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03/10/2025

Critical Review of Cicero's Arguments against Divination

While in retreat from political activity at his villa in Tusculum from 45 — 44 BCE, Marcus Tullio Cicero (106 BCE — 43 BCE) undertook his self-professed civic duty of writing many books on Hellenic philosophy in the hopes that the Romans would learn from them and eventually surpass their Greek forebears.¹ During this prolific time, Cicero wrote an informal trilogy of books on theology and fate. The first book, *De Natura Deorum* (*ND*), presented a dialogue between three characters— Gaius Velleius, Quintus Balbus, and Gaius Cotta—who each represented respectively the Epicurean, Stoic, and Academic arguments for or against the gods' involvement in human affairs. However, Cicero felt that divination had not been sufficiently discussed in *ND*, a topic that, in his eyes, was too important to skim over.²

De Divinatione (*Div*) was thus written as a two-book continuation to *ND*. *Div* presents another dialogue format, this time between Cicero himself—who will hereby be referred to as 'Marcus', so as to distinguish the character from the author and ensure clarity—and his younger brother, Quintus Cicero (102 BCE — 43 BCE). The central question of *Div* is whether divination exists, with Quintus supplying the Stoic school's *pro* argument in *Div* 1, replete with mythopoetic anecdotes from Roman history. Marcus upholds the Academy's *contra* argument in *Div* 2, and employs the New Academic style of inquiry to determine whether the Stoic argument will hold under scrutinous pressure.

Scholars such as Momigliano and Pease have subsequently judged Marcus to be the victor in this dialogue, with Pease describing *Div* as an overall 'vigorous rationalist protest.'³ However, Schofield argues that such a description is too simplistic.⁴ Is Cicero's / Marcus' polemic against divination, upon a closer reading and historical analysis, successful, and is Pease's description of it appropriate? Ample scholarly debate has been spearheaded by Schofield and Beard regarding whether *Div* is a genuine reflection of Cicero's beliefs but that is beyond the scope of this paper.⁵ Instead, this paper will focus on the effectiveness of Cicero's / Marcus' *contra* argument, regardless of the author's real beliefs, by identifying the rhetorical strategies he uses in appealing to *Div*'s intended audience. The structure of the paper shall follow as such:

1) where in the text appeals to *pathos* / *kairos* are first deployed;

¹ Cicero, *On Divination*, trans. by W. A. Falconer (Cambridge, MA: Harvard University Press, 1923), Book 2.5–6, p. 374–5.

² Cicero, *Div*, Book 1.7, p. 230–231.

³ Cicero, *De Divinatione*, ed. by A. S. Pease (1920-3), Introduction, p. 12–3.

⁴ Malcolm Schofield, 'Cicero for and against Divination', *The Journal of Roman Studies*, 76 (1986), 47–65 (p.63).

⁵ Mary Beard, 'Cicero and Divination: The Formation of a Latin Discourse', *The Journal of Roman Studies*, 76 (1986), 33–46.

- 2) where in the text appeals to *ethos* are first deployed; and
- 3) illustrative example(s) of each strategy in which their efficacy shall be judged.

Since Cicero's use of pathetic and kairotic appeal intertwine so tightly, they have been collapsed into one category.

Cicero's intended readership must first be determined before analyzing how he establishes his relationship with them. In Cicero's own words, it is 'the youth' and 'our young men [who] have gone so far astray because of the present moral laxity.'⁶ 'Our young men' as an age demographic is vague: is Cicero referring to, for instance, the men of Marcus Antonius' age (83 BCE — 30 BCE) or to Gaius Octavius' age (63 BCE — 14 CE), who were respectively twenty and forty years Cicero's junior at the time of *Div's* writing? A better line of inquiry into Cicero's audience is found by examining who in the 1st century BCE Roman Republic was purchasing and reading books. Since the definition of 'literacy' is not universally agreed upon, especially when applied to studies of antiquity, and since books were Cicero's primary medium of transmission, a focus on who was involved in the writing, dissemination, and purchase of books yields a more fruitful investigation.

The book market in ancient Rome was a space reserved mainly for the upper class. Books were exclusively written by wealthy men like Cicero and published by the like. Publishers like Titus Pomponius Atticus (110 BCE — 32 BCE)— a friend of Cicero's responsible for publishing many of his works —had to be wealthy enough to own several literate slaves who could hand copy manuscripts⁷. Evidence so far suggests that the types of books bought ranged from Aristotle to Horace.⁸ Many of these books were written in Greek, a language in which the lower classes either had no literacy or only 'market literacy.'⁹ In addition, most libraries, like the one Cicero had in the *gymnasium* of his Tusculum villa¹⁰, were private; the first public library in Rome was not established until 39 BCE. In short, the circulating literature did not appeal, nor was it as available or even legible, to the lower strata of Roman society.

