THE PURPOSE OF *DE DIVINATIONE*

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In the second book of *De legibus*, Cicero manifests a wholly positive attitude toward Roman religion. He affirms every aspect of the state cult, and even defends augury as a true art of divination (2.32–33). Whatever his motives may be—they will be discussed later—the statement of belief is definitely there, in unmistakable terms. In *De divinatione* 2, however, Cicero asserts repeatedly that *augurium* has no more foundation in truth than any other form of divination; that, although it was founded in all sincerity by Romulus, it has been maintained through the centuries solely *rei publicae causa*. Other forms of divination authorized by the state religion are also exposed as a sham. What can have occasioned this complete *volte-face*? Is the work an attack on the state religion also, or merely on divination? What is the purpose of *De divinatione*?[1] The answers to these questions are to be found by considering the *De divinatione* as a whole.

In the introduction to Book 1, Cicero appears to be quite objective: let us see, he says, if there is any real substance in the art of divination. We must carefully examine both sides of the question, for it is one of very great importance:

> nam cum omnibus in rebus temeritas in assentiendo errorque turpis est, tum in eo loco maxime in quo iudicandum est quantum auspiciis rebusque divinis religionique tribuamus; est enim periculum, ne aut neglectis iis impia fraude aut susceptis anili superstitione obligemur (7).

[1] *Grammatici certant.* C. Lamarre sees it as an epoch-making "procès en règle contre toutes les superstitions qui formaient, en somme, la plus grande part de l'édifice religieux des Romains" (*Histoire de la littérature latine* 3 [Paris 1901] 280); J. W. Duff (*A Literary History of Rome*[3] [London 1953] 284) and H. J. Rose (*A Handbook of Latin Literature*[3] [London 1954] 191) seem to regard it merely as a representation of the arguments for and against the truth of divination. R. Hirzel (*Der Dialog* [Leipzig 1895] 1.538, note 1) and Philippson (*RE* 13A [1939] 1157, s.v. "Tullius") see it as an attempt to destroy superstition without discarding belief in the gods.

Quintus Cicero then begins his defense of divination from the Stoic point of view, immediately asserting that the existence of the gods and of divination are interdependent truths (9). He makes the same assertion, even more strongly, in 104, saying that "to make light of signs sent by the gods is nothing less than to disbelieve in the existence of the gods." Cicero will deal with this problem in Book 2; however, even here, early in Book 1, he suggests that there may be gods without divination, and, conversely, divination offered by nature without divine activity (1.10). It seems that, whatever may occur in *De divinatione*, there will be no questioning of the gods' existence. Quintus proceeds with his advocacy of divination, defending it as an empirical art and upholding it by means of syllogism and examples of prophecies that have been fulfilled. He links it closely to the parallel Stoic concept of Fate, which he vigorously champions (126), and closes his defense of divination with animadversions against the illegitimate forms of the art practiced by *harioli*, *vates*, and so on. His chief aim has been to demonstrate the validity of the authorized forms of divination—haruspicine, augury—and the prophetic significance of dreams. This latter form of prophecy had nothing to do with the official religion; but Quintus' lengthy defense of it (39–64) indicates that it was widely adhered to in private life.

Book 2 is not far advanced before one discerns that the approach may be as polemical as it is Academic, for in 16 Cicero says:

> Nondum dico, quam haec signa nulla sint, fissum iecoris, corvi cantus, volatus aquilae, stellae traiectio, voces furentium, sortes, somnia; de quibus singulis dicam suo loco, nunc de universis.

It appears that Cicero may be aiming to discredit divination, rather than merely to question his opponent's certainties.

He pursues his dialectic (18 ff.) by breaking the interdependence of Fate and divination, showing that if Fate exists, divination does no good, since what is fated to happen will happen anyway. Conversely, if there is no such thing as Fate, there can be no divination, according to the terms of the argument. Advocates of divination, therefore, cannot use the concept of Fate to support their case. Cicero admits the existence of chance, defining it as that which even God cannot foresee (18); accordingly, divination cannot be the art of predicting

the unforeseen, as Quintus had claimed (1.19), for how can the soothsayer foresee what God cannot? Apparently it does not trouble Cicero to admit that God is not totally prescient.[2] But his willingness to concede this point does not mean that he intends to question the existence of God, or His power to rule the world; throughout *De divinatione* he upholds the tenet of a deity who not only exists but also governs the world and feels concern for men. By admitting the existence of chance as he defines it here, he has not actually contradicted that tenet. Plato admitted in the *Laws* that "chance and opportunity" co-operate with God in His direction of human affairs (4.709B). Likewise, Cicero can make a similar acknowledgment without fear of negating the concept of God that he wishes to uphold.

