

CICERO ON THE PHILOSOPHY OF RELIGION:
DE NATURA DEORUM AND DE DIVINATIONE.

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Cicero wrote *de Natura Deorum* (*dND*), *de Divinatione* (*Div.*) and *de Fato* (*Fat.*) in succession and describes the latter two as continuations of the first. I argue that the three dialogues form a trilogy, in which Cicero as author indicates a stance on the material he presents (but that too little of the fragmentary *Fat.* remains to be useful for my purposes). There are much-debated attributions of preferences to Cicero's *propriae personae* at the conclusions of *dND* and *Div.*; I take these preferences to express Cicero's authorial stance. I examine relevant parts of the speeches to which they react and, first, make philosophical interpretations of each (often comparing other sources for Hellenistic thought) and, second, pay attention to the interaction of Cicero's characterization of each speaker with the arguments the speaker gives. I find that Balbus in *dND* advocates the avoidance of superstition and the reform of religious beliefs in line with Stoic physics and that Cotta has a strong commitment to traditional Roman religious views consistent with his sceptical epistemology. Cotta's scepticism is elusive in its details but perhaps yields a kind of fideism. I find that Quintus Cicero's advocacy in *Div.* of a Stoic account of divination (one that was developed after Chrysippus fully to distinguish two kinds of divination, natural and artificial) is formally based on empirical arguments for a natural divinatory capacity in humans and the possibility of fallible empirical divinatory arts. But Quintus also provides a theory of divination based in Stoic *pneuma* theory, psychology, theology and fate. Marcus Cicero's reply makes a general argument against

the prospects for divination in a Stoic fated world, and many specific arguments against Quintus' empirical data that accept the data but suggest that they do not support the reality of divination. Cicero's authorial stance, it emerges, is that traditional religion should stand but that religious beliefs should be reformed in line with physics (for him nature, eternal and admirable, is divine) broadly as Balbus suggested (hence Cicero's vote against Cotta in *dND*), but that belief in divination errs by that very standard and is superstitious.

BIOGRAPHICAL SKETCH

John Wynne attended Lincoln College, Oxford where he took a BA in Literae Humaniores in 2001.

Illi Valde Reverendo Leighlinensi Decano F. J. G. Wynne.

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LIST OF ABBREVIATIONS

<i>Acad.</i>	<i>Academica.</i>
<i>Div.</i>	<i>de Divinatione.</i>
DL	Diogenes Laertius.
<i>dND</i>	<i>de Natura Deorum.</i>
EK	Edelstein and Kidd (1972-99).
<i>Fat.</i>	<i>de Fato.</i>
<i>Fin.</i>	<i>de Finibus.</i>
<i>Leg.</i>	<i>de Legibus.</i>
LS	Long and Sedley (1987).
LSJ	Liddell, Scott, Jones, <i>Lexicon.</i>
<i>M.</i>	<i>Adversus Mathematicos.</i>
<i>OCD</i>	<i>Oxford Classical Dictionary.</i>
<i>OLD</i>	<i>Oxford Latin Dictionary.</i>
<i>Rep.</i>	<i>Republic.</i>
SB	Shackleton Bailey.
<i>SVF</i>	Von Arnim (1903-24), <i>Stoicorum Veterum Fragmenta.</i>
<i>TLG</i>	<i>Thesaurus Linguae Graecae.</i>
<i>TLL</i>	<i>Thesaurus Linguae Latinae.</i>
<i>Tusc.</i>	<i>Tusculan Disputations.</i>

PREFACE.

(A) Cicero's philosophical project.

'...hoc primum, Africane, videamus, ante quam veniunt alii, quidnam sit de isto altero sole quod nuntiatum est in senatu? Neque enim pauci neque leves sunt qui se duo soles vidisse dicant, ut non tam fides non habenda quam ratio quaerenda sit.'

Hic Scipio: 'quam vellem Panaetium nostrum nobiscum haberemus! Qui cum cetera tum haec caelestia vel studiosissime solet quaerere.' (*Rep.* 1.15)

[Tubero:] “Let’s see to this first, Africanus, before the others arrive—what should we say about this second sun that’s been reported in the senate? The people who say they saw two suns are neither few nor negligible, and it’s not so much that we shouldn’t trust them as that we must look into an explanation.”

Here Scipio said, “How I wish we had our friend Panaetius here with us! He’s one to look into all sorts of things, but he’s particularly keen on heavenly matters.”

Thus begins the (philosophical) conversation of Cicero’s first philosophical dialogue, the *Republic*, written in 54 BC (Zetzel (1995) 1-3). Scipio opines that, like Socrates, he prefers to learn about human affairs before taking on the heavens (1.15). When ‘the others’ do arrive, *quot homines, tot sententiae* on the prodigy of the two suns. Laelius agrees with Scipio that domestic affairs are more important, but Philus thinks that cosmos is itself a great home that the gods give to us, and besides, physics is a delight (1.19). Philus recounts two mechanical models of the heavens built by Archimedes and brought back as loot from Syracuse by Marcus Marcellus (1.21-22). Scipio praises Gaius

Sulpicius Gallus who understood the models and, like Themistocles, could calm the soldiers in his camp by explaining eclipses, and endorses the perspective on human affairs that study of physics and theology yields. Someone with such perspective is lucky,

...cui soli vere liceat omnia non Quiritium, sed sapientium iure pro suis vindicare, nec civili nexo, sed communi lege naturae... (1.27)

...only he can really claim everything not by Roman justice, but by the justice of the wise, not by civil obligation, but by the common law of nature...

In his *Dream*, Scipio was given just this perspective (6.9-29).

Republic is fiction. Cicero hardly thought that Scipio and his circle discussed matters of state religion in the light of Greek learning. But he probably wished that they *had*, and when twenty years later he returned to the topics of god, religion and physics, he certainly hoped that his contemporaries would acquire from him the habit (*de Natura Deorum* = *dND* 1.6-9). Cicero was a *novus homo* who had joined the elite club of the senatorial class by dint of intellect. He wanted to preserve the constitutional arrangements in which he had risen, but he also had the perspective of an outsider and an intellectual. Just as Gaius Sulpicius Gallus had understood the Archimidean models his predecessors looted (*Rep* 1.21-22) Cicero hoped that, confronted with the philosophy he was helping to make available, some Romans could apply the new intellectual resources to the care of the state. But how should they react to this elegant, foreign model of the world? One advantage of writing in dialogue form was that Cicero could supplement philosophical exposition with pen portraits. In *dND*, *de Divinatione* (= *Div.*) and *de Fato* (= *Fat.*) he presented not only philosophical textbooks on his subject but sketches of characters each of whom uses Greek philosophy to think about Roman religion

differently, and who each have a different attitude to the philosophical arguments they give. Through them Cicero sets before his readers different ways a Roman could come to terms with philosophy about the gods, physics and religion. Among these characters are Cicero's *propriae personae*. Through his *propriae* characters, I think, Cicero indicates a stance on his material in these three dialogues, which together form something of a trilogy. This stance not an original view but rather a personal preference among other views, and it is subtly indicated and broadly conforms to Cicero's discipline as an Academic Sceptic (*Div.* 2.150).¹²

Although I argue that Cicero wrote a *trilogy* on these matters I concern myself, for the most part, with only *two* works of that trilogy. Specifically, I give no intensive treatment of *Fat.*. This is because *Fat.* has survived only in substantial but inadequate fragments. It contains useful information on fate and related matters of which I make use from time to time, but not enough of it remains for us to know, for example, what (if any) attitude the Marcus Cicero of *Fat.* expressed to the question(s) about fate which he addressed (and we do not know precisely what this or these question(s) were). I suspect that in *Fat.* there was material which informatively expanded the stance Cicero takes on his material in *dND* and *Div.* but the without the lost parts of *Fat.* we cannot know whether I am right.¹³ Consequently, I deal with only *dND* and *Div.* in depth. Further, since (on my view) Cicero pays little heed to the Epicurean point of view expressed by Velleius in *dND* 1 I do not pay as much attention that book as to the remaining two books of *dND*. My dissertation, then, takes the form an exegesis of *dND* 2 and 3 and the two books of *Div.*

¹² This stance is 'personal' to the *personae* of the authorial voice and characters that Cicero creates for himself in the trilogy. I do not claim that this was the attitude of the historical, living, breathing Cicero to religion.

¹³ I make the case that too much of *Fat.* has been lost for it to be of use in my project in chapter 1, pp. 25-29.

In chapter 1, I argue that it is legitimate to regard *dND*, *Div.* and *Fat.* as a trilogy and specify what I mean by the claim. In chapter 2, I examine the sceptical epistemologies on view in *dND*, concentrating on Cotta in *dND* 3. In chapter 3, I examine Balbus' Stoic views on religion expressed in *dND* 2. Chapters 2 and 3 are companion pieces because it is between Cotta and Balbus' speeches that Cicero indicates a preference on the part of one of his own *propria persona* characters (*dND* 3.95). In chapters 4 and 5 I examine Quintus Cicero's Stoic defence of divination in *Div.* 1. Chapter 4 explains his empirical arguments from 'eventa' while chapter 5 looks at his physical theory of divination, his 'rationes'. In chapter 6 I examine Marcus' rebuttal in *Div.* 2 and end with a discussion of Marcus' preference at *dND* 3.95 and Marcus' conclusions at *Div.* 2.148-150, which I take to be Cicero's 'conclusions' from *dND* and *Div.*. Chapters 2 to 6 roughly follow the order of the material in *dND* and *Div.* on which they comment. In an exception to this order, I treat Cotta's speech of *dND* 3 in chapter 2 before Balbus' speech of *dND* 2 in chapter 3 because along with my treatment of Cotta I set out important data on Cicero's outlook as an Academic sceptic that are relevant to all the material that follows. Chapters 2, 3 and 6 also form something of a unit: in chapter 6 I look to elucidate Marcus' preference at *dND* 3.95 between the speeches explored in chapters 2 and 3.

(B) Date and circumstances of composition.

The most important datum for the dates of our three dialogues is the relative order of composition Cicero gives for them at *Div.* 2.3: first *dND*, then *Div.*, then *Fat.* From

Div.2.3 we also know that *dND* dates to after *Academica* and *de Finibus*, which is to say to after mid-45 BC.¹⁴

The correspondence with Atticus, so helpful in tracing the evolution of the *Academica* or *de Finibus*, is absent from the end of August 45 until April 44 (the two exceptions are not directly¹⁵ useful for our purposes). What remains from the summer of 45 tells us that Cicero was gathering material on divinity in June: *epitomen Bruti Caelianorum velim mihi mittas et a Philoxeno Παναητίου περὶ Προνοίας*, “I should be grateful if you would send me Brutus’ abridgement of Caelius’ history and get Panaetius ‘On Providence’ from Philoxenus.¹⁶” (*Att.* 13.8=313SB). The only probable reference to work on any of the three theological works comes from mid-August 45 (c.15-16 Aug according to Shackleton-Bailey (1966)). *Att.* 13.38=341SB begins *ante lucem cum scriberem contra Epicureos, de eodem oleo et opera exaravi nescio quid ad te et ante lucem dedi*, “As I was writing against the Epicureans before daybreak I went straight on to scribble something to you by the same lamp and dispatched it before dawn.” Shackleton-Bailey assigns *Att.* 13.39 (=342SB) to the following day (its subject matter is very similar) and the extant text breaks off with *libros mihi de quibus ad te antea scripsi velim mittas et maxime Φαίδρου περὶ Θεῶν et +ΠΛΛΙΔΟΣ+*, “Please send me the books about which I wrote to you the other day, especially Phaedrus on the Gods and ***.” These two letters together are good circumstantial reason to think Cicero was working on *dND* in mid-August. The former in all likelihood refers to the part of *dND* 1 where Cotta gives his reply to Velleius’ Epicurean views, since the latter requests a book

¹⁴ See Griffin (1997).

¹⁵ The two letters, both from December 45, do cast some light on the project of the *philosophica*. 13.52=353SB tells us that Cicero probably went to Tusculum in mid-December, providing a possible dramatic date for *Div.* 13.42=354SB is a charming miniature *dialogus* (as Cicero himself calls it) between Marcus and Quintus *filius* on the subject of the latter’s debt. The scene deprecates two of Cicero’s main concerns in 45—writing his dialogues and bringing to heel the wastrel nephew.

¹⁶ Translations of the letters are from Shackleton Bailey (1966).

by the Epicurean Phaedrus περὶ Θεῶν.¹⁷ When the regular sequence of letters to Atticus resumes in April 44, *Div* was in all likelihood complete and *Fat* may have been already underway. Following the Ides of March most of the talk is political and there is no direct mention of *Fat* in the letters. But *Att* 14.11 and 12 = 365-6SB (21-22 April 44) narrate a visit by Hirtius and Pansa to Cicero's villa: *hic mecum Balbus, Hirtius, Pansa*. (14.11.2), *haud amo vel hos designatos qui etiam declamare me coegerunt, ut ne apud aquas quidem acquiescere licet* (14.12.2), "Nor do I care greatly for these consuls designate of ours, who furthermore have made me give lessons in oratory, so that I am not allowed to rest even here at the waters." These events became the *mise en scene* for *Fat*, in which Hirtius visits and asks Cicero to declaim (*Fat* 2-3).

Sadly, then, there is little comment in the letters on Cicero's composition of our works. The internal evidence for dating stems mostly from *Div.*, where Caesar's death is mentioned (*Div.* 1.119, 2.23, 99, 110, 112). Other parts of *Div.* read as though written while Caesar was still in charge and thus while Cicero's enforced *otium* was still clear-cut, although they are not explicit on Caesar's circumstances (1.10-11, 2.142). This has led to past controversies over whether Cicero wrote the bulk of *Div.* before Caesar's death and retouched it at some later date (Durand (1903)) or wrote it more equally on

¹⁷ Here Shackleton Bailey (1966) accepts Victorius' correction over the MSS' ΠΕΡΙΟΣΣΩΝ. Shackleton himself points out that there is no other evidence for a περὶ Θεῶν of Phaedrus (note *ad loc.* (1966)). But in his Loeb he not only accepts περὶ Θεῶν, he conjectures "<Διογένους περὶ> Πάλλαδος" for the daggered Greek (Shackleton Bailey (1999)). The source-critics had trouble finding a place for such a book in their scheme, since in many respects the doxography of *dND* 1 closely resembles that of Philodemus' περὶ Εὐσεβείας and this resemblance was a prize exhibit for their model of Cicero's fairly slavish use of sources (e.g. Hirzel (1877) 'Vorbemerkung' and pp. 1-9). One proposal, of course, was that Phaedrus was the common source for both Cicero's and Philodemus' doxography (Diels (1879) 126-7). Summers (1997) has made the plausible conjecture περὶ ὁσίων for ΠΕΡΙΟΣΣΩΝ (he suggests that Phaedrus could thus have provided material for Cotta's objections to Velleius at *dND* 1.115-124). I find this conjecture attractive since it is closer to the MS reading than Victorius' and since, in my view, Cicero had a particular interest in questions of religion when he was writing *dND*. Phaedrus appears in *dND* as an example of an urbane and liberal Epicurean (*Phaedro nihil elegantius nihil humanius*, 1.93), but not explicitly as an authority. This last comment could spring from direct contact between him and Cicero in the 80's.

either side of the murder (Falconer (1923a)).¹⁸ There does not seem to be evidence to decide that issue, but it looks as though Cicero wrote *Div.* around the time of Caesar's death. This is consistent with a date for *dND* in the second half of 45 and for *Fat.* in about May of 44.

So what we can say is that Cicero planned and executed the three dialogues more or less in sequence over about ten months to a year (June 45 to June 44 being the outer limits of probability for start and end dates). In June 45 he was looking for an epitome of C. Flaminius Caelius' histories. Caelius certainly appears in *dND* (2.8) but he is cited far more often in *Div* (1.48-9, 1.55, 1.56, 1.78). If, as seems likely, Brutus' epitome was the source for these illustrative examples, then Cicero was already looking for material on the subject-matter of *Div.* as early as June 45. This might suggest that he already planned to treat the *quaestio* of the gods approximately as we have it, to include divination, and not to concentrate only on the material now in *dND*.

(C) Transmission.

Our three dialogues survive as part of the 'Leiden corpus', so called because some of the principal MSS are held at Leiden.¹⁹ MSS of the corpus include most or all of *dND*, *Div*, *Timaeus*, *Fat*, *Topica*, *Paradoxa Stoicorum*, *Academica priora*, and *de Legibus*. With the exception of *Topica*, the MSS of this family are the only authority for the text of the works they contain. The 'corpus' derives in the first instance from a lost archetype in circulation in north-eastern France in the ninth century. There are three ninth century copies of the archetype extant: B, probably a direct copy later emended, and A and V,

¹⁸ On the date, see also Pease (1920-23) 13-15, Giomini (1975) 10-15, Wardle (2006) 37-43.

¹⁹ I should mention the theory of Mollweide that a 'corpus Tullianum' assembled in the circle of Jerome (!) was the source for both the Leiden corpus and some other transmission of the philosophica. Mollweide was given some credence, even by Pease (Pease (1920-23) 32-33). His theory is now discredited, and rightly so in my opinion (see Beeson (1945)).

both copied from some one intermediate MS. A and V thus form a family (along with H, eleventh century). A was corrected against B early in its life, and another MS, F, was made; F draws on B for *dND* and *Div* and A for the remaining works in the corpus.

A ninth century priest and librarian, one Hadoard, excerpted F for the philosophical portions of his *Collectaneum*, the autograph of which is thought to survive in the Vatican library.²⁰ Hadoard himself is of little use as a witness for Cicero's text; his Latinity is dubious and his text is derivative and changed by him to remove references to polytheism. But he is important for our knowledge of the Leiden corpus in that some of the recent significant study of its text was done with the aim of learning more about Hadoard.²¹

These facts enumerated, for our purposes the main textual question is whether we can learn anything about the relationship between *dND*, *Div* and *Fat* from their transmission. The order of the Leiden texts in their archetype appears to have begun: *dND*, *Div*, *Timaeus*, *Fat*. The rough grouping is encouraging, although the intrusion of *Timaeus* with its somewhat related subject matter separates off *Fat*. Still, there is some chance that the juxtaposition of *dND* and *Div* is informative. Beeson theorizes that the reason F drew *dND* and *Div* from B but the remaining Leiden texts (of roughly equal total length, given the amount lost of *Timaeus*, *Fat*, *Topica* etc.) from A is that *dND* and *Div* together formed an ancient uncial volume (Beeson 211). If he is right, then when Cicero's original format (rolls, of course) was transposed to the codex in late antiquity, at least once it was thought appropriate to bind *dND* and *Div* together in one volume. *Fat*, separated by the mechanical consideration of the maximum length of a codex, ended up near the start of another volume along with the related work *Timaeus*. It is worth noting

²⁰ This summary of B, AVH, F and Hadoard from Rouse (1983), where the details can be found. Rouse is mostly dependent on Beeson (1945).

²¹ Beeson (1945), Bischoff (1961).

that in one part of the tradition the order of the works was very confused, such that parts of *dND*, *Div* and *Fat* are mixed up with one another in B (Giomini xxii-xxiv). So the evidence is consistent with *dND*, *Div* and *Fat* being transmitted to late antiquity as something like a unit, or regarded as such in late antiquity. Since this sort of evidence at best tells us about the decisions of editors through the centuries we can hardly draw firm conclusions, but it is fair to say that it does nothing to rule out the possibility that the three works tended to travel together.²²

²² I will mention here some other significant textual work the Leiden corpus. A. C. Clark found the corpus and its numerous lacunae fertile ground for his codicological methods in *The Descent of Manuscripts* (1918). He produced conjectures about the nature of the corpus' archetype on the basis of these lacunae, which would suggest that most losses are explained by the loss of whole pages, quires, etc.. This is significant for interpretation, since it means that the losses are essentially random, and not the result of biased editing (unless the editing was done by tearing out whole leafs etc.). A very useful resource for the textual study of the corpus is Schmidt's work on *de Legibus* (1974). More recently, Clara Auvray-Assayas has published two articles, on philological (1997) and one philosophical (1999), on a large transposition made in every modern edition of *DND* bk 2. Auvray-Assayas shows that the transposition was originally made on the basis of a conjecture by the humanist scholar Politian (1454-1494). She then argues (a) that there is no philological reason to accept this transposition and (b) that the MSS text makes for interesting philosophical reading. I would stop the argument at (a), since it seems to me that 2.94 (*qui locus est proximus*) answers the structure adumbrated at 2.75 (*tertius est locus*) and must be connected to 2.75 as it is in the editors' texts.

CHAPTER 1: *DE NATURA DEORUM, DE DIVINATIONE, DE FATO*:

A TRILOGY?

The overarching thesis of my dissertation is about a stance Cicero takes on his material in *dND*, *Div* and *Fat*, that is, on the views of some of the schools of thought on the nature of the gods. This thesis involves some especially ‘literary’ claims. Here I make and offer support for those claims. The support comes in two stages. At stage one, I give the evidence for my claims that is internal to the three dialogues. I take this evidence to give sufficient support for my claims on its own; stage one is my key argument for the claims. At stage two, I try to set the three dialogues in their wider context of literary and scholarly history. This wider evidence helps to flesh out and illustrate my claims, but I do not think that helps to establish them in any formal way, nor that it needs to given the evidence already offered at stage one. Unfortunately, part of the upshot of my review of the evidence is that although we can say that *Fat.* was part of the trilogy in the same way as *Div.*, too little of *Fat.* survives for it be of significant use for my immediate project.

What it means for three works to be a trilogy²³ is hard to pin down. We are used to popular works of fiction, whether books or films, that constitute series of this sort. But what exactly makes a trilogy a unity of three individual works rather than one work issued in three parts? What of, say, a set of novels that repeat the same characters but make no claim to be a unified trilogy, tetralogy or whatever? Do these sorts of distinctions point to real structural differences, can they be set by an authorial or readerly decision or are they just dictated by publishers and marketing? If these questions can be hard to answer for our own day then they will be much harder when we turn to antiquity.

²³ Or for two works to be a dyalogy, four a tetralogy and so on. It is hard to find a term that covers any multi-work entity comprising whatever number of works. ‘Polylogy’ already means ‘excessive loquaciousness’. A ‘series’ might perhaps be the best term.

How the various eras of antiquity conceived of books, texts, works, authorship and readership, or publication can be hard understand with precision. So in what follows I try to say more precisely what I mean by claiming that the three dialogues form a trilogy, and look for evidence that Cicero and his peers may themselves have had some such concepts. It is not very controversial that certain of Cicero's philosophical works go together. Malcolm Schofield finds it convenient to call *dND*, *Div.* and *Fat.* a "trilogy" (Schofield (2002) 100) when discussing Cicero's own cataloguing of the philosophica and such a casual use of the term is unobjectionable. Cicero's first version of what we now call the *Academica* consisted of three dialogues of which Miriam Griffin writes: "it seem[s] hard to deny that the *Hortensius*, *Catulus* and *Lucullus* form a trilogy, and were planned from the start to form one." (Griffin (1997) 4). Griffin notes that the latter part of this claim—that the three dialogues were planned as a trilogy from the start—is the more controversial (pp. 3-5) but it is clear that as they stood before Cicero redrafted the *Academica* they were bound together by close connections of character, setting and dramatic unity. Indeed, had *Hortensius*, *Catulus* and *Lucullus* persisted as the final form of the *Academica*, would we think of them as three separate works or as three parts of one work, like the various conversations of *de Finibus*?²⁴ *dND*, *Div.* and *Fat.* do not share the sort of obvious dramatic unity that *Hortensius*, *Catulus* and *Lucullus* had. In what follows, then, I specify what I mean by a 'trilogy' in the case of *dND*, *Div.* and *Fat.* while I give my evidence for the claim that they are such.

²⁴ My answer to this rhetorical question is that it would depend on how Cicero had described them in *Div.* 2.1.

(A) My claims.

Here are my more literary claims about the three dialogues. I dub them ‘literary’ claims in that they relate to matters of artistic unity and characterization and make no reference to technical philosophical content.

[C1] If a reader wants Cicero’s full version of the treatment of the topic of the nature of the gods as begun in *dND*, then she can and should read the separate works *dND*, *Div* and *Fat* together as one treatment of this topic.

[C1] specifies what I mean by the claim that the three dialogues are a ‘trilogy’. It is a (minimal) claim that I must make as part of my overall thesis. I must make it because I think that remarks from all three dialogues can be put together to constitute a coherent stance on the nature of the gods. I will offer what I think is very compelling internal evidence for [C1].

[C2] It is legitimate for us to assume that the characters of ‘Marcus Cicero’ in the three dialogues and the narrating and authorial voices of the author Cicero in the three dialogues have a consistent stance on the nature of the gods.

I need to assert [C2] because my most important evidence for Cicero’s overall stance on his material comes from (a) his attribution of a view to the character of his younger self in *dND* and (b) the end of his character’s speech in *Div. 2*. I certainly do not think that we could make similar assumptions about just any characters in any set of dialogues by one author—for example, I certainly do not think we can assume that Socrates has consistent views between just any Platonic dialogues—or even in two dialogues that have some literary unity—e.g. between *Crito* and *Phaedo*. Further, we should not always assume identity of views between an author’s voice and his character, especially if the character represents the author’s much younger self as in *dND*. So I take [C2] to be a substantial

claim about my three theological dialogues specifically. It depends for its plausibility on [C1], but goes further and is a claim about another particular type of unity in the trilogy. But [C2] is somewhat weaker than I would prefer it to be. It is only a claim about the legitimacy of an assumption, not about the truth of the assumption. This is because I think only this weaker claim can be supported by appeal to the text. As a matter of fact, if we make the assumption that the author and ‘Marcus’ characters can have consistent views, we can discover among them a philosophically consistent stance. But to use the philosophical consistency that we will discover later to support [C2] now would assume what needs to be proved. So [C2] is just a claim about the legitimacy of looking for that consistent stance in the first place. To be clear on a further point, [C2] entitles me to say, at least until there is good evidence to the contrary, that Cicero as author of the three dialogues constructs a stance on his material through his authorial voice and through his *propria persona* characters. It does *not* entitle me to say anything about the beliefs of ‘Cicero the man’—the historical living, breathing Cicero.

(B) Internal evidence.

For [C1].

In his preface to *Div 2* Cicero catalogues some of his technical dialogues, in particular the sequence of dialogues written in 45-44 BC. In 2.3 he says:

Quibus rebus editis tres libri perfecti sunt de natura deorum, in quibus omnis eius loci quaestio continetur. Quae ut plane esset cumulateque perfecta, de divinatione ingressi sumus his libris scribere; quibus, ut est in animo, de fato si adiunxerimus, erit abunde satis factum toti huic quaestioni.

When these [=Tusculans] had been produced, three books on the nature of the gods were completed, in which is contained every investigation²⁵ of that topic. So that this <investigation> might be carefully and copiously completed, we began to write on divination in these books. To which if I add something on fate (as I have in mind) then we will have done a generously sufficient amount for this whole investigation.

These sentences list three dialogues, one finished, one in progress and one planned. Each dialogue is presented by Cicero as a unified work, each has been transmitted to us as such, and each is still so regarded. We edit these dialogues separately, each under a single title, *de Natura Deorum*, *de Divinatione*, *de Fato*. Cicero did not have recourse to conventional titles, but in the catalogue at *Div* 2.1-4 he has a regular manner of referring to what we would call a single work. He reports (a) a number of books and (b) a tag indicating the subject-matter or some other identifying, and usually unifying, principle: *eo libro...qui est inscriptus Hortensius; quattuor Academicis libris; finibus bonorum et malorum... quinque libris; libri Tusculanarum disputationum... primus... secundus... tertius... quartus... quintus; sex de re publica; liber is... de senectute; tres... de oratore... quartus... quintus.*²⁶ (An exception, the *Consolation* is listed just as a *consolatio* without

²⁵ I translate *quaestio* with ‘investigation’. The word can admittedly mean ‘question’ in the sense of an abstract and interrogatively phrased *propositum* to be argued over: *Quaestionem autem eam appellat quae habeat in se controversiam in dicendo positam sine certarum personarum interpositione, ad hunc modum: ‘Ecquid sit bonum praeter honestatem?’ ‘Verine sint sensus?’*; “[Hermagoras] calls a ‘question’ that which involves an issue expressed without reference to specific people, in this manner: ‘Is anything good besides the fine?’, ‘Are the senses veridical?’ (*de Inventione* 1.8, and cf. *Topica* 79 where definite and indefinite *proposita* are both *quaestiones*). But a *quaestio* is also a court hearing, or an investigation or debate (Lewis and Short sv. I-II.B.1, *OLD* sv. 1-6.b). John Scheid (1987-89) 128 suggests that the forensic meaning of *quaestio* is significant in *dND* and *Div*. and should be coordinated with the way Cicero uses *iudicium*, “judgement”, to describe the reader’s right to make up his own mind on the upshot of the debate (*dND* 1.12, *Div*. 1.7, 2.150). “Dans une *quaestio*, le président constate le problème, organise le débat contradictoire et la production des témoins, mais ne prononce pas le jugement: celui-ci appartient au jury populaire.” This suggestion is elegant; see in particular *Div*. 1.7: *Etenim nobismet ipsis quaerentibus quid sit de divinatione iudicandum ...*, followed by a restatement of the sceptical policy against rash judgement.

²⁶ Compare DL’s bibliographical manner: when he gives a bare list of works, each entry consists of (a) a description of the subject of the work, the name of a leading character or some other unifying feature, and

any indication of the number of books.) Cicero follows this pattern in the case of *dND*: *tres libri... de natura deorum*. For *Div*, he refers to the books he is in the process of writing (and that we are reading) without giving a number: *de divinatione... his libris*.²⁷ *De fato*, being only a notional work, has no indication of its eventual form. So, making allowance for their various states of completion, Cicero describes the three dialogues each as an individual work.

Next, what reason is there to think that these three works should be read together? Cicero describes *Div* as a rounding out (*quae ut... esset... perfecta*) of some subject-matter of *dND*, and *Fat* as a further ‘addition’ to these two (*quibus... si adiunxerimus*). The implication is that all three works will treat the same subject-matter. This I take to be the best evidence for [C1]: the three works are unified in so far as they treat the same subject-matter, and notice is given to the reader that the fullest treatment of the subject-matter is only to be had from all three works together. Now, there is very little in *dND* that anticipates further works, although there *is* a subtle adumbration precisely of further treatment of the subjects found in *Div* and *Fat*. Our passage itself allows that Cicero may have written *dND* before he conceived of two further elements in the treatment of the topic. Nevertheless, when he did come to plan *Div*. and *Fat*. he planned them as extensions to *dND*.

Cicero, I must admit, sketches the development of the trilogy confusingly. His description in *Div*. 2.3 appears not to have been carefully written. In particular, there is an ambiguity in the sense and agreement of *omnis* in the claim that in *dND*, *omnis*²⁸ *eius*

(b) a numbering of the books, given with numerals. E.g. for Aristotle: Περὶ δικαιοσύνης α' β' γ' δ', Περὶ ποιητῶν α' β' γ', ... Νῆριπθος α', Σοφιστής α', κτλ (5.22).

²⁷ It is unlikely that this imprecision about the number of books reflects uncertainty about the finished form of the dialogue. *Div* has a clear and simple form and despite its rushed composition there is no evidence that it was ever intended to have any other, in contrast to *dND* that may have had significant revision, for example in its speakers (see Levine (1957)).

²⁸ H, a relatively late (11th century) MS, avoids the difficulty by omitting *omnis*.

*loci quaestio continetur.*²⁹ *omnis* could mean ‘every’, or it could mean ‘all of’³⁰, and it could agree with *loci* or with *quaestio*. That is, either the claim is that ‘every investigation of that topic is contained’ in *dND*, or that ‘all of the investigation of that topic is contained’ (after all, in the first sentence of *dND* Brutus is reintroduced to the *perobscura quaestio... de natura deorum*, 1.1, and Balbus says he will *dividere totam... quaestionem in partes quattuor*, 2.3). Or it could be that ‘the investigation of all of that topic’³¹ is contained, or ‘the investigation of every one of those topics’. Of these four options, only the last one seems intrinsically unlikely, as it is awkward with *eius*. I am also inclined against ‘the investigation of all of that topic’ because of the way Cicero tends to use *omnis*: on every other occasion that he uses the words *omnis eius* juxtaposed in that order, *omnis* plainly or probably agrees not with *eius* but with a word not in the genitive singular that comes after *eius*.³² *omnis eius loci quaestio* is unusual in having

²⁹ A close parallel in *Att.* 13.19.3=326 SB does not help because (I think) it suffers from the same ambiguity: *absolvi ... Academicam omnem quaestionem libris quattuor* ‘I finished off all of the / every Academic investigation in four books’.

³⁰ Even when in the singular and when it does not mean ‘every’, *omnis* is not synonymous with *totus*. Rather, it means ‘all of’ *distributively*, that is, ‘all of’ a thing considered as the aggregation of its parts (“*mera vi collectiva*” to quote the *TLL*’s characterisation, sv. B.II.A.2.a), rather than as an organic unity. Nevertheless, it *can* mean ‘all of’ a singular thing. A good illustration of this in Cicero’s late philosophy is his translation of a phrase from Plato’s *Timaeus* 41d4-5: καὶ πάλιν ἐπὶ τὸν πρότερον κρατῆρα, ἐν ᾧ τὴν τοῦ παντὸς ψυχὴν κερραυνὺς ἔμισγεν..., “and back to the prior mixing-bowl, in which he compounded the soul of the all by mixing it...”. Cicero rendered this phrase (for which we have no record of a variant Greek text) with *deinde ad temperationem superiorem revertit, in qua omnem animum universae naturae temperans permiscebat*, “then he went back to the prior alloying, in which he compounded all the soul of the universal nature by alloying it” (*Tim.* 42). If we assume that with this phrasing Cicero aims to be faithful to Plato’s Greek, we have some control on what he means by *omnem animum*: he uses the phrase to render τὴν ... ψυχὴν, a plain singular. That being so, *omnem animum* must be intended to mean ‘all of the soul’ and not ‘every soul’; perhaps Cicero considered ψυχὴν to be a mass noun in this context and inserted *omnem* to make clear that *animum*, too, is a mass noun. (Poncelet (1957) 139-140 classifies similar examples of *omnis* in Cicero’s translations as a ‘mechanism for replacing’ the Greek article, although he does not cite my example specifically. I am not convinced that *omnem* could be just a replacement for τὴν.) By comparison, Calcidius renders τὴν τοῦ παντὸς ψυχὴν just with *mundi animam*; *In Tim.* 41d. A curiosity appears in *Div.* itself, where Cicero seems to use *omne* in exact parallel to τὸ πᾶν: *quod in natura rerum omne esse dicimus, id infinitum esse*, “[Epicurus argued that] what in the natural world we say is ‘the all’ is infinite” (2.103).