Furthermore, Cicero writes, 'Though few [the young men], their activity may yet have a wide influence in the state,'¹¹ a clear address to the Roman elite youth that would grow up to

⁶ Cicero, *Div.*, Book 2.2, p. 375.

⁷ For more specific insight into how Cicero designed and published his books:

Evelyn Clift, 'Book Publication in Ancient Rome', *National Forum*, 76.4 (1948), 19.

Cicero, *Letters to Atticus*, trans. by D. R. Shackleton Bailey (Cambridge, MA: Harvard University Press, 1999).

Phillip Levine, 'The Original Design and the Publication of the *De Natura Deorum*', *Harvard Studies in Classical Philology*, 62 (1957), p. 7–36.

⁸ Peter White, 'Bookshops in the Literary Culture of Rome', in *Ancient Literacies: The Culture of Reading in Greece and Rome*, ed. by William A. Johnson and Holt N. Parker (Oxford: Oxford University Press, 2015), pp. 268–87 (p. 273).

⁹ Anthony Corbeill, 'Cicero and the intellectual milieu of the late Republic', in *The Cambridge Companion to Cicero*, ed. by Catherine Steel (Cambridge: Cambridge University Press, 2013), pp. 9–24 (p. 10).

¹⁰ Bertha C. Fortner, 'Cicero's Town and Country Houses', *The Classical Weekly*, Vol. 27.23 (1934), 177–181 (p. 178).

¹¹ Cicero, *Div.*, Book 2.2, p. 375.

become the next generation of senators. Any assumption that Cicero's innovative decision to write his books in Latin was intended to make philosophy accessible to the lower classes thus does not hold under historical analysis. Cicero wrote *Div* exclusively for people like him, the fellow patricians who had (or would have) considerable influence in the affairs of the state.

1) *Pathos / kairos*.

Before presenting Quintus' *pro* argument, *Div* 1 begins with an introduction in Cicero's voice defining what divination is, followed immediately by an expression of Roman superiority:

And, just as we Romans have done many other things better than the Greeks, so have we excelled them in giving to this most extraordinary gift [μαντική] a name, which we have derived from *divi*, a word meaning "gods," whereas, according to Plato's interpretation, they have derived it from *furor*, a word meaning "frenzy."¹²

Despite a cultural and intellectual debt to Hellenic culture that Cicero is well aware of, the Romans have seemingly made "μαντική" their own by translating and renaming it. Cicero goes on to offer a seemingly innocuous and anthropological survey of various peoples across the Mediterranean and Near East who practice some form of divination— Assyrians, Chaldeans, Egyptians, Greeks, Cilicians, Pisidians, and Pamphylians.¹³ However, this, too, is a reminder of Rome's superiority since the aforementioned peoples had all been conquered and made into provincials by the time of Cicero's writing. In fact, Cicero ruled over the Galatians as consul in 63—62 BCE, a people who lived near the Cilicians and Pisidians in what is now modern Turkey.¹⁴

The simultaneous invocation of pride and anxiety over Roman self—identity in the two first pages of *Div* 1 must have appealed emotionally and kairotically to the patricians. The territory of Rome had expanded precipitously over the 2nd—1st century BCE and subsumed new cultures into the Roman social consciousness. This extended intercultural contact produced observations on the many similarities between the theologies and pantheons of Rome and her newly integrated provinces, which Cicero's contemporary Julius Caesar (100 BCE — 44 BCE) noted when campaigning in Gaul.¹⁵ As these religious and oracular modes made their way to the capital, eventually influencing even the higher echelons of Roman society¹⁶, the question of how to distinguish what was essentially Roman and what wasn't, as well as how to maintain it,

¹² Cicero, *Div*, Book 1.1, p. 223.

¹³ Cicero, *Div*, Book 1.2–3, p. 223–5.

¹⁴ Cicero, *Div*, Book 1.26–7, p. 253–5.

¹⁵ Caesar, *The Gallic War*, trans. by H. J. Edwards (Cambridge, MA: Harvard University Press, 1917), Book 6.16–18, p. 340–3.

