

Postgraduate/Distance Learning Assignment coversheet & feedback form

**THIS SHEET MUST BE THE FIRST PAGE OF THE ASSIGNMENT YOU ARE SUBMITTING
(DO NOT SEND AS A SEPARATE FILE)**

For completion by the student:		
Student Name: David James		
Module code: HPCA 7027 Module title: Cosmology, Magic and Divination	Student ID number: 2105080	Educational support needs: No
Module tutor: Dr. Dorian Greenbaum, Dr. Crystal Addey, Dr. Dawn Collins		
Assignment due date: 14/3/2022		
If your module has multiple submissions please indicate which piece of work this is. 1 st		
I confirm that this is my original work and that I have adhered to the University policy on plagiarism. Signed: David James Email submission: if you are submitting this form via email, please tick this box ☒ (as a substitute for your signature) to confirm that you agree to the above declaration.		

Assignment Mark

Final Mark

WILL BE
GIVEN ON
TURNITIN**NB.** All marks are provisional until confirmed by the Final Examination Board.**PLEASE NOTE: ALL COMMENTS WIL BE POSTED ON TURNITIN****For completion by Marker 1 :**

Comments:

Marker's signature:

Date:

For completion by Marker 2/Moderator:

Comments:

Marker's Signature:

Date:

AGREED INTERNAL MARK (where necessary):**Comment on process of arriving at agreed mark:****External Examiner's comments (if relevant)**

External Examiner's Signature:

Date:

A Critical Review of Cicero's Arguments against Divination in De Divinatione

This essay critically reviews W. A. Falconer's translation of Cicero's treatise *De Divinatione* (*On Divination*).¹ This work by Cicero² was written between the years 45 and 44 BCE, with it finally being completed after the death of Caesar³, an event that is referenced a handful of times within the finished text. *De Divinatione*⁴ is split into two separate books, with the first book containing a framing narrative, as well as the arguments for divination given by Marcus' brother, Quintus, and the second book containing Marcus' arguments against divination. This piece was written by Cicero⁵ as part of a series of volumes discussing the divine and fate—*De Divinatione* is preceded by *On the Nature of the Gods* and is followed by *Fate*, a work that has been mostly lost—and focuses primarily on the question of if divination is a reliable or useful practice. According to Cicero⁶ the purpose of the work is to teach the youthful students of Rome about the topic within the treatise, though the work does require some prior understanding of Roman and Greek philosophy, and thus may not have been accessible by some of the public.

Cicero himself is a figure of importance in Roman history, as he was a supporter of Pompey during the Roman Civil War between Pompey and Caesar, and when Pompey was defeated by Caesar, Cicero was granted a pardon and was held in high esteem within Rome.⁷ As Caesar grew in power within Rome, Cicero withdrew from participation in the Roman Republic and began to write essays on political philosophy, but with the death of his daughter in 45, Cicero increased the pace of his writing, as well as its breadth and began to write about his own life, the nature of the gods, and the concept of fate.⁸ Cicero himself held the post of an Augur within Rome, an individual who has been given the task of taking the auspices through the observation of the feeding of sacred chickens within Rome, and thus would have been familiar with the practice of divination. Cicero also defied assignment to any individual philosophical school, often praising the ideas of a school in one book and then challenging an idea from the same

¹ Cicero, *On Divination* (*De Divinatione*): W. A. Falconer (ed. and trs.), Loeb Classical Library, Cambridge, MA: Harvard University Press, vol. XX, 1923.

² Following previous scholarship, the name Cicero will be used in reference to the writer and Marcus in reference to the character in *De Divinatione*.

³ Frederico Santangelo, *Divination, Prediction, And The End Of The Roman Republic*, (Cambridge: Cambridge University Press, 2013), p.10.

⁴ Cicero, *De Divinatione*.

⁵ Ibid. p. 373.

⁶ Ibid. p. 375.

⁷ Ibid. p. 2.