Cicero now comes to grips with individual types of divination, beginning with haruspicine. His remark in 2.28 sets the tone of the discussion:

> ut ordiar ab haruspicina, quam ego rei publicae causa communisque religionis colendam censeo—sed soli sumus; licet verum exquirere sine invidia, mihi praesertim de plerisque dubitanti . . .

"We are alone, and ours is a theoretical discussion that has no bearing on practice, which must be maintained; so let us seek the truth without risk of incurring obloquy." Cicero then proceeds to demolish haruspicine, rather than merely to question the truth of it. He points out the absurdity of it by asking repeatedly what connection there can be between the entrails of an animal and the structure and laws of the universe (29, 33). He particularly ridicules the notion that a change takes place in the entrails at the moment of sacrifice which occasions their assuming a portentous appearance (35). He levels a significant charge against the Stoics: by upholding haruspicine, they are perverting physiology and thus betraying philosophy (37 *ad fin.*). In the midst of his attack, however, he affirms the existence of the Stoic—and Roman—god and his providence: "Vester autem deus potest non impertire [sc. divinationem], ut nihilo minus mundum regat et hominibus consulat" (40 *ad fin.*). Cicero carefully defines the object of his attack: not a benevolent deity, but divination.

[2] He makes a similar admission in *De fato* 32, in the name of Carneades, when he attacks the concept of Fate: "Itaque dicebat Carneades ne Apollinem quidem futura posse dicere, nisi ea, quorum causas natura ita contineret, ut ea fieri necesse esset."

He then passes to *haruspicum responsa* concerning lightning and portents, saying that they are as groundless as those dealing with entrails (42 ff.). He admits that the law, "Iove tonante, fulgurante comitia populi habere nefas," was perhaps ordained *rei publicae causa*: "comitiorum enim non habendorum causas esse voluerunt" (43). He even ridicules the soothsayers' responses that he made much of in his poem *De consulatu suo* and in the Third Catilinarian Oration, delivered twenty years before; he dismisses the affair of the statue of Jupiter as a coincidence (46–47). (See *In Catilinam* 3.20–21.)

All this may be merely a rebuttal of Stoic dogma—one recalls Cotta's insistent questioning of Balbus' arguments in *De natura deorum* 3. But Cicero's willingness to imply that the relevant passages in *In Catilinam* 3 were a pious fraud, and that those in his widely-read poem were mere poetic ornamentation, suggests that he intends to do more than simply rebut. This much, at least, is clear: in order to build a strong, consistent case against divination, Cicero is ready to go so far as to hint that his own use of haruspicine, in a time of crisis, was undertaken for reasons of political expediency, and had nothing to do with belief.

Book 2 continues in the same vein. In 50 ff. the legend of Tages is recounted and ridiculed; in 55–58 the seeing of *ostenta* is attributed either to fear and anxiety or to reckonings after the fact; and, in 70–83, Cicero the augur deals with *augurium* even more ruthlessly than he had dealt with haruspicine. Augury, he says, was founded by Romulus, who believed in its power to foresee the future—antiquity erred in many matters—but now the art has lapsed; we retain it, however, out of deference to public opinion and because it is constitutionally useful. Cicero expresses his approval of the *practice* of augury in 71 by saying that Claudius and Junius deserved capital punishment for not observing the auspices in 249 B.C.: "parendum enim fuit religioni, nec patrius mos tam contumaciter repudiandus." One is reminded of the statute in *De legibus* concerning obedience to augural law: *quique non paruerit, capital esto* (2.21 *med.*). Neither is the theory to be believed, nor the practice flouted; it is our duty to keep it going. The point made in 70 is reiterated in 75, and Cicero closes the discussion in 83, after reviewing widely differing augural practices among Greeks, Romans, and barbarians, with this admission:

> Haec quanta dissensio est! Quid? quod aliis avibus utuntur, aliis signis, aliter observant, alia respondent, non necesse est fateri partim horum errore susceptum esse, partim superstitione, multa fallendo?