¹⁶ Suetonius, *The Twelve Caesars*, trans. by Robert Graves (Penguin Classics, 1957), *Divus Julius* 7, p. 3.

became pervasive among Roman writers and upper classmen.¹⁷ This question only became more prescient in the wake of the Civil War as members of said-class felt that Rome was passing (or had already passed) its golden age and heading into spoilage.^{18 19}

For Cicero, an essential ingredient of ‘Romanness’ was piety. If so, then surely he viewed these various strains of divination from abroad, and the Romans that adopted them, as threats to the Republic’s stability.^{20 21} In this milieu of perceived precarity and threats, Cicero’s seemingly technical survey in *Div* 1.1 would have easily incited suspicion in the reader and nudged them to equate divination with a foreign intrusion. Cicero sets the grounds for this kind of reaction already in the preceding sentences of *Div* 1.1 where he defines ‘divination’:

There is an ancient belief, handed down to us even from mythical times and firmly established by the general agreement of the Roman people and of all nations, that divination of some kind exists among men; this the Greeks call μαντική—that is, the foresight and knowledge of future events.²²

In introducing the Greek term, Cicero pre-establishes a sense of foreignness innate to the idea of divination itself. Begemman notes a paradox in Roman society where the high esteem afforded to Greek aesthetics and philosophy co-existed with a stigma towards any Roman that acted *too* Greek.²³ The upper class youth underwent an education steeped in Hellenic culture—Cicero himself spent two years learning philosophy in the Hellenic east—but were expected to retain a form of loyalty to Roman ideals.²⁴ Thus it isn’t strange here for Cicero to pay homage to μαντική while simultaneously calling it inferior.

Cicero’s defining criteria for divination / μαντική—‘foresight and knowledge of future events’—conveniently excludes Roman state religion right off the bat, which by Cicero’s time sought only approval for the state’s actions instead of foretelling the future.^{25 26} Thus another dividing line is drawn between ‘Roman’ and ‘non-Roman’. The argument, however, that a) the gods approving a certain action could inhere some type of foresight of the future; or b) that divination does not necessarily have to be predictive but has to merely seek contact with the

¹⁷ Elisabeth Begemman, ‘Cicero’s De Divinatione in its Religious and Historical Perspective’, *Ciceroniana Online: A Journal of Roman Thought*, 7.1 (2023), 69-93, p. 73-4.

¹⁸ Cicero, *Div.*, Book 2.7, p. 376-7.

¹⁹ Emma Dench, ‘Cicero and Roman Identity’, in *The Cambridge Companion to Cicero*, ed. by Catherine Steel (Cambridge: Cambridge University Press, 2013), pp. 122-37 (p. 123-4).

²⁰ Cicero, *De Legibus*, trans. by Clinton W. Keyes (Cambridge, MA: Harvard University Press, 1928), Book 2.26, p. 400-3.

²¹ Dench, p. 123-4.

²² Cicero, *Div.*, Book 1.1, p. 222-3.

²³ Begemann, p. 71.

²⁴ Corbeill, p. 9-10.

²⁵ Cicero, *Cicero on Divination: De Divinatione*, trans. by David Wardle (New York: Oxford University Press, 1923), Introduction, p. 6.

²⁶ Cicero, *Leg.*, Book 2.33, p. 411-13.

divine, is not considered by Cicero in the text, perhaps because it would have detracted from his argument. Under the guise of setting up the topic to be discussed, Cicero constructs the lens through which his audience will view any subsequent mention of divination in *Div*: as something alien and subversive, a view that likely had been inculcated already in the contemporary reader's upbringing and environment.

2) *Ethos*.

Instead of jumping into Marcus' *contra* argument, Cicero begins *Div* 2 by listing his previous writings,²⁷ his aforementioned intentions in writing *Div* and in writing philosophical works in general,²⁸ as well as his concern for the state of Rome:

The cause of my becoming an expounder of philosophy sprang from the grave condition of the State during the period of the Civil War, when, being unable to protect the Republic, as had been my custom, and finding it impossible to remain inactive, I could find nothing else that I preferred to do that was worthy of me. Therefore my countrymen will pardon me—rather they will thank me—because, when the State was in the power of one man, I refused to hide myself, to quit my place, or to be cast down.²⁹

While this introduction adds nothing to the central question of whether divination exists and need not have been written at all, that is not Cicero's purpose here. What seems like an odd and braggadocious interjection of autobiography masks an appeal to the audience's ethos. In listing his many works, Cicero reinforces his authority on the discussed matter. In describing his civic devotion to the *res publica* of Rome, he also paints himself as a moral figure. Again, Cicero is adjusting the lens through which his audience will now digest Marcus' incoming argument, intending his self-professed expertise and virtuousness to spill over onto the character of Marcus via an assumption of *in proprio persona*. Quintus, on the other hand, is not afforded the privilege of listing his qualifications, so an imparity between him and Marcus is established. A modern reader approaching *Div* with minimal to no historical context can only glean from the text that Quintus is Cicero's younger brother. At the same time, Cicero / Marcus appears to be more qualified and morally upright.