³¹ This is Schofield’s translation, Schofield (2002).

³² This pairing of words is rather rare, presumably because of the possibility of confusion about agreement. The instances are: *Rosc.* 33 *omnis eius* [=Roscius] *servos habetis*; *Acad.* 1.16, *omnis eius* [=Socrates] *oratio*; *de Fin.* 2.20, *omnis eius* [=Aristippus] *est oratio*; *Laelius* 31, *omnis eius* [=amicitia] *fructus*; *Tusc.*

before *quaestio* a word *loci* in agreement with *eius* that is not in a set phrase like *eius modi* (cf. *Tusc.* 4.60), but nonetheless my guess on these inductive grounds is that *omnis* agrees with *quaestio*. So does the phrase mean ‘every investigation’ or ‘all of the investigation’? How we decide this ambiguity makes a difference to how we read what follows it:

- (1) *omnis* = ‘every’. On this view, it is relatively hard to make sense of the *quae* which begins the sentence that follows: it is odd to say “...in which every investigation of that topic is contained. In order that this investigation...”. The *quae* seems to denote a specific investigation rather than every one of a range of investigations. So perhaps on the ‘every’ reading of *omnis* we should take *quae* to refer proleptically to a specific *quaestio*, the ‘*quaestio*’ *de divinatione*, even though the investigation *de divinatione* is not explicitly labelled as a *quaestio*. On this reading, the sentence beginning *quae* reads “We began to write on divination in these books, in order that this <investigation> [i.e. on divination] should be carefully and copiously completed.” In the following entry about *Fat.*, *toti huic quaestioni* would again refer to a specific investigation, a *quaestio de fato*. If this reading is right, Cicero was certainly rather careless in where he deployed the word *quaestio*.
- (2) *omnis* = ‘all of’. On this reading it is easier to make sense of *quae* and of *toti huic quaestioni*; the *quaestio* in question is throughout the general investigation of the topic of the nature of the gods. But it is harder on this reading to make sense of Cicero’s claims first, that *dND* contains ‘all of’ the *quaestio* of the topic of the nature of the gods, second, that *Div.* left this investigation *plane... cumulateque perfecta*, and third, that after *Fat.* the job of the investigation would be *abunde satis factum*. At

4.60, *omnis eius modi perturbatio animi*; *Att.* 2.1.1=21SB, *omnis eius* [=Isocrates] *discipulorum arcularum*; *Att.* 14.21.2=375SB *omnis eius* [=Balbus] *oratio*.

every stage, Cicero seems to claim that the same *quaestio* has been treated with comprehensive care (although it is admittedly not until the last stage that he says that this care is *satis*). So, on this reading, there is a tension between the description of the development and purpose of each of the three dialogues.

Now, it seems to me that on *either* of these readings, Cicero says that *Div.* and *Fat.* were written to further complete his exploration of the subject of the nature of the gods. On (1), an exploration of the *locus* involves a number of *quaestiones* (e.g. What is the nature of the gods? Do they facilitate divination?). On (1), Cicero says the *dND* contained every one of these specific investigations, but that *Div.* and *Fat.* each expanded the treatment of one specific investigation that (presumably) had not been fully treated in *dND*. On (2), Cicero says that *dND* contained all of the singular investigation of its topic, but that *Div.* and *Fat.* added in turn to the completeness of that investigation. I myself prefer reading (2) because it seems to me that the awkwardness of *quae* and *toti huic quaestioni* on reading (1) is a greater stumbling block than the oddness of *plane... cumulateque perfecta* and *abunde satis factum* on reading (2). But on either reading, I take it that Cicero here tells us that for his fullest treatment of the *locus* of the nature of the gods, a reader should read *dND*, *Div.* and *Fat.*. Since his description of each dialogue characterizes each one as a work in itself, Cicero describes the three as a trilogy: three separate works that are to be read together.

Having examined the bibliographic note of Cicero the author, let us turn to examining the remarks by characters in the three dialogues that make more explicit the links between the three. The first of these is made by Balbus at *dND* 3.19. Cotta has challenged Balbus in 3.18, as ever demanding his *rationes* for believing that there are gods. Balbus replies that Cotta is being unfair, because he (Balbus) *has* advanced reasons

for this belief, while Cotta keeps diverting his discussion and refusing to ask Balbus to give a defence (an opportunity that Cotta promised to offer, 3.4). Balbus continues:

Itaque, maximae res tacitae praeterierunt, de divinatione de fato, quibus de quaestionibus tu quidem strictim nostri autem multa solent dicere, sed ab hac quaestione quae nunc in manibus est separantur; quare si videtur noli agere confuse, ut hoc explicemus hac disputatione quod quaeritur (3.19).

Consequently, very important matters have passed by without mention, concerning divination and concerning fate (you < speak > briefly about these investigations³³, but our < Stoics > are in the habit of saying many things < about them >) but < these matters that passed by without mention > are distinct from the investigation which is now at hand. So, if you please, refrain from going on in a mixed-up way, so that we can get clear on the issue that we are investigating in this discussion.

In 3.14 Cotta lodges objections to Stoic fate and Stoic divination in turn, and it is clear that in the lacuna immediately before 3.14 he had more to say in the same area. Balbus now complains that he *could* say a lot in reply to these objections and that Cotta has been unfair in not allowing him to say it. But he also thinks that such a long reply would be in some way distinct from the main debate of *dND*. He thinks that Cotta has been confusing the issue by his criticism fate and divination. At Balbus' behest, fate and divination are set aside in the remainder of *dND*, in favour of a discussion of Stoic theology under his preferred four heads (3.20).

That Stoic fate and Stoic divination should be considered distinct issues from

³³ The way Balbus puts his point might look like rather good evidence for the 'every' reading of *omnis quaestio* in *Div.* 2.3; there might seem to be a consistent terminology of different *quaestiones* in play in *dND*. Unfortunately, Cotta's immediate reply gives equally good evidence for the 'all of' reading: *quattor in partes totam quaestionem divisisti*, "you have divided the whole investigation into four parts", i.e. that there are gods, what they are like, that they run the cosmos and that they care about us (*dND* 3.20).

Stoic theology is a rather baffling assertion, especially in light of the *arx Stoicorum* in *Div.* 1.9-10—‘if there is divination, there are gods, and if there are gods, there is divination’. But in the drama of *dND* Balbus gets away with his request that issues of divination and fate be left out of the discussion, even after Cotta has advanced objections to Stoic theology grounded in them. It is hard to avoid the thought that this is an artifice on Cicero’s part, whereby he reserved the topics of fate and divination for later, separate discussion. In calling this an artifice I do not mean to suggest that the structure of exposition it allows would have been wholly unwelcome to the Stoics, since although it is hard to make them come apart from Stoic theology divination and fate evidently *did* receive a lot of special attention in the Stoa (the Stoics said *multa* about them) so that many Stoic authors dedicated separate treatises to them. We know that Chrysippus (more than one book), Boethus (more than one book) and Posidonius (at least two books) each wrote a *περὶ εἰμαρμένης* and that Chrysippus (at least two books) and Posidonius (at least five books) each wrote a *περὶ μαντικῆς*, while Chrysippus supplemented his *περὶ μαντικῆς* with books of examples of divination in dream and in frenzy (DL 7.149, *Div.* 1.6). So there was enough Stoic material on fate and divination to make desirable separate treatises on the two subjects, even if we might doubt that the Stoics considered it legitimate simply to skip important aspects of these *quaestiones* when addressing theology.³⁴

³⁴ Schofield (1986) 48 is surprised by the degree to which Cicero “goes to town” on theology: “Theology looms much larger in Cicero’s philosophical writings than it does in (for example) Plato, Aristotle or—so far as we can reconstruct them—the Hellenistic Stoics.” This assumes that we can reconstruct the Hellenistic Stoics independently of Cicero and then compare the two, which seems a rather dangerous way to go when Cicero is one of our major sources for the Hellenistics. Certainly, it is true that Cicero fills the place of physics in his philosophica (as he left the series) entirely with *dND* and its sequels, and that emphasis on an equivalence between theology and physics may well go further than even the Hellenistic Stoics would have gone. But Chrysippus’ view of God seems important to his views on matter, fate, cause and teleology in the cosmos. (With Plato, it is true that theology does not loom *as* large as it does in Cicero’s writings, but we should not overlook the *Timaeus* and *Laws* 10 as important contributions.) We should recall that Cicero’s program may have been somewhat cut short by his return to public life in 44 and untimely death. He refers to no planned works beyond *Fat.* in the preface to *Div.* 2, but the preface to what

So in *dND* 3 Balbus and Cotta decide to pass over available, lengthy Stoic accounts of divination and fate. But it was quite fair for Cotta to introduce divination and fate as topics, since Balbus did not entirely pass over either in *dND* 2; he pressed divination into service to show that the gods exist (*dND* 2.7-12) and that they care about us (2.162-163, 166-167), and while fate got no explicit use the role of providence in determining the course of the cosmos had the emphasis we would expect in his argument that the gods run the world (*dND* 2.73-75). So fate and divination are not, in fact, altogether excluded from *dND*; rather, what is excluded are the long, technical treatments of them with which Balbus thinks he could answer Cotta's objections in 3.14-15 and the preceding lacuna. It is to this *praetermissio* that Quintus must refer at the start of the conversation in *Div*.

Perlegi, inquit, tuum paulo ante tertium de natura deorum, in quo disputatio Cottae labefactivit sententiam meam, non funditus tamen sustulit. eius orationi non sane desidero quid respondeam; satis enim defensa religio est in secundo libro a Lucilio, sed quod praetermissum est in illis libris (credo, quia commodius arbitratus es seperatim id quaeri deque eo disseri), id est de divinatione... id, si placet, videamus quam habeat vim et quale sit. (Div. 1.8-9)

“A little while ago,” said <Quintus>, “I read through your [=Marcus Cicero’s] third book on the nature of the gods, in which Cotta’s discussion shook my opinion, but did not fundamentally overturn it. I don’t lack for a reply to his speech, because religion was sufficiently defended by Balbus in the second book. But, if you please, let us see what power has that which was passed over in those books, i.e. divination, and what kind of thing it is. (It was passed over, I think,

we call his *Timaeus* suggests that he was toying with other ideas in 45 or later. So it is possible that he had an eye to producing a less theological physics at some later date.

because you decided to investigate it and give an account of it at greater length separately.)”

If we can only suspect that Balbus’ complaint in *dND* 3 is something of an artifice devised by Cicero with an eye to future works, it is beyond doubt that these remarks from Quintus at the start of *Div.* are a self-conscious gesture from Cicero at the status of *Div.* relative to *dND*. Cicero writes a drama in which he himself appears as a character who *is the author* of a recently completed work—*dND*—and who discusses that work with another character (Quintus) who has read it (we will examine a similar tactic in *de Legibus* a little later).³⁵ This is an intriguing opportunity for Cicero to play with the reader’s attitudes to and interpretations of both dialogues. Quintus’ stated motivation for beginning the philosophical discussion in *Div.*—he was left unsatisfied by the discussion of divination in *Div.* 2 and 3 because the issue was *praetermissum*. This must reflect Balbus’ complaint that *maximae res tacitae praeterierunt* (*dND* 3.19). Quintus shares our interpretation of *dND* 3.19 whereby the *quaestio* of divination is set aside because Cicero the author wants to *treat* the subject separately and at greater length, not necessarily because it should be considered a distinct *quaestio* as Balbus suggests.

Marcus neither confirms nor denies the interpretation Quintus shares with us, but Cicero

³⁵My *Div.* and *de Legibus* examples do not exhaust Cicero’s uses of this and similar tropes in the philosophica. Other instances might not look as friendly to my argument. At *Div.* 1.106 Quintus brings up in support of divination his—Marcus’—poem *Marius* in which Marcus ‘records’ a spectacular auspice. Quintus thinks that it is a particular advantage of this example that Marcus has put his *auctoritas* behind it (*ut utar potissimum auctore te*, 1.106). Quintus has a general policy of using Marcus as the source of his evidence, whether as an author (*sed quo potius utar auctore aut teste quam te?*, 1.17) or in relation to his personal experiences like the dream at 1.59. Now, Quintus’ citation to Marcus of the *Marius* or the *de Consulatu Suo* obviously fail to imply that those poems stand in a relation to *Div.* like the one I am proposing for *dND* or *Fat.* Is this reason to doubt that the opening of *Div.* is evidence for [C1]? It is not, because Quintus’ citation of *dND* at the beginning of *Div.* is different in kind from his citations of the poems. The poetry citations point out to Marcus that he (Marcus) is on the record that certain events are historical fact. In book 2 Marcus accepts that the events he has reported are historical facts but not that they constitute convincing evidence in favour of the reality of divination (*Div.* 2.45–48, see chapter 6 pp. 336–342). Quintus’ citation of *dND* is different in kind because it explicitly suggests an intimate relationship between *dND* and *Div.*—*Div.* is to continue a topic ‘passed over’ in *dND*. (Cf. n. 31 on *Tusc.* and *Fin.*)

draws the possibility to our attention.

So Quintus' reading of *dND* moves him to suggest the program of discussion in *dND*. But in addition, he makes explicit use of Balbus' position and arguments in *dND* 2 when setting out his own version of Stoic views on divination in *Div.* 1. This happens on two occasions. [1] When Quintus first sets out to defend the Stoic view of divination, he says that he thinks divination as practiced traditionally is real, and that if there are gods, there must be people who can divine (1.9). Marcus jumps on this and proposes that Quintus is aiming to defend the *arx Stoicorum*, whereby the reality of the gods and the existence of the gods entail one another. Having already accepted the entailment from divination to gods in 1.9, Quintus then accepts the other entailment in Marcus' *arx*, although he seems rather lukewarm about just how much theology follows from the reality of divination:

Mihi vero, inquit, satis est argumenti et esse deos et eos consulere rebus humanis, quod esse clara et perspicua divinationis genera iudico (Div 1.10)

“For me, at any rate” said [Quintus], “there is sufficient proof [a] that there are gods and [b] that they care about human affairs, because I judge that the reputable and transparent kinds of divination are real.”

That is, Quintus accepts that the reality of divination is sufficient evidence for just those two of Balbus' four theses of theology that Balbus himself sought to support by recourse to divination (i.e., [a] and [b]). [2] In his account of the *ratio*, ‘theory’, of divination (*Div.* 1.109-131), and in particular of what Posidonius probably dubbed the *ratio a deo* (1.125), Quintus explicitly premises his theory on Balbus' arguments for all four theological theses (1.119).

In his reply to Quintus in book 2, Marcus is of course concerned with *dND* just as

much as Quintus was, since he is taken up with refuting Quintus' speech. He makes this explicit less often than Quintus, but it is perfectly clear nonetheless. For example, he looks to refute the reality of divination without refuting the theological thesis that the gods exist—that is, he looks to rebut Quintus' elaboration of a divinatory theory (and Balbus' less elaborate appeal to that theory) without denying Balbus' underlying theological thesis (*divinatio enim perspicue tollitur, deos esse retinendum est, Div. 2.41*). Some of his arguments comment on the other thesis that the gods *consulere nobis* and how it might interact with belief in the reality or otherwise of divination; he seems to leave the truth or falsity of the thesis open (2.40-41, 124-127). Marcus' one explicit invocation of *dND* is at 2.148 (a passage that we will examine more closely soon), where he refers to condemnation of *superstitio* in *eis libris* and says that the discussion in *Div.* has been much taken up with the same project (*id maxime egimus*).

So according to its own characters³⁶, the discussion in *Div.* is intimately connected with the discussion in *dND*. It explores a large tract of the Stoic theory of divination skipped over in *dND* 3 and the relationship of that tract of theory to the theses of *dND*. Now, in *dND* a discussion *de fato* was similarly skipped over. In addition to Cicero's explicit statement of his plan in *Div.* 2.3, do the characters of *Div.* make any adumbration of *Fat.*? Each of them does so once: [1] In 1.127 Quintus remarks *praeterea cum omnia fato fiant (id quod alio loco ostendetur)...*, “Besides, since everything happens by fate (which will be shown elsewhere)...”. A lot of ink was spilt on this parenthesis in the nineteenth century³⁷. *omnia fato fiunt* (a Chrysippean and Posidonian tenet, τὰ πάντα

³⁶ In his preface to *Div.* 1 Cicero is fairly silent on the relationship of *Div.* to *dND*, leaving the issue aside until the drama of the dialogue. But there is a hint of the relationship when he mentions *dND* as precedent for a dialogue where the object is compare ‘proof with proof’ (*Div.* 1.7). In the preface to *Fat.*, *dND* and *Div.* are similarly cited as comparanda for features of dialogue form (*Fat.* 1). In both cases Cicero assumes that the reader should have the previous work(s) of the trilogy before his or her mind.

³⁷ See Pease (1920-23) 322-3 *ad loc.* for bibliography.

καθ' εἰμαρμένην γίνεται³⁸) is not demonstrated in our extant portions of *Fat*, and one could doubt that it was convincingly argued even in the portions lost. As a result, some have further doubted that *alio loco* can refer to a plan for *Fat* as we have it, and indeed it is quite possible that when writing *Div* 1 Cicero planned to write *Fat* in two parts with a speaker on behalf of Stoicism who would prove at some length that *omnia fato fiunt*. We could take him at his word in the preface to *Fat* that he chose *Fat*'s single speaker format through lack of time after Caesar's death. On the other hand, perhaps such a view gives too little credit to *Fat* and its lost portions; it seems possible and even likely that in exploring the Stoic position on fate Marcus gave some argument for one of the position's central claims. A second difficulty with *alio loco ostendetur* is that the words may be out of character. Cicero the author of *Div.* knew of his own plan to write a separate work on fate (he tells us so in 2.3) and so, perhaps, would his *propria persona* Marcus—but Quintus might not. This has provoked the suggestion that the phrase is an incorporated gloss, or that Cicero nods and puts his own thought into the mouth of the character Quintus (or even that he absent-mindedly copies a parenthesis from his source) (see citations in Pease (1920-3 *ad loc.*). This all seems a little premature to me. Why could not the character Quintus, privy to his brother's philosophical work, be aware of what further treatises were forthcoming? Or perhaps Quintus here enjoys a moment of mantic success. At any rate, what we *do* have is an adumbration of some further discussion about fate, even if what is specifically predicted is not found in the extant pages of *Fat*.

[2] In 2.19, Marcus argues that Quintus' definition of divination (for Marcus' purposes, *praesensio rerum fortuitarum*) is inconsistent with the Stoic doctrine of fate, and remarks that 'fate' is full of old-womanish superstition. He goes on *sed tamen apud Stoicos de*

³⁸ DL 7.149; cf. Bobzien (1998) 56-8.

isto fato multa dicuntur, de quo alias, “but nevertheless many things are said among the Stoics concerning this ‘fate’ of yours—about which, <more> elsewhere.” This is a clearer gesture towards a separate work to come, because it is phrased to resemble Balbus’ complaint in *dND* 3.19 that Cotta passes over matters about which the Stoics have much to say (*quibus de quaestionibus...nostri... multa solent dicere*).³⁹

So *dND* looks forward to *Div.* and *Fat.*; *Div.* looks back to *dND* and forward to *Fat.*; does *Fat.* look back to *dND* and *Div.*? Here, unfortunately, we must reckon with the fragmentary nature of *Fat.*’s remains. Estimates of *Fat.*’s original length are speculative and based on Clark’s codicological methods in *The Descent of Manuscripts*, but Yon’s guess is that two thirds of the work has survived (Yon (1933) lxviii-lix, Clark (1918)).⁴⁰ In his preface, Cicero regrets that he was unable to cast *Fat* in the form of a dialogue with a different speaker giving an exposition of each point of view. Rather, time constrains him to cover the subject in one continuous speech. He illustrates the dialogue form he had no time to write:

³⁹ But cf. *Div* 2.75 on augury—*sed de hoc loco plura in aliis*—likely a reference to the lost *de Auguriis*, see Pease (1920-23) 10n13. It is disputed whether *de Aug* was written before or after *Div*, but before seems more likely. So I must admit that this sort of phrasing (*alias, plura in aliis*) could refer to a past work. Still, in what past work was there a more extensive discussion of the Stoic view of fate than is found in *dND* or *Div.*? I doubt that there was one. So the options are that *alias* refers to *dND*, which seems unlikely given how little explicit elaboration of the theory of fate is found in *dND* 2 and how the *multa* which the Stoics have to say are explicitly skipped over in *dND*; or that it refers to elsewhere in *Div.*, perhaps to Quintus’ *ratio a fato*, which would be a strange way to use *alias* and also unlikely since Quintus does not say *multa* about fate; or that it refers to another work to come. So *alias* probably adumbrates a work to come.

⁴⁰ My own suspicion is that this guess at the amount lost from *Fat* is a bit conservative. There was a lot more material available in the Hellenistic theories of fate. Another and perhaps still less reliable way to guess would be to compare *Fat* with similar works of Cicero. *Fat* probably resembled a book of the *Tusculans* in format (as I show below). In Müller’s edition (1889-90) where the two works are printed in the same format, the five books of *Tusc.* range from (very roughly) 26 to 46 pages with a mean of about 36 pages, while the substantial fragments of *Fat* run to about 17 pages. If *Fat* resembled an average book of *Tusc* in length as well as in format, about half of it is now lost. Of course, there was no reason that it had to be of that length, and Cicero tells us that it was a rushed piece of work. But even by comparison with the shortest book of *Tusc* there is still a little more than a third of *Fat* missing.

quod autem in aliis libris feci, qui sunt de natura deorum, itemque in illis, quos de divinatione edidi... id in hac disputatione de fato casus quidam ne facerem impedivit. (Fat. 1)

“But some chance⁴¹ event has hindered me so that I cannot do in this discussion on fate what I did in my books on the nature of the gods and again in those on divination....”

dND and *Div* are meant to be natural points of comparison for the reader, and this is consistent with the close connection of the three works as parts of the cumulative treatment of one subject. This concludes the internal evidence I have to offer for [C1].

For [C2].

[C2], I reiterate, is a weak claim. I claim only that it is *legitimate to assume* that the various manifestations of M. Tullius Cicero in *dND*, *Div*. and *Fat*. speak with one voice. Here I present the internal evidence for that claim.

The young Marcus is for the most part a *muta persona* in *dND*. He acknowledges, in guarded terms, some association with Cotta as a fellow pupil of Philo of Larissa and suggests that he will listen with *libero iudicio* (*dND* 1.17). But in the last words of the work Cicero attributes to young Marcus a preference between the speech of Balbus and the speech of Cotta: he thought that Balbus’ was *ad similitudinem veritatis propensior* (3.95). I will examine this preference in more detail in chapters 2, 3 and 6; for now it is enough to say that Cicero records it as the preference of the character, young Marcus. Now Quintus remarks on this preference in the opening discussion of *dND* in *Div*.. He says to Marcus:

⁴¹ Of course, this is Cicero’s little joke: chance has prevented him from writing on fate as he would wish. It is also a periphrasis for the death of Caesar, about which he aims to be diplomatic.

satis enim defensa religio est in secundo libro a Lucilio, cuius disputatio tibi ipsi, ut in extremo tertio scribis, ad veritatem est visa propensior. (Div.1.9)

For religion was sufficiently defended by Balbus in the second book <of *dND*>, [Balbus] whose discussion, as you write at the end of the third book, seemed to you yourself to be closer to a likeness of the truth.

Quintus makes it clear that the character to whom he is speaking, Marcus, is the very author of *dND* (*scribis*).⁴² He says that Marcus as ‘author’ of *dND* attributed to the character of his younger self the preference from the end of *dND* (*tibi ipsi...visa est*). Quintus reports this not as indirect speech (‘you wrote that...’) but rather as a fact (‘it seemed closer to you...’). Quintus takes Marcus’ own written attribution for evidence of this fact. So Quintus seems to think that the preference attributed to the character young Marcus at the end of *dND* constitutes evidence for what the ‘author’ Marcus (the character in *Div.*) ‘thought’. Since *visa est* is in the perfect he does not explicitly claim to sure that the Marcus of *Div.* still holds this view. But Quintus does at least see some psychological continuity between the young Marcus in *dND* and Marcus in *Div.*. Now, Marcus neither confirms nor denies this reading on Quintus’ part. So that Quintus advances the reading does not constitute proof that we readers of *Div.* are to suppose that

⁴² In the *Tusculans*, the character ‘A’ brings up against the character ‘M’ (who at least here could plausibly be called ‘Marcus’) a view that ‘A’ thinks ‘M’ held in his (‘M’s’) work *de Finibus* (4.32). ‘M’ denies any commitment to the view: *Tu quidem tabellis obsignatis agis mecum et testificaris quid dixerim aliquando aut scripserim. Cum aliis isto modo, qui legibus impositis disputant. nos in diem vivimus, quodcumque nostros, animos probabilitate percussit, id dicimus. itaque soli sumus liberi.* “You bring up sealed documents with me and use them as evidence about what I’ve said or written at some point. Proceed that way with others, who discuss according to determined rules. We live for the day and we say whatever strikes our mind as plausible. Consequently, only we are free.” (*Tusc.* 4.33) Now, ‘M’s’ rebuttal itself concedes that there is some psychological identity between the ‘M’ of *Tusc.* and the author of *de Finibus* because in saying that he cannot be held to his old declared views he implies that they were *his* declared views. On the one hand, this gives me heart since I want to find this sort of continuity in *dND*, *Div.* and *Fat.* On the other, it suggests caution since I do not want to claim that the same sort of relationship exists between *Tusc.* and *Fin.* as I want to claim for the theological trilogy. Of course, ‘M’s’ disavowal of a continuous view is not paralleled in *Div.* and, as I point out, Marcus in *Div.* at least allows Quintus to labour under the impression that the preference given to young Marcus in *dND* is evidence for his (Marcus’) own view in *Div.*

the character Marcus in *Div.* intended the character of young Marcus that he wrote in *dND* to be read as psychologically continuous with himself. But it does draw our attention to that possibility in a striking and original way. To that extent, it seems legitimate to make the assumption that the two characters are psychologically continuous and see how far it can take us. But having made that assumption, it is not too big a leap to assume that Marcus in *Div.* actually shares the preference in views he attributed to Marcus in *dND*.. Certainly, that seems to be the force of what Quintus is suggesting—he seems to think that Marcus in *Div.* should in some way be beholden to the view he wrote for his young ‘self’ in *dND*.⁴³

Now, we might be concerned that this assumption does not get us very far, since perhaps Marcus in *Div.* has even less to say on his own behalf than does Marcus in *dND*.. He takes part in the opening discussion of *dND* with Quintus in *Div.* 1.8-11, but what he says about divination is delivered in his long speech in book 2. That speech plays a specific sceptical role—it is the negatively dogmatic counterargument to Quintus’ positively dogmatic, Stoic speech. As such, our concern might run, the speech represents the sceptic’s duty to argue *in utram partem*, and does not reflect a preference about what in the end seems *veri simile* to Marcus. Now, this concern is valid for the vast majority of Marcus’ speech in *Div.* 2 (although study of the details of his negative arguments might still yield information about underlying attitudes that Cicero may have wanted to attribute to him). But it seems to me that at the end of his speech Marcus steps out of the role of negative dogmatist arguing against Quintus’ position, and moves into offering a

⁴³ Beard (1986) 34 and 45 is opposed in principle to identifying the views of Marcus with the views of Cicero. Beard’s motivation for this view is admirable—she wants to cut the ground from under simplistic readings of the dialogues whereby Marcus’ views are just read as Cicero’s views. I agree that we are not in a position to infer the “real views” of Cicero from the words of Marcus. But *within the drama* of *Div.*, we are entitled to see Marcus as the author of *dND*, and thus we are entitled to think that Quintus may be right in ascribing to the Marcus of *Div.* continuity with the Marcus of *dND*.

summary of his own stance about what seems *veri simile* in the material in *dND* and *Div.*. Now, there has been a consensus⁴⁴ view that Marcus does indeed step aside from the negative role and reflect on the structure of *dND* and *Div.*. But the major parties to the consensus—Schofield (1986) and Beard (1986)—disagree about how much of the end of speech represents Marcus’ own thoughts.

Beard ((1986) 34-35) thinks that we find the conclusion of the dialogue in the final sentence(s) of the speech, as follows (this punctuation and translation are not Beard’s, as I shall discuss in a moment):

Cum autem proprium sit Academiae iudicium suum nullum interponere, ea probare quae simillima veri videantur, conferre causas, et quod in quamque sententiam dici possit expromere, nulla adhibita sua auctoritate iudicium audientium relinquere integrum ac liberum, tenebimus hanc consuetudinem, a Socrate traditam, eaque inter nos, si tibi, Quintus frater, placebit, quam saepisse utemur. (Div. 2.150)

But since it is the peculiar procedure of the Academy to introduce no judgment of its own, to approve what seems most like the truth, to compare the cases <on every side>, and to bring out whatever can be said for each view, to leave the judgment of listeners unimpaired and free by making no use of its own authority,

⁴⁴ This consensus emerged from a seminar on *Div.* at the I.C.S. in London (Beard (1986) 33), the main published fruits of which were Denyer (1985), Beard (1986) and Schofield (1986). Wardle (2006) 8n34 calls it the “‘Cambridge’ approach” and gives references to subsequent publications that have followed it. Prominent followers are John Scheid (1987-9) 127-129; A. E. Douglas who, faced with the *Tusculans*, congratulates Beard and Schofield for their attention to literary form (Douglas (1995) 197-198, 198n1); Brian Krostenko (2000) 354 who tries to wed the consensus with a rhetorical sensitivity to tension between ‘fideism’ and ‘scepticism’; Jürgen Leonhardt (1999) 66-67 (although Leonhardt overplays the extent of the agreement between Beard and Schofield, who differ in how emphatic they are in insisting on Marcus’ suspension of judgment, see Beard (1986) 35n13, Schofield (1986) 56-60). The emergence of the ‘Cambridge’ consensus was a good thing at the time: it looked to get away from readings which supposed that Cicero was a heroic champion of rationalism for his demolition of Quintus in *Div.* 2 (Pease (1920-23) 12-13) or that the negative arguments *Div.* 2 reveal Cicero’s ‘real views’ and their political edge (Momigliano (1984) 209, Linderski (1982) 15-16). For this motivation of the seminar, see especially Schofield (1986) 56 and Beard (1986) 33-34.

if you please, my brother Quintus, we will hold onto this habit that was passed down from Socrates, and use it as often as we can between ourselves.

For Beard, this reaffirmation of Academic principles by Marcus amounts to an “explicit” suspension of judgment on his part. She thinks it a mistake to look anywhere in *Div.* to find Marcus ‘approving what seems most like the truth’ (even though he says that the Academics may do that). I would imagine that she is drawing in particular on *nulla adhibita sua auctoritate*: if Cicero does give Marcus some paragraphs to indicate his own view, as I suggest, then he indeed makes Marcus infringe this rule to the extent that these paragraphs might influence Quintus on the basis of Marcus’ authority. Further, Cicero himself breaks the rule to the extent that Marcus’ preferences might influence the reader through Cicero’s authority. Given Cicero’s constant insistence to the reader of the *philosophica* that he or she should make up his or her own mind, it is fair to say that he leaves the reader’s *iudicium* ‘free’, but perhaps not that he leaves it ‘unimpaired’ if he gives Marcus explicit preferences. But I do not think that this sentence which Beard cites strictly rules out that Marcus (and thus Cicero) has infringed the rule in the preceding paragraphs, because this sentence concerns the procedure that Marcus and Quintus will adopt in *future* discussions. Now, that fact is lost in Beard’s punctuation and translation. She divides the period into two, with a full stop between *liberum* and *tenebimus*.⁴⁵ Then, she translates her first ‘period’ without the force of the *cum* (or *autem*)—her translation of the period begins ‘It is characteristic of the Academy...’. This division and translation gives Marcus two separate, coordinate assertions: (a) the Academy’s principles, and (b) that he and Quintus will adhere to those principles in future. By having Marcus assert (a)

⁴⁵ Of the editions I have consulted, only Falconer’s Loeb (1923) punctuates in the same way as Beard. The two standard points of reference, Giomini (1975) and Pease (1920-23) punctuate with a comma before *tenebimus*. Beard’s translation is also strikingly close to Falconer’s, but it is not clear how far that is a coincidence since she does not give a citation for her text or her translation.

Beard gives the impression that the principles of the Academy are adhered to as Marcus speaks in *Div.* But I find her punctuation hard to make sense of. All the syntax up to *liberum* is governed by *cum...proprium sit Academiae*, and no main verb emerges. *tenebimus*, on the other hand, is a main verb, but in Beard's punctuation it starts its own period (unadorned by a particle). So Beard's first 'period' is a long subordinate clause without a main clause, and her second a long main clause; it seems to me that we have to read a comma and not a full stop after *liberum*. Furthermore, I cannot see how we can ignore the force of the *cum* in translation. So it seems to me that Marcus asserts that *since* the principles of the Academy are such-and-such, he and Quintus will hold onto them in future. This means that the assertion of the principles of the Academy is linked to the resolution about the future, and not necessarily a statement of the principles pursued in the immediately preceding paragraphs of *Div.*.