⁸ Ibid. p. 3.

school in another book. Cicero's writings have found places of honor within wider scholarship, though *De Divinatione* is often viewed as a companion piece to *On the Nature of the Gods*, though some wider scholarship has been directed on determining Cicero's stance on divination, with the traditional belief of Cicero disapproving of divination being challenged by Mary Beard.⁹ This challenge has brought *De Divinatione* back into discussion in scholarly circles by facilitating debate over the meaning of Book Two of *De Divinatione*. *De Divinatione* has also been discussed as a seminal piece of philosophy regarding the Roman people's feelings on religion and divination during the end of the Roman Republic.

As stated above, *De Divinatione* is split into two books with each book representing one half of the dialogue that the work focuses upon. The first book begins with narration by Cicero that explains the purpose of the work in relation to his other writings, as well as to give a brief introduction to what divination is, its uses in history, and prior philosophical thought that leads to the writing of the introduction.¹⁰ Quintus first determines what he means by divination, stating that it is the telling of future events that happen by chance, which is crucial to the later argument by Marcus.¹¹ Following this is Quintus' argument for divination,¹² primarily focusing on historical and mythological cases of divination being used in order to make an argument for the viability of divination. Overall, Quintus' argument as to why divination is real¹³ can best be surmised by his argument that since the gods are real, love man, and know the future, they must send signs of the future to humanity, and that since it would be cruel to send the signs with no means of interpretation, man must be able to interpret the signs sent by the gods. Also of note, is that Quintus notes his belief in fate as being the ultimate cause of all things.¹⁴ As Frank Cabrera¹⁵ notes Quintus also divides divination into two separate categories, comprised of 'artificial' divination—astrology, haruspicy, and other forms of divination that require training—and 'natural' divination—dreams and 'frenzy'—though Quintus believes both types of divination to be capable of accurate divination. Cabrera¹⁶ also notes that some of Quintus' claims may be considered

⁹ Mary Beard, 'Cicero And Divination: The Formation Of A Latin Discourse', *The Journal of Roman Studies*, 76 (1986), 33-46, <URL: <https://www.jstor.org/stable/300364>>.

¹⁰ Cicero, *De Divinatione*, p. 223-231.

¹¹ Ibid. p. 233.

¹² Ibid. p. 233-369

¹³ Ibid. p. 315.

¹⁴ Ibid. p. 361.

¹⁵ Frank Cabrera, 'Evidence And Explanation In Cicero's *On Divination*', *Studies in History and Philosophy of Science*, 82 (2020), 34-43 (p. 35).

¹⁶ Ibid. p. 35.

dubious and that his attempts at convincing the reader of his argument is more a show of brute force by showing such a broad range of situations in which divination has been used and proven correct that there is no choice but to accept his claims.

Book Two of *De Divinatione* focuses on Marcus' rebuttal of the claims made by Quintus in the previous book. Marcus begins by arguing that Quintus' definition of divination is inconsistent with the rest of his claims, as if fate exists and the gods know the fate of all things, then everything that has occurred and will occur is pre-planned and thus whatever is divined would happen regardless of if it is known or not, and that if everything is pre-planned, then there is no room for the concept of chance, as everything has a predetermined outcome.¹⁷ After this, Marcus makes a point of addressing all of the various types of divination that Quintus discusses in his section while making a case for divination and gives possible refutations of each. During this long section, Marcus also notes that some cases of divination will seem to be accurate through divination, as divination is done often and just by the sheer number of predictions that are made, a number of them are bound to be true.¹⁸ As such, Marcus' thesis during this section of the book can be explained as: Divination cannot exist as Quintus explains it, as there would be no chance in the universe, and that even if divination does exist there would be no benefit in knowing the future, as it may cause an individual to fall into depression if they know their ultimate fate and it cannot be prevented.¹⁹ Marcus ultimately tries to deal with the entirety of the subject matter through finding alternative reasons for divination in the natural world. Jörg Rüpke²⁰ suggests that this is due to Cicero attempting to find acceptance for a new type of ethos based upon Cicero's concept of 'natural law' that Rüpke links with an idea of justice being achieved by following the rule of nature.

