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CICERO'S *DE DIVINATIONE* IN ITS RELIGIOUS
AND HISTORICAL PERSPECTIVE

1. *Introduction**

When Cicero returned from his command as quaestor in Sicily, he was dismayed to find that no one seemed to have noticed with what diligence and conscientiousness he had conducted himself in his office. From this experience¹, he drew the lesson that Rome was a visual culture and that whatever he did must be done before the eyes of the Roman people. For the most part, Cicero remained in Rome after this point and did not like being away from the capitol for more than a visit to one of his country estates. But he was unusual in this. In the course of Cicero's lifetime, the *limites* of the empire were once again expanding outwards to an astonishing degree. Pompey in the East and Caesar in the West added lands, peoples, cultures, and gods to the Roman empire, and these newcomers now had to be subdued, ruled and lived with.

In this paper, I will argue that the imperial expansion of the Late Republic is reflected in Cicero's philosophical texts, using his treatise *De divinatione*, or *On the Communication with the Divine*, as my example. The expansion of Rome, especially in relation to the new gods, cults, and practices that the conquered peoples brought into the empire, made it necessary to reevaluate what it meant to be «Roman», what counted as truly «Roman» practices and what had made «the Romans» great².

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¹ Cic. *Planc.* 64-65.

² M. Terentius Varro pursued the same goal with his *Antiquitates rerum humanarum et divinarum*. In Cicero's words: «for we were wandering and straying about like visitors



We can begin from the premise that education in Rome occurred, in large part, through the medium of personal connections. Roman education was based on young men watching accomplished (or at least personally connected and not entirely unsuccessful) politicians perform and accompanying them as they went about their business. It was less theoretical than many modern approaches and far more deeply rooted in practice and direct application. The educational paradigm was based on imitation, while at the same time also serving as a specific form of elite socialization. The young Romans saw how their role model moved, observed his posture and body language, and heard how he spoke to different individuals and groups, in speeches to the people, the senate, or in court – all this in addition to the actual content of these conversations and speeches³. The same, we must assume, happened in religious contexts. There was no textbook one could study in ancient Rome explaining «how to do religion». Again, one's understanding of what constituted religious practice was determined by what one saw, heard, felt, participated in and experienced⁴. And the same again held true for the situation abroad, in which junior Roman officers accompanied their political seniors to the provinces to learn to rule and administer as part of their staff⁵.

A second important premise for the discussion below is that, as was usual for members of the Roman elite, Cicero was well versed in Greek language, culture and learning. Indeed, Cicero himself spent two years in Greece and heard there the leading philosophers and rhetors of his time⁶. Ever since the Greek world had become part of the Roman sphere of

in our own city, and your books led us, so to speak, right home, and enabled us at last to realize who and where we were», *Ac.1* 9.

³ Cf. Cic. *leg.* 1, 10.

⁴ Cf. Rüpke 2016b, ch. 1.

⁵ Such as Clodius, who served under his brother-in-law L. Licinius Lucullus in the Third Mithridaean War, or Cicero's younger brother Quintus, who became part of Caesar's staff in Gaul. Cf. Mulroy 1988 on Clodius, McDermott 1971 on Q. Cicero, and in general Rosillo-López 2021. I am very grateful to the anonymous reviewer for pointing out that Cic. *Q. fr.* 1, 1 can be read as an experiment in the direction of providing written and generally valid guidelines regarding how to conduct oneself as a Roman in an official capacity in the provinces, even if we cannot tell whether it was accepted and used as such by Cicero's contemporaries.

⁶ Antiochos of Ascalon, head of the Old Academy, and Poseidonius, a Stoic, were the authorities on philosophy, Apollonios Molon on rhetoric. In Rome, Cicero had already made the acquaintance of Philo of Larissa, who had fled from Athens to Rome in 88. The latter, following Carneades, held a skeptical position according to which certain knowledge was not possible, but conditional assent was permissible. Cf. Long and Sedley 2006, 534. Of particular importance were questions of epistemology and ethics.

influence in the mid-2nd century, knowledge of not only Greek language but also Greek art⁷ and culture had been part of the typical upper-class education⁸. However, while this immersion in Greek thought was highly valued, it never quite became fully integrated with what it was to be Roman: there was such a thing as «too much» Greek education and as behaving in an excessively Greek manner⁹. After all, did not the fact that the Greek world was now *part* of the Roman empire incontrovertibly demonstrate that the Romans were more than, and better than, the Greeks?

Cicero's strength was in the spoken word, drawing on Greek learning, but centered on the Roman polity. His engagement with the Roman public was grounded on his activities in the city itself. When he had to leave the city in an official capacity, he not only held himself and his staff to the highest ethical standards – another characteristic that was born out of his intensive immersion into Hellenistic philosophy – but he also remained a learner.

While in his province, Cicero spent some time at the court of the Galatian king Deiotarus, with whom he seems to have had interesting conversations. He writes that:

Solebat ex me Deiotarus percontari nostri augurii disciplinam, ego ex illo sui. Di immortales, quantum differebat! ut quaedam essent etiam contraria.

*Deiotarus used to question me a great deal about our system of augury, and I him about that of his country. Ye gods! how much they differed! So much that in some cases they were directly the reverse of each other*¹⁰.

Here, the curiosity of the scholar meets the thoroughness of the official and the incomprehension of the Roman: How could something that seemed to be the same be so different? What did that mean for the administration of his province? What did it mean for him as a Roman in a foreign land? A conversation such as this could take place only among equals: just as Cicero derided the common everyday practices of the Roman *plebs*, he would not have consulted just anyone as a source of in-

⁷ Cf. Hallett (forthcoming); Welch 2006, 517 ff., and esp. Cicero's speeches against Verres in this context; cf. Gildenhard 2011a; Lazzeretti 2015.

⁸ Cf. Moatti 2022, 12; Rühl 2020.