For his part, Schofield regards the last three paragraphs of Marcus' speech (*Div.* 2.148-9, presumably in addition to 2.150) as conveying, in some sense and to some degree, Cicero's "authorial voice" ((1986) 57). With this I agree, in that I think that Marcus' views in *Div.* are to be read as the same as those of Cicero the author of my trilogy. I will have more to say about this passage in a later chapter, but for now I will give some verbal and rhetorical considerations in favour of my view. I think that Marcus steps out of his negative dogmatic role after the first sentence of 2.148, that is, between these two sentences:

*Explodatur <igitur> haec quoque somniorum divinatio. Nam, ut vere loquamur*⁴⁶, *superstitio fusa per gentis oppressit omnium fere animos atque hominum inbecillitatem occupavit.*

<Hence> this divination by dreams is demolished too. So then, to be honest, superstition that is widespread through the nations weighs down nearly everybody's soul and takes hold in people's foolishness.

I think that Marcus marks the change of role with the words *ut vere loquamur*. Compare Quintus' admission at 2.100 that he was unconvinced of artificial divination all along:

His enim quae adhuc disputasti prorsus adsentior, et, vere ut loquar, quamquam tua me oratio confirmavit, tamen etiam mea sponte nimis superstitiosam de divinatione Stoicorum sententiam iudicabam; haec me Peripateticorum ratio magis movebat...

For I wholeheartedly assent to what you have said up to now [i.e. arguments against artificial divination] and, to be honest, although your speech has made me more sure, nevertheless I judged even by my own choice that the Stoics' view on divination was too superstitious; this account of the Peripatetics' is more persuasive to me... [he summarises the Peripatetic support for natural divination].

In book 1, Quintus had played the role of Stoic speaker. Now he admits that he personally did not buy all the arguments he made in that role; he steps out of the role and reveals that he prefers the Peripatetic view on this issue after all. He marks this admission with *vere ut loquar*. So when Marcus employs a similar phrase forty-eight sections later, it is plausible that he, too, uses it to step out of his main role in the dialectic.

⁴⁶ In the main body text of Pease (1920-23) we find printed *ut vere loquatur*. So far as I can see this is just a misprint. The lemma for Pease's note *ad loc.* reads *ut vere loquamur*. Pease records no textual variants in his apparatus, and neither does Giomini in his.

What Marcus emphasizes in 2.148-150 is the eradication of superstition in favour of rational religion. He explicitly connects this aim with *dND*—he follows the sentences from the start of 2.148 quoted above with: *quod et in iis libris dictum est, qui sunt de natura deorum, et hac disputatione id maxime egimus*, “This was said in *de Natura Deorum*, and we have been concerned with it most of all in this discussion.” The eradication of superstition in favour of a religion *iuncta cum cognitione naturae* (2.150) is Balbus’ hobby-horse in *dND* 2 and 3 (especially *dND* 2.70-72), not Cotta’s. So the concern to eradicate irrational superstition root and branch ties this closing section of Marcus’ speech with the preference of the young Marcus for Balbus’ speech at *dND* 3.95. (I discuss Marcus’ conclusions further in chapter 6 pp. 350-367.) It seems possible to me to read the sentence that Beard thinks is the conclusion of Marcus’ *Div.* speech—*cum autem proprium sit Academiae* etc.—as somewhat apologetic in tone. By writing for Marcus these last paragraphs *Div.* 2.148-150 Cicero *has*, to some small extent, made him infringe the Academic principle that he should not introduce his own authority into his exposition. It is hardly a serious infringement compared to, say, Cotta’s trenchant and pre-emptive manifesto at *dND* 3.5-7. The reader, directed to make up his or her own mind, will find the two sides of the argument set out at length in *Div.* so Marcus’ intervention at the end is hardly overwhelming. But still, it is an infringement of the rule, and Marcus perhaps resolves to be stricter about the rules in future discussions.

So far, we have seen that the Marcuses of *dND* and *Div* might hold the same views, and that the Marcus of *Div.* is conceived of (inside the drama) as the author of *dND*. What about the authorial prefaces in *Div.*, or the author and the character of Marcus in *Fat.*? There is nothing in the texts’ presentations of these ‘Ciceros’ that is as provocative as the dramatic links between the Marcuses of *Div.* and of *de Natura*

Deorum. But there is still enough to make a plausible connection between them and other Cicero's other avatars in the three works. In each of the prefaces, Cicero says explicitly that he is the author of *dND* (*Div.* 1.7, 2.3; *Fat.* 1). This in itself connects his authorial voice in the prefaces to Marcus in *Div.*. In *Fat.* the authorial voice of the preface fades fairly seamlessly into the narrator who reports his recent conversation with Hirtius, and then into the voice of the character who gives the main speech.

But unfortunately I think it is not now possible to see status of the views found in the later fragments of *Fat.*, the fragments of Marcus' *disputatio* itself. For one thing, we just do not have a enough of the speech, and in particular we lack its conclusion. This means that we cannot assess what use Marcus made of any given argument that survives, nor his own attitude to that use. At the end of the longest fragment (5-45) Marcus engages in what looks tantalizingly like an attempt to syncretize Chrysippus' view on fate and assent and that of Chrysippus' opponents. But we lack the conclusion even of this part of this speech, let alone that of the whole speech—we cannot know whether Marcus ultimately stood behind this syncretism. Now, these perhaps are the sorts of concerns which we just have to accept and then set aside when dealing with fragments. But there is a more specific reason to think that we have too little information to judge the status of Marcus' speech. This is apparent at the end of the surviving portion of the preface, where Cicero reports how Hirtius negotiated with Marcus the content of their dialogue. Hirtius asks Marcus for a display speech, and Marcus offers to do something either rhetorical or philosophical. Cicero tells us that Hirtius said:

Sed quoniam rhetorica mihi vostra sunt nota teque in iis et audivimus saepe et audiemus, atque hanc Academicorum contra propositum disputandi

consuetudinem indicant te suscepisse Tusculanae disputationes, ponere aliquid ad quod audiam, si tibi non est molestum, volo. (Fat. 4)

But since your rhetoric is known to me and I have often heard you at it and often will, and <since> the Tusculan disputations show that you have taken up the Academics' custom of arguing against a stated proposition, I wish to state one against which I can hear <you argue>, if that isn't a bore for you.

Marcus accedes to this request, Hirtius suggests they sit—and our fragment of the preface breaks off. In recalling the *Tusculans* and the Academic custom of arguing against a *propositum*, Hirtius suggests a very specific form of dialectic. This is not the argument *in utram partem* that we see in *dND* and *Div.* (Cicero has already said that he regrets his lack of opportunity to write *Fat.* in that form). Rather, it is the procedure inherited and adapted from Arcesilaus' classroom as described in *de Finibus* 2.2⁴⁷. Arcesilaus required that his pupils state their views for his refutation:

Sed eum qui audiebant quoad poterant defendebant sententiam suam; apud ceteros autem philosophos qui quaesivit aliquid tacet; quod quidem iam fit etiam in Academia. Ubi enim is qui audire vult ita dixit, 'voluptas mihi videtur esse summum bonum', perpetua oratione contra disputatur, ut facile intellegi possit eos qui aliquid sibi videri dicant non ipsos in ea sententia esse sed audire velle contraria. (Fin. 2.2)

But his [= Arcesilaus'] pupils used to defend their view so far as they could; but with other philosophers the pupil who has asked something is silent; and this even happens now in the Academy. When somebody who wishes to listen has said something like 'it seems to me that pleasure is the greatest good', a discussion in

⁴⁷ The acute note of Yon (1933) led me to the *Fin.* parallel, which makes the procedure even clearer than does *Tusc.* 1.7-8; cf. also Brittain (2001) 337-338; Yon (1933) introduction vii-viii; Hirzel 1895 (540).

continuous speech is given against <the proposition>. As a result, we can easily understand that when people say that *p* seems to them to be the case, they are not themselves of that view, but wish to hear counter-arguments to *p*.

In *Tusculans*, to which Hirtius refers, something between Arcesilaus' procedure and that of his successors is (more-or-less) followed. The interlocutor 'A' advances a *propositum*, by saying (*non mihi videtur* (or *existimo*) with some pithy philosophical tenet in indirect speech.⁴⁸ In the *Tusculans* what follows is not entirely a continuous speech—there is some to-and-fro—but for the most part the main speaker 'M' holds forth in argument against the *propositum*. As Cicero says in the preface to *Tusculans*:

Ut enim antea declamitabam causas, quod nemo me diutius fecit, sic haec mihi nunc senilis est declamatio. Ponere iubebam de quo quis audire vellet; ad id aut sedens aut ambulans disputabam. ... Fiebat autem ita ut, cum is qui audire vellet dixisset quid sibi videretur, tum ego contra dicerem. (1.8)

As before I would declaim on set cases, which nobody made me do any longer, so this is now the declamation of my old age. I would tell whoever wanted to listen make a statement; I would give a discussion against it, either seated or pacing. [I set this in five books.] But it used to be that when someone who wished to listen had said what he thought, then I would speak in opposition.

⁴⁸ The *proposita* in *Tusc.* are: *malum mihi videtur esse mors* (1.8); *dolorem existimo maximum malorum omnium* (2.13); *videtur mihi cadere in sapientem aegritudo* (3.7); *non mihi videtur omni animi perturbatione posse sapiens vacare* (4.8); *non mihi videtur ad beate vivendum satis posse virtutem* (5.11). It is *proposita* like this—general in scope and formulated without mention of specific persons—that are classified in the rhetorical context of *de Inv.* 1.8 as *quaestiones* (cf. n.14 above). In *de Inv.*, strictly speaking the *propositum* proper is what seems true to the proposer rather than the whole sentence 'it seems to me that...', (although the latter addition would not have been an insignificant modifier in an era where the difference between asserting that *p* and asserting that it seems that *p* was a central one in epistemology). The same is presumably true in philosophical discussions in the *Tusculans* format too, although in the Socratic tradition this is not as trivial as it might seem: does a Socratic argue that not-*p*, or try to argue his interlocutor out of believing that *p*?

So this is the dialogue form that Hirtius and Marcus agree to revive.⁴⁹ Hirtius will give a *propositum* and Marcus will give a (mostly) continuous speech against it. Our remaining fragments are most likely fragments of the continuous speech where the lack of any preserved reply from Hirtius suggests that the procedure was the one described as Academic but not Arcesilaus' in *de Fin.* 2.2 above.⁵⁰ It is for this reason that I think it is demonstrably beyond us to recover Marcus' attitude to the views expressed in the fragments of his speech that remain. They are part of an effort to refute a *propositum* which he, the character Marcus, did not choose; there is no way to know what the *propositum* was, how far Marcus the character himself agreed or disagreed with the *propositum* or claimed (or did not claim) to stand behind his arguments against it, or whether we could tell if Hirtius proposed something he really believed or something he wanted to hear refuted (if anything, likely the latter in view of *Fin.* 2.2). A further complication is Cicero's goal in writing *Fat.*: completing the treatment of the issues begun in *dND* and *Div.*. Assuming he made an attempt to pursue that goal, he must have chosen the *propositum* and the strategy taken against it with an eye to producing a speech that included a fairly comprehensive discussion of the issues of fate, and perhaps one that led to Marcus developing a personal stance as he went, or finishing up by again stepping out of his dialectical role. Given these rather complicated goals, the dialectic of the speech as a whole might have been rather complicated too. So, lacking (in particular) the *propositum* and the end of Marcus' speech, I think that we cannot say much about how the fragments of his speech in *Fat.* relate to the continuous views of Cicero and the

⁴⁹ I thus disagree with Douglas (1995) 198 who says that the *Tusculans* "are written in a form which Cicero never adopted elsewhere in his extant writings." (Of course, Douglas is aware of the *Fat.* preface (203); perhaps he regards *Fat.* as not sufficiently extant for us to be sure what form it took.)

⁵⁰ For the interaction of the later New Academy with post-Classical rhetoric and Cicero's discussions of general and particular *proposita* in philosophy and rhetoric see Brittain (2001) ch. 6 esp. pp. 323-342. He covers relevant *de Fin.*, *Tusc.* and *Fat.* passages at 337-338.

Marcuses that I have suggested we look for in *dND* and *Div.*. This is not to say that Marcus character was not in the end part of the Cicero-Marcus complex in the trilogy, but rather that we cannot now tell much about ‘his’ views from the extant fragments.

With that qualification, I take myself now to given some internal evidence that it is, on this occasion, legitimate to assume that Cicero and the Marcuses in *dND*, *Div.* and *Fat.* hold the same views.

I have presented now the internal evidence with which I hope to establish my claims [C1] and [C2]. I will now turn to the wider context of external evidence that I hope will flesh out [C1] and [C2] by illuminating the sorts of reflection on the dialogue form with which Cicero might have been familiar.

External evidence: Cicero and the dialogue.

In this section I aim to provide external evidence to support my claims about the relationship between *dND*, *Div.* and *Fat.*. There is not, I think, anything in the way of directly relevant external evidence for this relationship, or for Cicero’s attitude to the arrangement of his works. So, my strategy in this section is to offer the following circumstantial evidence. First, I aim to show that Cicero (and his intellectual contemporaries) were knowledgeable about and reflected on the literary methods of classical Greek dialogists, and especially of Plato. Second, I aim to show that already by Cicero’s date some of Plato’s readers had begun to reflect on the sorts of issues about the arrangement of his corpus that have fascinated scholars ever since. I will take these two historical theses together to be circumstantial evidence that Cicero might have been led to reflect on the arrangement of Plato’s works, and thence that he might have had some

theoretical model, or at least precedent, for writing a trilogy of the sort that I have proposed.

In the Hellenistic period, continuous prose tended to replace dialogues as the form of choice for technical exposition.⁵¹ The authors that Cicero names as the important models for his and Varro's work in the dialogue form—Plato, Aristotle and Heraclides of Pontus—wrote in the fourth century (for Heraclides' date, see DL 5.86). So when the likes of Gaius Scribonius Curio⁵² (*Brutus* 218), Varro and Cicero followed the second century Marcus Junius Brutus⁵³ (*de Oratore* 2.223-225 cf. *pro Cluentio* 141) in writing dialogues⁵⁴, they were engaged in a literary *revival*⁵⁵ of a form that had flourished two

⁵¹ For the exceptions, see Hirzel (1895) 352-421; he also gives examples of dialogic elements in other types of philosophical writing and practice. My point is not that nobody wrote technical dialogues in the Hellenistic period—they did—but rather that the important technical books of the period were not usually dialogues, and that Cicero does not look to Hellenistic dialogists as his models (or left no evidence that he did so).

⁵² In his dialogue (Cicero says that it was written according to *dialogorum consuetudo*, *Brut.* 218), Curio *in propria persona* buttonholed his son (of the same name) and Pansa and proceeded to inveigh against Caesar. It must have been a good read. In an *oratio* Curio *pater* coined the line that Caesar was *omnium mulierum virum et omnium virorum mulierem* (Suet. *Div. Jul.* 52.3). From Antonius' description in *Brutus* Curio's dialogue was set in 59 BC; he died in 53. See Hirzel (1895) 455-456.

⁵³ This cannot be "M. Brutus (the father of the conspirator)" as Powell (1995b) 30 suggests. Rather, he is Iunius no. 49 in *RE* (1919), or I.7 and III.1 in *Neue Pauly*. For what little we know of his life and work see *RE* (1919) column 971. He may have been curule aedile in 146 BC. His date in the mid-second century at any rate is secure, since his son of the same name (Iunius no. 50 in *RE* (1919) 971-972) was evidently a contemporary of L. Licinius Crassus and earned a nickname from Cicero—*Accusator* (*Brut.* 130, *Off.* 2.49-50). Cicero regarded the elder Brutus as an important authority on civil law (*Off.* 2.50, *Brut.* 130). On this subject he (Brutus senior) left a work in three books. It *seems* to have been in dialogue form given Cicero's quotations from each of the three books in *de Orat.* and *Cluent.*—they sound like sentences that set the scene for conversations featuring Brutus' own character and his son: (1) *Forte evenit ut ruri in Privernati essemus ego et Brutus filius*; (2) *In Albano eram ego et Brutus filius*; (3) *In Tiburti forte cum adsedissemus ego et Brutus filius*.

⁵⁴ Given Cicero's casual references to Brutus and Curio as dialogists, it seems likely to me that there were other technical dialogues in Latin prior to Varro and Cicero. There were, obviously, other sorts of dialogues in drama and satire—see Hirzel (1895) 421-457. In April 59 Cicero thanks Atticus for his *mirificos cum Publio dialogos*, "wonderful dialogues with Publius" (*Att.* 2.9.1=29SB). When Cicero uses the transliterated Greek *dialogus* he usually seems to mean a piece in the dialogue form—had Atticus been playfully reporting conversations in the form of a literary dialogue, much as Cicero himself does in his miniature dialogue with Quintus *filius Att.* 13.52=353SB?

⁵⁵ This might seem a rather provocative way to phrase the observation, but it is not original; Hirzel (1895) calls his chapter on Varro and Cicero "Wiederbelebung des Dialogs" (411-565), while Zoll (1962) proposes a "Platonrenaissance" in the second and first centuries at Rome, especially marked with Cicero (p. 24).

hundred years before and was not the vital genre of technical literature in their own day, not even in Greek⁵⁶.

I have said that Cicero looks to Plato, Aristotle and Heraclides as models, but he was familiar with other classical dialogists.⁵⁷ Whether directly or from an intermediate source, in *de Inventione* 1.51-52 he translates as an extended example of inductive argument a comic little scene between Aspasia, Xenophon, and Xenophon's wife *apud Aeschinen Socraticum* (presumably from Aeschines' *Aspasia*, one his works that DL rates as 'stamped with τὸ Σωκρατικὸν ἦθος', 2.61). In a stiff footnote to a May 45 letter to Atticus, Cicero returns an unfavourable verdict on the writings of Antisthenes the Cynic, Κῦρος β' *mihi placuit ut cetera Antisthenis, hominis acuti magis quam eruditi*, "Cyrus⁵⁸ pleases me the same way as the rest of Antisthenes' stuff—the man is sharper than he is cultured" (*Att.* 12.38a.2=279SB) (and cf. *Tusc.* 5.26). Most importantly, Cicero was more than familiar with Xenophon's dialogues, and especially the *Oeconomicus*. In *de Senectute* 59 Cato (explicitly Cicero's mouthpiece, *de Sen.* 3) says that *multas ad res*

⁵⁶ Again, this is not to say that there were *no* recent and interesting Greek dialogues in Cicero's day. We find mention of a *sermo* in three books by Dicaearchus at *Tusc.* 1.77. It is possible that Antiochus' *Sosus* (*Acad.* 2.12) was a dialogue. Certainly, a proper name for a title is suggestive. Some of the more elaborate arguments that *Sosus* was a dialogue are made in the hope that it is the source for a part of *Acad.*: Hirzel (1883) 264-268 and Hirzel (1895) 420n2; Glucker (1978) 415-420; for the problems of source criticism on the *Acad.* see Brittain (2001) 11-12, 11n15, 35-36.

⁵⁷ I omit here discussions which focus on the philosophical rather than the literary achievements of the various Socratics, like Crassus' in *de Oratore* 3.61-73, or brief allusions that involve or impart no familiarity with the Socratics' writings. I also try to avoid references that might stem from a minimal intermediate source and thus reflect little knowledge of the original dialogue on Cicero's part. For example, Velleius recalls material from Xenophon's *Memorabilia* in *dND* 1.31, but it is possible that we have the source of this in Philodemus *de Pietate* (Diels (1879) 537-538 for the parallel passages—the reading of Philodemus papyrus is extremely exiguous at the relevant point), or at least evidence that such doxographies were circulating as possible sources. See Pease (1956-58) 39-42, McKirahan (1996), Obbink (2001) for the many theories on the relationship between the Philodemus and Cicero passages.

⁵⁸ I am not sure what the '2' would signify here. DL lists four different works of Antisthenes named *Cyrus*, one each in the fourth and fifth τόμοι of his work, two in the tenth. (DL 6.16, 18). In any case, the β' is Shackleton Bailey's correction of the vulgate reading δ', ε' referring the fourth and fifth τόμοι, itself a conjecture for the nonsensical MSS reading (as is Κύρος, but that conjecture is obviously correct given DL's list of titles and the readings ΚΥΡΟ ΑC and κύρβας). S-B takes his '2' to refer to the second listed *Cyrus* dialogue, on kingship.

perutiles Xenophontis libri sunt, “Xenophon’s books are very useful for many matters,” and follows this with a summary and quotations from *Oec.* 4.20. Indeed, as revealed in his grumpy instructions to Marcus *filius* in *de Officiis*, in his youth Cicero translated the whole *Oeconomicus* into Latin (*de Officiis* 2.87, cf. Quintillian’s corroboration at 10.5.2).⁵⁹

Heraclides of Pontus seems to have been a figure of fun for his contemporaries and barely appears in the history of philosophy⁶⁰, but the literary achievement of his dialogues was admired:

οὗτος ἐσθῆτί τε μαλακῇ ἐχρῆτο καὶ ὑπέρογκος ἦν τὸ σῶμα, ὥστ’ αὐτὸν ὑπὸ τῶν Ἀττικῶν μὴ Ποντικὸν ἀλλὰ Πομπικὸν καλεῖσθαι, πρᾶός τ’ ἦν τὸ βᾶδισμα καὶ σεμνός. φέρεται δ’ αὐτοῦ συγγράμματα κάλλιστά τε καὶ ἄριστα· διάλογοι, ὧν ἠθικὰ μὲν κτλ. (DL 5.86)

This man [Heraclides] dressed luxuriously and was exceedingly corpulent, so that the Athenians called him ‘the Pompous’ instead of ‘of Pontus’; he was both mild and grand in his gait. We have from him very good and beautiful writings—dialogues, of which the ethical are:... [There follows DL’s list of Heraclides’ works, classified according to subject-matter.]

DL has nothing to say about the technical content of Heraclides’ dialogues, let alone contributions he may have made to the very many disciplines about which he wrote—ethics, physics, literary studies, ‘music’, logic, rhetoric, history. But the style of the dialogues evidently inspired fascinating comment, the force of which is now rather

⁵⁹ On other Ciceronian references to Xenophon, see Zoll (1962) 31n60.

⁶⁰ On the other hand, he has figured in the history of astronomy, where the interpretation of Calcidius 108-112 and Simplicius *Commentary on Physics* 2.2 according to which Heraclides proposed that Venus orbits the Sun (e.g. Dicks (1970) 136-7, 218-219) has been dismissed (Neugebauer (1975) 694, Eastwood (1992)). On the other hand, there is reason to think that he *did* propose that the Earth rotates (Eastwood 232-238).

lost on us. DL says that he composed dialogues in both ‘comic’ and ‘tragic’ styles, a tantalizingly mysterious distinction (5.88). But furthermore:

Ἔστι δ’ αὐτῷ καὶ μεσότης τις ὀμιλητικὴ φιλοσόφων τε καὶ
στρατηγικῶν καὶ πολιτικῶν ἀνδρῶν πρὸς ἀλλήλους διαλεγομένων. ...
ἄλλως τ’ ἐν ἅπασιν ποικίλος τε καὶ διηρμένος τὴν λέξιν ἐστὶ καὶ
ψυχαγωγεῖν ἰκανῶς δυνάμενος. (DL 5.89)

But he had a conversational intermediate <style>, in which philosophers and military and political men engage in dialogue with one another. ... Moreover in all his works he is varied and elevated in diction, and well capable of educating souls.

DL seems to present the ‘conversational’ style of dialogue as intermediate between ‘tragic’ and ‘comic’ styles—it is sadly rather opaque now what that means. But there must have been something appealing about a dialogue put in the mouths of eminent men, perhaps especially to the sort of lay reader implied by DL’s ascription to Heraclides of talent as a ‘psychagogue’. Cicero adds that at least some of these ‘conversational’ dialogues featured historical figures, and at times he decided to imitate Heraclides in that respect. Concerning his revisions of *Academica*, and Atticus’ suggestion that Cotta and Varro be the speakers, he writes:

*si Cottam et Varronem fecissem inter se disputantis, ut a te proximis litteris
admoneor, meum κωφὸν πρόσωπον esset. hoc in antiquis personis suaviter fit,
ut et Heraclides in multis nos in sex de re publica fecimus. sunt etiam de oratore
nostri tres mihi vehementer probati. in eis quoque eae personae sunt ut mihi
tacendum fuerit....quae autem his temporibus scripsi Ἀριστοτέλειον morem, in*

*quo sermo inducitur ceterorum ut penes ipsum sit principatus. Ita confeci
quinque libros περὶ τελευτῶν (ad Att. 13.19.3-4 = SB 326)*

If I had made Cotta and Varro discuss it between them, as you suggest in your last letter, I should have been a *muta persona*. This is quite agreeable if the characters belong to history. Heraclides did it in many works, and I myself in my six books ‘On the Republic’. And there are my three ‘On the Orator’, of which I entertain a very good opinion. ... But my recent compositions follow the Aristotelian pattern, in which the other roles in the dialogue are subordinate to the author’s own. In the five books which I composed ‘*de Finibus*’...⁶¹

Heraclides serves here as a model—that he set some of his dialogues among eminent characters from history is reason to think that one can write such dialogues successfully, as Cicero thinks he has sometimes done. Indeed, in this respect Heraclides was evidently one of the first models he turned to when he started writing dialogues with *de Oratore* and his *Republic*. But Cicero is not unreflective about this model and he quickly departed from it when it suits him, although there again in setting dialogues so that he can take part he has a model in Aristotle. Atticus evidently enjoyed the Heraclidean style because in his attempts to broker a literary exchange between Cicero and Varro tried to elicit from each some ‘*Ἡρακλείδειον aliquod*’ (from Varro to Cicero, *Att.* 16.11.3=420SB, 16.12=421, cf. 15.13.3=416 where Cicero expects *Varronis διάλογον*; from Cicero 15.13.3=416, 16.2.6=412, 15.4.3=381). On the other hand, Heraclides’ limitations as a model were felt, at least by Cicero’s audience. In 54 while his *Republic* was in progress he wrote to Quintus that he had read out the first two books to Sallustius and received a worrying response:

⁶¹ Translation from Shackleton Bailey (1966). I generally use S-B’s translations of the letters because whenever I have attempted a version of my own I look at his and prefer it.

admonitus sum ab illo multo maiore auctoritate illis de rebus dici posse si ipse loquerer de re publica, praesertim cum essem non Heraclides Ponticus sed consularis et is qui in maximis versatus in re publica rebus essem; quae tam antiquis hominibus attribuerem, ea visum iri ficta esse; oratorum sermonem in illis nostris libris qui essent de ratione dicendi, belle a me removisse, ad eos tamen rettulisse quos ipse vidissem; Aristotelem denique quae de re publica et praestanti viro scribat ipsum loqui. (ad Quint. Frat. 3.5.1=25SB).

[Sallustius] pointed out that these matters could be treated with much more authority if I spoke of the commonwealth in my own person. After all, he said, I was no Heraclides of Pontus but a Consular, one who had been involved in most important state affairs. Speeches attributed to persons so remote in time would appear fictitious. In my earlier discussion on the theory of oratory, he said, I had tactfully separated the conversation of the orators from myself, but I had put it into the mouths of men whom I had personally seen. Finally, that Aristotle himself speaks his views on the state and the preeminent individual.⁶²

Cicero goes on to say that he was shaken by this advice, and that he entertained the possibility of abandoning the Heraclidean form of the books. (In the end, he seems to have added prefaces in his own voice rather than give up the historical setting.) Note that all of these observations on the advantages and disadvantages of the two dialogue forms—Heraclidean and Aristotelian—come from Sallustius. Even in 54 Cicero was not alone among his friends in the ability to give some thought to different models for the dialogue form.

Turning to Aristotle, we have seen that his assumption of the *principatus* in his own

⁶² Translation from Shackleton Bailey (2002), slightly modified.

dialogues was cited as a precedent for the dialogues where Cicero did the same. Cicero also cites as precedent Aristotle's use of authorial prefaces to single books of the lost dialogues. In 54, again while Cicero was writing his *Republic*, Atticus was as ever badgering him to include Varro his plans. Cicero declines to make Varro a speaker, but *itaque cogitabam, quoniam in singulis libris utor prohoemiis ut Aristoteles in iis quos ἑξωτερικούς vocat, aliquid efficere ut non sine causa istum appellarem* (Att. 14.16.2=89SB), "So I was thinking of making a suitable occasion to address him in one of the prefaces which I am writing to each book, as Aristotle did in what he calls his 'exoteric' pieces."⁶³ These two rather technical-sounding appropriations of Aristotle's form in fact yield important results in Cicero's work—two of the most strikingly un-Platonic (and so, to us, apparently original) elements in his dialogues are the appearance of his *propria persona* and the prefaces to each work and sometimes to individual books. It is quite likely that if we could read Aristotle's dialogues the degree of their influence on Cicero would prove to be wider still.⁶⁴

The breadth of Cicero's knowledge of and enthusiasm for Plato's texts has been documented many times now⁶⁵. The existing studies are not as careful as one would like

⁶³ Translation from Shackleton Bailey (1965).

⁶⁴ In *de Oratore* 3.80, Crassus says the perfect orator would be one who *Aristotelio more de omnibus rebus in utramque partem posit dicere*, "could speak on either side of the issue in all matters, in the Aristotelian manner" (and cf. *de Finibus* 5.10, *Orator* 46). This sets up Aristotle and the Peripatos in competition with the Academy as proponents of the rhetorical practice of speaking on either side of an issue (cf. *Tusc* 2.9). (See Long (1995) 52-58.) Zoll (1962) 32-33 thinks that Aristotle's dialogues, rather than just his rhetorical theory and Peripatetic teaching methods, involved speaking *in utramque partem* rather as we find in Cicero's dialogues.

⁶⁵ The largest and most useful set of references is in Degraff (1940) but her arguments look outdated now. Long (1995) 43-52 builds similarly on the sheer number of Cicero's citations to make a good case for his (Cicero's) familiarity with the Platonic texts. Long is more discriminating than Degraff in his catalogue of important references (44n14) and aims to make sense of where Cicero's particular interests and weaknesses as a Platonic reader lie, but he still tends to present the statements of characters as statements of Cicero (e.g. p. 43, where he quotes Balbus in *dND* 2, Piso in *Fin.* 5, an isolated fragment from *Rep.* 4 and (somewhat less problematically) Marcus from *Leg.* 3 alongside a letter to Atticus). Some other studies have been directed at Cicero's translations from Greek—the very capacity of classical Latin to express abstract thought is attacked in painful detail by Poncelet (1957) (indirectly exhibiting the breadth of Cicero's reading in Greek) while Cicero's approach to translation is moderately defended in Powell

in their methods—any reference to a Platonic work, regardless of its potential source, is seen as evidence of Cicero’s own acquaintance with the work in question, and any view of Plato is seen as Cicero’s own, regardless of context or of which character expresses the view. But the sheer number of citations (and translations) in Cicero’s corpus and the tendency to effusive praise for *deus ille noster Plato* (*Att.* 4.16.3) makes an eloquent case that Cicero was well read in the master’s corpus and thought highly of his philosophical and literary monuments. It is not my purpose here to make that case over again. Rather, I want to look at just a few indications that Cicero took Plato as a model for some of his work, and that he reflected on Plato’s dialogues when he was deciding how best to write his own (Cicero, *summus ille noster Platonis imitator*, Lactantius *Inst. Div.* 3.25.1 cf. 1.15.16⁶⁶).

Of Plato’s works, Cicero translated at least⁶⁷ the *Protagoras*⁶⁸ and the part of the *Timaeus* of which his version survives (27d-47a in Plato’s text). When Cicero came to write his first dialogue, *de Oratore* (completed in 55), although Heraclides was the model for his characters from history, Plato was firmly in the background too, and not just as an important thinker on oratory. Cotta’s scene-setting for the dialogue of book 1 makes a fuss of recalling the *Phaedrus*. Most of it is done with the speeches of the characters, as in Platonic dialogue (*de Or.* 1.28-29, cf. *Phaedr.* 227a-230e). He tells Cicero that Scaevola explicitly set out to recall the *Phaedrus*, saying *Cur non imitamur, Crasse*,

(1995c), with references to intervening scholarship. A third group of scholars have been concerned to defend Cicero’s interest as a philosophical writer by showing that he, and others in his milieu, were engaged with and knowledgeable about Greek philosophy in a substantial way. Douglas (1962) is a general plea that attention be paid to Cicero’s writings as more than a vehicle for their sources, but as his title suggests—‘*Platonis Aemulus?*’—he argues that Cicero is an intelligent adapter of the Platonic models (43-44). Boyancé’s assault on source criticism (1936) makes smaller use of appeals to Plato (297-298).

⁶⁶ On antiquity’s judgment of Cicero as *Plato Latinus* see also Quintillian 10.1.123 (and also perhaps 5.7.28), [Longinus] *de Sublimitate* 12, Zoll (1962) 12-21.

⁶⁷ Quintillian 10.5.2 says that Cicero *libros Platonis atque Xenophontis edidit hoc genere translatos. libros* could be the just ones we know about—*Oeconomicus*, *Protagoras* and *Timaeus*—but allows for more.

⁶⁸ Four fragments survive, Priscian 5.12.64, 6.11.63, 8.7.35; Donatus *On Phormio* 4.3.611.

Socratem illum qui est in Phaedro Platonis? (1.28), “Crassus, why don’t we imitate the Socrates of Plato’s *Phaedrus*?” He has spotted a shady plane tree, just as Socrates and Phaedrus do, and he and Crassus decide to sit and talk under it.⁶⁹ What may be a pun on his own name by Plato in the *Phaedrus* (the plane tree is a πλάτανος, 229a) becomes clearly playful in Cicero’s use of *platanus* in close proximity to *Platonis*. Cicero used Plato in thinking about another detail of the dialogue, too. In *Att.*4.16.3=89SB, Atticus has complained that Cicero removes Scaevola from the dialogue too early. Cicero replies

non eam temere dimovi sed feci idem quod in politeiai deus ille noster Plato. Cum in Piraeum Socrates venisset ad Cephalum, locupletem et festivum senem, quoad primus ille sermo habetur, adest in disputando senex, deinde cum ipse quoque commodissime locutus esset, ad rem divinam dicit se velle discedere neque postea revertitur. credo Platonem vix putasse satis consonum fore si hominem id aetatis in tam longo sermone diutius retinisset.