²⁷ Cicero, *Div.*, Book 2.1–4, p. 370–3.

²⁸ Cicero, *Div.*, Book 2.4–6, p. 373–5.

²⁹ Cicero, *Div.*, Book 2.6, p. 374–7.

3) *Exempla*.

Only a few pages in *Div* 2 involve Marcus arguing against divination as a whole,³⁰ while the remaining bulk of his *contra* argument focuses on dismantling Quintus' supporting anecdotes one by one. This is a clever choice for two reasons:

a) refuting divination as a whole means that Marcus will have to pick apart the Stoic view of a predetermined and rational cosmos, a weighty subject that Cicero thought better to cover later in the third book of this informal trilogy, *De Fato*;

b) since Quintus' main argument is that divination exists because it has been observed and attested to across time and nations— 'I do not ask why, since I know what happens'³¹—then Marcus' *contra* argument will appear more convincing if he is able to effectively attack each of Quintus' *exempla*.

Marcus thus uses Quintus' copious anecdotes against him by employing the pathetic / kairotic and ethical appeals he had planted in the introductions of *Div* 1 and *Div* 2. This reframing is evidenced in Marcus' examination of soothsaying and haruspicy:

How did the soothsayers manage to agree among themselves what part of the entrails was unfavourable, and what part favourable; or what cleft in the liver indicated danger and what promised some advantage? Are the soothsayers of Etruria, Elis, Egypt, and of Carthage in accord on these matters? Apart from such an agreement being impossible in fact, it is impossible even to imagine; and, moreover, we see some nations interpreting entrails in one way and some in another; hence there is no uniformity of practice.³²

Marcus reframes Quintus' use of consensus for proof— divination exists because it is 'endorsed by the consent of all peoples and nations'³³—as evidence pointing to the lack of uniformity among practitioners. In his analysis of *Div*, Denyer questions why the gods communicating with humans should 'be exempt from this general principle that one chooses the wording of one's messages to different audiences with one eye to how those different wordings will be interpreted?'³⁴ There is no inherent rule that the Gods must speak in one language or medium. A well-crafted message considers its intended audience, so Marcus' claim that an absence of uniformity in practice thereby proves the non-existence of divination isn't logically substantive. Such a presupposition would, therefore, refute the existence of human language itself. The efficacy of Marcus' claim lies, therefore, not in its logic but in convincing the audience to follow the claim's assumptive leap because of their pre-existing perceptions of these various practices as

³⁰ Cicero, *Div.*, Book 2.9–26, p. 378–99.

³¹ Cicero, *Div.*, Book 1.15, p. 238–9.

³² Cicero, *Div.*, Book 2.28, p. 400–3.

³³ Cicero, *Div.*, Book 1.12, p. 234–5.

³⁴ Nicholas Denyer, 'The Case Against Divination: An Examination of Cicero's *De Divinatione*', *Proceedings of the Cambridge Philological Society*, 31.211 (1985), 1–10 (p. 7).

non-Roman harbingers of disorder. Indeed, the decision to specifically name Carthage in his list of nations could have easily stoked a sense of contempt in a patrician reader.

How Marcus picks apart Quintus' anecdote of the Boeotian augurs foretelling the Theban's victory over the Spartans at Leuctra³⁵ is another example of deft rhetorical maneuvering. Marcus implies an absurdity in the notion that Jupiter would choose to convey a message through poultry.

You believe that the Boeotian bards at Lebadia foretold victory for the Thebans from the crowing of cocks; for cocks, you say, are wont to be silent when defeated and to crow when victorious. Do you really believe that Jupiter would have employed chickens to convey such a message to so great a state?³⁶