⁹ Pausch 2020. Cf. also Cic. *nat.* 1, 6, where Cicero seeks to avoid this very judgment.

¹⁰ Cic. *div.* 2, 76.

formation on divination in his pro-consular domain. Only a person who occupied a comparable political and social station to the Roman governor in his province would be able to provide the appropriate information. And yet there is also an imbalance of power here: as a Roman, as part of a people ruling over kings, Cicero can dismiss these practices as false, as irrelevant¹¹. Nevertheless, conversations like these were necessary to understand those over whom the Romans ruled, an effort that Cicero made, although many other Romans would not¹².

Cicero lived at a time when the Roman Empire was undergoing great spatial and social-political changes. Spatially, the reorganization of the Eastern territories by Pompey Magnus, and especially the conquest of Gaul by Caesar, had brought large new territories under Roman rule, territories that now had to be pacified, ordered, and made governable. This process of integration extended beyond the political to include cultural and religious practices as well. In his *Commentarii*, for example, Caesar writes about the Gauls:

Deum maxime Mercurium colunt. Huius sunt plurima simulacra: hunc omnium inventorem artium ferunt, hunc viarum atque itinerum ducem, hunc ad quaestus pecuniae mercaturasque habere vim maximam arbitrantur. Post hunc Apollinem et Martem et Iovem et Minervam. De his eandem fere, quam reliquae gentes, habent opinionem: Apollinem morbos depellere, Minervam operum atque artificiorum initia tradere, Iovem imperium caelestium tenere, Martem bella regere.

*They worship as their divinity Mercury in particular, and have many images of him, and regard him as the inventor of all arts, they consider him to be the guide on their journeys and marches, and believe him to have great influence over the acquisition of gain and mercantile transactions. Next to him they worship Apollo, and Mars, and Jupiter, and Minerva; with respect to these deities they have for the most part the same belief as other nations: that Apollo averts diseases, that Minerva imparts the invention of manufactures, that Jupiter possesses the sovereignty of the heavenly powers, that Mars presides over wars*¹³.

The important word here is *fere* – “for the most part”. Caesar’s point is not that the Gauls worshipped the same gods as the Romans, just that

¹¹ Padilla Peralta 2018, 253.

¹² Gargola 2017, 8.

¹³ Caes. *bell. Gall.* 6, 17.

their gods were similar¹⁴. In his conversation with Deiotarus, Cicero found the same: Deiotarus described religious practices that seemed to be similar to those of the Romans, or that could be referred to in similar terms – mutual knowledge of Greek as a cultural language made the identification possible. However, despite being similar, these practices were not the same.

In order to successfully preserve and expand their empire, the Romans had to do three things: 1. Acquire knowledge about the conquered peoples; 2. recognize and integrate cultural and religious practices where possible; and 3. differentiate and separate these from their own practices where necessary¹⁵. Consideration of and reflection on the new, the foreign, was indispensable, as was comparing this new milieu with what Romans knew and with their own practices.

Socio-politically, the Roman community itself was changing. Cicero's ideal image of the Roman *res publica* was a highly glorified one, which he saw realized in the mid-2nd century BCE in the group around Scipio Aemilianus¹⁶. He repeatedly evokes this image in his dialogues, referring to an almost mythical time of supposed unity, recognition of orders, and unassailed rule of the Senate. His own time was seen by him as by others as a degenerated state, a sad decline from this ideal. Now, instead of unity, there were powerful figures and temporary alliances, the advantage and enrichment of single individuals being put before the glory of Rome. Prime examples of this nefarious behavior for Cicero included the *Bona Dea* scandal, which endangered the *pax deorum*, and the Catilinarian affair, which endangered the polity. And due to the expansion of the empire's boundaries and the necessarily large extraordinary commands granted to leading generals, the bond between citizen and soldier had become uncoupled. The armies of Pompey in the East and that of Caesar in the West both developed special relationships not only with the general who commanded them in the field, but also with the provincials in whose lands they lived, as well as with their practices and gods. These,

¹⁴ Cf. Ando 2005.

¹⁵ Where this was possible. Where groups formed that could not be integrated, or could be integrated only with difficulty, as was the case with the Bacchanalia in 186 BCE and later with the Christ groups, this was not the case. Other groups, such as *Mater Magna* worshippers or the *Iudaioi*, were at times also difficult to integrate and remained a locus of conflict.

¹⁶ Langlands 2018, 231.

they brought back to Rome upon their return. And once established in the capital, they had the potential to become problematic.

2. *Divination and the foreign*

To clarify what Cicero means by «Roman» divination, especially in a public, political context, I will briefly touch on the subject here. In doing so, it will be useful to start with a caveat regarding *De divinatione*: *De divinatione* both is and is not a text about Roman divinatory practice, that is, the practice of how to communicate with the divine¹⁷. It is not if what we are looking for is a kind of manual that tells us what divination was and how it worked among the Romans, at least not if we take an idealizing-legalistic approach of the sort advanced by Mommsen and assume that «the Romans» actually existed (was Cicero a «Roman»?). It is a text about Roman divinatory practice, however, if we read it as a treatise about all the divinatory practices (and the principles behind them) that existed in Rome in Cicero's time: the «messy everyday practices», as it were.

If we wish to understand what Cicero considers to be «Roman divination» we have to consult another of his treatises, one that was unfortunately only published posthumously and that may have remained unfinished at his death. This fragmentary, but extremely interesting text is *De legibus* (probably written in 51 BCE). Here, Cicero identifies three priest-hoods to whom communication with the divine is to be entrusted. To define divination by identifying the relevant priesthoods makes a great deal of sense, since Cicero develops in this treatise the appropriate laws for an ideal *res publica*. In this ideal community, groups act in the interests of the community, in both the political and the religious spheres (as far as these can be separated). In the religious realm, priesthoods or priestly *collegia* are the groups that interact with the gods on behalf of the community¹⁸. In the context of divination, these are the interpreters of the gods' utterances (the *quindecimviri*, the augurs, and the *haruspices* from

¹⁷ Two-way communication. That means explicating signs of divine approval or warning on request as much as it does interpreting spontaneous signs from the gods warning of things that will happen or pointing toward things going wrong, *i.e.* both forms of divination that reveal knowledge of the future and forms that speak to developments in the present.