I did not drop him [i.e. Scaevola] casually, but followed the example of our divine Plato in his ‘Republic’. Socrates calls on Cephalus, a rich, genial old gentleman, in the Piraeus. During the opening talk the old fellow is present at the discussion, but then, after speaking himself and very nicely too, he says he has to go and attend to a sacrifice, and does not reappear. I imagine that Plato thought it would not be *convenable* to keep a man of Cephalus’ age too long in so protracted a conversation.⁷⁰

It is unusual to find from his own pen an ancient author’s explanation of his thoughts in dealing with the tradition, and this is a revealing passage. First, as with Heraclides and Aristotle, Cicero presents Plato as an *authoritative* model—Atticus is meant to back

⁶⁹ Where Socrates likes the idea of sitting on the grass (230c) the two Romans call for cushions (1.29). This may be an allowance for their relatively advanced age.

⁷⁰ Translation from Shackleton Bailey (1965).

down from his complaints once he agrees that Plato did what Cicero has done. But the appeal to Plato is much more involved than the invocation of precedent, and it is not just an appeal to general features of Plato's style. Instead, Cicero reconstructs Plato's specific creative process in presenting and then removing the elderly Cephalus (and compares his own policy on Scaevola in the sentences after my quotation). The parallel between Scaevola and Cephalus is a subtle one (unlike that between Cato and Cephalus in *de Senectute*) and without the comment in Cicero's letter we might miss it as easily as Atticus did (cf. Schütrumpf (1988) 237). This suggests that Cicero's use of Plato as a model was not limited to the moments where he hits us over the head with an allusion. Rather, he could use Plato's monuments as a sounding-board when devising elements of his own work that strike us as quite original.⁷¹

Of course, by far the most important signals of Platonic emulation among Cicero's dialogues are his *Republic* (which followed *de Oratore*) and *de Legibus* (which was in progress later in 46-45). Really, these require no further comment, and had they survived in better shape Cicero's debt to Plato would probably need no urging. Cicero clearly regards himself as *Platonis aemulus* in his *Republic*. At 2.3 Scipio says that he will go one better than Socrates *apud Platonem*: instead of inventing a state, he will describe Rome (cf. *Rep.* 1.65-66, 2.22, 2.51, 4.4-5). In the opening exchanges of book 1 Cicero performs what seems to be a reconciliation of the Heraclidean method of using characters from history with the anachronistic technical knowledge these characters are called upon to display. At 1.15-16 Scipio praises Socrates for concentrating on human life rather than natural science, but Tubero challenges him—why does Socrates have that reputation, when Plato (surely the best authority) often depicts him taking an interest in mathematics

⁷¹ For many more and stronger claims about Platonic parallels in *De Oratore* see Schütrumpf (1988) and Zoll (1962) 73-124.

and Pythagorean theory? Scipio replies that after Socrates' death Plato took an interest in Pythagoreanism and traveled to Egypt and the west to learn about it. Then,

itaque cum Socratem unice dilexisset eique omnia tribuere voluisset, leporem Socraticum subtilitatemque sermonis cum obscuritate Pythagorae et cum illa plurimarum artium gravitate contexuit.

“And since he loved Socrates particularly and wanted to attribute everything to him, he wove together Socratic charm and subtlety of conversation with the difficulty of Pythagoras and with the importance of the many arts.”

This exchange strikes me as Cicero's dramatized admission that having traveled abroad to pick up philosophy he now wants to use the conversation of his illustrious predecessors to convey the technical information he has acquired.

In the opening exchanges of *de Legibus* Atticus and Quintus ask Marcus to produce a discourse on law. Just as in *Div.* Quintus identifies Marcus as the author of *dND* so in *de Legibus* Atticus identifies Marcus as the author of Cicero's *Republic*:

A. Atqui si quaeris ego quid exspectem, quoniam scriptum est a te de optimo rei publicae statu, consequens est a te de optimo rei publicae statu, consequens esse videtur ut scribas tu idem de legibus; sic enim fecisse video Platonem illum tuum, quem tu admiraris, quem omnibus anteponis, quem maxime diligis. (de Leg. 1.15).

ATTICUS: Yet if you [Marcus] ask what *I'm* looking for, since you wrote on the best constitution of the commonwealth, it seems right that the next thing is for you to write similarly on the laws. For I see that that's what your great Plato did, whom you marvel at, whom you rate above all others, whom you love especially. Just as in *Div* Cicero uses the artifice of identifying Marcus to link *Div* with *dND*, here in the earlier *de Legibus* (46BC) Cicero uses the same artifices to link *de Legibus* with his

Republic. The connection pointed out by Atticus is different from the one Quintus claims in *Div*. Atticus makes no particular claims about whether or how the content of *de Legibus* will supplement the content of Cicero's *Republic*. Instead, the link Atticus observes is driven by the precedent of Plato, who Atticus thinks wrote *Laws* as some sort of sequel to his *Republic*. For Atticus, not surprisingly, the connection between a work of the *Republic* type and one of the *Laws* type is that both describe an ideally organized state (Cicero's approach of course focuses more on an idealized Rome than on the sort of utopia we find in Plato's *Republic*). So through Atticus Cicero suggests to us an attitude about the programmatic link between two of Plato's works and that he intends to imitate both of the linked works in certain respects. A comparison with Quintus in *Div* shows that Atticus does not overestimate the connections between Plato's *Republic* and *Laws*; he makes no strong claims about the extent to which *Laws* is a sequel to or a revision of *Republic*, and observes only that the two are on two aspects of a similar theme (cf. *Div*. 1.8-9). So we do not have here another case of the sort of strong between works I have argued for in *dND*, *Div* and *Fat*.

In dialogue form and setting, *de Legibus* parallels Plato's *Laws* quite elaborately. This includes some of the differences between Plato's *Republic* and *Laws*. Plato moved from Socrates in the Piraeus in the past to the three old men hiking in Crete at an uncertain date, and Cicero moves from the historical mode of his *Republic* to a contemporary setting where he, Quintus and Atticus form the new trio of interlocutors. Marcus points out the other parallels himself:

M. Visne igitur, ut ille cum Crete Clinia et cum Lacedaemonio Megillo aestiuo, quem ad modum describit, die in cupressetis Gnosiorum et spatiis siluestribus, crebro insistens, interdum adquiescens, de institutis rerum publicarum ac de

*optimis legibus disputat, sic nos inter has procerissimas populos in uiridi
opacaque ripa inambulant, tum autem residentes, quaeramus isdem de rebus
aliquid uberius quam forensis usus desiderat? (de Legibus 1.15).*

MARCUS: So just as on a summer day with the Cretan Clinias and the Spartan Megillus, pressing on quick on the forest walks between the cypresses of the Cnossians, resting now and then, he [Plato⁷²], as he describes it, discusses the institutions of commonwealths and the best laws, do you want us, in the same way, strolling among these tall poplars on this green and shady river bank, but taking a seat now and then, to investigate the same subjects somewhat more generously than is required in legal practice?

The parallels Marcus draws are certainly humorous. He compares pottering about in the tame parkland at Arpinum to the symbolic hike to the shrine in imitation of Minos undertaken in *Laws*. This modesty of purpose serves to soften any impression of conceit in taking on the role of Plato, and also as a rather witty way to symbolize a shift from the world of Plato and to first century Rome. The extent of the literary emulation of *Laws* in *de Legibus* is kept firmly before the reader's mind all through the extant portions of the treatise. In the scene-setting for book 2, Atticus recalls the preface to the *Phaedrus* (2.6) and Marcus explicitly sets out to imitate Plato's procedure in *Laws* (2.14) (and cf. 3.1). In 2.69, Marcus says that he will complete his discussion of the laws in one summer day, as did Plato. But again, Cicero's imitation is productive rather than slavish. The material on an idealized Roman legal code is of course all his own, just as in the *Republic* Rome and not a utopia received attention. Cicero plays with the expectations we derive from

⁷² Marcus—and thus Cicero?—evidently subscribes to the view that in *Laws* the Athenian is Plato. DL reports this as view held in the past by τινες, but rejects it in favour of the view that the Athenian is an unnamed πλάσμα (3.52). DL combines this rejection with the acceptance that the character of the Athenian nevertheless speaks *for* Plato (3.52). With such Platonic controversies, the range of views on the go in antiquity seems to have been just as great as it is today.

the *Laws*, too, sometimes in self-deprecation. At *de Legibus* 3.27 Quintus has been disagreeing with Marcus, who says *Scis solere, frater, in huius modi sermone, ut transiri alio possit, dici 'admodum' aut 'prorsus ita est.'*, “You know, my brother, that it is customary in this sort of conversation that one says ‘quite so’ or ‘that’s clearly right’, so that there can be a transition to something new.” Quintus will not play the game: *Haud equidem adsentior, tu tamen ad reliqua pergas velim*, “Well, I *don't* agree with you, but I’d like you to hurry on to the rest of it.”

The *Brutus*, like *de Legibus* from 46 (Douglas (1966) i-ii), revisits the project of *de Oratore*’s. Where *de Oratore* looked to a plane tree for its *Phaedrus*-like setting, in *Brutus* the conversation takes place *in pratulo propter Platonis statuam*, “in a little meadow in front of a statue of Plato” (24). The statues of Achelous and the Nymphs under which the *Phaedrus* takes place (230bc) are replaced with Plato under whose aegis the *Brutus* is to proceed. The remaining important signal of Platonic literary debt in the later dialogues is the earlier part of the conversation in *de Senectute* (2-3) which is a paraphrase, and sometimes closer than a paraphrase, of the opening part of Socrates’ conversation with Cephalus in Plato’s *Republic* (328d-329).

I have now, I hope, given reason think that Cicero followed, and reflected on, certain models for the form of his dialogues, and in particular that he paid careful attention to the literary machinery of Plato’s dialogues when planning his own. We have also seen that he used the same dramatic tactic to establish the link between *de Legibus* and his *Republic* as he did for the link between *dND* and *Div*. I turn now to the evidence that already by Cicero’s date Plato’s readers had begun to think about the Platonic corpus and its arrangement. In a sense, this *propositum* hardly requires evidence; to quote Jonathon Barnes, “it is reasonable to suppose that Plato’s dialogues were discussed for

their style wherever and whenever style was a topic for learned discussion.” (Barnes (1991) 121) But it is still preferable to root out such evidence as there is, especially when, as Barnes ably shows in the same review, so much of what we think we know about Hellenistic reading of Plato is based on a tissue of probabilities and tiny testimonia. Furthermore, the important sources for early scholarship on Plato’s corpus are significantly later than Cicero, and the period and circumstances of many important developments in the editing of and thought about the corpus are controversial, often with dates many centuries apart entering the dispute. The primary source is the material in DL’s appendices to his life of Plato (3.47-109) which he seems to have excerpted from another work or works, and especially the part of the appendix concerned with Plato’s writings, 3.48-52, 56-66. The ordering of the corpus on which DL concentrates is the tetralogy arrangement familiar in our standard editions (3.56-61). This arrangement DL attributes to Thrasyllus, who flourished under Tiberius (for Thrasyllus’ date see the texts collected by Tarrant (1993) 215-220). There is corroborating evidence for this attribution in Albinus’ *Prologue* 4, where the first of the familiar tetralogies is associated with “Dercyllides and Thrasyllus”. DL’s treatment of the various classifications, arrangements, parallels in Attic drama, claims about authenticity, lexical studies and critical marks show ample ancient interest studying the corpus, but since he treats Thrasyllus as his authority for the tetralogy arrangement it is possible that most of the other scholarly work he reports was Imperial, too, and we cannot assume that all this work on Plato’s corpus was underway in Cicero’s period. Now, in general scholars have tended to push the date of the tetralogy arrangement earlier than Thrasyllus, and often as far as Alexandria or even the Old Academy⁷³. If they were right, then there would be

⁷³ The literature on the ancient arrangement of Plato’s corpus is huge. Prominent, among others, are: Usener (1913) 265-314, Alline (1915) chs. 1-4, Wilamowitz (1920) 324-331, Jachmann (1941) ch. 4, Chroust (1965), Pfeiffer (1968) 65-66, 196-197, Philip (1970), Solmsen (1981), Tarrant (1993).

more evidence than what I present below for interest in the arrangement of Plato before Cicero.

Tarrant (1993) has argued against the consensus that the ‘Thrasyllan’ arrangement is pre-Thrasyllan; he is in favour of assigning it (and much besides) to Thrasyllus himself. Tarrant makes some fair points. For one thing, he is right to say that much of the evidence for pre-Thrasyllan tetralogies makes explicit mention only of the first trilogy (*Euthp.-Ap.-Crito-Phaedo*). There are two important bits of evidence of this sort. The first is the report in Albinus’ *Prologue* 4. Dercyllides is usually dated earlier than Thrasyllus, which if correct means that Albinus’ evidence makes Thrasyllus the second proponent of the first tetralogy. (It would be not quite true to say that this report pertains *only* to the first tetralogy, since Albinus includes Dercyllides and Thrasyllus in a group, οἱ κατὰ τετραλογίαὶν διελόντες αὐτοὺς καὶ τάττουσι πρώτην τετραλογίαὶν περιέχουσιν τὸν Εὐθύφρονα κτλ., “they divide [the dialogues] by tetralogy, and they arrange a first trilogy that includes the *Euthyphro* etc.”. Talk of a ‘first’ tetralogy suggests that there would be others. Still, no trilogy but the first is spelled out.) The trouble with this interpretation of Albinus’ evidence is that there are no firm grounds for placing Dercyllides’ *terminus ante quem* such that he is earlier than Thrasyllus⁷⁴. The second bit of evidence is a textual puzzle at Varro, *de Lingua Latina* 7.37: *Plato in IIII de fluminibus apud inferos quae sint in his unum Tartarum appellat*, “Plato in 4, on the rivers which are below, there names one ‘Tartarus’”. The puzzle is what to make of *IIII*, which appears in all the MSS⁷⁵. The passage to which Varro refers is *Phaedo* 112-113 (although Plato in fact makes Tartarus not a river but a chasm). So it has been suggested

⁷⁴ His *terminus post quem* is provided by his citation of Eudemus and Hipparchus in Theon of Smyrna 198-202 as Wilamowitz (1920) 324n1 points out. So far as I can see, Wilamowitz just asserts that we have to consider Dercyllides older (324).

⁷⁵ Two MSS add an *-o* or *-or*, suggesting *quattor*, see Tarrant (1993) 75n30.

that *III* refers to the *Phaedo* as the fourth work of Plato's corpus. This in turn has been taken as evidence that someone, perhaps Dercyllides, preceded Varro and hence Thrasyllus in proposing the tetralogy arrangement (e.g., Wilamowitz (1920) 324). But Tarrant is right to question the value of the puzzling *III* in Varro—even if the first tetralogy was familiar to Varro's readers, would *in III* be an acceptable way to refer to the *Phaedo* (Tarrant (1993) 73-76)? There is no trace of this sort of reference system in Cicero. So these two bits of evidence give no firm grounds for thinking that the 'Thrasyllan' arrangement is pre-Thrasyllan.

A second sort of consideration in favour of a tetralogy arrangement before Thrasyllus draws (it seems to me) on the plausible idea that Plato *intended* readers to conceive of the first Thrasyllan tetralogy as a sequence; he could hardly have intended otherwise. Two more planned but unachieved tetralogies suggest themselves from the corpus: *Theaet.-Soph.-Pol.* and the promised *Philosopher* (*Soph.* 217a, *Pol.* 257a), and *Rep.-Tim.-Critias* and the promised *Hermocrates* (*Critias* 108a-c) (Alline (1915) 19-20). So there is a suggestion in the corpus itself that Plato planned some tetralogical arrangements, a thought that gains weight from the dramatic tetralogies with which Plato would have been familiar. Such, at least, was Thrasyllus' own view: Θράσυλλος δέ φησι καὶ κατὰ τὴν τραγικὴν τετραλογίαν ἐκδοῦναι αὐτὸν τοὺς διαλόγους, "Thrasyllus says that he [Plato] published dialogues in accordance with the tragic tetralogy." Now, this sort of evidence has been taken to show that the whole tetralogy arrangement preceded Thrasyllus (e.g. Wilamowitz (324)). Of course, it falls short of that conclusion. Thrasyllus could have found the Platonic works in a disorganized state and made the same observation that he did. But it seems likely *a priori* that some tetralogical tendencies in Plato's works had been noticed before Thrasyllus, and

especially that Thrasyllus' first tetralogy had been noticed. So it is possible that there had been other partial or full tetralogical arrangements of the corpus before Thrasyllus made his. If so, this sort of organizational effort is something with which Cicero might have been familiar. (But I would concede to Tarrant that such evidence as there is points to Thrasyllus as the originator of the 'Thrasyllan' arrangement, and that there is no hard evidence of a tetralogical arrangement before Thrasyllus.)

But stepping away from Thrasyllus and the tetralogies, there is better evidence of attention to the arrangement of Plato's corpus before Cicero. This appears in DL 3.61-62. Now, what DL *says* is that some number of scholars had put Plato's work into trilogies and that Aristophanes of Byzantium was among them. This is the sort of doxography that is a bit dispiriting—how precise is the ascription of a group's position to Aristophanes in particular? Nonetheless, if we take DL at his word, he reports that the organization of the corpus that he describes was shared by Aristophanes and I will be sanguine about the precision of his report⁷⁶:

Ἔνιοι δέ, ὧν ἔστι καὶ Ἀριστοφάνης ὁ γραμματικός εἰς τριλογίας ἔλκουσι τοὺς διαλόγους, καὶ πρώτην μὲν τιθέασιν ἧς ἡγεῖται Πολιτεία Τίμαιος Κριτίας· δευτέραν Σοφιστῆς Πολιτικὸς Κρατύλος· τρίτην Νόμοι Μίνως Ἐπινομίς· τετάρτην Θεαίτητος Εὐθύφρων Ἀπολογία· πέμπτην Κρίτων Φαίδων Ἐπιστολαί. τὰ δ' ἄλλα καθ' ἓν καὶ ἀτάκτως. (DL 3.61-62)

But some people, and among them Aristophanes the Grammarian, force⁷⁷ the

⁷⁶ Tarrant, for all that he objects to early dates for tetralogies, accepts that Aristophanes came up with the trilogies that DL reports (Tarrant (1993) 70, 103-107).

⁷⁷ I take it that there is something disapproving about ἔλκουσι. It implies that some effort, and perhaps undue effort, was needed to achieve the trilogy grouping. Hicks' "arrange arbitrarily" is an overtranslation but probably captures the sense (Hicks (1950)). The disapproval could stem from DL and his source, one or both of whom seem to be attracted to the 'Thrasyllan' tetralogy arrangement. On the other hand it is possible that the sponsors of the trilogies expressed if not disapproval then at least some sort of caveat about their own arrangement. For example if they held the view that it was not (necessarily) Plato's own arrangement but desirable on some other grounds they may have conceded that there was something

dialogues into trilogies. And they propose a first trilogy considered to encompass *Republic, Timaeus, Critias*; a second, *Sophist, Politicus, Cratylus*; a third, *Laws, Minos, Epinomis*; a fourth, *Theaetetus, Euthyphro, Apology*; a fifth, *Crito, Phaedo, Letters*; but <they leave> the other works single and not in order.

Would Aristophanes have used the term *τριλογία*, or an equivalent, and if so what would he have meant by it? There is evidence that the Thrasyllan tetralogy organization was inspired by Attic dramatic tetralogy (κατὰ τὴν τραγικὴν τετραλογίαν, DL 3.56, cf. Suda sv. *τετραλογία*), that is, by the set of three tragedies and a satyr play staged on a single day of an dramatic festival. As for *τριλογία* the word is very rare, but there is some supporting evidence for its use in Hellenistic scholarship from the scholia on Aristophanes *Frogs* 1124 (ed. Dübner): ἐξ Ὀρεστίας: Τετραλογίαν φέρουσι τὴν Ὀρέστειαν αἱ διδασκαλῖαι, Ἀγαμέμνονα, Χοηφόρους, Εὐμενίδας, Πρωτέα σατυρικόν. Ἀρίσταρχος καὶ Ἀπολλώνιος τριλογίαν λέγουσι, χωρὶς τῶν σατυρικῶν. “‘from the *Orestia*’: the catalogues have the *Oresteia* as a tetralogy, *Agamemnon, Choephoroi, Eumenides, Proteus* (the satyr-play). Aristarchus and Apollonius call it a trilogy without the satyr play.” Here the notion of the trilogy and the term *τριλογία* are attributed to Aristophanes’ successors. The notion and the term are explicitly parallel to, and perhaps derived from, the dramatic ‘tetralogy’ of which a tragic ‘trilogy’ was a part. So just as it is possible that in Aristophanes’ day the notion of a tetralogy was transferred to Plato’s corpus (and certain that this happened later), it is possible that the notion of a trilogy was similarly used to arrange some Platonic dialogues.

contingent about it. But I do not think, as some have, that ἔλκουσι is evidence that the tetralogical organization was standard before Aristophanes (as Pfeiffer (1968) 196-197 thinks; cf. Willamowitz (1920) 324-325).

DL's report yields the following picture for Aristophanes' arrangement of the Platonic corpus:

Table 1: Aristophanes' Platonic trilogies.

	Dialogue A	Dialogue B	Dialogue C
Trilogy 1	<i>Republic</i>	<i>Timaeus</i>	<i>Critias</i>
Trilogy 2	<i>Sophist</i>	<i>Politicus</i>	<i>Cratylus</i>
Trilogy 3	<i>Laws</i>	<i>Minos</i>	<i>Epinomis</i>
Trilogy 4	<i>Theaetetus</i>	<i>Euthyphro</i>	<i>Apology</i>
Trilogy 5	<i>Crito</i>	<i>Phaedo</i>	<i>Letters</i> ⁷⁸
Probable ⁷⁹ single works (alphabetical order).	<i>Alcibiades I & II, Charmides, Cleitophon, Euthydemus, Gorgias, Hipparchus, Hippias I & II, Ion, Laches, Lysis, Menexenus, Meno, Parmenides, Phaedrus, Philebus, Protagoras, Rival Lovers, Symposium, Theages.</i>		

Obviously, it is important for me that Aristophanes grouped some of Plato's works into unities of some sort made up of more than one work (and neat but not important for me that these were trilogies specifically). But it is also important that there were other works that Aristophanes did *not* see fit to group into trilogies and instead left καθ' ἑν καὶ ἀτάκτως. The works left single include many that should have been as well-known in Aristophanes' day as they are now—*Gorgias, Phaedrus, Protagoras* or *Symposium* to

⁷⁸ We cannot determine the corpus of letters available to Aristophanes or to Cicero. We know that Cicero read *Ep. 7 (Att. 9.13.5)*. DL mentions thirteen letters in association with the Thrasyllan corpus (3.61), five fewer than are transmitted to us.

⁷⁹ Works of the Thrasyllan corpus (DL 3.57-61) not included in Aristophanes' trilogies; we have no direct evidence about what works would have been on Aristophanes' list of individual works. Tarrant (1993) 205 argues that Aristophanes knew only the 15 Platonic works he put in order. He finds it implausible that Aristophanes would have made a trilogy like trilogy 2 but not e.g. *Laches, Charmides, Lysis* if he had known the other dialogues. I disagree, because Aristophanes seems to be concerned above all with dramatic unity; as I discuss below, the odd inclusions in his trilogies—*Cratylus, Minos, Epistles*—seem to be there to make the best of an awkward job of filling in gaps between dramatic unities. It is more implausible to me that Aristophanes would not have had a text or knowledge of *any* of the single dialogues listed in Table 1.

name a few. So it is unlikely that Aristophanes left these out because he was not interested in how they should be presented. That in turn suggests that Aristophanes had some principle of selection on which certain works looked to him like candidates for inclusion in a trilogy and others did not. So it is likely that Aristophanes had some more or less considered view about what a trilogy of Platonic dialogues was. Unfortunately, DL does not elaborate on Aristophanes' (or anybody else's) reasons for adopting the trilogy arrangement. We do not even know what Aristophanes' materials or basic aims were. Did he aim to reproduce Plato's own arrangement⁸⁰? Or did he just present one that he himself found preferable? Did he have any information from the Academy that we lack? Did he have an edition in mind, or was his just a suggested arrangement⁸¹? And what sort of arrangement—an order of publication, an order of reading, a curriculum? If the trilogies are an order, do the other single works fit into that order somehow?

More optimistically, if we consider the trilogies themselves we can make some reasonably confident conjectures about Aristophanes' principles of selection and arrangement. His overriding concern seems to be dramatic unity, in the sense of relationships between dialogues that mark them as part of a 'chronological' and narrative continuum. Trilogies 1 and 4 are complete dramatic unities of this sort. In trilogy 1

⁸⁰ Thrasyllus was in part motivated by his supposition that Plato himself arranged his work in tetralogies (DL 3.56).

⁸¹ Aristophanes revised Callimachus' *Pinakes* (Athenaeus 408f), so it is possible that his suggested trilogies appeared just in that context. On the other hand, some have argued for an Aristophanic edition of either the nine dialogues he organized or of the complete works (Alline (1915) 84-103, with references at 85n4). The best evidence for this is the set of Alexandrian-style marginal critical marks reported by DL 3.65-66 (with some apparently independent medieval confirmation, Alline 86-87), an argument pressed hardest by Jachmann (1942) 334, but cf. Pfeiffer 196. Schironi (2005) presents evidence that Aristarchus commented on some phrases in Plato, and further argues that he produced a commentary based on an Aristophanes 'edition'. The latter argument is tenuous, and based on the premise that ancient scholars tended to make more comments per line near the start of a work, so that since Aristarchus seems to have concentrated his comments on *Rep.* he worked on an arrangement of the dialogues with *Rep.* first, like Aristophanes'. The problem is that all the evidence presented points to Aristarchus commenting on *Rep.*, and on no other dialogue.

Timaeus and *Critias* continue the conversation of *Republic* (*Tim.* 17a, *Crit.* 106a). We tend to connect the framed⁸² dialogue of *Theaetetus* dramatically with *Sophist* and *Politicus* (as does the Thrasyllan arrangement), but it is equally possible to connect it to *Euthyphro* as Aristophanes does in trilogy 4, and it is in fact closer in dramatic time to *Euthyphro* which ‘happens’ immediately after the end of the conversation in *Theaetetus*⁸³. Trilogy 4 is thus something like a ‘Trial of Socrates’ cycle, and spills over into two ‘Imprisonment and Death of Socrates’ dialogues in trilogy 5. In trilogy 2, *Sophist* and *Politicus* form a dramatic unity. The same goes for *Laws* and *Epinomis* in trilogy 3 but, somewhat puzzlingly, Aristophanes decided to put *Minos* between them. Aristophanes’ view of dramatic unity looks to considerations beyond dramatic ‘chronology’, since *Sophist* and *Politicus* ‘happen’ between *Euthyphro* and *Apology* in dramatic time⁸⁴. Aristophanes elects to put *Euthyphro* and *Apology* in the trial-and-death cycle and to remove *Sophist* and *Politicus* which would rather have spoiled the momentum of the narrative he constructs in trilogies 4 and 5. *Minos* is evidently not in trilogy 3 to form a dramatic unity, but its inclusion is easy to explain: it shares subject-matter with *Laws* and *Epinomis*. The hard cases are *Cratylus* in trilogy 2 and the *Letters* in trilogy 5. To take the *Letters* first, I conjecture as follows: Aristophanes found the rest of his sequence in trilogies 4 and 5 compelling, and thus found himself needing to fill one spot at the end the sequence. *Phaedo* ends with Socrates’ death, so although Aristophanes is prepared to be flexible about dramatic chronology it would be awkward to follow it with another Socrates dialogue (unless it be *Theaetetus* which—like

⁸² i.e. the dialogue featuring Socrates, presented as a memoir of his own by Euclides to Terpsion in their framing dialogue.

⁸³ The last sentence of *Theat.*: νῦν μὲν οὖν ἀπαντητέον μοι εἰς τὴν τοῦ βασιλέως στοᾶν ἐπὶ τὴν Μελήτου γραφὴν ἣν με γέγραπται· ἔωθεν δέ, ὦ Θεόδωρε, δεῦρο πάλιν ἀπαντῶμεν. (210d)

⁸⁴ *Sophist* ‘happens’ the day after *Theaetetus* and *Euthyphro*, i.e. the day after Socrates’ appearance at his indictment, but obviously before his trial and imprisonment. In the dramatic time of Plato’s dialogues, *Politicus* is the last ‘datable’ drama at which Socrates is present before his trial.

Phaedo—has a framing dialogue set after Socrates’ death). He could have put in a dialogue that makes no reference to Socrates like *Rivals* if he thought it genuine. But the *Letters* in general are ‘datable’ to a time *after* Socrates’ death. So Aristophanes extends the dramatic time of his chronology to cover Plato’s career, even after Socrates’ death.⁸⁵ *Cratylus* in trilogy 2 is harder to explain. If Aristophanes was determined to include the obviously connected *Sophist* and *Politicus* but also to put *Theaetetus* in trilogy 4 there was necessarily a gap, and perhaps there is nothing that could have filled the gap very neatly. *Parmenides* might have been prepended to round out an ‘Eleatic Trilogy’ but perhaps the young Socrates in *Parmenides* would have been too confusingly out of joint in dramatic time with Young Socrates and the last days of Socrates’ life in *Sophist*. Of course, *Sophist* and *Politicus* lead one to expect a *Philosopher*, but Aristophanes can hardly have thought that the *Cratylus* filled that promise. Perhaps the best we can do is to say that all three dialogues are ‘logical’ in theme one way or another and were classified as such in antiquity, so that *Cratylus* like *Minos* in trilogy 3 is included because of its subject matter. The *Cratylus* might have seemed more important to Aristophanes, a Greek philologist who may have heard the tradition about Plato’s influence from *Cratylus* (DL 3.6), than it does to some modern readers. So, in sum, Aristophanes’ trilogies furnish evidence that in the early second century a scholar reflected on the sorts of relationships between Plato’s dialogues that could be established by unity of setting and character or of

⁸⁵ Despite the presence of *Sophist* and *Politicus* in trilogy 1 it is tempting to see a rough chronological arc through all five trilogies, from the opening moment of the *Republic* (the first celebration of the Bendideia, whenever that might have been) through the death of Socrates and Plato’s letters. But Plato’s apparent lack of regard for giving consistent dramatic ‘dates’ to many of his dialogues not set in 399BC makes such a conjecture difficult (see Nails (1998) for the difficulties with fixing a dramatic date for the *Republic*). Of course, Aristophanes might still have thought along these lines (perhaps he knew when the Bendideia was first celebrated and accepted that without question as a ‘date’ for *Rep.*) but it is perilous for us to try to recover any such plan he might have had.

subject matter, and that he came to the conclusion that some dialogues could fruitfully be put into trilogies, and that others should not be.

I have now presented both halves of my circumstantial evidence. On the one hand, Cicero was a careful and knowledgeable reader of Plato who used the master as a model and an inspiration for the form of his own dialogues. On the other hand, by Cicero's day, readers had already begun to reflect on the organization of Plato's corpus in the way that we see illustrated for (at least) later periods in DL. There was available from the precedent of Attic drama the notion of a tetralogy or trilogy, the set of plays or tragedies performed in one day at the Attic festivals (and, in at least the case of the *Oresteia*, the precedent of a tragic trilogy with dramatic unity). These notions were transferred to certain groups of Plato's dialogues that had some unity of drama or subject matter, and the term 'trilogy' may even have been used by Aristophanes of Byzantium. So it is possible that Cicero had this sort of precedent in the back of his mind when he came to write three dialogues linked by subject matter and, through the conversation of Marcus and Quintus in *Div.* about *dND*, by an arresting sort of dramatic unity. This evidence is nothing more than circumstantial because, so far as I know, no passage survives in which Cicero reflects on the organization of his Greek heroes' various works—there is no positive link between the two halves of the evidence. (We know from *de Legibus* that Cicero considered Plato's *Republic* and *Laws* a pair of works and wanted to produce a similar pair, but we are not told whether he thought that the connections between these pairs amounted to the sort of connection I have claimed for *dND*, *Div* and *Fat.*) But the circumstantial picture is perfectly consistent with our general evidence of

Cicero's involvement with the Greek literary tradition⁸⁶. In a *Att.* 13.21a.1(=327SB) he is irritated that Atticus allowed *de Finibus* to be copied before it is properly finished. He compares Atticus to Hermodorus, the man who infamously distributed Plato's books (*is qui Platonis libros solitus est divulgare*). Cicero was aware of the difficulties that could arise for an author's texts once they were out of his control. I am tempted to think that it was such anxieties that led him to write the bibliographical preface to *Div.* 2. He was, I would guess, familiar with problems about the Platonic corpus such as those we find in DL—which works are genuine? Do they form any groups? In what order were they written and are they to be read and why? He ensures that scholars like ourselves will have his answers to these questions rather than be forced to conjecture. One thing he wants us to see, I think, is that *dND*, *Div.* and *Fat.* can and should be read together.

⁸⁶ He certainly had some familiarity with Alexandrian scholarship—he is given to jokes that compare Roman's actions with the activities of Aristarchus, see *In Pis.* 72, *Att.* 1.14.3, *ad Fam.* 3.11.5, 9.10.1.

CHAPTER 2: CICERO'S PRESENTATION OF COTTA THE SCEPTIC.

Central to my attempt to discover in *dND* and *Div.* Cicero's own stance on his material is an interpretation of the preference attributed to a young Marcus at the end of *dND* (3.95) and the views of Marcus at the end of *Div.* (2.148-150). In *dND*, Marcus is said to prefer the speech of Balbus the Stoic to that of Cotta the Academic speaker; he finds it *ad similitudinem veritatis propensior*, "closer to a likeness of the truth" (3.95). In chapter 6 (pp. 350-367) I examine the expression and import of this preference itself. But a necessary preliminary to assessing the preference is to explore some relevant parts of the two speeches in view, Cotta's in book 3 of *dND* and Balbus' in book 2. I undertake that exploration in this chapter (on Cotta) and the next (on Balbus). It will emerge in chapter 6 that I think that Cicero's greatest personal interest in 'preferring' Balbus' speech was in the treatment of traditional religion that, through Balbus, he presents as Stoic. Consequently, in these chapters 2 and 3 I concentrate on Cotta's and Balbus' engagement with traditional views of the gods and religion.