Augury, according to Cicero, is nothing but a mixture of error, superstition, and fraud—mostly the latter.

Book 2 continues (85–109) with a discussion of lots and the Chaldaean prophecies (astrology), a long passage that does not correspond to anything in Book 1. This is, perhaps, not merely an inconcinnity, but also an indication that Cicero was making a sweeping refutation of divination—an issue that will be dealt with below. The final argument of the book discusses divination by oracles and dreams (110–47). Here, Cicero maintains that the gods, if they sent signs at all, would send clearer and more reliable ones than dreams, which most men ignore because of their inconclusiveness. The prophetic significance of dreams is rejected in the name of a higher, more benevolent concept of divinity. *De divinatione* ends with the section that proclaims the purpose of the work.

It is clear that Cicero has moved far away from the conservative, affirmative spirit of *De legibus*—at least with regard to augury, haruspicine, and the Sibylline Oracles, which are exposed in their turn in 110–13. For the attitude expressed in the passages quoted above seems to be the exact opposite of that of *De legibus* 2.32–33. In fact, however, one recalls that even there Cicero admits that the true art of augury has been forgotten; an admission which, in itself, weakens the defense of augury and divination that immediately precedes it. He also admits that even the *maiores* occasionally used augury *ad rei publicae tempus* (2.33 *ad fin.*). One recalls, too, his less than wholehearted statement in 2.32 *ad fin.*: "non video cur esse divinationem negem." What Cicero does in *De divinatione* 2, then, is merely to shift the emphasis from positive to negative. The scepticism, the inchoate negation, were there all along in *De legibus* 2; when examined closely, the affirmation of faith in augury seems more a refusal to deny, than a positive statement of belief.

There are several possible explanations for this radical shift in emphasis with regard to divination, of which the following seem the most likely. Either *De divinatione* 2 is a typical Academic argument in

which Cicero, like Cotta in *De natura deorum* 3, is willing to question the beliefs and practices of the state religion merely for the sake of argument, or to express his honest doubts on these subjects; or, it is an all-out polemic against superstition, in the construction of which Cicero is willing, for the sake of intellectual honesty, to say what he really thinks about augury, haruspicine, and the Sibylline Oracles, discarding his usual posture of belief in every area of the state religion.[3] Because the work was intended only for the literate, it was possible for him to make such admissions about augury and haruspicine without putting himself in danger. This may have been his customary practice, in private conversation with friends. But it could not have been especially easy for him to give the lie, in print and using his own *persona*, as it were, to his public posture, with which everyone was familiar. It would seem that something of this sort can only be done when a man has in view a cherished aim: in this case, the undermining of superstition, at all costs. The closing section of *De divinatione* 2 indicates that this is the true purpose of the work:

> Nam, ut vere loquamur, superstitio fusa per gentis oppressit omnium fere animos atque hominum imbecillitatem occupavit . . . multum enim et nobismet ipsis et nostris profuturi videbamur si eam funditus sustulissemus (148).

Cicero's purpose is humanitarian, if we are to believe him here. A bit further on, he emphasizes the harmfulness of superstition, the destroyer of man's peace of mind:

> Instat enim et urget et, quo te cumque verteris persequitur, sive tu vatem sive tu omen audieris, sive immolaris sive avem aspexeris, si Chaldaeum, si haruspicem videris, si fulserit, si tonuerit, si tactum aliquid erit de caelo, si ostenti simile natum factumve quippiam; quorum necesse est plerumque aliquid eveniat, ut numquam liceat quieta mente consistere (149).

True religion, however, can remain inviolate, when supersititon is expelled; and all the rites and ceremonies of Roman religion *must* remain so, for tradition is to be maintained:

> Nec vero (id enim diligenter intellegi volo) superstitione tollenda religio tollitur. Nam et maiorum instituta tueri sacris caerimoniisque sapientis

[3] His most explicit public profession of faith is made in *De haruspicum responso* 18–20.

est, et esse praestantem aliquam aeternamque naturam et eam suspiciendam admirandamque hominum generi pulchritudo mundi ordoque rerum caelestium cogit confiteri. Quam ob rem, ut religio propaganda etiam est, quae est iuncta cum cognitione naturae, sic superstitionis stirpes omnes eligendae (148–49).