¹⁸ Cic. *leg.* 2, 30.

Etruria. The will of the gods is said to have been collected in the Sibylline books, supposedly at the time of King Tarquinius, in Rome's mythical early history. However, the books are to be consulted only when the need is recognized by *senatus populusque*¹⁹. In writing about the augurs, Cicero is rather more expansive, probably because he himself was one and was rather proud of the distinction. This group was responsible for recognizing the will of Jupiter by means of bird and thunder signs and for thereby averting the *ira deorum*, the wrath of the gods²⁰. Finally, the *haruspices* were to be called upon only on the instructions of the Senate (not the *populus*).

The task of all priesthoods was to preserve the *pax deorum*. A Roman could count on being left in peace by the gods as long as he did not make ritual mistakes or, as Cicero writes in *De divinatione*, «become[s] involved in old women's superstition» by being overly diligent in religious matters²¹. And it is here that the danger lay with regard to the empire that Rome had conquered. Cicero refers to this concern in *De legibus*:

Suosque deos aut novos aut alienigenas coli confusionem habet religionum et ignotas caerimonias nos<tris> sacerdotibus.

*The worship of private gods, whether new or alien, brings confusion into religion and introduces ceremonies unknown to our priests*²².

If both too much and too little diligence in religious practice was dangerous, it was just as important to consider carefully which gods one in fact worshipped if one was to be able to do so in an appropriate manner. The same is true with regard to divination. Divine communications on behalf of the community were largely restricted to «yes» or «no» answers, signaling the divinity's consent or lack thereof²³. These were not taken as predictions of a certain future or of the certainty of success. The human actor is and remains the most important figure. But answers of these kinds give the questioner the assurance that he at least does not

¹⁹ Cic. *leg.* 2, 20.

²⁰ See Linderski 1986. However, the area of augural expertise is not quite so clear, since it cannot be said that they only interpret oblativ signs. Even Cicero notes contrasting positions, his speeches partly contradicting his philosophical writings, e.g. *Phil.* 2, 82 vs. *leg.* 2, 33.

²¹ Cic. *div.* 1, 7.

²² Cic. *leg.* 2, 26.

²³ But see now Driediger-Murphy-Eidinow 2019.

metaphorically step on the toes of the deity if he acts according to the advice given, or rather, does not act contrary to it²⁴.

Sometimes, however, the gods speak of their own accord and indicate grievances or dangers. In such cases, it is necessary to heed the signs²⁵ and act on them correctly. This is the task of the *quindecimviri* or the *haruspices*, depending on whom the Senate appoints to the task²⁶. Here, the prediction of the future becomes more complicated, because both priesthods were associated with Etruscan practices. The prediction of the future was part of Etruscan divination. It is probably for this reason that Cicero indicates his preference for restricting the influence of these not-entirely-Roman figures, especially in contrast to his positive views about consulting the augurs²⁷. Both priesthods nonetheless form part of Cicero's ideal *res publica*, because they are old and venerable and the Romans have maintained these institutions for so long, to their benefit. Still, he notes that there have always been, and still are, reservations concerning these priesthods, and especially with regard to the *haruspices*²⁸. First of all, the term does not describe a closed priesthood, but rather groups together everyone who knew about this *ars/techné*, any of whom could thus practice divination as a *haruspex*²⁹. This is a key reason why *leg. 2, 20* requests that leading men³⁰ be taught the Etruscan doctrine. On the one hand, this will ensure that knowledge of these practices will not be lost, while, on the other, it will also strengthen and concentrate the authority of the *haruspices* and prevent just anyone from claiming the ability and right to prophesy.

²⁴ Parallel to the functioning of the senate. The *senatus consulta* are also not laws. The single magistrate has *imperium* and can heed the senate's advice or dismiss it, to his own gain or loss.

²⁵ Cf. Driediger-Murphy 2019.

²⁶ An example here may be the senate's decision to ask the *haruspices* – not the *pontifices* and not the *quindecimviri* – to interpret the signs that were observed in the summer of 56. The pontifical college was already involved in the matter, as they had restored Cicero's house to him, while P. Clodius Pulcher himself was one of the *quindecimviri*. The *haruspices* were the only «neutral» body, cf. Corbeill 2012, 258.

²⁷ Cf. Maras 2016.

²⁸ E.g. Cic. *div. 2, 51*: *vetus autem illud Catonis admodum scitum est, qui mirari se aiebat, quod non rideret haruspex, haruspicem cum vidisset*, «But indeed, that was quite a clever remark which Cato made many years ago: "I wonder, said he, that a soothsayer doesn't laugh when he sees another soothsayer"».

²⁹ Cf. Cic. *div. 2, 50*; 2, 100.

³⁰ The Etruscan elite, cf. Corbeill 2012, 248; Dyck 2020, 149.

Turning to the Sibylline books, these were a collection of Greek verses imported to Rome, it was said, at the time and under the authority of King Tarquinius – another Etruscan. The books contained a collection of supposedly divine utterances which could be consulted at the behest of the Senate. When called upon, the College of *quindecimviri* searched the sayings for one that seemed to fit the given situation best and to indicate what was wrong, how the gods were displeased and how the matter might best be resolved³¹. Again, one might think that the gods, as transmitters of this knowledge, knew in advance what was going to happen and gave hints about a future that was somehow already laid out. However, it can also be argued a) that some verses never applied to anything, so a lot of warnings were for naught; and b) that the verses indicated grievances, warnings that the gods could issue either because they were tangential to their domain or because, as gods, they were more likely to foresee the consequences of certain actions or developments – and if Rome’s mortals did not respond to them, that was their problem³².