In Cotta's case, engagement with religion is bound up in his attachment to the sceptical New Academy (made explicit at *dND* 1.15-17). Indeed, an important part of *dND*'s interest is that it is an exercise in applied scepticism. Two major dogmatic theologies are put forward, and each receives opposing argument from a sceptic (Cotta). But there are also two *sceptics* present at the drama, Marcus and Cotta. (In addition, Cicero the author is a sceptic (1.11-12).) At the end of dialogue (3.95), one sceptic, Marcus, finds the speech of the Stoic Balbus, "closer to a likeness of the truth", than the sceptical speech of Cotta. In this chapter I try to get clear on the sceptical outlooks of these two characters—Cotta on the one hand, and on the other (since on my view the

Marcuses of *dND* and *Div.* are Cicero's faithful avatars) Marcus and Cicero the author. My approach here is rather narrow—since I am trying to understand an attitude that Cicero/Marcus has towards Cotta's speech I try for the most part to assess their respective scepticisms against Cicero's *own* proposed epistemological standards.

For that reason, in this chapter I make extensive use of the surviving parts of Cicero's *Academica*, his treatise on epistemology, an in particular what we call book 2 or the *Lucullus*. This is because *Lucullus* is Cicero's presentation of the Stoic and Sceptical epistemologies to which I try to accommodate the words of the characters in *dND*. I do not think that *Academica* is related to *dND* (or *Div.* or *Fat.*) in the same way as the three theological dialogues are related to each other. It is linked to them neither in Cicero's bibliography in *Div.* 2.3 nor internally by remarks of characters like those about *dND* at the start of the conversation in *Div.* Rather, I observe that Cicero explicitly tells us in *dND* to look to the *Academica* in order to understand epistemological issues in the *dND* itself (*dND* 1.10-12). *dND* is not a continuation of the subject-matter of the *Academica* in the way that *Div.* is a continuation of *dND*, nor can we assume stable views between Marcus in the *Lucullus* and in Marcus in *dND* and *Div.* (although I shall argue that Marcus in *dND* and *Div.* in fact has the same epistemological approach as Marcus in the *Academica*). But the *Academica* is the place to look for Cicero's own notion of the epistemologies in play in *dND*.

I will argue that Cotta does not fit easily with Cicero's epistemological categories and in the end suggest that Cicero may depict him as a character altogether opposed to philosophically held views, dogmatic or no. As I remarked in my preface (pp. xi-xii) by writing dialogues Cicero gave himself the ability to include pen-portraits in his philosophical writing, and Cotta is a particularly interesting example. Before playing the

sceptical role of arguing against Balbus' theist views Cotta asserts a strong commitment to traditional religion based in the authority of the *maiores* (*dND* 3.5-10). I read this as a sincere declaration on Cotta's part. Here I take a stand against an assumption that has sometimes been made in interpreting *dND*: that Balbus' Stoic speech represents theism and commitment to traditional religion and that Cotta's speech represents hostility to those attitudes.⁸⁷ On the contrary, I think that Cotta is personally and strongly committed to theism and to strongly traditional Roman religion while Balbus, although also a theist and a supporter of most traditional cult practice, is more inclined to the reform of traditional religious beliefs.⁸⁸ In this chapter I try to understand the nature of Cotta's commitment to traditional religion, and in the next chapter I make the case for interpreting Balbus as a reformer of religious belief.

(A) The historical context.

Ancient sceptics often took scepticism further than its stereotypical modern proponent.

They not only doubted the possibility of knowledge, but often also argued that since

⁸⁷ This assumption is implicit in two sorts of interpretations of Marcus' preference: (a) that it is Cotta, as a negative dogmatist, who 'really' speaks for Cicero, and that Marcus' preference is a get-out clause suggesting that atheism was unacceptable for Cicero, e.g., "The inescapable conclusion a reader was bound to draw from the end of *de natura deorum* was that Cicero, with all due precautions (for which see 3.95), intended to be negative." (Momigliano (1984) 208); (b) that Cicero has a non-rational preference for traditional religion and theism, in the teeth of what he considers a rationally *successful* demolition of theism and religion that he has written for Cotta, e.g. "zielt die Kritik an der stoischen Theologie ausschließlich auf den stoischen Argumente und nicht auf die Überzeugungen und Glaubensinhalte der positiven Religion." (Bringmann (1971) 173). My interpretation of 3.95 is that Cicero stands behind Marcus' preference, and that he is rationally persuaded by some, though not all, of Balbus' position, and rejects Cotta's conservative religious views (chapter 6 pp. 350-367). Of course, there are many other interpretations of 3.95 which do not make the objectionable assumption, though they may be mistaken in other ways. E.g. Levine, who offers the literary analysis that Cicero was afraid of Cotta's view being misunderstood as negative dogmatism (Levine (1957) 20-21); a biographical explanation by Glucker (1995) 137n90, but cf. successful refutations by Görler (1995), DeFilippo (2000) 169n2; Mora, whose acceptance that 3.95 is corrupt (Mora (2003) 3-4) seems unlikely in view of the testimony of Augustine *Civ. Dei* 5.9.

⁸⁸ The process of interpreting Cotta this way is already underway in the literature: DeFilippo (2000), Taran (1987).

nothing could be known, one should doubt everything, and perhaps even form no beliefs at all. With these contentious claims, it is not surprising that there were manifold differences among the sceptics in antiquity, such that when we are dealing with them it is preferable to be able to specify what type of scepticism they followed. Two types of data can help us in this task. One is the direct evidence of a thinker's epistemological pronouncements. But where this is lacking, we can look to 'historical' data for help. That is, we can determine what types of scepticism were typical at a thinker's date and try to see if his ideas suggest that he belongs to an established category. This can give us clues to his overall stance if we assume that someone of a school whose general doctrines we know followed those general doctrines, although we must always be cautious and not assume that our subject just fits neatly into our historical model. (In what follows I support my summary mostly with citations to Cicero because it is against his own epistemological categories that I am aiming to measure him and his characters. In some cases the *Academica* passages I cite are not on their own unambiguous evidence for their part of my summary, but are more clearly so once the evidence beyond Cicero is taken into account, e.g. that collected at LS 39-42.)

To speak anhistorically first, let us consider three general reactions to the possibility of ancient scepticism (i.e. doubt-about-everything scepticism) that one might have. (These three reactions by no means exhaust the possible options.) [a] One might be a *radical sceptic*. That is, one might find that one cannot know anything, and that one should be in doubt about what one does not know, but that dogmatic beliefs preclude doubt, and hence conclude that one should not have any beliefs—or at least that one should not have any beliefs like the beliefs of a dogmatic (see [c]). Radical sceptics might claim that they can form some sort of weakly-held attitudes to fill the hole left by

abandoned dogmatic beliefs. (To call someone a radical sceptic is not to imply that she is a radical *tout court*; one upshot of radical scepticism might be to fall back on the apparent conventions of one's society, and to be conservative in one's style of life.) [b] One might be a *mitigated sceptic*. That is, one might agree with the radical sceptic that we should doubt everything, but hold that we are nevertheless entitled to form beliefs analogous to those of the dogmatic, provided that we recognise the fallibility of these beliefs. [c] One might oppose the sceptics and be a *dogmatic*, by declaring that humans can have knowledge, in principle or in practice, and hence be quite happy to form beliefs that one takes to be true.

In Cicero's day, the last disputes of the sceptical New Academy made available historical precedent for specific versions of [a]-[c] (and some other options). The New Academy found its perennial dogmatic sparring partners in the Stoics, and in large part the structure of the debate was dictated by Stoic epistemology and how one should oppose it. Cicero had these debates before his mind when he wrote the dialogues of 45-44 BC; the epistemological treatise *Academica* is in large part devoted to them, and in the preface to *dND* Cicero directs his reader to the *Academica* for further enlightenment on epistemological issues (*dND*1.10-12). The dialectic between the two schools spanned centuries, and only a very crude report of it is possible here. But the most pertinent facts are these:

The Stoics, beginning with their founder Zeno, found the cognitive reliability required of a dogmatic theory in their notion of *cataleptic impressions* (*Acad.*1.41-42). The relevant sort of impression (or 'appearance') is some sort of experience with (roughly speaking) propositional content (*Acad.* 2.21); e.g., I can have a visually-based impression that 'this is a tree', or entertain an impression that 'virtue is sufficient for

happiness'. The Stoics analysed the formation of what we might call a belief as a subject's *assenting* to an impression (*Acad.* 2.37, 1.40), that is, an instance of the subject taking an impression (or its content) to be true. Some impressions are true, some false. False impressions fail to be '*cataleptic*'. Of true impressions, some achieve the special distinction of being *cataleptic* impressions, impressions that are in some way 'guaranteed to be true' and which thus underwrite secure cognitive success. How we should interpret 'catalepticity' is controversial, but at any rate the Stoics intended that a cataleptic impression in itself warrants the subject of the impression in assenting to it, in a way that a merely true but non-cataleptic impression does not (*Acad.* 2.57, 59, 1.41-42). Roughly speaking, a sensory cataleptic impression will have all the detail, clarity and distinctness necessary to represent its object successfully (*Acad.* 1.42). So, if one could always discriminate cataleptic impressions from non-cataleptic, one would assent only to cataleptic impressions, because in so doing one could be sure of assenting only to true impressions. (One would also withhold assent from some true but non-cataleptic impressions.) For the Stoics, being in this enlightened position required wisdom, a state in which the wise person has only true beliefs, and furthermore true beliefs so arranged as to constitute knowledge, such that the wise person cannot be rationally argued out of any of her true beliefs. So once one has achieved knowledge, all one's subsequent assents will thus be to true impressions. This was the state of the Stoic *sage*, the Stoics' wise person (*Acad.* 2.53, 57, 59, 1.42). We normal people are '*fools*' in that we do not reliably distinguish cataleptic impressions, and thus run the risk of assenting to false ones.

In attacking Stoic epistemology, sceptics attacked the possibility of catalepticity (*Acad.* 2.68). That is, they argued that no impression could warrant one to accept its truth. A Stoic reply was to ask how life could be carried on if one took nothing to be true

(*Acad.* 2.38, 2.62). In the generation before Cicero, on one reconstruction⁸⁹, this provoked three sceptical positions under the banner of the New Academy, each reported in the *Academica*:

Clitomachus: Clitomachus took a radical sceptical line. Cleaving to the notion that one should not assent in the sense of taking anything to be true, he answered the Stoic criticism by basing psychology on ‘weak assent’, that is, on taking impressions to be persuasive or probable rather than true. (*Acad.* 2.65-66, 98-99, 102-105)

Mitigated scepticism: Philo of Larissa (in the earlier part of his career) and (perhaps) Metrodorus took a mitigated line. They held that although there can be no cataleptic impressions, it is still rational to take persuasive impressions to be true, albeit that one should recognize that the impressions one takes to be true might be false (*Acad.* 2.78 cf. 2.59, 2.148)⁹⁰ (I will call this historical version of mitigated scepticism the Mitigated view, with a capital M.)

Late Philo: Later in his career, Philo argued that the Stoics’ mistake lies not in asserting that there are cataleptic impressions, but rather in their definition of catalepticity. Philo argued that fallibly true impressions can still be cataleptic, and hence that we can have knowledge (*Acad.* 2.18, cf. Sextus *PH* 1.235).

⁸⁹ I am following specifically the reconstruction of Brittain (2001) Introduction, ch. 2 and ch. 3, summarized also at Brittain (2006) xix-xxxi. While controversial (as any interpretation will be, given the difficult subject and small evidence), it has precedent, especially in the distinction between Clitomachean and mitigated scepticism, see e.g. Striker (1996b) 93 and 93n5.

⁹⁰ This is the view that Brittain calls “Philonian/Metrodoran” in Brittain (2001).

If we accept this reconstruction, Fig. 1 below represents the relevant Stoic and New Academic epistemologies current in Cicero's writing⁹¹:

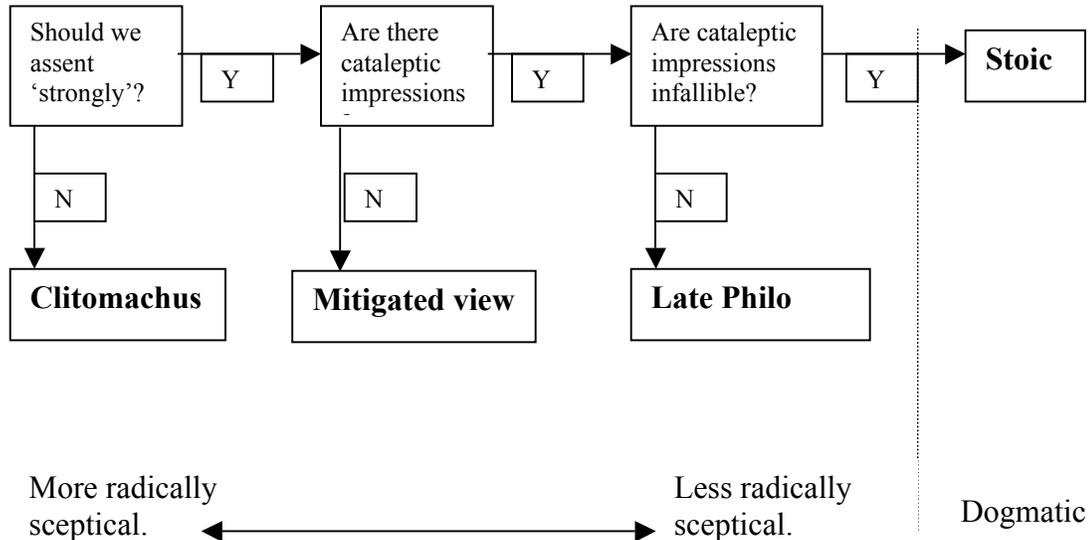


Figure 1: The epistemologies of the *Academica*.

Of course, it is also perfectly possible that a given New Academic or Stoic thinker will fit none of these categories, or not fit any of them neatly. But given this historical context, let us see how we might describe the epistemologies of Cicero and Cotta in *dND*.

(B) Cicero.

In *dND*, as in all the dialogues of 45-44 and probably for much of his intellectual career, Cicero writes as an Academic (1.11-12), and Marcus is an Academic protagonist (1.15).⁹²

But which kind of Academic?

⁹¹ This diagram, and the discussion above, omits the Antiochean view, which claimed to be 'Academic' in its heritage but aimed to be (at least) consistent with Stoic epistemology. I omit it from the classification for the reason that it seems to be largely assimilable, and even identical, to the Stoic view; in our surviving *Lucullus* (= *Academica* 2) a Stoic epistemology is defended by Lucullus (*Acad.* 2.13-62) in what he claims is a report of a speech by Antiochus (*Acad.* 2.10-12). The other epistemologies of the period (e.g. Epicureanism) I omit because they are not relevant to Marcus' preference at the end of *dND*.

In the introduction to *dND* Cicero provides us with a recap of the epistemology set out in his *Academica*. His reply to the charge that the Academics must have *some* standard by which to guide themselves is this:

Non enim sumus ii quibus nihil verum esse videatur, sed ii qui omnibus veris falsa quaedam adiuncta esse dicamus tanta similitudine ut iis nulla insit certa iudicandi et adsentendi nota. Ex quo existit illud, multa esse probabilia, quae quamquam non perciperentur, tamen quia visum quendam haberent insignem et inlustrem iis sapientis vita regeretur. (1.12)

For we are not those to whom it appears that nothing is true, but rather those who say that to all true <impressions> are attached false ones by such similarity that in <true impressions> there is no certain mark for distinguishing <them> and assenting. From which emerges that <principle>, that many things are persuasive; that although they are not apprehended [i.e. cataleptically cognized], nevertheless because they have some distinct and clear appearance the life of the wise man is ruled by them.

This passage rules out the Late Philonian position for Cicero, because in it he says that nothing, to include the persuasive, is apprehended—i.e., that there are not even fallible

⁹² Cicero's philosophical allegiances are controversial for some parts of his career. Both Glucker and Steinmetz have independently proposed that Cicero abandoned scepticism for Antiochean syncretic dogmatism between his visit to Athens in 79-7 BC and a return to New Academic affiliations in the dialogues of 45-44 (Glucker (1988) and (1992), Steinmetz (1989)). If that were true and we supposed that Cicero was faithful to such a chronology in the dramaturgy of *dND*, his character must be an Antiochean, not a sceptic, since the dramatic date of the dialogue is after Cicero's return from Athens. Glucker proposes that this explains the character's preference for the Stoa's position in 3.95 (Glucker (1995), 137n90). I find that hard to believe since Marcus is explicitly identified by Velleius (*dND* 1.15) as a pupil of Philo's and a natural ally of Cotta (cf. DeFilippo (2000) 169n2). Perhaps Glucker accounts for this exchange by Marcus' rejection of Velleius' suggestion that he will be a natural ally to Cotta. But Marcus rejects it on the grounds that he is not bound to any view, which is the sceptical stance, and not on Antiochean grounds. Given the emphasis on Cicero (the author's) scepticism in the immediately preceding sections any dogmatic view should be much more clearly attributed to his *propria persona*, else there is no way a reader can be expected to see it. Furthermore, Glucker's underlying biographical theory has encountered a lot of opposition, see e.g. the refutation of Görler 1995. At any rate, it is uncontroversial that Cicero, the author of *dND* in 45, was a sceptic (Glucker (1995), 137n90).

cataleptic impressions. What about the two remaining options? The passage certainly looks Clitomachean, with its rejection of Stoic assent and emphasis on *probabilia* as that by which life is ‘ruled’ (which looks like a way to refer to Clitomachean weak assent). But in itself it is not absolutely decisive against a Mitigated line. This is because although Cicero says here that there is no “certain mark” for assent, and that one should instead be ruled by *probabilia*, he leaves open the possibility that one might be entitled to assent to *probabilia* that are marked in a less than certain way.

But I think it would be wrong to take our passage in this latter, Mitigated way. There are compelling external reasons to think that in it Cicero writes as a Clitomachean: [A] The passage is explicitly a recap of the arguments in *Academica*.⁹³ In both editions of the *Academica* Marcus was the Academic speaker, and in our *Lucullus* (from the first edition) he was emphatically Clitomachean (in fact, our source for Clitomachus is Marcus’ advocacy of his position, *Acad.* 2.65-6, 2.78, 1.102-104). The interested reader, referred to *Academica*, might reasonably be expected to take Cicero’s position in *dND* to be the same as Marcus’ was in the earlier treatise, especially when our passage is formally consistent with and rhetorically suggestive of Clitomachus’ position. A stickler might say that Cicero’s recap is deliberately ambiguous between Clitomachus’ and the Mitigated view, since after all both positions make their appearance in *Academica*. But against we this we can say that [B] throughout *dND*, *Div.* or *Fat.* Cicero never says anything which would rule out his (or Marcus’) being a Clitomachean. He pursues *veri simile* and eschews attributing assent to himself either directly (by using the verbs *adsentior* or *adprobo*) or indirectly (by claiming an *opinio*, that is, a strong assent to a

⁹³ One explanation of the out-of-sequence imperfect subjunctives at the end of quotation after *illud*, “that <principle>”, is that they are considered part of an *oratio obliqua* report of matters settled in the already completed *Academica*. Pease (1955-58) *ad. loc.* (2), p. 157, citing in particular Klotz and parallels at *Acad.* 2.86 and *de Or.* 1.63.

non-cataleptic impression, the belief of a Mitigated sceptic). In this we can compare Cotta, who does claim to have *opinionēs* (see below). We can also say that [C] in the preface to *Div.* Cicero writes as follows:

Etenim nobismet ipsis quaerentibus quid sit de divinatione iudicandum, quod a Carneade multa acute et copiose contra Stoicos disputata sint, verentibus ne temere vel falsae vel non satis cognitae assentiamur, faciendum videtur ut diligenter etiam atque etiam argumenta cum argumentis comparemus, ut fecimus in iis tribus libris quos de natura deorum scripsimus. Nam cum omnibus in rebus temeritas in assentiendo errorque turpis est, tum in eo loco maxime id quod iudicandum est ...[i.e., about divination]. (Div 1.7)

So it seems that I must proceed so as carefully to compare proofs with proofs as I did in my three books *On the Nature of the Gods*, as I myself enquire about what judgement we should reach concerning divination, because Carneades advanced many arguments against the Stoics fully and insightfully, and as I am afraid that I might assent rashly, either to a false <impression> or to one insufficiently apprehended. For since in all matters error and rashness in assenting is reprehensible, for that reason especially on that topic [i.e. about divination] what must be decided... [should be decided carefully.]

Once again, this passage suggests rhetorically a Clitomachean view in its emphasis on the riskiness of assent. Again, it might just be possible to interpret the first sentence along Mitigated lines, because it implies that one should not assent to a true impression *non satis cognitae* “insufficiently apprehended.” This phrase, perhaps, leaves room for an impression *satis cognita*, “sufficiently apprehended” for assent, but not for one cataleptically comprehended since we know Cicero is not a Late Philonian (although

proposing degrees of apprehension would severely strain Cicero's use of the term *cognita*). But what the first sentence does establish is that we are dealing here with the Academic position and that the methodology of *Div* is to be linked back to that of *dND*. Now, the second sentence is the decisive one. This is because it describes *temeritas in assentiendo errorque*, "error and rashness in assenting", as *turpis*, "reprehensible." *Turpis* is a strong term and denotes negative ethical value; "disgraceful" or "base" are in its range of meanings. A Mitigated sceptic would not describe error or the risk of error as *turpis*, in that it is precisely his contention that one is entitled to assent in conditions where one might err. The Stoics and Clitomacheans share the premise that to assent rashly is *turpis*: in the *Academica* the Clitomachean Marcus says *pro veris probare falsa turpissimum est*, "to assent to false things in place of true ones is most reprehensible." (*Acad.* 2.66) The claim that rashness in assent is *turpis* (as in *Div* 1.7) must rest on the claim that assenting to false impressions is *turpis* (as in the clearly Clitomachean *Acad.* 2.66), so we can say that in *Div* 1.7 Cicero is decidedly Clitomachean. We are entitled to read that attitude back into *dND*, especially given the inclining evidence for Cicero's Clitomacheanism we find there.

So we can say that Cicero writes as a Clitomachean in *dND*. This puts him neatly in line with his Clitomachean characterization of the Academy in general in the first paragraph of *dND*: the question of the nature of the gods and disagreements of the learned on the issue are so difficult that they amount to proof that *prudenter ... Academicos a rebus incertis assensionem cohibuisse*, "the Academics are wise to withhold assent from uncertain matters."⁹⁴ A Mitigated sceptic does not withhold assent on grounds of uncertainty.

⁹⁴ The text immediately preceding *prudenter* is difficult and has suffered significant corruption, but it must have meant something like my paraphrase. I write *Academicos* (with M, a less important 11th century MS)

(C) Cotta.

(C1) Introduction to Cotta.

It is far harder to be precise about Cotta's scepticism than it is to tease out Cicero's, but we can at least place him on the left-hand side of the diagram with confidence. We can exclude Stoicism, since he is an Academic so far as philosophical training goes (*dND* 1.15-17). We can also exclude Philo's Late position thanks to a (philosophically productive) joke with which Cotta finishes an argument against the Epicurean Velleius. Velleius has held that the gods are anthropomorphic, but also that they are supremely beautiful. Cotta argues that if each of the gods is supremely beautiful, they will all look identical. He concludes:

Si una omnium facies est, florere in caelo Academiam necesse est: si enim nihil inter deum et deum differt, nulla est apud deos cognitio, nulla perceptio. (1.80)

If every one <of the gods> has the same one appearance, then the Academy must of necessity flourish in heaven! For if there is no difference between one god and another, there is no *cognitio* among the gods, no *perceptio*.

cognitio and *perceptio* are both terms by which Cicero translates the Greek κατάληψις (*Acad.* 2.17). (The point of the joke is that the Academics argued that Stoic catalepsis is impossible if there are objects indistinguishable to perception, like 'identical' twins or eggs, *Acad.* 2.54.) So here Cotta reveals that he takes the position of the Academy to be that there is no catalepsis. Philo's late view held that there *was* catalepsis (of sorts).

So we can put Cotta on the left hand half of our diagram; he is a more radical type of sceptic. But can we call him a Clitomachean sceptic, or a Mitigated one? This is

where most MSS have *Academici*. The corrector B² suggests *Academiam* which would yield a similar sense.

harder to make out. Two general considerations to advance are that (A) he argues against every rational argument put forward by his opponent, and seems to despair of ever being persuaded by a rational argument and that (B) he has certain very strongly held convictions about religion. (A) would make one want to put Cotta further to the left, as a more radical sceptic, but (B) would push him back to the right, as a less radical one, at least in the sense that he seems to have a non-sceptical inflexibility about his convictions. The key point in the historical issue is about assent. Does Cotta think that we should strongly assent? That is, when we believe something, should we take it to be true, or merely persuasive?

So far as I can see, Cotta says nothing to decide this question finally. But we will first examine the evidence for Cotta the radical or mitigated sceptic, and then introduce a third option.

(C2) Cotta the Clitomachean?

First let us consider some potential reasons to call Cotta a Clitomachean.

[C2.a] *dND* 1.60-1 (in reply to the Epicurean Velleius):

Nec ego ipse aliquid adferam melius. Ut enim modo dixi, omnibus fere in rebus sed maxime in physicis quid non sit citius quam quid sit dixerim. Roges me quid aut quale sit deus: auctore utar Simonide, de quo cum quaesivisset hoc idem tyrannus Hiero, deliberandi sibi unum diem postulavit; cum idem ex eo postridie quaereret, biduum postulavit; cum saepius duplicaret numerum dierum admiransque Hiero requireret cur ita faceret, 'quia quanto diutius considero,' inquit, 'tanto mihi res⁹⁵ videtur obscurior'. Sed Simonidem arbitror (non enim poeta solum suavis verum etiam ceteroqui doctus sapiensque traditur), quia multa

⁹⁵ The reading of one inferior MS against the others' *spes*. *res* makes somewhat better sense and *spes* could have arisen from *desperasse* below.

venirent in mentem acuta atque subtilia, dubitantem quid eorum est verissimum desperasse omnem veritatem.

I myself for my part will not propose anything better [than Velleius' refuted doctrines]. For as I just said, in almost every matter but especially in physics I can say what is not <the case> quicker than what is. You ask me what or what sort of thing a god is: I will use authority of Simonides, of whom it is said that when Hiero the tyrant asked him this same question, he asked for a day to ponder; when <Hiero> asked him the same thing on the next day, he asked for two days; when <Simonides> frequently doubled the number of days, Hiero marveled and asked why he was doing this. 'Because the longer I think about it,' <Simonides> said, 'the more obscure the matter seems to me.' But I reckon that Simonides (who is said to have been not only an elegant poet but also learned in other ways and a wise man), because many insightful and difficult points were coming to his mind, hesitated about which of them was most true, and thus gave up hope of any truth.

This approach makes Cotta look like a Clitomachean, and indeed quite an extreme one. The key points in favour of Clitomacheanism are that (i) he does not intend to advance anything 'better' than a position he refutes, and that (ii) he associates himself with Simonides, whom he reconstructs as despairing altogether of the truth because he (Simonides) could not tell which subtle view of the gods was 'truest'. A Clitomachean despairs of the truth in that she takes nothing to be true, so initially (ii) looks like good evidence that Cotta is a Clitomachean. But it is also (ii) that makes Cotta look extreme, perhaps too extreme. Although a Clitomachean does not in practice assent, she always takes herself to be *hoping* to find the truth (cf. *Acad.* 2.7, 2.65-6), and this is presumably

why the upshot of Clitomachean enquiry is what is *veri simile*, “like the truth”, a phrase which suggests that truth is still what is epistemically normative and preferable for a Clitomachean. So, to despair altogether of the truth is not Clitomachean. But I think that we do not need to take this despair to be a *general* attitude on Cotta’s part. Rather, I think his point is that the nature of the gods (as opposed to, say, their existence) is a *particularly difficult* question. This is a theme in *dND*; in the first sentence of the treatise Cicero calls theology *perdifficilis* even by the standards of tough philosophical issues. This is why Cotta says that, like Simonides, the process of looking for the *verissimum* makes him give up all hope of truth *about the nature of the gods*; he does not give up on truth in general. So Cotta can still be a Clitomachean. On the other hand, the difficulty of the question of the gods throws into doubt whether we can rely on (ii) to prove that Cotta is a Clitomachean rather than a Mitigated sceptic. Anyone, even a Stoic, could despair of getting to the truth about a particularly difficult question. So could a Mitigated sceptic. Furthermore, this problem applies equally to (i)—in a difficult matter, regardless of my school, I might see why *your* view is wrong, but not have anything better to propose.

[C2.b] *dND* 1.61 (beginning Cotta’s reply to Velleius):

itaque ego ipse pontifex, qui caeremonias religionesque publicas sanctissime tuendas arbitror, is hoc quod primum est, esse deos, persuaderi mihi non opinione solum sed etiam ad veritatem plane velim. Multa enim occurrunt quae conturbent, ut interdum nulli esse videantur. Sed vide quam tecum agam liberaliter: quae communia sunt vobis cum ceteris philosophis non attingam, ut hoc ipsum; placet enim omnibus fere mihi que ipsi in primis deos esse.

So I myself, a high priest, who think that the rites and public religious duties are to be defended as most sacred, I would plainly want to be convinced about that which is the first <issue>, that there are gods, not only as a matter of opinion but even as regards truth. For many <points> rush in which confuse <the issue>, so that sometimes there seem to be no gods. But see how generously I will deal with you: I won't touch what is common to you and other philosophers, like this <position> itself—for nearly everybody holds, and I myself am among the first <to do so>, that the gods exist.

What seems temptingly Clitomachean here is Cotta's contrast of opinion and matters of truth: he wants to be convinced *non opinione solum sed etiam ad veritatem*, "not only as a matter of opinion but even as regards the truth." This might look Clitomachean in that Cotta implies that his opinion that the gods exist (and the last sentence of the quotation shows that it *is* his view) is not a matter of truth. So perhaps he holds the opinion, but does not take it to be true; this would be Clitomachean weak assent. But there are three problems with this. First, *opinio* is Cicero's term of art for Mitigated assent to a non-cataleptic impression (of which more below). Second, even if Cotta uses *opinio* in a loose, non-Mitigated way, the contrast with "as regards truth" is not decisively Clitomachean. This is because a Mitigated sceptic recognizes that what he takes to be true might be false (*Acad.* 2.148). So, even when he has taken something to be true, he might wish to get beyond his fallible belief to the very truth of the matter. Third the ablative *opinionem* could be read one of two ways. Cotta could be claiming to hold the opinion with regard to which he is persuaded ('I am persuaded as a matter of opinion') or he could merely be persuaded by somebody else's opinion, e.g. traditional views that the

gods exist.⁹⁶ The former seems more natural, since Cotta says that he does, after all, hold that the gods exist (*placet enim omnibus fere mihi que ipsi in primis*), but the use of the ablative *opinione* is admittedly ambiguous. Again, this passage should leave us undecided; we will return to Cotta's use of *opinio* below.

[C2.c] A historical reason to think that Cotta might be a more radical sceptic is (oddly enough) that he is a *conservative sceptic*. That is, he is a conservative in the views he adopts about religion in the sense that he adopts the religious beliefs which he finds in the traditions of his society, and rejects arguments for the reform of those beliefs. This is compatible with him being a radical sceptic in his epistemology if he adopts those views in some appropriately weak way—e.g., by taking them to be persuasive rather than true. In fact, not only are epistemologically radical but socially conservative sceptical attitudes compatible, they are sometimes correlated. This is because a radical sceptic will tend to find complete equipollence between all rational, philosophical positions. So how is she to run what seems to her to be her life? One way to go is to fall back on the apparent conventions of her society. This is what Sextus recommends, and he claims to be an even more radical sceptic than Clitomachus when he rejects even persuasiveness as a guide in adopting appropriately weak views (*M.* 7.173-4 with 8.51-54).

To take his religious views as our example, Sextus follows what appears to him to be the general trend in his society:

...περὶ θεοῦ σκοπήσωμεν, ἐκεῖνο προεπόντες, ὅτι τῶ μὲν βίῳ

⁹⁶ For the adverbial *opinione* see *TLL* 9.2 sv. *opinio* 3.a.γ, but more relevantly 3.c.α.V. The former section shows that *opinione* can mean 'as regards the opinion of another group' (although this group is usually specified), and often seems to mean 'in the opinion of another group', which Cotta plainly does not (e.g. *omnium opinione damnatus*, *Verr.* 1.2). The latter section points to *ad Att.* 14.13b.4 (=367SB) of 26 April 44, shortly before the composition of *dND*: Cicero advises that Atticus must take responsibility for young Clodius, *ut eius animum tenerum... iis opinionibus imbuas ut ne quas inimicitias residere in familiis nostris arbitretur*, "to imbue his tender mind with such opinions that he judges there to be no hostility left in our families". This ablative indicates the opinions which Clodius is to hold; the question is whether this is a specific use with *imbuere*.

κατακολουθοῦντες ἀδοξάστως φαμέν εἶναι θεοὺς καὶ σέβομεν θεοὺς καὶ
προνοεῖν αὐτούς φαμεν, πρὸς δὲ τὴν προπέτειαν τῶν δογματικῶν τάδε
λέγομεν. (*PH* 3.2)

...let us inquire about god, saying first this, that following everyday habit we say
(without opinion⁹⁷) that there are gods and we pay the gods piety and we say that
they are providential, but against the rashness of the dogmatics we say the
following:...

τάχα γὰρ ἀσφαλέστερος παρὰ τοὺς ὧς ἐτέρως φιλοσοφῶντας
εὐρεθήσεται ὁ σκεπτικός, κατὰ μὲν τὰ πάτρια ἔθη καὶ τοὺς νόμους λέγων
εἶναι θεοὺς καὶ πᾶν τὸ εἰς τὴν τούτων θρησκείαν καὶ εὐσέβειαν συντεῖνον
ποιῶν, τὸ δ' ὅσον ἐπὶ τῇ φιλοσόφῳ ζητήσῃ μηδὲν προπετευόμενος. (*M.*
9.49)

For perhaps the sceptic will be found more secure⁹⁸ next to those who do
philosophy in other ways, as (for one thing) he says that there are gods according to
the habits and rules of his society and does everything pertaining to cult and piety,
and as (for another) he avoids any rashness when it comes to philosophical
investigation.