Having outlined the contents of *De Divinatione*, further discussion must be made of the style in which the work is written, as this influences the ability of the argument to be absorbed and understood by the reader. The majority of the piece is written in the style of a dialogue between Quintus and Marcus, though Book one includes a short section at the beginning in which Cicero describes the purpose of the work and speaks directly to the reader. There is little to be said about the writing style of the introduction by Cicero, except that it is easy to read and understand even

¹⁷ Cicero, *De Divinatione*, p. 385-391.

¹⁸ Ibid. p. 507.

¹⁹ Ibid. p. 385-399.

²⁰ Jörg Rüpke, *Religion in Republican Rome: Rationalization and Ritual Change*, (Philadelphia: University of Pennsylvania Press, 2012), p. 187.

to a modern audience, even if some references may not be immediately recognized by the reader. After this section the dialogue portion of the work begins, and aside from a few notes about the location in which the discussion is taking place, there is very little dialogue contained within book one or book two, with the majority of the writing being a single individual speaking without interruption. In the case of book one, the speaker is Quintus, who is by far the most difficult speaker to understand and follow the arguments of. Quintus jumps erratically between mythological examples, contemporary events, and poems, often with little linking one example to the next. As noted in the section summarizing book one, Cabrera²¹ indicates that this may be an intentional choice on the part of Cicero in order to show Quintus attempting to make an argument through the large number of examples as opposed to through logic and reasoning. While this may be intentional, it makes the argument difficult to read and in a modern reader can lead to a level of fatigue with the writing and a desire to close the book before even reaching Marcus' retorts. I personally found this to be the case despite being aware of some of the situations that Quintus describes and a general interest in the topic of the work and it seems that Quintus' argument could have either been shortened or broken up by thoughts from Marcus without damaging the overall argument made by Quintus while making it easier to absorb. There is also some indication of bias in the writing, though this is the point, as Cicero is purposefully using Quintus to represent an individual who fully believes in divination making an argument for divination. While I do consider this to be the presence of bias, its opposite is present in book two, and it is being used as a rhetorical technique, and as such I feel that it is required for the writing to have the intended impact.

Book two begins with another short scene framing the location for the discussion before Marcus begins to speak and argue against the points made by Quintus. Much like book one, this portion of the book is almost entirely composed of a single individual, in this case Marcus, speaking without interruption. Unlike book one, however, this section of the work rarely strays into long lines of poetry from other sources and attempts to organize itself more clearly than the first book. This organization is split by the specific form of divination that Marcus is discussing, and is further split into Quintus' two categories of 'natural' and 'artificial' divination. Each one is taken in turn and with the other forms of divination within its category, thus allowing for a comprehensive argument to be formed. As with book one, there is some show of bias in this

²¹ Cabrera, *Evidence and Explanation*, p. 35.

chapter, regarding Marcus' bias against the general belief in divination, though as mentioned in regards to book one, this is the purpose of the character in the dialogue and thus it does not have any negative impact upon the overall strength of the piece. I will note, however, that while I feel my interpretation of book one's writing is solid, I have found disagreement in my interpretation and understanding of book two and thus I wish to address it. Wynne²² suggests that Marcus' argument is unfair to Quintus, as it uses 'straw men' that the Stoics would not recognize as their own arguments in order to make a greater case against Quintus. Wynne²³ suggests several reasons that this could be the case, but finds the strongest reasoning in the possibility that Marcus actually represents a different philosophical school of thought, the Academics, in opposition to Quintus' representation of the Stoic school of thought. Wynne ultimately does not find this reasoning to be strongly compelling²⁴ as to why Marcus would argue in the manner that he does, and goes into a deeper discussion of the text, but this discussion does not lend itself to writing style and bias.