As a matter of fact, prediction of the future was on the rise in the Late Republic³³: not only were *haruspices* increasingly consulted instead of the augurs, but private consultations increased as well³⁴, especially from those eyeing the possibility of a great future³⁵. Astrology was similarly *en vogue*: the entire first triumvirate had themselves a bright, peaceful future predicted from the stars, leading Cicero to record with some glee that not one of them met the peaceful end as an old man in his own bed that the heavens had foretold³⁶.

In *De divinatione*, Cicero argues that prediction of the future is exactly what proper Roman divination was not supposed to do. From a purely logical point of view, he claims, it makes no sense. For if the future were predictable, it would already exist in one way or another. And if that were so, then both human decision making and individual responsibility would be circumvented. «But something is in our pow-

³¹ Cf. Cic. *fam.* 1, 3 [1, 4]; 1, 8, 4 [1, 7, 4].

³² Cf. Cic. *fat.* 32.

³³ Cf. Santangelo 2013.

³⁴ Corbeill 2012.

³⁵ Marius was said to have his own prophetess accompanying his campaigns, Plut. *Mar.* 17, 1-3; cf. Mowat 2021, 116-140.

³⁶ Cic. *div.* 2, 99. Octavian Augustus even published his own horoscope in order to strengthen his claim to power, Suet. *Aug.* 94, 12, see Glyn-Jones 2021. On the changing form of divination as prediction in the Late Republic, see Santangelo 2013.

er»³⁷, he states, therefore, the gods cannot have determined in advance by their will what will happen³⁸. For them to have done so would contradict the traditional Roman understanding reflected in *De legibus*. To understand *De divinatione*, it is helpful to consider *De legibus*³⁹ alongside it to be able to understand what Cicero speaks of and to whom he addresses himself. *De divinatione*, like all of Cicero's philosophical writings, is a political text and a political act.

3. Traditions and the text

De divinatione belongs to the second phase of Ciceronian *philosophica*, written during the period of Caesar's dictatorship. Traces of current events are reflected in the text, with a break being indicated by the addition of a second preface to Book 2, outlining the order in which Cicero intended his philosophical (and rhetorical) works to be read. This preface also identifies those for whom Cicero writes: members of the elite, those who are to govern the *res publica* in the future, the coming politicians. This is *tirocinium fori* by other means: Cicero can no longer address these people in person, so he does so in writing.

The two books of which *De divinatione* consists, differ remarkably in their layout, as many scholars have noted⁴⁰. Book 1, the supposedly Stoic side of the discussion, is a collection of examples from Roman, Greek and general history. Epics, tragedies and poems are all made use of, as are personal experiences. A well-defined outline is difficult to discern here; the discussion does not follow the structure expected for logical argumentation, with premises followed by the conclusions drawn from them. Instead, it heaps example upon example: *non quaero cur* – «I do

³⁷ *Si omnia antecedentibus causis fiunt, omnia naturali conligatione conserte contexteque fiunt; quod si ita est, omnia necessitas efficit; id si verum est, nihil est in nostra potestate; est autem aliquid in nostra potestate; at, si omnia fato fiunt, omnia causis antecedentibus fiunt; non igitur fato fiunt, quaecumque fiunt.* «If everything takes place with antecedent causes, all events take place in a closely knit web of natural interconnexion; if this is so, all things are caused by necessity; if this is true, nothing is in our power. But something is in our power. Yet if all events take place by fate, there are antecedent causes of all events. Therefore it is not the case that whatever events take place take place by fate», Cic. *fat.* 31.

³⁸ Cf. Cic. *div.* 1, 82 and 2, 40.

³⁹ See also ch. 13 in Rüpke 2012.

⁴⁰ E.g. Schofield 1986; Krostenko 2000; Altman 2008.

not ask why»⁴¹. What the reader finds here, is not an account of the principles of divination, but rather examples of it in practice. The text is empirical rather than theoretical.

Book 2, by contrast, has a clear structure. It begins with the definition of the subject, goes on to question its use and then proceeds in a well-organized manner (artificial divination versus natural divination: *i.e.* extispicy, lightning signs, prodigies, auspices and astrology vs. lots, oracles and dreams) to refute the examples from Book 1.

Much has been made of the fact that M. Cicero himself is the interlocutor in this treatise. His presence as such raises the question as to whether he held the practice to be worthless, since he denies that divination in fact exists⁴². The question is further entangled by the fact that Cicero writes in his introduction that the practice must be upheld because the *maiores* themselves established and made good use of it, being guided by the results more than by theoretical thinking about the topic. Here, Cicero speaks *in ipsa persona*, not as the literary figure under which guise he appears in Book 2 of the treatise. Further, he repeats in *div. 2, 33* that only that which is founded in age and observation can be empirically grasped and thus considered to be a secure basis for an *ars*. The same is not true for that which is no more than thought (*i.e.* non-existent, abstract things and theory). Thus, the speaker who takes his starting point from the logical discussion of the object also sets empiricism above theory, as did the speaker in Book 1.

In both *De natura deorum* and *De divinatione*, Cicero maintains that the traditions of Rome must be upheld. Cotta argues and doubts as *pontifex*, Marcus as *augur*. Should they not actually, as instantiations of their offices, rather give proof positive of the existence and benevolence of the gods and the profit of divination instead of casting doubt on both? It turns out that they have good reasons to do so, especially in the case of Marcus in Book 2 of *De divinatione*. Both speakers hold on to what their ancestors have always done – even where divinatory practices make no logical sense. But they can do so because their success proves them right. This is the position from which Book 1 proceeds, to which I will return below. Moreover, Marcus, even in his supposed refutation, repeatedly deploys arguments that are themselves rather easy to refute, so that in the end it is not to be the *auctoritas* of the speaker but that of the (ever-

⁴¹ Cic. *div.* 1, 15.