In the passages of almost Lucretian fervor quoted above, the real purposes of *De divinatione* become clear; to eradicate belief in all forms of divination; to uphold true religion, sharply differentiated from superstition; and to insist that all the rites of Roman religion be maintained. In view of its closing section, it is somewhat difficult to regard Book 2 as nothing more than an Academic reply to the Stoic views set forth in Book 1. There is an intensity about it that argues in favor of its being an exposition of Cicero's real views on the subject of divination.[4] Furthermore, the refutation of prophecy is impartial: Cicero's criticism of augury is, if anything, even more shattering than his criticism of haruspicine and Sibylline Oracles. He does not spare the rites of the college of which he was proud to be a member. Also, unlike Cotta in *De natura deorum* 3, Cicero emphasizes the harmfulness of the views he is attacking. And, as stated above, he affirms the other tenets of Roman—and personal—religion, several times. In *De natura deorum* 3, Cotta questions everything, even, by implication, the existence of the gods (cf. *ND* 3.36–39; *Div.* 1.9). Cicero's target is carefully defined. Finally, whether he meant it as such, *De divinatione* 2 is the answer to Lucretius, who had not bothered to differentiate between *religio* and *superstitio*; it was all one to him, and all equally bad. In *De divinatione* 2, the distinction between the two is implicit throughout, and is made explicit in 148. Stoic endorsement of divination and Epicurean rejection of all belief (if not performance of rites, for that was a civic duty) are both confuted by Cicero in *De divinatione*.

The profound disparity between *De legibus* 2 and *De divinatione* 2 is, therefore, the result of their being written from very different points of view, and for different purposes. *De legibus*, the constitutional treatise, glorifies the Roman constitution as it functioned in the Scipionic

[4] C. Thiaucourt (*Essai sur les Traités Philosophiques de Cicéron* [Paris 1885] 36) and Philippson ([above, note 1] 1161) both consider it to be an expression of his real views on divination, as does Bouché-Leclercq (*Histoire de la Divination* 1 [Paris 1879] 70 ff.).

era, and sees it as fit to be the basis of an ideal polity. All of Rome's inherited institutions are affirmed, and, in Book 2, Roman religious law is supported by Greek theory and practice to show that it has universal validity, that it meets the standard of *Natura*. The principal aim of the work as a whole—like that of *De republica*—is to glorify the past, and, by so doing, to point the way back to sanity and order. *De divinatione*, however, is concerned with a pressing spiritual problem, and its aim is to destroy superstition without discarding belief. In order to be consistent, Cicero must include augury, haruspicine, and Sibylline Oracles in his attack. There was little danger, however, that the work would harm the state religion—from Cicero's point of view, at least—for he nowhere advocates the abolition of practice, and repeatedly affirms the tenets which concern the gods, providence, and so on. As for the masses, they would not be likely to benefit from this enlightenment, notwithstanding Gibbon's remarks about the spread of scepticism from master to listening slave, from noble to plebeian.[5] The work was not meant for them, any more than *De rerum natura* was. It is difficult, if not impossible, to believe that Cicero's humane concern for superstition-ridden mankind extended beyond the upper and middle classes. As a public man, he was far too aware of the political usefulness of augury and haruspicine to wish the masses to be enlightened on this subject.[6] And if *De divinatione* become dangerous to the old religion centuries later when it was fighting for its existence against Christianity,[7] that is a development which Cicero could not have foreseen. The work was never meant by its author to be an attack on the state religion.

[5] *Decline and Fall*, Vol. 1, Ch. 15 (p. 431 in Modern Library Edition).

[6] M. Schneidewin (*Die antike Humanität* [Berlin 1897] 297 ff.) maintains that it was inhumane of the upper classes at Rome to refuse to enlighten the people and draw them up to a higher concept of religion. But the situation in which Cicero found himself at the time he delivered *In Catilinam* 3 shows clearly why it might have been dangerous to take this weapon from the statesman. According to Sallust (*Catiline* 48), the people were inclined to support Catiline until his plans to fire the city were revealed by Cicero in *In Catilinam* 3. Religious motifs are very prominent in the speech; see especially sections 18 ff.

[7] Arnobius 3.7—if *De div.* is referred to there, as A. S. Pease thinks may be the case (Ed. *De divinatione* [Urbana 1920] 1.30).