The way the work deals with the concepts that it wishes to discuss is also split between Quintus' arguments and Marcus' arguments against them. Quintus is written as being based in the framework of a Stoic, which is suggested fairly early by Marcus²⁵ but is never outright stated by Quintus. While the argument here by Quintus is based in discussing if divination is real or not, it ultimately contains a deeper discussion on the existence of the divine. Marcus suggests that Quintus' argument is ultimately cyclical²⁶ that if one accepts the gods are real, then divination is also real, and vice-versa as one cannot exist without the other. This is fairly indicative of the way that the Romans viewed divination, as Quintus' argument of divination thus necessitates that the gods both exist, care about humanity, and know the future. As such, Marcus' arguments are centered around disproving not the existence of divination, though he does make claims as to why instances of divination could have occurred without actually predicting anything, but against the general premise that Quintus bases his argument on. A primary example of this is when Marcus argues against the possibility of the divine interfering with the entrails of an animal in order to influence haruspicy.²⁷ In this example, Marcus argues against Quintus' implicit claim

²² J. P. F. Wynne, *Cicero On The Philosophy Of Religion: On The Nature Of The Gods And On Divination*, (Cambridge: Cambridge University Press, 2019), p. 224.

²³ Ibid. p. 224-227.

²⁴ Ibid. p. 229.

²⁵ Cicero, *De Divinatione*, p. 233.

²⁶ Ibid. p. 233-235.

²⁷ Ibid. p. 409-415.

that if a sacrifice occurs for the purpose of haruspicy, the entrails within the animal will suddenly change in accordance to the individual who is having the entrails read.²⁸ Marcus does not, however, argue against the meanings of individual aspects of a liver or about what the presence or absence of an organ means, instead Marcus argues about the possibility that such a change could have possibly occurred in the first place.²⁹ While Marcus goes on to argue against a possible counter argument regarding how the animals are chosen,³⁰ the ultimate thing of note here is the type of argument that is being made against divination. The methodology and philosophy of the argument is less regarding the possibility that the ultimate divination is correct and more directly argues against the suggested systems through which the tools of the divination are presumed to have been provided, in this case the gods. Certainly this can be considered as an attack upon the Stoic concept of the gods portrayed by Quintus as described above, but it is a more direct attack on the concept of gods that concern themselves with the lives of mortals, as they would have to interfere on every occasion in which divination were to occur in order to see that the proper outcome was given and thus read.

Overall, I find the second book to be a relatively strong refutation of divination and the claims made by Quintus, but that does not make the claims ironclad or without counter. Certainly, I believe that the claims made by Quintus are the weakest, as Cabrera³¹ notes that his arguments are primarily through enumerative induction, but the world is not always able to be correctly discerned through this form of reasoning. Cabrera³² also suggests Quintus follows a second form of reasoning in which he selects explanations for events that make the most sense to him, as compared to competing ideas. While this is a stronger form of argument than enumerative induction, it leaves itself open to the exact form of argument that Marcus ultimately makes. Once again, Cabrera³³ provides an explanation of how Marcus argues, suggesting that in reality he is not taking any steps to disprove any of Quintus' assertions but is instead suggesting a different, but equally likely, reason for the events described by Quintus. As such, this is a great weakness in Marcus' arguments as it is not beyond the realm of possibility that any individual argument that he has made could not also be countered by a different, equally likely event that led to the

²⁸ Ibid. p. 409.

²⁹ Ibid. p. 411.

³⁰ Ibid. p. 415.

³¹ Cabrera, *Evidence and Explanations*, p. 36.