⁴² See below.

further developed) arguments that is meant to have the last word. But if the end of the dialogue is purposefully ambiguous, what is the purpose of Ciceronian philosophy? Here we have to return briefly to the nature of Roman education.

4. *Education and the (missing) forum*

Two questions frame much of Cicero's work in this period. First, if the education of the Roman elite functioned through social networks, but these no longer worked in the current political situation as they used to, and if a personal connection to a powerful individual counted for more than personal talent and broad networks, then how could the socialization of adolescent Romans and their introduction to (proper) Roman traditions be achieved? And second, how could Cicero himself contribute to the education of the next generation after withdrawing from politics and refusing to cooperate with the dictator?⁴³

Cicero sees his texts as the answer to both of these questions. He writes them to educate his fellow Romans in the traditions of the Republic, and to encourage them to consider carefully in all circumstances what is right and what should be avoided. Thus *div. 2, 1*:

Quaerenti mihi multumque et diu cogitanti quam re possem prodesse quam plurimis, ne quando intermitterem consulere rei publicae, nulla maior occurrebat, quam si optimarum artium vias traderem meis civibus; quod compluribus iam libris me arbitror consecutum.

After serious and long continued reflection as to how I might do good to as many people as possible and thereby prevent any interruption of my service to the State, no better plan occurred to me than to conduct my fellow-citizens in the ways of the noblest learning – and this, I believe, I have already accomplished through my numerous books.

Cic. *div. 2, 4*:

Quod enim munus rei publicae adferre maius meliusve possumus, quam si docemus atque erudimus iuventutem, his praesertim moribus atque tem-

⁴³ On the meaning of education in Cicero, see Cic. *Att. 2, 1, 3*.

poribus, quibus ita prolapsa est, ut omnium opibus refrenanda ac coercenda sit?

For what greater or better service can I render to the commonwealth than to instruct and train the youth – especially in view of the fact that our young men have gone so far astray because of the present moral laxity that the utmost effort will be needed to hold them in check and direct them in the right way?

Cicero's goal is the education of his fellow citizens, especially the coming generation, to whom it will fall to govern Rome and her empire. In order to do this, they must learn the right opinions and behaviors, not by being told, but by weighing in their minds what is right and what is not⁴⁴. And this will depend in each instance very much on context. Cicero knew of the challenges his fellow Romans would face in the vastness of the space they were now called upon to govern⁴⁵. He saw the very different peoples – characterized by their Otherness – over whom the Romans would have to find a way to maintain their rule, and he was certainly aware of the temptations inherent in power⁴⁶. He acknowledged that conditions had changed and that the periphery would grow in importance compared to the center and the city of Rome⁴⁷. As a result, he believed that future Roman politicians would have to know who and what they were dealing with if they were to rule successfully and adapt to the circumstances they found in their provinces while at the same time firmly grounded in distinctly Roman traditions⁴⁸. «Governance through diversity» is the modern keyword here: local traditions may, indeed should, continue to exist in order to support the integrity of particular societies, but only so long as they do not endanger the rule of Rome. And to govern successfully, one must first get to know the people over whom one rules.

How could their education then be achieved? Above all, how can the education or socialization of young Romans take place if Cicero himself is out of the picture, ceding the stage to those who promoted a different

⁴⁴ Langlands 2018.

⁴⁵ Cic. *Att.* 2, 1, 8.

⁴⁶ See especially in this context his speeches against Verres.

⁴⁷ Cf. Eckstein 2006.

⁴⁸ Cicero himself was very proud of his overly correct administration and manner towards the provincials, both as *quaestor* in Sicily and as proconsul in Cilicia. Verr. 2, 5, 35; Planc. 64-66; *Att.* 5, 20, 6. On Roman identity, Woolf 2012, ch. 14.

version of Roman values and interests? And why turn to philosophy as a medium for sharing what he sought to teach?⁴⁹

For answers, we must again turn to the catalog Cicero inserted into Book 2 of *De divinatione* and the break between Caesar's rule and the period after the death of the dictator, a time in which the question of Rome's future had to be renegotiated. The catalog begins with the *Hortensius*, which discusses the question of why one should do philosophy. This is followed by the question of how one should do philosophy (*Academica*), and then a discussion of what constitutes virtue (*de finibus* and *Tusculanae Disputationes*), i.e. ethics. Next are the three texts on theology and it is only then that an explicitly political work appears, *de re publica*, which is concerned with the ideal polity (Rome, to nobody's surprise). This is supplemented by texts on the behavior that is appropriate towards both the *res publica* and to other individuals (*Consolatio*, *de senectute* and *Cato*)⁵⁰, and finally by three texts on the value of rhetoric and the nature of the best orator. This culmination aligns with Cicero's view of philosophy. He does not see the Roman philosopher as a man who spends his life in secluded contemplation, for such a man cannot be happy:

Placet igitur aptiora esse naturae ea officia, quae ex communitate, quam ea, quae ex cognitione ducantur, idque hoc argumento confirmari potest, quod, si contigerit ea vita sapienti, ut omnium rerum affluentibus copiis [quamvis] omnia, quae cognitione digna sint, summo otio secum ipse consideret et contempletur, tamen si solitudo tanta sit, ut hominem videre non possit, excedat e vita.

My view, therefore, is that those duties are closer to Nature which depend upon the social instinct than those which depend upon knowledge; and this view can be confirmed by the following argument: suppose that a wise man should be vouchsafed such a life that, with an abundance of everything pouring in upon him, he might in perfect peace study and ponder over everything that is worth

⁴⁹ On the purpose of Cicero's writing of philosophy, see Baraz 2012 and Cic. *Luc.* 5, *sunt enim multi qui omnino Graecas non ament litteras, plures qui philosophiam, reliqui qui etiam si haec non inprobent tamen earum rerum disputationem principibus civitatis non ita decoram putent*, «For there are many people who have no love for Greek literature at all, and more who have none for philosophy; while the rest even if they do not disapprove of these studies nevertheless think that the discussion of such topics is not specially becoming for great statesmen».