Sextus emphasizes the difference between his (in some sense) ‘belief-free’ dispositions to
follow his society’s religious conventions and his arguments against the rash positions of

⁹⁷It is perhaps impossible translate ἀδοξάστως in Sextus without prejudicing interpretation unduly.

Sextus wants to avoid forming beliefs as his dogmatist opponents do, but whether he wants to avoid beliefs altogether is much harder to make out and may depend on what we mean by ‘belief’.

⁹⁸It would be intriguing to know more precisely what Sextus means by “more secure.” Does he mean that a sceptic is safer from accusations of impiety? There is reason to suspect that philosophers in antiquity worried about opening themselves up to such charges, the consequences of which could be serious, as we recall from the fate of Socrates. Epicurus was accused of devising his eccentric theology to cover up atheism (e.g. *dND* 1.85, 123). But it would probably be safer to understand ἀσφαλέστερος as ‘more secure philosophically’, i.e. less prone to error.

the dogmatics (who for the most part would argue that he should be disposed to act just as he does). But he falls back on these conventions precisely because any and all dogmatic arguments seem equipollent to him. Cotta strikes some markedly similar attitudes. For example, he says programmatically to Balbus:

Sed quia non confidebas tam esse id perspicuum quam tu velis, propterea multis argumentis deos esse docere voluisti. mihi enim unum [i.e. argumentum] sat erat, ita nobis maioris nostros tradidisse. sed tu auctoritates contemnis, ratione pugnas; patere igitur rationem meam cum tua ratione contendere (3.9-10)

But because you were not convinced that it [i.e. that there are gods] was as clear as you would like, for that reason you wanted to show with many proofs that there are gods. For me one <proof> was enough: that our ancestors handed it down to us this way. But you reject authorities, and fight using reason; so let my reason go up against your reason.

Cotta seems to repeat the two points we found in Sextus: he non-rationally follows the authority of his ancestors (=the conventions of Roman religion), but plans to put up an equipollent rational argument against each one of Balbus' rational proofs.

So Cotta's conservatism is some reason to think that he is on the Clitomachean side; a Mitigated sceptic would be less likely to refuse to pick between rational positions and thus less likely simply to plump for conventional attitudes.⁹⁹

⁹⁹ Here I should deal with another interpretation which, so to speak, pushes Cotta out into the margin to the left of our diagram. This is the interpretation of Joseph DeFilippo, who says that, "... it is obvious that his [i.e. Cotta's] endorsement of tradition is not based on reasons that are intended to explain the truth *or even the persuasiveness* of tradition." (DeFilippo (2000) 181, with his own italics.) Even Clitomachus bases his weak assent on persuasiveness, so refusal to follow even persuasiveness would put Cotta into the sort of extreme position a Pyrrhonist like Sextus claims to occupy. I do not think we can say this about Cotta, for the following reasons. [a] He claims to hold *opinionēs*, which is Cicero's term for *assenting*, i.e. taking impressions to be true, when one is not a Stoic sage, or more loosely when one is not epistemically entitled to. [b] *Perhaps* Cotta might not find the *content* of the tradition persuasive. I grant that he talks about the authority of the ancestors as though he would just accept whatever they handed down, and I agree that that is a striking thing for any sceptic to say. But it does not entail that his reasons for accepting the tradition are not based in what is persuasive—he could have persuasive reasons for deciding to follow ancestral

(C3) Cotta the Mitigated sceptic?

Let us now turn to the other half of the evidence, which might suggest that Cotta is a Mitigated sceptic.

[C3.a] Cotta appears to hold *opiniones*, ‘opinions’. He is perfectly unabashed about this, on two occasions:

- (i) As we saw above (*dND* 1.61) he contrasts his conviction *opinioe solum* that the gods exist with his desire to be convinced as regards the truth.

This suggests that at least one of Cotta’s convictions is an opinion. Perhaps we could try to explain this phrasing away. Suppose I am unconvinced of a position which you advocate, but I would like to be convinced about it. Then I might say something like, ‘I want you to talk me round, not just to seeing your point of view but actually to agreeing

authority. [c] As a matter of fact, Cotta does report that he had persuasive reasons when he decided to follow tradition. For example, *harum ego religionum nullam umquam contemnendam putavi mihi que ita persuasi, Romulum auspiciis Numam sacris constitutis fundamenta iecisse nostrae civitatis, quae numquam profecto sine summa placatione deorum immortalium tanta esse potuisset* (*dND* 3.5), “I have decided that none of these religious duties [i.e., traditional religion] are ever to be despised, and I have convinced myself that Romulus and Numa laid the foundation of our state when they instituted the auspices and the cults, our state which would assuredly never have been able to be so great without the greatest placation of the immortal gods.” Cotta takes Rome’s success as reason to think that she has got religion right. Furthermore, he cites specific authorities for the tradition he follows: *sed cum de religione agitur, Ti. Coruncanium P. Scipionem P. Scaevolam pontifices maximos, non Zenonem aut Cleanthem aut Chrysippum sequor*, “But when it comes to religion, I follow Tiberius Coruncanius, Publius Scipio and Publius Scaevola the High Priests, not Zeno or Cleanthes or Chrysippus [i.e. leading Stoics].” (*dND* 3.5) The three pontifices whom Cotta cites are all mentioned by Cicero elsewhere as leading intellectuals, and even reformers, in the history of pontifical college (see references in Pease (1955-8) *ad. loc.* and *ad dND* 1.115). Such authorities were presumably capable of making it persuasive that one should follow their tradition. [d] Cotta will sometimes assess evidence in a way that strongly suggests he finds some impressions more persuasive than others. On the alleged similarities between medicine and divination: *quid simile medicina, cuius ego rationem video, et divinatio, quae unde oriatur non intellego?* (*dND* 3.15), “What’s similar between medicine, whose theory I myself see, and divination, where I don’t understand where it comes from?” On the notion that beneficial features of nature were deified: *quarum rerum utilitatem video, video etiam consecrata simulacra, quare autem in iis vis deorum insit tum intellegam cum cognovero* (3.61), “The benefit of these things I see, I see also the images dedicated <to them>, but the reason why they have the power of gods I’ll only understand once I’ve learnt it.” In these examples Cotta says that he ‘sees’ all sorts of things (medical theory, benefits of useful features of nature, statues), but that he does not ‘understand’ others, those being what Balbus has argued for. The things he ‘sees’ are by no means limited to traditional beliefs or even everyday perceptions. He seems to find them persuasive, at least by comparison with Balbus’ arguments.

that it's true.' I could say this before being convinced at all. So perhaps Cotta wishes to be convinced first *opinionem*, and then even *ad veritatem*, but as yet is neither.

Nevertheless, the most natural reading is that Cotta has an *opinio* that the gods exist, especially as shortly afterwards he says that he is 'among the first' who holds that they exist.

(ii)...*quod* [Balbus' suggestion that Cotta should defend religion] *eo credo valebat, ut opiniones, quas a maioribus accepimus de dis immortalibus, sacra caeremonias defenderem religionesque defenderem. Ego vero eas defendam semper semperque defendi, nec me ex ea opinione, quam a maioribus accepi de cultu deorum immortalium, ullius umquam oratio aut docti aut indocti movebit.*

(3.5)

Which I myself believe, so that I should defend those opinions which we have received from our ancestors about the immortal gods, and the cults and rites and religious duties. I myself will indeed defend them always and always have defended them, nor will anybody's speech, <a speech> of a learned man or an unlearned man, ever move me from that opinion, which I have received from my ancestors, about the worship of the immortal gods.

In passage (ii), Cotta says that, first, he defends the ancestral opinions about the gods, and second that he cannot be moved from the ancestral opinion about their worship. In the former instance it is possible that he merely defends what he takes to be his ancestors' opinions without committing himself to them. But in the latter case, concerning worship, the phrasing strongly suggests that Cotta himself holds the opinion, and even that it is an inflexible conviction for him.¹⁰⁰ This maps onto what we saw Cotta saying to Velleius:

¹⁰⁰ 'To be *in* an *opinio*' is a regular idiomatic way of saying 'to hold an *opinio*' (see *TLL* 9.2 sv. *opinio* 3.c.α.VI.B.1, e.g. *quamquam in falsa fuerit opinione, de Inv. 2. 27*). So to refuse to be moved *ex opinione* is presumably to claim to hold that opinion.

to Velleius he declared that although he holds the *opinio* that the gods exist, he is inclined to despair about their nature; to Balbus he says that he *defends* his ancestors' opinions about the gods (presumably to include opinions about the gods' nature) but himself *shares* their opinion about cult. So Cotta is consistently less sure about the *nature* of the gods, but is prepared to commit himself to *opinio* on other matters, e.g. the gods' existence or worship.

The significance of these passages is that in the *Academica* '*opinio*' is Cicero's term of art for mere opinion (=δόξα), that is, an assent to a non-cataleptic impression (or, for the Stoics, any assent by a fool).¹⁰¹ Again, this is 'mere' opinion because it amounts to taking to be true something which might not be true. So, if we think that Cotta uses *opinio* in this technical way, and claims opinions, then he claims to assent strongly. I think it should be our preferred assumption that he *does* use it in the technical way. Part of Cicero's project in writing his philosophical dialogues, and perhaps the main part, was to make it possible to take Greek philosophy over into Roman culture and Latin literature (*dND* 1.7-8). In the process he explicitly coined a new technical vocabulary for translating Greek terms. Now, he did not resort to calques, and in some cases he will use different Latin words for the same Greek term (e.g. the vocabulary of cataleptis, *Acad.* 2.17). But he tends not to use the same Latin words for different Greek terms. Hence, *opinio* being introduced as a term of art in one dialogue, it would be surprising if Cicero

¹⁰¹ *Acad.* 1.41: *ex qua existebat etiam opinio, quae esset imbecilla et cum falso incognitoquo communis*, "from which [=theory of cataleptis and knowledge] emerged 'opinion' too, which was intended to be weak and shared between the false and the non-cataleptic"; 2.113, *itaque incognito nimirum adsentiar id est opinabor*, "therefore I will not at all assent to something non-cataleptic, i.e. I will not 'opine'"; 2.59, [the Mitigated interpretation of Carneades was that] *opinaturum id est peccaturum esse sapientem*, "the wise man will opine, i.e. will go wrong"; cf. 2.65-66. cf. *Tusc.* 4.14-15, where in the Stoic analysis of passions the fool's beliefs about value are called *opiniones*, e.g. *metus opinio impendentis mali*, "fear is belief (*opinio*) in an impending evil". There the speaker says that the Stoics define *opinatio*, i.e. the act of forming an *opinio*, as *imbecilla adsensio*, "weak assent". The case that any assent by a Stoic fool is δόξα/*opinio* is made by Meinwald (2005).

varied its use (without notice) in another. So we should presume that when Cotta makes epistemological claims about holding *opiniones* he uses the term in the technical sense, unless there is positive reason to think that Cicero gave Cotta a different use of the term. Is there reason to think that he did?

One other candidate interpretation of Cotta's use of *opinio* emerges from the common use of *opinio* to refer to 'convention' or 'consensus' in a society. This might approximate to Greek νόμος ('convention' as opposed to 'nature'). If Cotta were thinking of *opinio* that way, then perhaps his adoption of *opiniones* does not commit him to assent but rather to following convention. One might be able to follow conventions without taking any attitude to doxastic content that goes along with them, that is, without forming *opiniones* in the Mitigated sense (or perhaps even without forming Clitomachean weak beliefs). There are places in his corpus where Cicero very likely uses *opinio* to refer to νόμος, in that he contrasts it with *natura*, which stands for Greek φύσις.¹⁰² In *dND* itself *opinio* is sometimes used to refer not to convention as such but to the religious 'view' of a society under discussion, in the context of arguments from consensus. Cotta objects to Velleius' claim that there is universal consensus that the gods exist with *primum unde tibi notae sunt opinioniones nationum? Equidem arbitor multas esse gentes tam inmanitate efferatas, ut apud eos nulla suspicio deorum sit*, "First of all, how come you're acquainted with the *opiniones* of [sc. 'all'] peoples? I reckon there are plenty of

¹⁰² *De Oratore* 3.114, [in devising arguments about the facts of a case we ask] *naturane sit ius inter homines an in opinionibus?*, "is the just among humans by nature or does it rest on *opiniones*?"; *De Legibus* 1.28: [nothing is surer than that] *nos ad iustitiam esse natos, neque opinione sed natura constitutum esse ius*, "we were born for justice, and that the just was formed by nature not by *opinio*." There might be on such instance in *dND*, where Balbus says: *Opinionis enim commenta delet dies, naturae iudicia confirmat*, "The day [i.e. the passing of time] destroys the fictions of *opinio*, while it confirms the judgements of nature." (2.5)

tribes so bestial with barbarity that there's no notion of the gods among them.” (1.62)¹⁰³

To Balbus' Stoic version of the argument he says:

Grave etiam argumentum tibi videbatur, quod opinio de dis immortalibus et omnium esset et cottidie cresceret: placet igitur tantas res opinione stultorum iudicari, vobis praesertim, qui illos insanos esse dicatis? (3.11)

To you it also seemed a serious proof, that the *opinio* concerning the immortal gods is both universal [‘of all’] and gathers strength every day; so do you hold that we should judge such important matters by the *opinio* of fools—you [the Stoics] above all, who say that fools are insane?

Can we use this evidence to suggest that Cotta is committed to *opinio* not in the Mitigated sense, but in the sense of following convention?

I think that we cannot. Although some of the uses above clearly *refer* to a conventional view in a society, I think that they do not *mean* νόμος or anything like it. Rather, when the speakers in *dND* use *opinio* they mean something like δόξα, which for Balbus and Cotta means a mere belief. So, when they use *opiniones* for conventional views, they refer to conventional views *as beliefs*. Velleius, in giving his argument from universal consensus that the gods exist, puts his premise picking out a universal consensus this way: *Cum enim non instituto aliquo aut more aut lege sit opinio constituta maneatque ad unum omnium firma consensio...* “For since the belief <that the gods exist> was developed not by some institution or by custom or by law and persists as a solid universal unanimous consensus...” (1.44) Here it is clear that an *opinio* might be

¹⁰³ Cf. *Tusc.* 1.30 where we have *deorum opinio* apparently meaning ‘belief in the gods’, *quod... nemo omnium tam sit inmanis, cuius mentem non imbuerit deorum opinio*. Cf. also 1.81 *At non Aegyptii nec Syri nec fere cuncta barbaria; firmiores enim videas apud eos opinionones esse de bestiis quibusdam quam apud nos de sanctissimis templis et simulacris deorum*. “But not the Egyptians, nor the Syrians, nor almost all the barbarians; for among them you would see surer *opinionones* about some beasts than <there are> among us about the holiest temples and images of the gods.”

brought about by convention, but that it does not have to be—the point of the argument is that people came to the consensus about the gods through nature and *not* by convention. *opinio* for Velleius is thus independent of convention, and an *opinio* which came about in the right way can amount to an Epicurean *prolepsis* (1.43-44), and is thus a doxastic (or at least a cognitive) achievement. (So Velleius’ use of *opinio* admittedly departs a little from the Stoic-Academic model, but that is not surprising since the Epicureans generally make a different use of δόξα.) With Balbus, *opinio* is used in the precise sense we found in the *Academica*. This is clear from the combination of two passages, where Balbus discusses the advantages of the Stoic rationalization of traditional myths. At 2.63 he says:

Nam vetus haec opinio Graeciam opplevit, esse exsectum Caelum a filio Saturno, vincitum autem Saturnum ipsum a filio Iove: physica ratio non inelegans inclusa est in impias fabulas. caelestem enim altissimam aetheriamque naturam id est igneam, quae per sese omnia gigneret, vacare voluerunt ea parte corporis quae coniunctione alterius egeret ad procreandum.

For this ancient *opinio* spread throughout Greece, that Uranus was castrated by his son Saturn, and that Saturn himself was bound by his son Jupiter. A not unsophisticated physical argument is built into the unholy myths, for they signify that the heavenly, highest and aetherial nature, i.e. fire, which brings everything into being through itself, lacks that part of the body which needs copulation with another to procreate. [Etc..]

Here we see that an *opinio*, even one considered as generally present in a society, has specific propositional content, namely that ‘Uranus was castrated by Saturn, etc.’.¹⁰⁴ It is

¹⁰⁴ ‘*opplevit, esse*’ is a conjecture (by Heindorf). The older MSS have *opplevisset*, while (according to Rackham’s apparatus) some later ones have *opplevit*. The conjecture seems relatively certain, given the need for a verb in the indirect statement.

this content that will be rationalized by the Stoics. Then, at 2.70 he elaborates the negative consequences of failing to rationalize the old disguised physical beliefs:

Videtisne igitur ut a physicis rebus bene atque utiliter inventis tracta ratio sit ad commenticios et fictos deos. Quae res genuit falsas opiniones erroresque turbulentos et superstitiones paene aniles.

So do you see how an argument was made from natural facts—facts well and beneficially discovered—in support of fictional and invented gods? This business gave rise to false *opiniones* and troubling errors and superstitions almost like those of old women.

Here the *opiniones* are associated with *errores turbulentos*, “troubling” or “stormy errors”, and with superstitions. The “troubling errors” are almost certainly Stoic passions—that is, false beliefs about value which give rise to emotions like fear (see n. 90, n. 106), and *Tusc.* 4.9 where the Stoics, in claiming to heal souls of passions, say that they will not *eos turbulentos esse patientur*, “allow them to be troubled.”). Superstition (δεισιδαιμονία) is an example of a passion (*SVF* 3.408, 409, 411). It is very likely, then, that Balbus uses *opinio* here to refer to the mere opinions which constitute passions (e.g., a belief that the gods are about to harm one). So these two passages together show that Balbus thinks of *opiniones* as δόξαι, assents of fools to impressions with certain propositional contents, even when he is talking about general *opiniones* of a society. This is exactly the Stoic use of *opinio* we would expect from the *Academica*.

Turning finally to Cotta, we can see for one thing that he understands Balbus’ use of *opinio* in the same way as we have. In the passage from 3.11 quoted above, he asked how a Stoic could use the *opiniones* of fools as proof of anything. In point of fact, the Stoics defended plenty of techniques for extracting veridical information from the mental

contents of fools (for example, from their natural preconceptions), so unless Cotta commits an *ignoratio elenchi* in 3.11 he must be referring to foolish opinions in a strict Stoic sense, i.e. assents by subjects who do not discriminate reliably between cataleptic and non-cataleptic impressions. That he considers the *opiniones* with which Academics deal also to be doxastic and to have propositional content is clear in an argument he makes against divine providence (3.66-79). The argument as a whole is clearly *ad hominem*, since it seeks to draw a consequence from two Stoic tenets: that the gods have given man reason, and that all or nearly all men are vicious. If we are nearly all vicious, that is, imperfect in our reason and given to using reason to be more effectively vicious, surely this is not a blessing, says Cotta. In the course of this argument he makes two remarks about *opinio*, both of which show that he understands *opinio* doxastically.

Quae enim libido, quae avaritia, quod facinus aut suscipitur nisi consilio capto aut sine animi motu et cogitatione, id est ratione, perficitur; nam omnis opinio ratio est, et quidem bona ratio, si vera, mala autem, si falsa est opinio.

For what lust, what greed, what crime is either undertaken without some plan being made, or is carried through without some motion of the mind and thought, i.e. reasoning? For all *opinio* is reason, and good reason, if it is a true *opinio*, or bad reason, if it is a false one. (3.71)

In this passage, Cotta considers *opiniones* to have truth value. Perhaps he advances this purely *ad hominem*, but there is reason to think that his contention here is not purely Stoic. There is indeed some sense in which the Stoics think that reason is the bearer of value—what is good is virtue, and what is bad is vice, and these are respectively states of reason in the sage or the fool. But for the Stoics *opiniones* (if we take them as ‘mere opinions’, as Balbus uses the word) are not formed by a sage with her reason in a good

state. *opiniones* are held only by fools, and so even when true could not be considered ‘good reason’. This suggests that Cotta is speaking less than strictly *ad hominem* here, and hence that he tends to think of *opiniones* as beliefs with truth value. The second passage of interest follows shortly afterwards in 3.72:

Ille vero in Synephebis Academicorum more contra communem opinionem non dubitat pugnare ratione, qui 'in amore summo summaque inopia suave' esse dicit 'parentem habere avarum, inlepidum, in liberos difficilem, qui te nec amet nec studeat tui'...

That <character> in the *Young Comrades* does not hesitate to fight against common *opinio* using reason in the Academic manner, who says, “In greatest love or greatest poverty it’s pleasant to have a greedy parent, a crass one, tough towards his children, who doesn’t love you or care about you...”

Here Cotta is explicitly talking about a common *opinio*, but again he seems to think of it as a belief rather than a convention of behaviour. The belief, presumably, is that the contrary of what the character says is true, and Cotta says not only that one can contend with it by reason, but that Academics do this. This suggests that he thinks it is Academic to think of *opiniones* as δόξαι against which one can rationally argue. So the evidence overall is against taking Cotta’s use of *opinio* as ‘convention’. So, as far as I can see, when Cotta claims to hold an *opinio*, we should assume that he claims an opinion in the technical sense we found in the *Academica*.

So, if Cotta opines, have we found a definitive reason to attribute to him Mitigated epistemology? Unfortunately, we have not. This is because even Clitomacheans will opine. A Clitomachean *prescribes* avoidance of opinions, but might

nonetheless fail to live by his own prescription. In the *Academica*, Cicero tells us that he himself is just such a Clitomachean:

Nec tamen ego is sum qui nihil umquam falsi adprobem qui numquam adsentiar qui nihil opiner; sed quaerimus de sapiente. Ego vero ipse et magnus quidam sum opinator (non enim sum sapiens) et... (Acad. 2.66)

On the other hand, I myself am not someone who never approves anything false or who never assents or who never opines; but we are investigating the wise man. Now I myself am both a great opiner (for I am not wise) and... [there follows an elaborate Aratean metaphor to drive the point home].

So it is possible that Cotta, too, holds a Clitomachean epistemology, but fails to live up to his own standards and is a *magnus opinator*.

[C3.b] Our second reason to think that Cotta might be a Mitigated sceptic is that he cleaves to some of his views very inflexibly. We saw above (p. 77) his espousal of traditional opinions about the gods in 3.5; his language of *defendam semper semperque defendi*, “I will always defend and I have always defended” or *nec me ex ea opinione... ullius umquam oratio aut docti aut indocti movebit*, “nor will anyone’s speech, a learned man’s or unlearned, ever shift me from that opinion”, does not smack of sceptical diffidence. At 3.7 he says that

quod inter omnis nisi admodum impios convenit, mihi quidem ex animo exuri non potest, esse deos, id tamen ipsum, quod mihi persuasum est auctoritate maiorum, cur ita sit nihil tu me doces.

What is agreed among all people, except the utterly unholy, what, for my part, cannot be burnt out of <my> mind, that there are gods--that thing itself, of which I

am convinced by the authority of the *maiores*—you teach me nothing of why it is the case.

So Cotta repeatedly predicts that his religious convictions cannot be shifted, apparently neither by rhetoric nor by rational argument. Perhaps a Mitigated sceptic would have a strong commitment to her opinions? Catulus, who represents the Mitigated point of view, says at *Acad.* 2.148, ...*illi alteri sententiae, nihil esse quod percipi possit, vehementer adesentior*, “I assent forcefully to that other view, that there is nothing which can be apprehended.” It is the *vehementer*, “forcefully”, which is surprising here; a mitigated sceptic might assent strongly in the sense of taking his *opiniones* to be true, but we would not expect him to assent with any marked confidence. So perhaps we could argue that Cotta shares this surprising confidence. But this cannot be right. What is odd about Cotta’s *opiniones* are that he declares them *before* he has gone through any sceptical investigation (*ante quam de re, pauca de me*, 3.5), and predicts that he will not give them up. But a Mitigated opinion will always be provisional, since whoever holds it must recognize that it might be false.¹⁰⁵ So, if anything, Cotta’s remarkable confidence seems to rule him out of the Mitigated camp.

(C4) Cotta the non-philosopher?

This concludes our survey of the evidence on Cotta’s sceptical views. We have seen first that he can be placed at the more sceptical end of the spectrum, but then that the text does not seem to give us a clear answer on whether Cotta is a Clitomachean (radical) or a Mitigated sceptic. If anything, he seems closer to the former—he emphasizes equipollence of rational arguments, he is a conservative sceptic, his *opiniones* could be lapses from his theoretical standards. Perhaps even his loud confidence about his views

¹⁰⁵ Cf Brittain (2001) 83-94, 116-7, who makes provisionality the key feature of Mitigated opinions and shows that holding only provisional beliefs makes such mitigated sceptics diffident to some degree—see *Acad.* 2.36.

is more radical sceptic than mitigated—rather than assent diffidently, he is confident that no argument could get purchase on his non-rationally adopted views. But it seems best not to strain to fit Cotta into either of these categories, because so far as the evidence goes he does not fit them neatly. We might perhaps briefly canvas a different approach at categorizing his epistemology. This is suggested by an acute observation that DeFilippo makes (DeFilippo (2000) 180). When Balbus challenges Cotta to defend religion and the gods, he says that having a sure and stable view on the matter is appropriate for *et philosophi et pontificis et Cottae* (2.2) (a philosopher and a pontifex and a Cotta). But when Cotta replies that he *does* have such views, just not on Stoic grounds, he drops ‘philosopher’ from the list of descriptors he applies to himself: *habes Balbe quid Cotta quid pontifex sentiat*, “Balbus, you have what a Cotta and a pontifex thinks” (3.6). DeFilippo suggests that “[Cotta] does not believe as a (sceptical) philosopher, but he does believe as a private individual, a Cotta, and as a functionary of the Roman state religion, a pontifex.” (p. 180) Perhaps we could take this line a little further. Not only does Cotta omit to call himself a philosopher in his personal opening statement, he systematically drags up the distinction during his speech. *Fac nunc ego intellegam tu quid sentias; a te enim philosopho rationem accipere debeo religionis, maioribus autem nostris etiam nulla ratione reddita credere*, “Let me understand now what *you* think; for I must have an argument from you, since you’re a philosopher, although I must believe our ancestors even if no argument is given.” (3.6) *quibus ego credo... sed qui ista intellecta sunt a philosophis debeo discere*, “I myself believe in these things... but I must learn how you philosophers understand these things.” *Quid vos philosophi?*, “what about you philosophers?” (3.40). Perhaps, then, Cotta systematically opposes himself to philosophers *tout court*, and forms his views without reference to philosophy, relying on

his pre-philosophical resources as an aristocratic Roman and a pontifex, at least so far as the grounds for his religious beliefs go. Sceptics, despite their opposition to dogmatics, tend to regard themselves as philosophers. Cotta himself regards Carneades as a philosopher (3.44, *haec Carneades aiebat, non ut deos tolleret—quid enim philosopho minus conveniens?...*, “Carneades said these things, not in order to refute the gods—for what would be less appropriate for a philosopher?...”), and even Sextus regards Pyrrhonism as a way of doing philosophy (see *M* 9.49 quoted above p. 74). So perhaps Cotta sets himself altogether outside the sceptic-dogmatic philosophical debate, and claims to hold his views on altogether non-philosophical grounds. His plentiful and skillful use of sceptical negative *arguments* would then be just a way of *defending* from philosophers non-philosophical views adopted at the outset of the argument, a way that would not commit him to a sceptical method or epistemology for the adoption of these views themselves.

There is certainly one sense in which Cotta behaves as suggested. This is the inflexible declaration of his views we entertained above as possible evidence for Mitigated scepticism. Two aspects of this declaration are un-Academic:

- (1) The views are *opiniones*, and declared with confidence, but are not provisional (as we saw above).
- (2) Cotta declares these views *before* he goes through the arguments on either side of the issue.

(1) appears to rule Cotta out of the Mitigated camp, and would make him a very odd Clitomachean. But (2) seems to rule him altogether even out of Clitomacheanism, even out of a very strange variety where the sceptic could become not just conservative in style of life, but trenchantly so. A key feature of Academic scepticism was that one should not

come to an issue with some dogmatic view motivated by authority, but rather listen to the arguments before forming one's 'positive' view (*Acad.* 2. 7-9, 2.60, 2.63-66, 2.119-120; *dND* 1.10-12; *Div* 2.150). It is instructive to compare *Acad.* 2.64-66 with *dND* 3.5-6, where Marcus and Cotta respectively preface the negative arguments of their sceptical speeches with some remarks about themselves (Marcus: *adgrediar igitur, si pauca ante quasi de mea fama dixero*, "I'll get to that [=arguing against Lucullus], if I could just say a little about my own reputation first." Cotta: *sed ante quam de re, pauca de me*, "But before the matter at hand, a little about me."). Marcus uses this part of his speech to outline his own commitment to Clitomachean scepticism, while admitting that he tends to fail his adopted standard and opine. Cotta puts in this same place his declaration of unwavering attachment to traditional *opiniones*, and seems to revel in his loyalty to authority. To that degree, Cotta is a bad sceptic according to the various standards of sceptical practice that Cicero presented in the *Academica*.¹⁰⁶ His sceptical *method*, once he applies it, is sound (and apparently that of a Clitomachean who ends up a conservative): any rational argument of Balbus can be met with an opposite argument, with the upshot that Cotta can look to traditional views. But Cotta *himself* is a bad sceptic because he puts the cart before the horse and stipulates ahead of the application of the sceptical method pre-philosophical views that he will not give up. Perhaps this is why he characterizes himself as a 'Cotta and pontifex', but not a philosopher. This interpretation would also give us an explanation for our difficulty in determining the

¹⁰⁶ But not necessarily a bad sceptic *tout court*. We can well imagine radically sceptical outlooks—different from those presented in the *Academica*—with which it is perfectly consonant to be stubbornly and vocally entrenched in views that one has adopted by whatever means. After all, a sceptic is perhaps uniquely entitled to adopt and stick with views in ways that are not rational or philosophical and to give great weight to, say, what seems traditionally and societally plausible over any imaginable urging to the contrary. A sceptic may also just *find* that he is viscerally convinced of a view without much attention to the basis on which he might have adopted or continue to be bound to it. That Cotta may fit these descriptions or something like them makes him all the more intriguing in that he seems to anticipate some such version of sceptical fideism.

status of Cotta's *opiniones*; from a sceptical point of view, perhaps, he might describe his views as assents to non-cataleptic impressions (thus the use of the technical term), but a non-philosophical Cotta would not be constrained to *adopt* them provisionally or tentatively.¹⁰⁷

(D) Conclusions.

So we can say that in *dND* (and *Div.*) Cicero is a Clitomachean sceptic. Cotta is a harder case; he is certainly Academically trained and applies a sceptical method that seems radical, and of the historical options in *Academica* closest to Clitomacheanism. But whether he tries to adopt his own positive views on religion in manner appropriate to scepticism is less clear. One question that we can ask at this point is whether Cicero ends

¹⁰⁷ There is some circumstantial evidence from outside *dND* that Cicero might have seen Cotta in roughly this light. Most of the notices about Cotta in Cicero's corpus concern his abilities as an orator, which Cicero rated very highly (these oratorical testimonia are collected in Malcovati, 1.286-91). Two pertain to Cotta's philosophical involvement. (1) In *de Oratore* (for the drama of which Cotta is the fictional 'source', *de Or.* 1.24-29, 3.16-17) Cotta listens to Crassus' exposition of the usefulness of philosophy to orators, and resolves: *...me quidem in Academiam totum compulisti. In qua velim sit illud, quod saepe posuisti, ut non necesse sit consumere aetatem atque ut possit is illa omnia cernere, qui tantummodo aspexerit; sed etiam si est aliquando spissius aut si ego sum tardier, profecto numquam conquiescam neque defetigabor ante quam illorum ancipites vias rationesque et pro omnibus et contra omnia disputandi percepero* (3.145), "...you have pushed me into the Academy. In which, I hope, this is as you say—that one does not have to spend all one's life <in it>, and yet that one can discern all that <material>, if one only looks at it; but even if it is sometimes rather intractable, or I am a bit slow myself, I will absolutely never rest nor will I get tired until I have apprehended <the Academics'> two-headed ways and arguments for speaking both for everything and against everything." Although this sounds like a reference to the New Academy, given what Crassus has said it may just refer to the Academy in general. (2) When Cicero was planning the *Academica*, Atticus suggested that Cotta be given the Academic role. Cicero replied not that this was implausible, but that it would render his own character dumb (*ad Att.* 13.19.3-4 = SB 326, 29 June 45). So these two passages suggest that (1) Cicero thought of the Cotta of 91 BC (dramatic date of *de Oratore*, 1.24) as someone who planned to learn Academic arguments for the purpose of defending rhetorical positions and that (2) after Cotta's death in c.73 (*in Pis.* 62, Asconius 14C), both Atticus and Cicero thought of him as someone who could plausibly have played a New Academic role in *Academica*. One way (of many) to put together these two data would be to say that Cicero thought of Cotta as someone who between 91 and 73 succeeded in learning New Academic philosophical methods, but who did so not for the purpose of becoming a sceptic himself, but rather to defend non-philosophical positions. This would be consistent with a non-philosophical interpretation of the character which Cicero writes for Cotta in *dND* (dramatic date c. 77-75).

the dialogue with a vote against Cotta precisely because Cotta is, to some degree, a bad sceptic? That is, should we see Marcus' preference as *epistemologically* motivated?

One thing to be said in favour of such an interpretation is that we might suspect that Cicero was tempted by Cotta's position. If we recall two of the most conventional data about Cicero—that he was philosophically an Academic, and politically a constitutional conservative—we might have expected Cicero to adopt a position like Cotta's, where Academic affiliation becomes a way of defending traditionalist. Cotta is a colourful and attractive speaker and easily has the best of *dND* when it comes to rhetoric and *bons mots*. It is easy to imagine that Cicero presents through Cotta an approach he found tempting but mistaken.

