposition
28–99	Attack on *artificiosa divinatio* —*haruspicina*, including discussions of *exta* (28–41), *fulgura* (42–9), and *ostenta* (49–69) —*auspicia* (70–83, with a paragraph on *omina*, 83–4) —*sortes* (84–7) —*Chaldaei* (87–99)
100–1	Introduction to attack on *naturalis divinatio*
101–9	Digression—critique of syllogisms of Chrysippus and Cratippus
110–47	*Naturalis divinatio* attacked —*furor oraculorum* (110–18) —*somnia* (119–47), including discussion of the idea that they are due to *divina vis* (124–42) or to *coniunctio naturae* (142–5) or that their interpretation is simply a matter of *observatio diuturna* (146)
148–50	Conclusion

APPENDIX II. PARALLELS BETWEEN *DIV.* AND *ROSC. AMER.*

(*a*) Admonition to the opponent on how to argue:

hoc ego philosophi non esse arbitror testibus uti, qui aut casu veri aut malitia falsi fictique esse possunt; argumentis et rationibus oportet, quare quidque ita sit, docere, non eventis, eis praesertim quibus mihi liceat non credere. (*Div.* II. 27)

mitto quaerere, qua de causa; quaero, qui scias; tametsi te dicere atque enumerare causas omnes oportebat, et id erat certi accusatoris officium, qui tanti sceleris argueret, explicare omnia vitia et peccata filii, etc. (*Rosc. Amer.* 53)

(*b*) Opponent disclaims knowledge of causes:

similiter, quid fissum in extis, quid fibra valeat, accipio; quae causa sit, nescio. (*Div.* I. 16)

'nescio', inquit, 'quae causa odii fuerit; fuisse odium intellego, quia, etc.' (*Rosc. Amer.* 42)

(*c*) Opponent trapped in a dilemma:

estne quisquam ita desipiens, qui credat exaratum esse—deum dicam an hominem? si deum, cur se contra naturam in terram abdiderat, ut patefactus aratro lucem aspiceret? quid? idem nonne poterat deus hominibus disciplinam superiore e loco tradere? si autem homo ille Tages fuit, quonam modo potuit terra oppressus vivere? unde porro illa potuit, quae docebat alios, ipse didicisse? (*Div.* II. 51)

quo modo occidit? ipse percussit an aliis occidendum dedit? si ipsum arguis, Romae non fuit; si per alios fecisse dicis, quaero, servosne an liberos? si liberos, quos homines? indidemne Ameria an hosce ex urbe sicarios? si Ameria, qui sunt ii? cur non nominantur? si Roma, unde eos noverat Roscius, qui Romam multis annis non venit neque umquam plus triduo fuit? (*Rosc. Amer.* 74)

(*d*) Quotation of the opponent's claims for criticism:

'Pinarii Nattae nobiles; a nobilitate igitur periculum.' hoc tam callide Iuppiter cogitavit! 'Romulus lactens fulmine ictus; urbi igitur periculum ostenditur, ei quam ille condidit.' quam scite per notas nos certiores facit Iuppiter! 'at eodem tempore signum Iovis collocabatur, quo coniuratio indicabatur.' et tu scilicet mavis numine deorum id factum quam casu arbitrari, et redemptor, qui columnam illam de Cotta et de Torquato conduxerat faciendam, non inertia aut inopia tardior fuit, sed a deis immortalibus ad istam horam reservatus est. (*Div.* II. 47)

'immo vero', inquit, 'est; nam istum exheredare in animo habebat.' audio; nunc dicis aliquid, quod ad rem pertineat; nam illa opinor, tu quoque concedis levia esse atque inepta—'convivia cum patre non inibat': quippe, qui ne in oppidum quidem nisi perraro veniret; 'domum suam istum non fere quisquam vocabat': nec mirum, qui neque in urbe viveret neque revocaturus esset. (*Rosc. Amer.* 52)