⁵⁰ Cf. Nussbaum 2022.

*knowing, still, if the solitude were so complete that he could never see a human being, he would die*⁵¹.

Because man is a social being, he needs the community. Even the wise man, to whom only virtue is a good, cannot do without relationships with other people: *virtus* itself is a social practice, and it cannot exist without reference to a community⁵². Rather, every community communicates what its virtues are through education and socialization, in social interaction and exchange⁵³. Thus, where contemplation remains abstract, where it is only the acquisition of knowledge for knowledge's sake, it has no value. If it is not mediated, it has no content.

Philosophy, on Cicero's understanding, is an active practice. He sees the ideal statesman as a combination of philosopher and orator⁵⁴. The catalog of philosophical texts consequently culminates in the figure of the ideal orator who by his words leads the people. By having his philosophy culminate in rhetoric and by construing *De divinatione* as well as *De natura deorum* and *De fato* as speeches⁵⁵, Cicero emphasizes the central role of speech as a means of shaping everyday political life.

In his seminal 1986 article on *De divinatione*, Malcolm Schofield interprets the text as a twofold example of courtroom speech⁵⁶, showing two possible ways to discuss a subject: Quintus employs, in Schofield's terminology, a «rhetoric of anecdote», while Marcus deploys in Book 2 a «rhetoric of cross-examination»⁵⁷. Quintus overwhelms the reader with examples of successful divination, citing a variety of examples that were familiar to the Romans, to which the Roman Senate had responded and which had concrete consequences for the Romans. These could be cult practices⁵⁸, narratives (e.g. that of Tib. Gracchus)⁵⁹ or

⁵¹ Cic. *off.* 1, 153.

⁵² Cf. Reydams-Schils 2022.

⁵³ Langlands calls these «exemplary ethics», Langlands 2018.

⁵⁴ Cf. Remer 2022, esp. 200. He thus follows Stoic doctrine, especially that of Chrysippus. However, he does not see the community/*polis* as a community of the wise, but as the factual community of Rome. See also Schofield 1999; Gargola 2017, 26; 39.

⁵⁵ As argued by Schofield 1986.

⁵⁶ Schofield 1986.

⁵⁷ Schofield 1986, 51.

⁵⁸ Cic. *div.* 1, 101.

⁵⁹ Cic. *div.* 1, 36.

dreams (like that of Caecilia concerning the temple of Iuno Sospita)⁶⁰. Marcus is, indeed, unable to refute all the examples Quintus offers up. In fact, the history of Rome was full of examples of successful and unsuccessful attempts at communication between god and man – sometimes with dramatic consequences for the Romans⁶¹. It was the scrupulous observance of rites and the petitioning of gods to give a sign concerning whether the questioner could continue with his project that had brought the Romans so much success in the first place:

Quam volumus licet, patres conscripti, ipsi nos amemus, tamen nec numero Hispanos nec robore Gallos nec calliditate Poenos nec artibus Graecos nec denique hoc ipso huius gentis ac terrae domestico nativoque sensu Italos ipsos ac Latinos, sed pietate ac religione atque hac una sapientia, quod deorum numine omnia regi gubernarique perspeximus, omnis gentis nationesque superavimus.

However good be our conceit of ourselves, conscript fathers, we have excelled neither Spain in population, nor Gaul in vigour, nor Carthage in versatility, nor Greece in art, nor indeed Italy and Latium itself in the innate sensibility characteristic of this land and its peoples; but in piety, in devotion to religion, and in that special wisdom which consists in the recognition of the truth that the world is swayed and directed by divine disposal, we have excelled every race and every nation⁶².

And success proves the questioner right. The Romans won their wars, because their wars were just. Their wars were just because the Romans had the gods on their side. The Romans knew that they had the gods on their side (or at least, that the gods did not stand against them) because they had asked them⁶³. Cicero can thus insist both in the preface to the treatise and in the conclusion to Book 2 that the traditions must be adhered to without detracting from his argument that divinatory practices must be carefully considered and do not all have a value in themselves. It seems, then, that one must hold on to old and venerable practices. But which ones exactly?

⁶⁰ Cic. *div.* 1, 4; 99.

⁶¹ If thinking, e.g., of the battles of Cannae or Drepana.

⁶² Cic. *har. resp.* 19.

⁶³ Cf. Atkins 2022.

5. *Philosophy and the empire*

As stated above, the expansion of its borders brought into the Imperium Romanum a multitude of territories, peoples, gods, and practices with which the Romans had to come to terms. They had to gather knowledge of who these peoples were, how they were organized and what their traditions were, and they had to find a way to handle these different customs and traditions⁶⁴. And despite certain similarities that could provide a way in to thinking about the customs and traditions of others, the distinctions were stark: «Ye gods, what differences!»⁶⁵. Because Iuno was not equal to Hera, Teutates not equal to Mercury or Mars. When Cicero and Deiotarus talked about auspices, the one understood the results to be well-intentioned advice from the gods, leaving intact the freedom of choice (and thus the responsibility) of the questioner, while the other instead saw in the responses a glimpse of fate, of the events that were certain to unfold. The practices might indeed be similar, but they were certainly not the same.

Quintus' speech in Book 1 is a fabulous collection of successful and unsuccessful examples of divination, both Roman and foreign without greater distinction. In Book 2, Marcus addresses exactly the status of the examples: if he cites stories drawn from tragedy as evidence, or even Marcus' own epic, then he cites beautiful poetry, certainly, but not proof of fact⁶⁶. Other examples are entirely trivial and cannot prove the veracity of divination⁶⁷. Worse still are *omina*: If any utterance can have a meaning beyond the immediate speech context, who will dare to say anything?