But I think it would be wrong to suppose that Cotta's failings as a sceptic are a major factor in Marcus' preference. If the main import of the choice were epistemological, then choosing a Stoic over an imperfect sceptic would be throwing the baby out with the bath-water. DeFilippo suggests that by choosing Balbus Cicero seeks to leave religion open to philosophical investigation, where Cotta looks to stop such investigation dead. This is true so far as it goes, but a Clitomachean or a Mitigated sceptic (or a Pyrrhonist) would not look to kill philosophical investigation before it started either. So even on these grounds Cicero must have had a more positive, theological motivation to set the dialogue up so that Marcus opts for a Stoic view—if he only wanted to leave religion open to philosophy Cicero could always have given Cotta a more amenable scepticism and then agreed with him. There should be some positive Stoic views on religion that he prefers to Cotta's traditional views. In chapter 3 I explore those views, and in chapter 6 I will elucidate Cicero's preference.

CHAPTER 3: BALBUS ON RELIGION.

(A) Introduction.

In this chapter I continue the work (begun in chapter 2) of examining the two *disputationes* between which young Marcus has a preference at *dND* 3.95. In chapter 2 I considered the relationship between Cotta's role as a sceptic and his enthusiastic endorsement of traditional Roman religion. I took this endorsement seriously and suggested that it undermined an assumption that in *dND* Cotta's speech represents hostility to theism and traditional religion. In this chapter I will look at Balbus' speech and question the corresponding assumption that in *dND* Balbus' speech represents commitment to theism and traditional religion.

With Balbus, it is not my contention that the assumption to which I object has got it altogether wrong: he *is* an insistent theist, of course, and he *does* end up at peace with traditional religion. Rather, I want to point out that Balbus supports his theism, and his religion, with advocacy of radical reform of traditional Roman religious beliefs. A consequence of this is that far from choosing theism and traditional religion over atheism, Marcus' preference at *dND* 3.95 is between two theists and supporters of religion, and he chooses the more reform-minded of the two. To bring this out, I will offer an analysis of the part of Balbus' speech concerned with religion, and introduce some external Stoic comparanda. My conclusions about Balbus will be that (a) he thinks that right religion can only be carried on by a Stoically virtuous agent who has radically revised her received traditional beliefs about the gods, but that (b) he accepts that under normal circumstances such a sage worshipper will prefer to practice a suitably moderate form of the cult conventional in her society.

It is a tenet of current scholarship on Roman religion that for the Romans religious orthodoxy was a matter of actions and not beliefs, with adherents of the religion free to interpret the significance of the prescribed practices very broadly.¹⁰⁸ I do not mean to question or to support this tenet so far as it concerns historical Roman religion or the religious experience of Roman people. I aim to interpret a philosophical view put forward by Balbus. In the philosophical debate it is very clear that beliefs matter for right religion—on some views, the pious person must not only perform certain actions, but must also have certain beliefs. So far as I claim, this philosophical approach may have had no analogue in actual religion. But in *dND* Balbus is a reformer in that he wants to reform religious beliefs, while as a sceptic and a pontifex Cotta opposes the rational arguments for those reforms and cleaves to the claims and practices of Roman state religion on the authority of the *maiores*. If it is right that religious orthodoxy in Rome stipulated a grammar of actions but not of beliefs¹⁰⁹, then Balbus capitalizes on that very doctrinal flexibility in arguing that the practitioner of Roman right religion must believe that his religious actions have a Stoically rationalized significance.

(B) Balbus' theology.

Balbus' speech is highly systematic. He divides his subject under four heads, the discussion under each of which often assumes the answer to the preceding heads (*dND* 2.3): [1] *deos esse*, 'that there are gods', [2] *quales sint*, 'what the gods are like', [3] *mundum ab his administrari*, 'that the cosmos is governed by them', to include the claim that they govern the world providentially, and [4] *deos consulere nobis*, 'that the gods care for human affairs'.

¹⁰⁸ For summaries of the typical view that aim to be conventional, see John Scheid's *Introduction to Roman Religion* (2003) 18-20, Ando (2003) 10-11.

¹⁰⁹ Scheid (2003), 32-35

The bulk of Balbus' views on religion appear under head [2], and I will concentrate on that head in this chapter. But first I would like to bring out one feature of the speech as a whole. In supporting their theology, the Stoics made appeal to their doctrine of preconceptions. Thanks to their confidence in the reliability of our cognitive apparatus, the Stoics thought that preconceptions we form naturally are veridical (*Academica* 2.21, 2.30, 1.41; *DL* 7.54; *SVF* 2.83, 2.104). One type of evidence to which they appealed in order to show the existence of a veridical preconception was the existence of a widely-spread consensus on some issue. Ideally, this consensus would exist not only between individuals but even across societies, which would tend to suggest that the consensus was the result not of locally distorted conventional concepts, but of a veridical preconception.¹¹⁰ Balbus argues that we can find such a consensus about the existence of the gods and some of their properties (2.5-14). This serves to show that there is a veridical preconception of the gods' existence (2.3). How we come by this preconception might be hard to fathom. We do not see gods around us during our psychological development in the straightforward way that we see the colour white or dogs and thus form preconceptions about whiteness or dogs. But Balbus gives us Cleanthes' account of the mechanisms by which we form our preconception of gods: we are impressed by divination, by the benefits we draw from earth's fertility and the climate and such, by awe-inspiring sublunary phenomena like storms and earthquakes, and most of all by the order and beauty of the heavens (2.13-14). These factors impress on us a preconception that includes the goodness, immortality and so on of the gods. Of course, there was not agreement across societies about the details of what the gods were like—the Romans had one set of gods and religious demands, the Egyptians another,

¹¹⁰ On consensus as evidence for preconception, see Brittain (2005).

Jews another, and so on. But this is not to say that certain key, higher-level properties (like goodness, immortality and so forth) could not be isolated in the consensus.¹¹¹ The natural preconception thus demonstrated will in turn be used as a premise in Balbus' more formal arguments for the existence of the gods (2.16-44) which in turn ramify to support not all, but a substantial portion, of his theology (e.g. 2.75-80).¹¹²

Of Balbus' more formal arguments for the existence of the gods premised on our preconceptions, I will mention one here since I can use it as the occasion to introduce some data on Stoic ethics that we will need later in the chapter:

atqui certe nihil omnium rerum melius est mundo, nihil praestabilius nihil pulcrius, nec solum nihil est sed ne cogitari quidem quicquam potest. et si ratione et sapientia nihil est melius, necesse est haec inesse in eo quod optimum esse concedimus. (2.18)

(1) Again, of all things there is certainly nothing better than the cosmos—nothing that can excel it or be more beautiful; not only *is* there nothing, but nothing can even be thought of. And (2) if nothing is better than reason and wisdom, (3) we allow that it is necessary that these be in that which is best.

Oddly enough, I think that premise (1) is supposed to be the welcome and intuitive part of this argument. It relies on the natural preconception of the gods which Balbus has already established. Premise (2), that nothing is better than reason and wisdom, needs a bit more defending, as does the inference from (1) and (2) to (3). The Stoics had a distinctive theory of value. For them, what is good is right, virtuous reason, and what is

¹¹¹ *Pace* Boys-Stones (2003b) 39-41, who thinks that the latter-day consensus about the gods could not offer even these higher-level properties, and that the fully detailed preconception of the gods was available only to early man before human concepts became distorted and must be recovered now by philosophy.

¹¹² An older discussion of the role of preconceptions in the proofs of Stoic theology can be found in Schofield (1980); later work has clarified the distinction between consensus and preconception, see Brittain (2005).

bad is vice. Virtue is to be identified with wisdom, the rational state of the Stoic sage, who has had epistemic success and now enjoys only true beliefs, and furthermore true beliefs so structured that they constitute knowledge, a consequence of which is that the sage will never again form a false belief. Vice is the state of everybody else—including all of us—in which we are prone to forming false beliefs. What are good or bad, then, are states of reason, with wisdom being a good and virtuous state, lack of it bad and vicious. Besides these bearers of value, nothing can be good or bad, including such conventional ‘goods’ as health, food and shelter, relatives, etc., or such conventional ‘bads’ as pain, poverty or death. Rather, those conventional goods and bads are ‘intermediates’, some of which are preferable and some not preferable. For example, one’s health and that of one’s family is a preferable, and in normal circumstances the Stoic sage will pursue these preferables. (DL 7.101-5; *de Finibus* 3.20-21; generally cf. *SVF* 3.1-168).¹¹³ An important part of being good, in fact, is being able to correctly identify preferables as such, and also being able to identify things which are not preferable but rather to be avoided in most circumstances, like over-eating or homicide. The sage always succeeds in distinguishing these, because she only has true beliefs, while we fools sometimes fail. Given this theory of value, we can see why Balbus would maintain premise (2). If something is to be good, as opposed to some sort of preferable, it must involve reason, and not only reason but reason disposed in the right way, that is, wisdom. Stoic value theory also gets us our inference from (1) and (2) to (3): if *x* is good, and to be good is to have wisdom, then *x* has wisdom, where wisdom in turn implies reason.

¹¹³ On the Stoic theory of values, see Irwin (1986), M. Frede (1999).

(C) The typology of the gods.

Now that we have Balbus' wider position before us, let us turn to the part of his speech that is relevant to religion, head [2], what the gods are like. Balbus offers a typology of the gods, with five types (which he explicitly distinguishes) on two levels (which he does not) (see Table 2): type 1, the cosmos; type 2, the heavenly bodies; type 3, some beneficial powers rightly established as divinities; type 4, deified heroes; type 5, aspects of the physical world.

Table 2: Balbus' typology of the gods.

<u>Level</u>	<u>Type</u>	<u>Quales?</u>	<u>Examples</u>	<u>Origin of place in human culture?</u>	<u>Balbus' comment.</u>
1	1. <i>dND</i> 2.45-49	Ensouled, better than which nothing conceivable.	The cosmos.		
	2. 49-56	Most beautiful in shape, helping the cosmos, exhibiting <i>mens</i> , <i>ratio</i> , <i>consilium</i> .	Sun, moon, five planets, fixed stars.		
2	3. 60-61	<i>Naturae deorum</i> yielding great benefits to humankind.	Liber (wine), Ceres (grain), Fides, Mens, Honos, Ops, Salus, Concordia, Libertas, Victoria.	The wisest of the Greeks and the Roman <i>maiores</i> named them for the <i>utilitates</i> they bestow.	<i>non sine causa...constitutae nominataeque sunt.</i> (60)
	4. 62	The best and immortal men, who gave benefits.	Hercules, Castor and Pollux, Aesculapius, Liber son of Semele, Romulus = Quirinus.	Human life and custom.	<i>rite di sunt habiti, cum et optimi essent et aeterni.</i> (62)
	5. 63-69	Physical entities.	Apollo, Ceres, Diana, Dis, Janus, Jupiter, Juno, Mars, Minerva, Neptune, the Penates, Proserpina, Saturn, Venus, Vesta.	<i>ex ratione physica</i> , but then <i>induti specie humana fabulas poetis suppeditaverunt, hominum autem vitam superstitione omni refersunt.</i> (63)	<i>videtis igitur ut a physicis rebus bene atque utiliter inventis tracta ratio sit ad commenticios et fictos deos.</i> (70)

Of the five types, Balbus straightforwardly argues for the belief that types 1 and 2 are gods. They are the first level. On the second level, while he accepts that gods of types 3 to 5 are indeed gods, to varying degrees Balbus seeks to reform traditional beliefs about them. In particular, he thinks that traditional beliefs about the gods of type 5 have gone awry.

We can begin to understand Balbus' motivation for the two levels of this typology if we consider the opening to his discussion under head [2]:

restat ut qualis eorum natura sit consideremus; in quo nihil est difficilius quam a consuetudine oculorum aciem mentis abducere. ea difficultas induxit et vulgo imperitos et similes philosophos imperitorum, ut nisi figuris hominum constitutis nihil possent de dis immortalibus cogitare; cuius opinionis levitas confutata a Cotta non desiderat orationem meam. (2.45)

It remains for us to consider what their nature is like. On this topic, nothing is harder than to draw the mind's gaze away from what our eyes are accustomed to. This difficulty has taken in both unsophisticated people generally and philosophers who are like the unsophisticated [i.e. the Epicureans], so that they are unable to think of the immortal gods without forming images of humans. The ridiculousness of this opinion was refuted by Cotta, and does not call for a speech from me.

Balbus's difficulty here is more pointed than he makes it sound; it seems to me that answering it is one of the main responsibilities of a Stoic theologian. As we saw, the Balbus depends in much of his theological exposition on what he claims is our preconception of the gods. This preconception was said to involve the gods' existence, that they have souls and that they are good. But for the Stoics it must not include the

notion that the gods are anthropomorphic. Now, let me be clear about what I mean by ‘anthropomorphic’ here. There are ways in which it was very important for the Stoics that we are like the gods. We resemble gods psychologically in that we are rational. There is of course a difference in scale between our minds and god’s mind, but the *important* difference is that god is virtuous and happy and we, as foolish humans, are not. If we could become virtuous sages then we would resemble god in the important respect, that is, psychologically, in respect of our reason. According to DL 7.119, the Stoics say that sages θεῖους τ’ εἶναι· ἔχειν γὰρ ἐν ἑαυτοῖς οἷον εἶ θεόν, “are divine; for they have in them, as it were, a god”. So when I say that the Stoics reject anthropomorphic gods I do not mean ‘anthropomorphic’ to include the important ways that we *are*, according to the Stoics, like gods. But the Stoics hold that the gods are unlike people in other important ways. First, the gods do not resemble us with respect to their bodies—they are not of human shape. The gods are the shape of the whole cosmos, or the sea, or of the sun. Second, the gods do not resemble normal, foolish humans in some crucial psychological respects. They do not have vices, they are not subject to passions and they do not behave viciously. Yet they are depicted in art and literature as looking like humans and behaving like fools. This the Stoics reject, and this must be what they mean when they say:

Θεὸν δ’ εἶναι ζῶον ἀθάνατον, λογικόν, τέλειον ἢ νοερόν ἐν εὐδαιμονίᾳ,
κακοῦ παντὸς ἀνεπίδεκτον, προνοητικὸν κόσμου τε καὶ τῶν ἐν κόσμῳ·
μὴ εἶναι μέντοι ἀνθρωπόμορφον. (DL 7.147)

[The Stoics say that] god is an immortal animal, rational, perfect or intelligent in happiness, not receptive of any bad, provident for the cosmos and things in the cosmos, but [they say that] he is not anthropomorphic.

When I use ‘anthropomorphic’, use it to mean, ‘with a humanoid body and the vices of a normal, foolish human’.

Yet it seems that there was a very strong *consensus* in ancient culture, at least at some levels, that the gods could be thought of anthropomorphically. This is certainly the case for the gods of myth and poetry. With the gods of cult, it is harder to know, and we recall the contention of one of the Scaevolae as reported by Varro and Augustine that the gods of myth were inimical to civic religion (*Civ. Dei* 4.27). Still, it is easy to imagine that traditional religion fostered anthropomorphism in some of its witnesses—cult statues and ceremonies around them, the treatment of the gods as likely to be angered by broken oaths or requiring material sacrifices would all tend to suggest that the gods were visually or psychologically anthropomorphic. So why isn’t it a natural preconception that the gods are anthropomorphic? To add to the challenge, the Epicureans, the other Hellenistic school to base a theology on preconceptions (1.44-45), aimed to honour the consensus and went to some lengths to give us gods that were literally, physically anthropomorphic—that is, of human shape (1.47-56). The resulting doctrine may have been effectively rubbished by Cotta in book 1 (1.68-99), but there is still an onus on the Stoic expositor to show why we should reject the anthropomorphic consensus when we accept most other consensuses on the gods as evidence of a preconception. This helps us to understand Balbus’ motivation in looking to revise beliefs about the gods of level 2.

Let us look first at the gods of level 1, that is, types 1 and 2. The only god of type 1 is the cosmos. Balbus’ proof is here very brief—he spends most of the relevant paragraphs (2.45-49) mocking Epicurus’ contention that a sphere is not the most beautiful solid. In the proof, he simply calls up two of our preconceptions about a god, that it is ensouled (*animans*) and that nothing in nature is more outstanding (*praestantius*) or better

(*melius*) than it, and then says that the cosmos best fits these criteria (2.45-47). Our preconception is that the cosmos is best, while what is best must have a soul (as we have seen), so the cosmos is (a) best and (b) has a soul. There are two good reasons for this brevity. First, as we saw earlier, Balbus has already shown more than once that the cosmos is a god in the course of proving that the gods exist. Second, as Balbus himself says (2.47), the identification of the cosmos as god will receive massive support through the rest of the speech, as he argues for its providential ordering, the rationality and indeed divinity of many of its products and the teleological features of the remainder.

Type 2 gods are the heavenly bodies, both the fixed stars and the others, which is to say the sun, the moon and what we would call the five planets. Balbus' first step in showing their divinity is to describe in each case the amazing regularity and precision of their motions (2.54-55). In the case of the fixed stars, this does not take much arguing; they indeed go around once every sidereal day with remarkable regularity. For the planets, there is a bit more work. The sun, as we would readily agree, moves around once per solar day, while moving against the fixed stars along the ecliptic over the course of 365 1/4 days (2.49), producing the year, the course of the ecliptic rising and dropping in the zodiac to produce the seasons. The moon travels a similar path against the fixed stars monthly, and has her phases (2.50). Both of these sets of movements are not only marvelously regular, but have direct benefits for us—timekeeping for one thing, but also the terrestrial manifestations of the seasons, crop nutrition and so forth. With the five planets, showing regularity is harder again, since their movements against the fixed stars are apparently much more chaotic and harder to predict. But Balbus shows their regularity by analysing their motions into regular component spherical motions that produce the apparently confounding net motion. They have *continuas conversiones duas*,

two continual revolutions (2.49). That is, their apparently confounding motions could be modeled by two sorts of regular, spherical motions: the regular motion of the heavens, as that of the fixed stars, and a extra motion which astronomers had long shown could be modeled by the simple motions of a system of deferent spheres.¹¹⁴ This would mean that the five planets have little more fundamental complexity to their motions than the sun and moon—two continuous sorts motions rather than the one motion of the fixed stars, with the extra motion decomposing into several motions as simple and regular as those of the fixed stars. Balbus also gives us approximate observational data for the periods of the planets' movements, ranging from about 30 years for Saturn to about a year for Mercury, and adverts to the notion of the Great Year although he doesn't hazard a figure for its length (2.51-53).

All this regularity is very well, and perhaps serves to indicate that there is reason behind the motions of the heavenly bodies. But it is not enough to get Balbus his conclusion, for why should we not think that the reason behind these motions is just that of the cosmos itself? Balbus' extra premise here is revealed in his description of the fixed stars (2.54-55). He claims that the stars are not moved in virtue of being fixed to a rotating sphere of aether or the like, but rather that they move under their own steam. The same presumably goes for the seven planets, whose motions can be modeled by the regular components to their net motion without the implication that they are in fact just pushed by a system of rotating spheres and deferents. This would make the celestial bodies, including the fixed stars, self-movers much as we are. Although the Stoics think that we are all part of a determined cosmos, they also make us responsible for our actions through our own reason, and so the same should be true of the heavenly bodies if

¹¹⁴ For the groundbreaking work of Eudoxus and Callippus, which facilitated Aristotle's model of the celestial spheres, see Dicks (1970) 151-219.

they are self-movers and not just pushed around by celestial clockwork. This would mean that the reason and intelligence evident in their motions must, in the first instance, be their own. Balbus concludes :

dictum est de universo mundo, dictum etiam est de sideribus, ut iam prope modum appareat multitudo nec cessantium deorum nec ea quae agant molientium cum labore operoso ac molesto. non enim venis et nervis et ossibus continentur nec his escis aut potionibus vescuntur, ut aut nimis acres aut nimis concretos umores colligant, nec is corporibus sunt ut casus aut ictus extimescant aut morbos metuant ex defetigatione membrorum, quae verens Epicurus monogrammos deos et nihil agentes commentus est. illi autem pulcherruma forma praediti purissimaque in regione caeli collocati ita feruntur moderanturque cursus, ut ad omnia conservanda et tuenda consensisse videantur. (2.59)

We have talked about the cosmos as a whole, and we have also talked about the heavenly bodies, so that now there is pretty well apparent a multitude of gods, who are constantly active, who do not labour at what they do with burdensome or difficult toil, for they are not held together by veins and nerves and bones nor do they consume food and drink such that they can accumulate humours which are too sharp or too viscous, nor do they have bodies such that they are terrified of falls or blows or fear diseases from the exhaustion of their limbs. Epicurus was anxious about such things, and invented his hollow, do-nothing gods. But [the celestial gods], endowed with the most beautiful shape and placed in the purest region of the heaven move and shape their courses so that they seem to cooperate for the conservation and preservation of everything.¹¹⁵

¹¹⁵ The emphasis on the ease of the gods' work here is intended as a reply to Velleius' accusation that the Stoic god is *laboriosissimum*, very overworked, i.e. not blessed (1.52).

By this point, Balbus is satisfied that he has given us a multitude of gods (as many as there are fixed stars in the sky + 8) which fit our preconceptions of the gods, but are not anthropomorphic. We should notice that, with the possible exception of the sun and the moon with which Apollo and Diana were associated, none of the gods so far mentioned are objects of traditional cult at Rome. The planets, which we call by the names of the gods, were known to the Romans as the ‘star of Mercury’ (*stella Mercurii*) and so forth (2.53-54), implying no identification of the god and the heavenly object.

I now move to the gods of the second level, types 3 to 5. Types 3 and 4 both receive rather brief and unclear treatment. Of type 3 gods we are told:

multae autem aliae naturae deorum ex magnis beneficiis eorum non sine causa et a Graeciae sapientissimis et a maioribus nostris constitutae nominataeque sunt. quicquid enim magnam utilitatem generi adferret humano, id non sine divina bonitate erga homines fieri arbitrabantur (2.60)

But many natures of the gods were established and named by the wisest men of Greece and our own ancestors for their great benefits <to us>, and not without cause. For they used to think that whatever brought great utility to the human race did not come about without divine goodness towards humans.

‘Established’ (*constitutae*) here is somewhat ambiguous, and one might think that Balbus means to suggest that these gods were *invented* by the ancestors who introduced them. But a more likely reading is that he means by *constitutae*, and by the parallel terms *dedicatae* and *consecratae*, that these gods were established *as objects of cult* at some point in history, and possibly that they were then first identified as divine. Parallel to their establishment, these gods received a name, which further serves to mark their *adoption* as gods. So what Balbus proposes here is not the origin these gods *per se*, but

an origin for their place in human culture. Nor is this just anthropological theory; in the case of his Roman examples, he points out that the relevant cults were started by named founders in the historical period (2.60-62), founders for whom we have parallel evidence in the historians.¹¹⁶ The general reason for establishing these deities, Balbus says, was a perception that they bestowed some great benefit. He then discusses two models of naming which involve a deity. In the former of these, the name of a god who is thought to bestow a benefit, like Ceres who bestows grain, is applied to the very benefit. He illustrates with a Terence tag: “Venus without Ceres and Liber is cold.” The point here must be that the tag makes little sense if we read the names of the gods literally, so reader will naturally read the line to mean something like “sex without food and wine is frigid.” In the Terence, the divine names just stand for the products or aspects of life with which they are associated, and similarly, Balbus suggests, in religion. There are some puzzles about this first model. First, Ceres also appears under type 5, and indeed is one of Balbus’ paradigmatic examples of that type (2.71). I will address this puzzle momentarily. Second, the model does not seem to fit the general description of type 3 gods. If a god’s name (especially one like ‘Ceres’ which lacks an obvious meaning) is applied to a product, this suggests that the god was already honoured in human culture before the product was named. I am not quite sure how to answer this problem. One answer might be that Ceres and Liber are not supposed to be examples of type 3 gods at all. Rather, they might be introduced as examples of metonymical naming in religious history illustrative of the origin of the veneration of type 3 gods. It is also possible that Balbus is rather more flexible in picking out type 3 gods in practice than he suggests in

¹¹⁶ For the supporting evidence—much of it from Livy—see Pease (1955-58) *ad loc.*. *Fides*: long tradition, but temple on Capitoline dedicated A. Atilius Calatinus c. 250BC. *Mens*: T. Otacilius Crassus, 215 BC. *Honos*: Q. Fabius Maximus Cunctator, 233BC. *Virtus*: M. Marcellus, 205BC.

the abstract; Liber and Ceres are venerated chiefly because they are seen to bestow benefits, so perhaps they fit the type.

The second model for naming is a little more complex. In this model, it was similarly decided, or recognized, that a god produced a benefit (2.61). But on this model, it was not the product which was given the metonymical name, but the god. And furthermore, the god does not receive the name of the product, but rather the name of some great power (*vis*) which the god possesses, presumably the power to produce and/or to control the product. Thus Balbus says:

utilitatum igitur magnitudine constituti sunt ei di qui utilitates quasque gignebant, atque is quidem nominibus quae paulo ante dicta sunt quae vis sit in quoque declaratur deo (2.62).

So those gods who brought about any benefits were established for the greatness of those benefits, and what power is in each god is revealed by those names which I gave a little earlier [i.e. *Mens, Fides, Ops, Salus*, etc.].

There are three layers here. First, we have *Fides, Mens, Virtus* and *Honos*. These are simply said to fit the second model, and it is for them that Balbus gives historical data. The second layer encompasses *Ops, Salus, Concordia, Libertas* and *Victoria*. Balbus says that each of these has a *vis* so great that it could not be controlled, *regi*, without a god. So it is not clear that the power which yields a type 3 god's name is always a property of the god; it may be a property of other things which the god has a secondary power to control. Again, perhaps, Balbus seems to be a little more flexible in his naming schema than his general characterization of it would suggest. We can also observe that the *Fides-Mens-Virtus-Honos* layer refers to virtues, that is, genuinely valuable things on the Stoic view, while the layer of *Ops, Salus*, etc. refers approximately to preferables.

(*Fides publica* is a public benefit, but rests on the virtue of individual citizens.) I say ‘approximately’ because while it is clear that *ops* or *salus* are preferable rather than good, *concordia* and *libertas* may be epiphenomena of virtue, among citizens in a society or in an individual respectively. Still, *concordia* and *libertas* are not themselves virtues. This second layer of names, then, reveals not virtuous powers of the gods, but benefits with which the powers of the gods help us to deal. A little later in his speech, under head [3], Balbus seems to confirm that the ontologically speaking the entities worshipped as type 3 gods are properties of the gods (and sometimes of humans) rather than independent gods in themselves:

sequitur, ut eadem sit in is quae humano in genere ratio, eadem veritas utrobique sit eademque lex, quae est recti praeceptio pravique depulsio, ex quo intellegitur prudentiam quoque et mentem a deis ad homines pervenisse (ob eamque causam maiorum institutis Mens Fides Virtus Concordia consecratae et publice dedicatae sunt; quae qui convenit penes deos esse negare, cum eorum augusta et sancta simulacra veneremur: quod si inest in hominum genere mens fides virtus concordia, unde haec in terram nisi ab superis defluere potuerunt?)... (2.79)

It follows that, as there is the same reason in them as there is in the human race, there is the same truth in both places, and the same law, which is the codification of what is right and the expulsion of what is immoral, whence we understand that wisdom and intelligence came to people from the gods (and it was because of this, through the institutions of our ancestors that *Mens*, *Fides*, *Virtus* and *Concordia* were enshrined and dedicated by the state. How is appropriate to deny that these things are controlled by the gods, when we worship their solemn and holy

images? Because if there is intelligence, good faith, virtue and concord in the human race, from where did these flow to earth if not from those above?).

(Balbus acknowledges that the Romans worshipped type 3 gods through anthropomorphic *simulacra*, but where a deity has a clearly meaningful name like *Virtus*, it is easy to see that the cult statue is just a symbol of something not anthropomorphic.)

The third layer is perhaps the most intriguing. Items like *cupido* (lust) or *voluptas* (sensual pleasure) are the powers in view. Balbus wants to understand these as items associated with vices. This rests on the Stoic theory of passions.¹¹⁷ For the Stoics, passions are something which sages lack. The Stoics characterize passions as vivid false beliefs (which is why sages lack them), specifically vivid false beliefs about value. For example, fear is a recently formed false belief about a future bad. If a ravenous tiger jumps out at me, being a fool I will probably form the belief, “my imminent maiming and death will be bad.” This is a passion; the sage will not form such a belief. Similarly, there are passions which falsely judge that something is good—for example, “this sex will be good” is lust. Lust, then, issues from vice. Similarly, *voluptas* may involve judging viciously and falsely that a current sensation is good. In Balbus’ view, then, the gods do not have the power to experience lust or *voluptas*. Furthermore, he does not think that *our* tendencies to experience them are a boon. If the gods have a positive role in lust, it might lie in helping us to avoid it. But it seems most plausible that Balbus here *objects* to the introduction of these deities. He is not explicit on the point, but they seem to be a misapplication of the type three model of establishing gods. He makes no recommendation about removing them from state cult—in fact, he never makes any recommendations about a change to cult—but it seems to be a consequence of his overall

¹¹⁷ For Stoic passions, see Brennan (1999). But cf. Irwin (1998), M. Frede (1986).

position that someone who has revised her beliefs about religion along Stoic lines as Balbus recommends will cease to venerate *Venus Lubentina*. (Cf. *de Legibus* 2.28 where Cicero expels the cults of vices from his ideal state.)

Let us now sum up type 3 gods. Ceres and Liber—if they are to be considered type 3 gods—are also type 5 gods, and it is in the discussion of type 5 that we learn *quales sint*. For the rest, we are presented with cults where the god has been named for one of its properties (a power) or something else that it has the power to control. In neither case are we told what the nature of the god itself might be. Type 3, then, seems to be a classification of gods not on physical or metaphysical criteria, but strictly by the history of their recognition and naming in human culture.

Type 4 gods are a category to which Balbus gives very little space. They are the category which we would roughly call heroes—divinities who were once mortals but have achieved some sort of apotheosis.

Suscepit autem vita hominum consuetudoque communis ut beneficiis excellentis viros in caelum fama ac voluntate tollerent, hinc Hercules hinc Castor et Pollux hinc Aesculapius hinc Liber etiam... [digression: this was a different Liber] hinc etiam Romulum, quem quidam eundem esse Quirinum putant. quorum cum remanerent animi atque aeternitate fruerentur, rite di sunt habiti, cum et optimi essent et aeterni. (2.62)

But [viz. the conventions of] human life and common habit has allowed that people raise to the heaven men who have excelled in the benefits <they have given>. Hence Hercules, hence Castor, hence Pollux, hence Liber too [there follows a digression to the effect that this is Liber son of Semele not Liber son of Ceres (cf. aetiologizing Liber, cf. Teiresias in the *Bacchae* 271-297!)], hence even

Romulus, whom some consider to be the same as Quirinus. Since their souls would persist and enjoy eternity, they were duly taken to be gods, since they were the best and eternal.

Balbus once again approves of the process he describes—he says that the heroes were taken to be gods *rite*, a word which is ambiguous between a first connotation of religious or secular procedural correctness. He says that the souls of these heroes enjoy persistence after death¹¹⁸. This is a part of Stoic theory that we would like to know more about—they seem to have countenanced the existence of *daimones*, that is, the existence of disembodied souls. These souls are perhaps the souls of dead exceptional humans and intermediate, in some way, between gods and men (καὶ ἥρωας τὰς ὑπολελειμμένας τῶν σπουδαίων ψυχάς, “<the Stoics say> that heroes are the persisting souls of sages”, DL 7.151; cf. Plutarch *Def. Orac.* 419a). These exceptional humans must presumably be, or have been, sages, who in fact are considered in other Stoic texts to be divine even when alive—the difference between the reason of a sage and the reason of a full-blown god is one of degree, not kind (Posidonius fr. 187EK, Seneca *Ep.* 41).

Interpreting Hercules in this way might involve some revision of his mythical history—his murder of his own children in place of Eurystheus’ in Euripides’ *Hercules Furens* was a traditional philosophical example of unreason, indeed of insanity (Sextus

¹¹⁸ It is intriguing that Balbus uses *aeternus* here. As a Stoic he ought not to think that a sage’s soul existed before birth even if he thinks that it will never perish (itself controversial in Stoicism given the cyclical cosmic conflagration). So I interpret ‘eternal’ here to mean ‘imperishable’. This is perhaps a riskily conservative interpretation in light of *Div.* 1.115 where Quintus, speaking in his Stoic role, seems to say that the human soul *ab omni aeternitate vixit*. But this phrase from Quintus just seems to be a mistaken thing for a Stoic speaker to say (see n. 185). Looked at the other way perhaps Balbus’ apparent use of *aeternitas* to mean ‘imperishability’ might suggest that we can relieve Quintus of a non-Stoic view. But I think it is hard to make sense of Quintus’ words that way—why would it necessarily give the human soul any extra insight to have lived ‘for all imperishability’, i.e. ever since it was born? We could also try to make sense of *aeternitas* in both context by supposing that it means ‘great longevity’, but this still seems awkward in Quintus’ phrasing: *omni aeternitate* strongly suggests ‘the whole span of eternity’. So I interpret Balbus’ *aeternitas* to mean ‘imperishability’ (at least until the conflagration) and Quintus’ use to mean ‘eternity’ and to be un-Stoic.

M. 7.40-7). Still, Balbus makes no in-principle objection to mortals taking some exceptional deceased to be gods. On the other hand, his endorsement is a little lukewarm. The wisest men of Greece introduced gods of type 3, while type 4 was a product of convention. Further, Balbus proposes conditions on which the introduction of a type 4 god would be proper—that the person in question be the best (i.e. a sage) and eternal in soul. Since the Stoics have very high standards for sage-hood, Balbus leaves it open to a Stoic to deny on further analysis that the heroes in question were sages.