Marcus does not dispute that Jupiter would have the power to send an appropriate sign via chickens—he disputes why a god would stoop so low as to have roosters, pejoratively referred to as ‘chickens’, be his medium of message. A hierarchy-minded upper-class Roman who had slaves perform all his daily tasks might have agreed instinctively with such an assumption. Afterwards, Marcus proposes that the Boeotian omen itself isn't impressive since roosters crow at other times of the day. Why didn't Marcus simply lead with this more logical refutation? By first emphasizing the supposed strangeness of gods who constantly engage with beings on the lower rungs of the perceived natural order, Marcus is able to ensure that the second part of this ridicule sticks its landing. Marcus employs this strategy yet again when he recounts the origin myth of Etruscan soothsaying—in which a farmer accidentally dug up a certain being named ‘Tages’ who then imparted the gift of soothsaying³⁷—in order to mock it:

Who in the world is stupid enough to believe that anybody ever ploughed up—which shall I say—a god or a man? If a god, why did he, contrary to his nature, hide himself in the ground to be uncovered and brought to the light of day by a plough? Could not this so-called god have delivered this art to mankind from a more exalted station?³⁸

Again, the crux of this ridicule again relies on the presupposition of hierarchy that a patrician would have found normal: a god should communicate from a place more worthy of his godliness, an ‘exalted station.’³⁹ Also, a god should impart his messages to diviners and other qualified experts, not farmers. The argument that an all-powerful being could simply do as they please,

³⁵ Cicero, *Div.*, Book 1.74, p. 304–5.

³⁶ Cicero, *Div.*, Book 2.26, p. 435.

³⁷ Cicero, *Div.*, Book 2.50, p. 426–9.

³⁸ Cicero, *Div.*, Book 2.51, p. 428–9.

³⁹ Krostenko raises this point with a different example in *Div.*: Brian A. Krostenko, ‘Beyond (Dis)belief: Rhetorical Form and Religious Symbol in Cicero's *de Divinatione*’, *Transactions of the American Philological Association*, 130 (2000), p. 353–391, p. 357.

regardless of human conceptions of class or station, is not conjured. Cicero / Marcus does not expect his readers to pose such an objection.

Marcus' manipulation of his audience's classist prejudices continues to pervade the text, such as when he attacks the Chaldean astrologers' use of lots:

And pray what is the need, do you think, to talk about the casting of lots? It is much like playing at morra, dice, or knuckle-bones, in which recklessness and luck prevail rather than reflection and judgement.⁴⁰

Marcus constructs a parallel between this foreign divinatory practice and the Roman lower class: 'morra, dice, or knuckle-bones' were games that said lower class would have enjoyed and that members of Cicero's social class would have frowned upon. Dice, for instance, was often used in gambling and its extreme popularity has been archaeologically attested.⁴¹ Dice and gambling was also something that Cicero himself and other upper class contemporaries railed against for being sinful.^{42 43} A famous example is when Cicero morally condemned Marcus Antonius in one of his speeches for having pardoned a gambler in return for the absolution of Antonius' gambling debt.⁴⁴ Marcus thus swiftly does away with another divinatory practice, not by *logos* but by evoking unsavory images of plebeian vice in the minds of his audience.

Upon a closer analysis and historical contextualization, Mormigliano's and Pease's descriptions of *De Divinatione* are revealed to be one-dimensional. The evidence suggests instead that *De Divinatione* is, as Schofield argued, a 'multilayered work of surprising obliqueness and complexity.'⁴⁵ Although Cicero's / Marcus' reasonings against divination are often logically fallacious, his adroit rhetorical maneuvers allow his arguments to appear persuasive. *De Divinatione* showcases Cicero's awareness that even the most logically sound (or unsound) argument will not matter if the author does not cater to the audience's emotions and pre-existing worldviews. *De Divinatione*, ultimately, is a prime example of Cicero striving to emulate the philosophers he admired the most for their successful mixing of philosophy with rhetoric.^{46 47}

⁴⁰ Cicero, *Div.*, Book 2.85, p. 466–7.

⁴¹ Suzanne B. Faris, 'Changing Public Policy and the Evolution of Roman Civil and Criminal Law on Gambling', *UNLV Gaming Law Journal*, 3.199 (2012), 199–219 (p. 204).

⁴² Horace, *The Odes and Carmen Saeculare*, trans. by John Conington (1869), Book 3.24.

⁴³ Faris, p. 200.

⁴⁴ Cicero, *Philippics 1–6*, trans. by D. R. Shackleton Bailey (Cambridge, MA: Harvard University Press, 2010), Book 2.56–7, p. 108–11.

⁴⁵ Schofield, p. 63.

⁴⁶ Cicero, *Div.*, Book 2.3, p. 372–3.

⁴⁷ Cicero, *Tusculan Disputations*, trans. by J. E. King (Cambridge, MA: Harvard University Press, 1927), Book 1.6–7, p. 8–11.

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