Marcus makes the charge explicit (not that Quintus needs to be told): Quintus does not argue as a philosopher should:

hoc ego philosophi non esse arbitrator, testibus uti qui aut casu veri aut malitia falsi fictique esse possunt; argumentis et rationibus oportet quare quidque ita sit docere, non eventis, iis praesertim quibus mihi liceat non credere.

⁶⁴ Padilla Peralta 2018, 247-248.

⁶⁵ Cic. *div.* 2, 76.

⁶⁶ This was also criticized with regard to the representative of Epicurean philosophy in *De natura deorum*, 1, 39-41, and Quintus himself admits that the value of these examples is restricted, *div.* 1, 42; 68; cf. also Cic. *leg.* 1, 4 with Bishop 2019, 296. Cic. *div.* 2, 46. Bishop 2019, 269 stresses that the combination of poetry and philosophy was common in Stoicism, and that Cicero, in employing (his own) poetry in propounding Stoic philosophy in *De natura deorum* and *De divinatione*, aims at *verisimilitudo* in his portrayal of the school.

⁶⁷ Such as mice gnawing shields, a Venus throw in a game of dice, the patterning of colors, a pig digging a letter into the ground with his snout, cf. Cic. *div.* 2, 48.

Of such a course I wish to say emphatically that it is not becoming in a philosopher to introduce testimony which may be either true by accident, or false and fabricated through malice. You ought to have employed arguments and reason to show that all your propositions were true and you ought not to have resorted to so-called occurrences – certainly not to such occurrences as are unworthy of belief⁶⁸.

Quintus, however, does not even claim to argue philosophically: *non quaero cur*. For him, it is proof enough that the examples exist without discussing the principles underlying them as signs. After all, Roman history is full of them. This, not even Marcus in Book 2 can deny. But in order to give weight to the argument that arises from the mass of evidence⁶⁹, one has to carefully select one's examples. The collection of examples is thus followed by an examination of their validity – the «rhetoric of cross-examination»⁷⁰. So, why weather signs? They might show how the weather will be tomorrow, but have no bearing on right behavior. Moreover, their scientific background was explained long ago⁷¹. Why astrology? Its very basis is faulty and cannot be valid in the same way for Romans as for Chaldeans. Why foreign auspices when it has already been shown how much they differ from the Roman ones? The witnesses and testimonies Quintus draws upon to make his case are not credible – either because they are not Roman, and therefore have no relevance for the Roman practice; they are trivial, or because they – as dreams – are not verifiable⁷². Nonetheless, the very mass of examples (among them more than a few Roman ones) might be quite convincing simply *because* of their sheer mass⁷³. But it is still necessary to carefully examine their individual credibility. Thus, the *practice* of philosophy as a search for wisdom conducted in the weighing of arguments for and against is a suitable approach for answering the question of *which kind* of divination is right for Rome⁷⁴.

In writing philosophy, Cicero provides his readers with tools for the consideration of those matters relevant for the *res publica*. In respect to

⁶⁸ Cic. *div.* 2, 27.

⁶⁹ A critical argument, cf. Cic. *nat.* 3, 11 and *div.* 2, 28; 70.

⁷⁰ Schofield 1986, 51.

⁷¹ Bishop 2019, 294.

⁷² The majority of examples provided by Quintus; however, you always dream alone, see Kragelund 2001; Harris 2003; ten Berge 2013.

⁷³ Schofield 1986.

⁷⁴ Cf. Paschalis 2021, 411.

the treatise *De divinatione*, he does not provide a handbook on divination practice, he does not reflect on and instructs how divination works according to the tradition, its practices and laws, as others did at that time⁷⁵. It is not a conclusive collection of traditions for scholars or of laws for members of particular *collegia*. Instead, Cicero argues, cites examples and presents objections. He suggests to the reader that it is necessary to weigh very carefully what we consider to be true. He says that it is necessary to consider the preconditions on which one builds and then to consider what follows from these. And against the backdrop of the altered political and spatial circumstances, he proposes that it is necessary to ascertain who one is and why one does what one does.

6. Conclusion

As the Roman Empire expanded and the Romans came into contact with many other peoples and cultures, they were confronted with practices that were similar to their own, but not the same. However, if success had validated the traditions and practices of the Romans, then it was important to preserve the traditions and practices that had led to this success. If one allowed too many foreign cults, at some point one would run the risk of disturbing the *pax deorum*, even if only out of ignorance⁷⁶. What Cicero asks his readers to do is to consider what kind of divination was the right kind for the *res publica*. Oracles might work for the Greeks, astrology for the Chaldeans, a thorough inspection of the entrails for the Etruscans. Cicero readily admits that there are relevant differences and that these suit particular peoples:

Etenim Aegyptii et Babylonii in camporum patentium aequoribus habitantes, cum ex terra nihil emereret quod contemplationi caeli officere posset, omnem curam in siderum cognitione posuerunt; Etrusci autem, quod religione imbuti studiosius et crebrius hostias immolabant, extorum cognitioni se maxime dediderunt, quodque propter aeris crassitudinem de caelo apud eos multa fiebant, et quod ob eandem causam multa invisitata partim e caelo, alia ex

⁷⁵ L. Iulius Caesar, M. Valerius Messala Rufus, Ap. Claudius Pulcher and C. Claudius Marcellus as well as M. Terentius Varro wrote about the auspices and augural practices, Aulus Caecina on the *Etrusca Disciplina*; Nigidius Figulus translated the brontosopic calendar into Latin. The latter four were also members of the augural college, cf. Rüpke 2005; Momigliano 1984.