³² Ibid. p. 36

³³ Ibid. p.37

same ending point. Due to the possibility of such arguments being made, that leaves a large gap in Marcus' arguments, and by his failure to describe at any great length alternate systems through which the events could have occurred and been predicted without the intervention of the divine—though he may not have had the scientific tools to do so—they fail to dispel the arguments of Quintus' without the benefit of knowledge gained after the writing of the work. Furthermore, Marcus fails to investigate the credibility of any of Quintus' claims and thus still seems overwhelmed by the evidence for divination, even if Quintus' claims may be dubious or mythological as Marcus suggests. A failure to investigate the claims and to instead attack the premise of the possibility of the claims makes for a weak argument in many ways, as it allows for the fabrication or suggestion of a different event in which the premise cannot be attacked, and as such the dismissal of Quintus' argument is no more sound than the arguments that Quintus himself makes.

The text itself has little in the way of a conclusion that can be used to inform what the reader is meant to take away from the work, thus creating some confusion in scholarly circles about what Cicero's personal beliefs or desired argument about divination would have been. Beard³⁴ suggests that Cicero's final paragraph suggests that he wishes to suspend judgement on the question of if divination is real or not. Rüpke³⁵ suggests the Beard has completely missed the mark on what Cicero intended in his work. Both agree, however, that Marcus and Cicero may hold different beliefs and thus suggest that Marcus cannot necessarily be counted on as a direct insert of Cicero himself into the story. Ideally, I would be able to state one way or another which is the case, and while I disagree with Beard on several points, I am forced to agree that Cicero intended to leave judgement to the reader without commentary on a 'correct' answer. The reason for this is a paragraph overlooked by both Beard and Rüpke, written in the singular section of the work where Cicero addresses the reader directly and speaks about his own history on the subject of divination, the gods, and fate. That section of text reads:

Accordingly, since I, too, am in doubt as to the proper judgement to be rendered in regard to divination because of the many pointed and exhaustive arguments urged by Carneades against the Stoic view, and since I am afraid of giving a too hasty assent to a proposition which may turn out either false or insufficiently established, I have determined carefully and persistently to compare argument with argument just as I did in my three books *On the Nature of the Gods*. For a hasty acceptance of an erroneous opinion is discreditable in

³⁴ Beard, *Cicero and Divination*, p. 35.

³⁵ Rüpke, *Religion in Republican Rome*, p. 186-187.

any case, and especially so in an inquiry as to how much weight should be given to auspices, to sacred rites, and to religious observances; for we run the risk of committing a crime against the gods if we disregard them, or of becoming involved in old women's superstition if we approve them.³⁶

Thus I am forced to conclude that Cicero wished to decide for ourselves which position we should take on the issue of divination and that despite the possibility that he may have made up his own mind on divination after the writing of his work, that he would wish for us to not be 'too hasty' in our own determination. Ultimately, one might say that the scholarship on Cicero's *De Divinatione* is as flawed as the work itself, failing to consider the whole of the argument as Marcus did, or appealing to the amount of examples in agreement as Quintus did.

³⁶ Cicero, *De Divinatione*, p. 231.

Reference List

Beard, Mary, 'Cicero And Divination: The Formation Of A Latin Discourse', *The Journal of Roman Studies*, 76 (1986), 33-46, <URL: <https://www.jstor.org/stable/300364>>

Cabrera, Frank, 'Evidence And Explanation In Cicero's *On Divination*', *Studies in History and Philosophy of Science*, 82 (2020), 34-43

Cicero, Marcus Tullius, *On Divination (De Divinatione)*: W. A. Falconer (ed. and trs.), Loeb Classical Library, Cambridge, MA: Harvard University Press, vol. XX, 1923

Rüpke, Jörg, *Religion in Republican Rome: Rationalization and Ritual Change*, (Philadelphia: University of Pennsylvania Press, 2012)

Frederico, Santangelo, *Divination, Prediction, And The End Of The Roman Republic*, (Cambridge: Cambridge University Press, 2013)

Wynne, J. P. F., *Cicero On The Philosophy Of Religion: On The Nature Of The Gods And On Divination*, (Cambridge: Cambridge University Press, 2019)