⁷⁶ Cic. *leg.* 2, 25.

terra oriebantur, quaedam etiam ex hominum pecudumve conceptu et satu, ostentorum exercitatissimi interpretes exstiterunt. [...] Arabes autem et Phryges et Cilices, quod pastu pecudum maxime utuntur, campos et montes hieme et aestate peragrantes, propterea facilius cantus avium et volatus notaverunt;

Now, for my part, I believe that the character of the country determined the kind of divination which its inhabitants adopted. For example, the Egyptians and Babylonians, who live on the level surface of open plains, with no hills to obstruct a view of the sky, have devoted their attention wholly to astrology. But the Etruscans, being in their nature of a very ardent religious temperament and accustomed to the frequent sacrifice of victims, have given their chief attention to the study of entrails. [...] But the Arabians, Phrygians, and Cilicians, being chiefly engaged in the rearing of cattle, are constantly wandering over the plains and mountains in winter and summer and, on that account, have found it quite easy to study the songs and flights of birds⁷⁷.

But do these practices fit Rome? That is what Cicero wishes for his readers to consider. For all of these practices can be found in the city and are known to his audience – the leaders and the masses, educated and uneducated⁷⁸. And, what is more, the senatorial and equestrian Romans, the administrators of the empire, on whose shoulders rests the continued success of the empire, are confronted with these not-so-foreign practices in the provinces.

Further, what about actual Roman practices? Is the interlocutor Marcus the same as the author Cicero, and does the threefold *esse divinationem nego*⁷⁹ fit both interlocutor *and* author? No, because while Marcus rejects none of the traditional religious practices of Rome in Book 2, he very much wants to curb their influence: the Sibylline Books are to be kept under strict control; extispicy must be restricted⁸⁰; current auspical does not compare to the correct practice of former times⁸¹. Rather than simply accept them, Marcus insists instead that one must carefully exam-

⁷⁷ Cic. *div.* 1, 93.

⁷⁸ Cf. Cic. *div.* 1, 132 as a vibrant image of Roman everyday practices.

⁷⁹ Cic. *div.* 2, 8; 2, 45; 2, 74. The first instance is a special pun, as Marcus firmly states that «there is no divination» in a sentence that otherwise disputes that certain knowledge can ever be obtained. I believe that this phrase is to be read as tongue-in-cheek, and that we should understand the dialogue as being framed by the kind of levity that is evoked by a private conversation on a country estate.

⁸⁰ Cf. Cic. *leg.* 2, 25, who warns against too great a display of luxury in sacrifice and against excessive sacrifice – a reaction to a time in which large fortunes were amassed which then had to be displayed fittingly.

⁸¹ Referring primarily to the *tripudium*, but the continuous observation of the skies as practiced by the consul Bibulus when serving as Caesar's colleague in office made obvious how easily the system could be manipulated if those participating did not put *pietas* first.

ine what these practices are, where they come from, what principles they follow and whether they are in accordance with Roman traditions, the traditions that have made Rome great. For the coming generation of magistrates and pro-magistrates in the provinces, it is necessary to gain knowledge of local traditions and practices, on the one hand, while also deciding whether these have any relevance for themselves on the other. Horoscopes may be acceptable for Chaldeans, but not for the Romans (if they work there at all, the position of the stars being quite different in Rome than in Chaldaea, after all).

Writing Roman philosophy is thus necessarily a diplomatic-political act: a discussion of how Romans maintain their identity and their rule in foreign lands in spite of the multiple different and exotic cults on offer (*De divinatione* speaks precisely of a multiplicity of possibilities!), while also letting the locals carry on according to their own traditions. Greg Woolf writes of an evolving «exceptionalism» in this context⁸². While Rome was still fighting with other cities of equal status for supremacy (or simply for its survival), it incorporated their gods and practices in order to acquire the divine assistance available to those polities for itself. That is how the *haruspices*, *inter alia*, came to Rome. But when, at the time of its wider expansion, Rome began to fight and conquer «lesser» peoples whom it no longer perceived as equals, their divinely sanctioned success proved them right. Rome's success was sanctioned by her own gods, and it was thus necessary to keep the peace with these gods above all others. Consequently, while foreign cults and practices might be acknowledged, elite Romans should consider very carefully whether to adopt these foreign traditions for themselves; in some contexts, it might, however, be prudent.

Cicero discusses the matter in an open-ended way and with weighty and conceivably convincing arguments on both sides, searching for what is right and proper, though not in the abstract, but very concretely. *De divinatione* offers a combination of philosophy and rhetoric, but more than this it also provides, through the examination of a very specific topic, a discussion of where Rome comes from, where she now stands, and where she is going. It is applied philosophy, a stimulus to thinking, not in terms of fixed doctrines, but against the background of one's own experience⁸³. It does not approach the topic in terms of abstract «What

⁸² Woolf 2020, 123.

⁸³ Cf. Cic. *div.* 1, 5.

ifs?», but rather in a very concrete frame: «Here I am. This is what seems to be the case. Now how do I behave?».

Cicero addressed his texts to the young Roman elite. At a time when Roman politics and society were not functioning as he believed they should, he had no other choice than to reach out to those he wished to shape and into whose collective hands he believed the fate of his beloved Rome would fall. By putting forward his position on the search for wisdom, on ethics, on right conduct toward gods and men, and on the proper nature of a polity (and the laws that go with it), he engaged in another kind of *tirocinium fori*, the only one he could pursue with dignity. As he puts it, *In libris enim sententiam dicebamus, contionabamur* – «in my books I made my senatorial speeches and my forensic harangues» (*div.* 2, 7). By doing so in writing, he took into account not only the impossibility of being present in the forum in person, but also the changing conditions of the *Imperium Romanum*. Speeches were made only in Rome and they disappeared as soon as the words were spoken. But his books, his substitute for the forum, were carried to the edge of the Roman Empire – to where the Romans were⁸⁴.

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⁸⁴ Rüpke 2016a, 166 ff.

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