Now we turn to type 5 gods. This category is of vivid interest, since in it we find the what are clearly the leading gods of myth (or at least of the Greek myth so influential in Roman literary culture) and in many respects the leading gods of cult—Jupiter, Juno, Minerva, Vesta, Saturn, Diana, Janus and so on. Balbus considers these to be physical entities of some sort, but once again his emphasis is on an account of their history in human culture. (2.63, 2.70) Balbus proposes two stages for the evolution of our notion of type 5 gods. First, he says that they were first characterized *ex ratione physica*, from a physical argument (2.63). The physics on which the gods were based he considers to have been sound—he calls its discoveries *bene atque utiliter inventis* (2.70). It appears—though he is not explicit about this—that the discoverers of these physical matters, which must have included the physical entities that Balbus considers to be gods, expressed some of their conclusions as myths, or as discourses which we see as myths. For example, their conclusion that the divine fire produces without needing genitals was expressed in what became the myth of Saturn's castration of Caelum (2.63-64). They designated the type 5 gods with terms or phrases which described them. There was then a second stage. In this stage, the initial presentation of the gods was distorted. The myths were distorted, especially by poets, such that the type 5 gods came to be conceived

anthropomorphically. Meanwhile, the older terms for the gods were distorted, and came to be proper names.

Between the two passages in 2.63 and 2.70 Balbus embarks on a program of two activities to which the Stoics have been considered eccentrically devoted: allegoresis and etymology. In allegoresis, they look to interpret myth, or poetry, as allegory which yields a certain theory.¹¹⁹ In etymology, they do the same for words. Balbus' allegoresis is brief. He rereads the Caelum and Saturn myth as stated, with Caelum thus representing aether. Saturn seems to represent time; he eats his own children in the sense that he consumes past periods of time. Jupiter's binding of Saturn is interpreted as his enforcement of regularity of time on Saturn (2.63-64). Balbus' treatment of etymology is much more extensive (see Table 3 on p. 114).

Discussion of Stoic etymology focuses on two parts to their etymological theory. On the one hand, there are the methods they follow for finding derivations. These methods are fairly well documented (Origen *Cels.* 1.24 = *SVF* 2.146, Aug. *de Dialectica* 6). They involve retracing sound changes (e.g. Ceres from Geres, Iov- from Iuv-) or semantic changes, including the notorious method of opposition (e.g. Cornutus' etymology of Ἄρης from ἄρμονία). The other half of their theory must have given a reason to consider the fruits of etymology veridical. For example, Posidonius seems to have had a theory of human origins in which early humans tended to have true beliefs (Seneca, *Ep.* 90), which makes some sense in Stoicism given the Stoics' confidence in the reliability of human cognitive apparatus.¹²⁰ The details of this theory are controversial, and in particular it is disputed whether the veridicality of the words we can (cont. p. 115)

¹¹⁹ For Stoic allegoresis see Boys-Stones (2003a), (2003b) chs. 1-3, Most (1999).

¹²⁰ For a discussion of Posidonius on human origins, Boys-Stones (2003b) ch. 2.

Table 3: Stoic etymology of divine names.

	Balbus' etymology.	Cornutus.
Apollo	[Greek; identified with sun 68]	=the sun; “ὡς ἀπολύονθ' ἡμᾶς τῶν νόσων ἢ ἀπελαύοντα ἀφ' ἡμᾶς αὐτᾶς”; ἀπολλῦμι; τὸ ἀπλοῦν καὶ λύνειν. (No etym. of ἥλιος.) (65-66)
S/sol	solus	
Ceres	Geres. < “a gerendis frugibus” (67)	γῆ μήτηρ; Δηώ μήτηρ. (52)
Δημήτηρ	γῆ μήτηρ (67)	
Diana	[Identified with moon, 68]	=the moon; ἀπὸ τοῦ ἀρτεμῆς ποιεῖν (65)
L/luna	lucere [cf. Juno Lucina invoked in childbirth in Rome, “Diana Lucifera” in Greece] (68)	Being the moon, called φωσφόρος (71). (No etymology of σελήνη.)
Omnivaga	Not from hunting; she is one seven ‘vagantes’, planets, i.e. the moon (68).	Called a huntress because of moon’s behaviour in the zodiac. (72)
Menses	mensa spatia (69)	--
Dis	dives (66)	Ἄιδης from α-ιδ- (because he is invisible) or by opposition from ὁ ἀνδάνων ἡμῖν.
Πλούτων	πλούτων (66)	Πλούτων is name of Hades because all φθαρτά become his κτῆμα. (5)
Ianus	ire—‘ab eundo’. [‘ianus’ and ‘ianua’ said to be cognate], (67).	--
Iuno	iuvare (66) [But Iuno is the aër, 66.]	Ἥρα = ἄήρ. (3)
Iupiter	iuvans pater (64)	Ζεὺς=διὰ παντὸς ζῶσα καὶ αἰτία οὐσα τοῖς ζῶσι τοῦ ζῆν; Δι- because δι’ αὐτὸν γίνεται καὶ σώζεται πάντα; Δεῦς=τὸ δεῦν τὴν γῆν. (3)
Iov-	iuvare (64)	
Liber(a)	liber-, ‘child of Ceres’. (62)	
Mavors	magna + vertere (67)	Ἄρης from αἰρεῖν καὶ ἀναιρεῖν; ἀρή; (by opposition) ἀρμονία. (40)
Minerva	‘minuere’ or ‘minare’ (67)	Zeus’ <i>hegemonikon</i> and providence. Name Ἄθηνᾶ is δυσετυμολόγητον because ancient. Options: ἀθρεῖν; α + θηλ-; αἰθεροναία. (36)
Neptunus	nand- + -unus, cf. Port-unus (66)	Ποσειδῶν: πόσις + δίδωμι; λόγος καθ’ ὃν ἰδῆι ἢ φύσις; πεδοσεῖων. (4)
Penates	‘penus’, ‘penitus’ (68)	--
Proserpina	[A Greek name—Περσεφόνη, 66]	διὰ τὸ ἐπίπονον εἶναι καὶ πόνων οἰστικὴν τὴν ἐργασίαν ἢ τῶ ἐκ πόνων ὑπομονὴν φέρεσθαι. (55)
Saturnus	saturetur annis (64)	
Κρόνος	χρόνος (64)	χρόνος (4)
Venus	‘quae ad res omnes veniret’ (70) [‘Venustas’ from ‘Venus’, not vice-versa.]	διὰ τὸ ἀφρώδη τὰ σπέρματα τῶν ζῶων εἶναι; ἄφρων. (45)
Vesta	[A Greek name—Ἑστία, 67]	διὰ τὸ ἐστάναι διὰ παντός. (52)

reconstruct depends on some form of natural correctness of language, or some sort thesis, or some combination thereof.¹²¹

Discussion of Stoic etymology focuses on two parts to their etymological theory. On the hand, there are the methods they follow for finding derivations. These methods are fairly well documented (Origen *Cels.* 1.24 = *SVF* 2.146, Aug. *de Dialectica* 6). They involve retracing sound changes (e.g. Ceres from Geres, Iov- from Iuv-) or semantic changes, including the notorious method of opposition (e.g. Cornutus' etymology of Ἄρης from ἄρμονία). The other half of their theory must have given a reason to consider the fruits of etymology veridical. For example, Posidonius seems to have had a theory of human origins in which early humans tended to have true beliefs (Seneca, *Ep.*90), which makes some sense in Stoicism given the Stoics' confidence in the reliability of human cognitive apparatus.¹²² The details of this theory are controversial, in particular whether the veridicality of the words we can reconstruct depends on some form of natural correctness of language, or some sort thesis, or some combination thereof.¹²³

With this background, Balbus' treatment of etymology (and of allegory) poses some puzzles. First, his concern for the veridicality of the original physicists' theories seems rather limited. He says that they were correct, but what this gets him is not support *from their physics*, but rather the eventual conclusion that type 5 gods are indeed gods, once properly understood as the old physicists intended them. The conclusions of the Caelum-Cronos-Jupiter allegoresis are brief and would not be persuasive did not Balbus and the Stoics argue them at length elsewhere. Similarly, the etymologies sometimes show nothing more than that Jupiter was originally thought of as "helpful", or at most

¹²¹ For the options in interpreting the basis of veridicality in Stoic etymology, see Allen (2005) and Long (2005).

¹²² For a discussion of Posidonius on human origins, Boys-Stones (2003b) ch. 2.

¹²³ For the options in interpreting the basis of veridicality in Stoic etymology, see Allen (2005) and Long (2005).

that Ceres “bears crops”; these are vaguely consistent with Balbus’ position, but he hardly seems to be introducing them as further proofs of it. Balbus is much more interested in the *derivations* than in the veridicality thereof. For example, on two occasions he points out that a god’s name is a loan from Greek, and stops there, without etymologizing the Greek names (Apollo and Proserpina). On at least one occasion, Balbus gives an etymology which he shows is independent of the main Stoic interpretation of the god in question: Iuno is from *iuuare*, but Balbus says that she is to be identified with air. In the Greek Stoic tradition (see Cornutus) HPA was of course derived from AHP, but in starting a new Stoic tradition in Latin Balbus makes no attempt at a parallel etymology.¹²⁴ Of course, we could attribute some of the vagueness of Balbus’ derivations to the difference of language—Cicero here is helping to create a Stoic etymological tradition in Latin. But general Latin etymology had been going well for some time, and it is easy to imagine some alternatives that Balbus could have invoked; for example, deriving ‘*Iupiter*’ from ‘*Dies-piter*’ (cf. Varro *Ling. Lat.* 5.10) could easily have produced some astronomical construction on Jupiter. Balbus seems to prefer quick and easy options without too much regard to revealing specifically Stoic doctrinal content.

So what is the point of Balbus’ etymologizing? We should observe that in every case Balbus derives a divine name from a word or phrase that somehow describes the god. I suggest that, much as in his allegoresis, Balbus aims to use etymology not to unveil hidden truths for their own sake, but rather to support his claim that the common conception of type 5 gods in Roman culture has distorted an earlier, more accurate

¹²⁴ The *iuuare* etymology is the roughly the same as Varro’s, although Varro accounts for the ‘n’ in ‘Juno’ by deriving the name from *una cum Ioue iuvat* (*de Ling. Lat.* 5.10). Only sometimes does Balbus agree with Varro, however—he prefers to derive ‘*Iupiter*’ from ‘*Dies-pater*’, for example. As Varro attests, the *iuuare* derivation goes back to Ennius (*de Ling. Lat.* 5.10).

account of those gods. Balbus looks to show us that originally type 5 gods were designated, or described, by meaningful words or phrases rather than by proper names that purport only to refer to the god. For example, there was originally a phrase connected with Ceres which indicated that she was responsible for bearing (*gerere*) crops. The *gerere* word in question became used as, or mistaken for, a name, *Geres*. By a sound change, this became *Ceres*. Hence all trace of the original meaning of the designation was lost. I suggest that Balbus envisages that this production of meaningless proper names for the gods facilitated our mistaken conception of them as the personified gods of myth. Once the original meaning of the description was lost, its reference could quickly be forgotten or distorted too, so that any allegorical myths surrounding the name can begin to be taken literally and to be elaborated by poets. The point of the etymologies is to show us that in every case the names of the gods had such an original meaning. Balbus tells us that Zeno, Cleanthes and Chrysippus engaged in the same type of etymology, so it would be nice to have supporting evidence from the old Stoics. There is some in this passage from Athenaeus, which concerns Antipater (*SVF* 4.3.2):

καίτοι γε Ἀντίπατρος ὁ Ταρσεύς, ὁ ἀπὸ τῆς στοᾶς, ἐν τετάρτῳ περὶ
 δεισιδαιμονίας λέγεσθαι φησι πρὸς τινων ὅτι Γάτις ἢ τῶν Σύρων
 βασίλισσα οὕτως ἦν ὀψοφάγος ὥστε κηρῦξαι ἄτερ Γάτιδος μηδένα
 ἰχθύν ἐσθίειν· ὑπ’ ἀγνοίας δὲ τοὺς πολλοὺς αὐτὴν μὲν Ἀταργάτιν
 ὀνομάζειν, ἰχθύων δὲ ἀπέχεσθαι.. (Athen. 8.346a = *SVF* 4.3.64.)

And yet Antipater of Tarsos, the Stoic, in the fourth book of <his> *On Superstition*, says that it is said by some that Gatis, the queen of the Syrians, was such a gastronome that she ordered that ‘without Gatis (ἄτερ Γάτιδος) no fish

was to be eaten’; and he says that through ignorance the many named her Atargatis, but stayed away from fish.

There are two things to notice here. First, ‘the many’ mistake a meaningful phrase for a name. Second, the context for Antipater’s story was his *On Superstition*, that is, on mistakes about the gods which lead us to fear them. Balbus says that one of the consequences of the naming mistake was *superstiones paene aniles*. So perhaps for Antipater this story illustrated the sort of naming mistake people made about type 5 gods—they mistook a meaningful phrase for a name.

A much fuller comparandum for Balbus’ etymologies comes from later Stoicism. A treatise entitled *A Compendium of Greek Theology* (Ἐπιδρομή τῶν κατὰ τὴν Ἑλληνικὴν θεολογίαν παραδεδομένων) comes down to us in the manuscripts under the name Cornutus. This work is attributed to Lucius Annaeus Cornutus, a friend and teacher of Persius who was banished by Nero in the late 60s.¹²⁵ Cornutus gives us a short but substantial treatise, 76 small Teubner pages, exclusively devoted to just the sort of allegoresis and etymology of the divine myths and names which we get from Balbus. I have provided Cornutus’ parallel etymologies in my Table 3 above by way of comparison. Cornutus addresses his work to a child, a παιδίον (Cornutus p.1 Lang), and it is explicitly an attempt to regulate the religious beliefs of the youth of society. He begins his conclusion:

Οὕτω δ’ ἂν ἤδη καὶ τᾶλλα τῶν μυθικῶς παραδεδοσθαι περὶ θεῶν
δοκούντων ἀναγαγεῖν ἐπὶ τὰ παραδειγμένα στοιχεῖα, ὧ παῖ, δύναιο,
πεισθεῖς ὅτι οὐχ οἱ τυχόντες ἐγένοντο οἱ παλαιοί, ἀλλὰ καὶ συνιέναι τὴν
τοῦ κόσμου φύσιν ἱκανοὶ καὶ πρὸς τὸ διὰ συμβόλων καὶ αἰνιγμάτων

¹²⁵ For the attribution of Cornutus, see Boys-Stones (2003b) 49-51; Ramelli (2006).

φιλοσοφῆσαι περὶ αὐτῆς εὐεπίφοροι. διὰ πλειόνων δὲ καὶ
ἐξεργαστικώτερον εἴρηται τοῖς πρεσβυτέροις φιλοσόφοις, ἐμοῦ νῦν
ἐπιτετμημένως αὐτὰ παραδοῦναί σοι βουληθέντος· χρησίμη γὰρ αὐτῶν
καὶ ἡ ἐπὶ τοσοῦτον προχειρότης ἐστί. (75-76 Lang)

You will already be able to analyse according to the elementary examples given the rest, also, of what is thought to have been handed down in mythical form, child, now that you have been persuaded that the ancients were not random <in their methods>, but rather that they were even equipped to understand the nature of the cosmos and ready to philosophize about it through symbols and riddles. This was talked about at greater length and more or less completely by earlier philosophers, but I wish now to hand this material on to you concisely; for the undertaking in these matters, even to that extent, is useful.

Cornutus shares many of the components of Balbus' system. He thinks that an original physical understanding of the gods is encoded in myths and names, and can be unraveled. He may not put the same stress on the theory of a *subsequent* mistaken distortion of the original physics; he says that the ancients themselves philosophized “through symbols and riddles.”¹²⁶ Still, in his etymologies, rather like Balbus Cornutus often seems unconcerned about providing support for Stoicism (witness his multiple etymologies of Apollo, between which he does not arbitrate), even if equally often his derivations are more closely targeted at his school doctrines than are Balbus' (αἰθεροναΐα for Athena recalls his identification of her with Zeus' *hegemonikon* (Cornutus p. 35 Lang)). And for all that Cornutus seems more interested in the veridicality of the old physical doctrines, he still implies that the main of point of his foregoing treatise has been to convince the

¹²⁶ For a fuller interpretation of Cornutus, with a greater emphasis on the old physicists as successful philosophers, see Boys-Stones (2003b) ch. 3.

child of the old physicists' competence and correctness, not to discover new proofs about physics. That Stoic allegoresis and etymology is doable shows the correctness of the old doctrines by modern Stoic standards, not *vice-versa*. The reform of one's beliefs about the gods is the target. The end of Cornutus' conclusion, following directly from the passage just quoted, runs:

περὶ δὲ ἐκείνων καὶ περὶ τῆς θεραπείας τῶν θεῶν καὶ τῶν οἰκείως εἰς τιμὴν αὐτῶν γινομένων καὶ τὰ πάτρια καὶ τὸν ἐντελεῖν λήψη λόγον οὕτω μόνον ὡς εἰς τὸ εὐσεβεῖν ἀλλὰ μὴ εἰς τὸ δεισιδαιμονεῖν εἰσαγομένων τῶν νέων καὶ θύειν τε καὶ εὐχεσθαι καὶ προσκυνεῖν καὶ ὀμνύειν κατὰ τρόπον καὶ ἐν τοῖς ἐμβάλλουσι καιροῖς καθ' ἣν ἀρμόττει συμμετρίαν διδασκομένων. (76 Lang)

But concerning them [i.e. divine matters], and the cult of the gods and the things that are appropriate for their honour, take <your> national customs and purified reason, only in this way, so that the youth be led into virtuous piety and not into superstition, and sacrifice and pray and reverence and swear in the right way and at the appointed times, learning the symmetry according to which <these things> are in harmony.

Cornutus gives us here the two ingredients for the reform of religious beliefs—national customs (the beliefs to be reformed) and purified reason. (the way to reform them) These must refer to one's local traditional religion on the one hand, and Stoic reason on the other. When reason has been applied to traditional beliefs in the way Cornutus has demonstrated, then one will carry out the cult of the gods correctly.

For type 5 gods, then, Balbus provides a history of their place in human culture which requires us to go back and rationalize traditional beliefs. This marks the end of his

typology of the gods, and we can concede that (along with a comprehensive run-down of his theology) he given us what I asked of him—an account of Stoic, non-anthropomorphic gods and in addition an error-theory for why ancient society tended to conceive of the gods anthropomorphically. On the first level, we have two types of gods which Balbus fully endorses, the cosmos and the heavenly bodies. On the second level, we first have a type of deities recognized by human culture, virtuous powers or their products, which at bottom are probably to be identified with properties of the gods (and potentially of some humans) rather than gods proper. Next we have type 4 gods, who really were humans at some point, but now are disembodied souls. Balbus spends very little time proving this, presumably because traditional belief agreed fairly closely. Type 5 gods provide the meat of the error theory; the mythical, anthropomorphic Olympians are the result of the misunderstanding of old, broadly correct physical theories. He concludes with Ceres and Neptune, and tells us exactly what we should think those two gods are:

Sed tamen is fabulis spretis ac repudiatis deus pertinens per naturam cuiusque rei, per terras Ceres per maria Neptunus alii per alia, poterunt intellegi qui qualesque sint quoque eos nomine consuetudo nuncupaverit. (2.71)

But now, once these myths are condemned and rejected, we will be able understand who the god is who permeates the nature of each thing, Ceres through the earth, Neptune through the sea, other gods through other things, what they are like, and by what name custom has called them.

Type 5 gods, then, are parts of the divine matter which on the Stoic view is immanent in all material objects and causes them to be as they are (Aëtius 1.7.33 = *SVF* 2.1027; DL 7.134-139). The part of this pneuma in the earth is Ceres, the part in the sea is Neptune.

(D) Balbus and the Stoics on religion.

So much, then, for Balbus' theology. He recommends a radical reform of traditional beliefs about the gods. We might suppose such reform would have some consequences for religion. Balbus concludes his treatment of head [2] with some remarks on just this topic

Quos deos et venerari et colere debemus, cultus autem deorum est optumus idemque castissimus atque sanctissimus plenissimusque pietatis, ut eos semper pura integra incorrupta et mente et voce veneremur. non enim philosophi solum verum etiam maiores nostri superstitionem a religione separaverunt. nam qui totos dies precabantur et immolabant, ut sibi sui liberi superstites essent, superstitiosi sunt appellati, quod nomen patuit postea latius; qui autem omnia quae ad cultum deorum pertinerent diligenter retractarent et tamquam relegerent, [i] sunt dicti religiosi ex relegendo, [tamquam] elegantes ex eligendo, [tamquam] [ex] diligendo diligentes, ex intellegendo intellegentes; his enim in verbis omnibus inest vis legendi eadem quae in religioso. ita factum est in superstitioso et religioso alterum vitii nomen alterum laudis. Ac mihi videor satis et esse deos et quales essent ostendisse. (2.71-2)

Which gods [i.e. Ceres, Neptune and type 5 gods] we must both worship and pay cult to. But cult of the gods is best and again most pious and most full of holiness when we worship always with both an intelligence and a voice pure, faultless and untainted. For not only philosophers but even our own ancestors distinguished superstition from religion. For people who spent whole days praying and sacrificing so that their children would survive them (*sibi superstites essent*) were called 'superstitious', a name which later got a wider application. But people who

carefully went back over everything to do with the cult of the gods and as it were ‘re-read’ (*relegerent*) it, they were called ‘religious’, as *elegans* from *e-legere*, *diligens* from *di-legere*, *intellegens* from *inter-legere*; in all of these words there is the same force of *legere* as there is in *religiosus*. Thus it came about that between ‘superstitious’ and ‘religious’, one is a name of vice, the other of praise. And it seems to me that I have shown sufficiently that the gods exist and what they are like.

Balbus’ characterization of the best cult—that it be undertaken with a pure mind and so forth—sounds rather general and stereotypical. But that is a little deceptive. For one thing, the purity he demands is only of mind and voice. For another, he goes on to explain the difference between a religious person and a superstitious one. Here he again indulges in etymology, and this time he uses his etymology to illustrate the philosophical difference between the two types of person, since thinks that the *maiores* made a similar distinction to the Stoics. Those who were superstitious engaged many ceremonies in the hope that their children would survive them. Balbus does not elaborate on why they might have wanted this, but one interpretation is that they hoped that their children would be around to attend to the cult of the dead and thus ensure that their afterlife would go smoothly.¹²⁷ This would in turn imply some beliefs that the Stoics avoid, for example the belief that unless one conducts the right ceremonies one will be harmed by the gods, an example of the passion of fear. On the other hand, the religious person would *re-legere*, re-read or re-work things pertaining to cult. The obvious construction to put on this is

¹²⁷ Here I agree with the second interpretation of Lactantius at *Div. Inst.* 4.28.13, which makes clear the significance of *superstes* + the dative: *superstitiosi autem vocantur non qui filios superstites optant—omnes enim optamus—sed aut ii qui superstitem memoriam defunctorum colunt aut qui parentibus suis superstites colebant imagines eorum domi tamquam deos penates*, “Superstitious people aren’t so called because they hope that their children survive—for we all hope <that>--but because they have a cult of the memory of the dead, or because, surviving their parents, they used to pay cult to images of them in the home as if they were household gods.” Cf. Pease (1955-58) *ad loc.*.

that the religious person would do exactly what Balbus has just been doing, that is, revise traditional beliefs about the gods along rational, Stoic lines. Balbus concludes by implying that the superstitious person is vicious, while the religious person is worthy of praise. Of course, since most people are vicious, most religious people will be vicious too (hence Balbus implies that they are praiseworthy, not virtuous), but they are working along the right lines. To a first approximation, we can compare Balbus' opposition of being religious and being superstitious with Cornutus' opposition of τὸ εὐσεβεῖν and τὸ δεισιδαιμονεῖν. *superstitio* is a natural translation of δεισιδαιμονία, and we associate right religion with εὐσέβεια.

But with the help of some external Stoic texts, we can produce a much more precise reading of Balbus' terminology, and hence of his views on religion. The Stoic terminology of religion was as follows (see texts collected in the Appendix, Part 1). The general virtue σοφία, wisdom, was defined as the science of things human and divine (Sextus *M.* 9.123). There were two specific virtues concerned with one's relationship with the gods. These were ὁσιότης, holiness, defined as δικαιοσύνη πρὸς θεούς, “justice towards the gods” and εὐσεβεῖα, piety, defined as ἐπιστήμη θεῶν θεραπείας, “science of the cult of the gods”, where a science is a perfect τέχνη, art, possessed by a sage. The corresponding vices were privations of εὐσέβεια and ὁσιότης, that is, ἀσέβεια and (presumably) ἀνοσιότης. If it seems odd that Stoics might have considered two virtues so close in meaning, this is a consequence of their strong version of the doctrine of the unity of the virtues. A sage has all the virtues, a fool has none; one could not have holiness without piety, or *vice-versa*. So εὐσέβεια, the science of the cult of the gods, is a part of ὁσιότης, the virtue of justice towards the gods; they come as a package. Now, it turns out that δεισιδαιμονία is not a vice, but rather a passion, and is

(conventionally) defined by the Stoics as φόβος θεῶν. As we saw, the Stoics considered fear to be a vivid false belief in a future bad. δεισδαμονία, then, will be a freshly-formed false belief that the gods will do something bad, for example that they will genuinely harm you if you break an oath. So the relationship between εὐσέβεια and δεισδαμονία is somewhat complex. The former is a vice, the latter is a passion experienced by those who are vicious in that they lack the virtue. This must be why Cornutus opposes *being superstitious* to *being pious* (rather than just religion to piety) when he discusses the upshot of his theology; people who are pious never experience superstition, and vice versa.

How does Cicero adapt this terminology for Balbus? (See texts collected in Appendix, Part 2.) First, *religio* does not simply correspond to εὐσέβεια. Balbus calls it the *cultus deorum* (2.8), i.e. θεῶν θεραπεία, so, being the cult of the gods, it cannot be the science of the cult of the gods. On the other hand, although Balbus never defines it directly, I think that *superstitio* is to be identified with δεισδαμονία, that is, with fear of the gods. When he discusses the consequences of the cultural distortion concerning type 5 gods, Balbus puts *superstitiones* in the company of *falsas opiniones erroneaque turbulentos*, “false opinions and disturbing errors” (2.70). As we have seen, passions are a subset of false opinions. *Errores turbulentos* themselves sound very much like passions; in the *Tusculans* a type of fear, *conturbatio* is defined as *metum excutientem cogitata*, “fear which strikes out considered beliefs” (*Tusc.* 6.19). In this company, it is plausible to think that *superstitiones* are in turn a subset of passions, that is to say, fears of the gods. We can compare here what Cotta says against Velleius about *superstitio*; he talks about *superstitio, in qua inest timor inanis deorum* (1.117), “which comprises vain fear of the gods.” What about the virtues? Here Balbus gives no definitions. But, with

due caution, I think we look to two definitions given by Cotta for help. Cotta gives these when arguing against Velleius' claim that Epicurus was an expert on piety; he defines *sanctitas* and *pietas* in order to show that both are lacking in Epicurean philosophy. He defines *pietas* as *iustitia adversum deos*, which exactly translates the Greek δικαιοσύνη πρὸς θεούς, and *sanctitas* as *scientia deorum colendorum*, which translates ἐπιστήμη θεῶν θεραπείας (1.116). Now, these correspondences seem too exact to be coincidences. So I suggest that on this occasion Cotta selects two *Stoic* definitions in order to use them against Velleius. It is a fair assumption that Balbus will use the same terminology. So when Balbus says that the best cult of the gods is *sanctissimus plenissimusque pietatis* (2.71), he attributes to it maximal εὐσέβεια and ὁσιότης. This leaves us to sort out *religio*. Does it signify anything beyond the *cultus deorum*? It seems that it should, if the word *religiosus* is to be a *nomen laudis*. The simplest interpretation is that *religio* is the cult of the gods carried on virtuously, in accordance with *pietas* and *sanctitas*. Again, Cotta provides a source of comparison; he says that *religio* is *deorum cultu pio continetur*, “encompassed by the holy cult of the gods”. (Compare now the summary of Balbus' terminology in the Appendix, Part 3.)

All of which leads to the question, what is the pious cult of the gods? A virtuous attitude to the gods of cult, as we have seen, will have involved a fundamental revision of our beliefs about them. The gods are immortal, rational, perfectly virtuous pieces of divine matter. They will not have need of material sacrifices, nor will they be angered at our actions or excited by our gifts, for anger and such excitement would be passions. Indeed, our other evidence for Stoic piety shows that, in principle, the activities towards the gods prescribed by Stoicism could look dramatically different from Roman state religion. First and foremost, as Balbus tells us, religious actions must be done by a

virtuous person, a sage, whose virtues will include holiness and piety. So what are these actions? Let us reflect again on the Stoic theory of virtue and action. A person is either virtuous, through having her reason in the right state and being immune to false beliefs, or vicious, through lacking virtue. For the Stoics, to act is to form a certain sort of belief, of a form something like, ‘it is appropriate for me to do *x*.’ The formation of a such a belief issues in the person who formed it doing *x*.¹²⁸ This is how the Stoics’ intellectual theory of virtue secures virtuous actions by the virtuous person—they are never mistaken about what is appropriate for them to do. Now, recall that the Stoics maintain a strong doctrine of the unity of the virtues: to have one virtue requires that one have only virtues, and no vices. To have virtue, sages must have piety and holiness. So every virtuous act implicitly activates the sage’s piety and holiness. Which is to say, *every* act of a sage manifests piety and holiness. We have evidence for this in Stobaeus :

Ἐτι δὲ ἐπεὶ πᾶς φαῦλος ὅσα ποιεῖ κατὰ κακίαν ποιεῖ, καθάπερ ὁ σπουδαῖος κατ’ ἀρετήν, καὶ ὁ μίαν ἔχων κακίαν πάσας ἔχει, ἐν δὴ ταύταις ὀρᾶσθαι καὶ τὴν ἀσεβείαν, οὐ τὴν τεταγμένην κατὰ τὴν ἐνέργειαν, ἀλλὰ τὴν τῇ εὐσεβείᾳ ἐναντίαν ἔξιν. Τὸ δὲ κατὰ ἀσεβείαν πεπραγμένον ἀσεβήμα εἶναι, πᾶν <ἄρ’ > ἀμάρτημα ἀσεβήμα εἶναι.

(Stob. 2.7.15 = *SVF* 3.661)

Again, since each fool does whatever he does viciously (just as the sage <does whatever he does> virtuously) someone who has one vice also has all <vices>, and among these impiety is found (not deliberate, positive <impiety>, but the state opposite to piety). What is done impiously is an instance of impiety, <therefore> every fool’s mistake is an instance of impiety.

¹²⁸ For the Stoic theory of action see M. Frede (1994), Inwood (1985)18-101.

We can run this same argument for the sage; each one of his actions must be an instance of piety. But as it stands this seems too glib an answer to the question of what constitutes a pious action for the Stoics; it might turn too much on the unity of the virtues doctrine and not say sufficiently clearly which actions are properly the concern of piety or holiness. But I think the Stoics would not agree, and perhaps would be even less ready to concede such an objection in the case of virtues which look to the gods than with other virtues. Here we will look at Seneca in his letter concerning the usefulness of precepts, that is, of issuing a set of rules for correct behaviour. His overall position is that precepts are all very well as a starting point, but one must aim for real virtue in the end. In the section on religious cult he gives some precepts, which we will look at a little later. Then he says:

primus est deorum cultus deos credere; deinde reddere illis maiestatem suam, reddere bonitatem, sine qua nulla maiestas est. scire illos esse, qui praesident mundo, qui universa sua vi temperant, qui humani generis tutelam gerunt interdum curiosi singulorum. hi nec dant malum nec habent; ceterum castigant quosdam et coercent et inrogant poenas et aliquando specie boni puniunt. vis deos propitiare? bonus esto. satis illos coluit, quisquis imitatus est. (Seneca Ep. 95.50)

The first cult of the gods is to believe in the gods; then, to give back to them their majesty, give back to them their goodness without which there is no majesty; to know that they are, who command the cosmos, who regulate every last thing with their power, who act for the safety of the human race and sometimes take care of individuals. They neither give nor have the bad; but they chastise certain people, and restrain others, and levy penalties and sometimes punish with the appearance

of good. You want to win over the gods? Be good. He has given them cult enough who has imitated them.

In other words, to be virtuous, to have one's reason in the right state, is to imitate the gods. This is a way that every action is an act of praise; it 'gives back' the gods' goodness because it amounts to an imitation of them, and the virtuous person will be aware of this. Most strongly of all, Seneca even says that acting virtuously is *sufficient* as cult.

With what has been said so far, it might appear that the Stoics have little room for traditional religion.¹²⁹ Zeno himself may have taken this view; it is quite well attested that in his *Republic* he recommended that no temples be built (*SVF* 1.264). Plutarch claimed that Zeno's recommendation committed the whole school to hypocrisy if ever they took part in traditional religion (*Stoic. Rep.* 1034C). But if that was the Stoic view, we have a puzzle. Apart from his criticism of gods based on vices, like Cupido, Balbus has nothing to say against traditional cult. Indeed, there is some evidence that he approves of it. For one thing, he talks of worshipping the *augusta et sancta simulacra* of the type three gods (2.79). Early on in his speech, he has a lot to say in favour of Roman religion as evidence for belief in the existence of the gods (2.5-12). Most significantly, his speech is bookended with appeals to Cotta. Balbus contends in these that as a *pontifex*, Cotta should be on his side in arguing for the gods (2.2, 2.168). At one level, this is certainly a rhetorical ploy, but it would be an outrageous one if Balbus were opposed to Roman cult. So how can Balbus recommend such fundamental revision of religious beliefs, but still be at home with traditional religion?

In fact, it seems that if Zeno really was opposed to temple cult, he was not

¹²⁹ For an exploration of the potential oddness of religion activity given a deterministic, providential Stoic god, see D. Frede (2002).

followed by the rest of the Stoa. Many sources make it clear that the Stoics thought that the virtuous person would engage in traditional religion (Cf. also Stobaeus 2.114.16 (=SVF 3.604)):

θεοσεβεῖς τε τοὺς σπουδαίους· ἐμπείρους γὰρ εἶναι τῶν περὶ θεοῦς νομίμων· εἶναί τε τὴν εὐσέβειαν ἐπιστήμην θεῶν θεραπείας. ἀλλὰ μὴν καὶ θύσειν αὐτοὺς θεοῖς ἀγνοῦς θ' ὑπάρχειν· ἐκνεύειν γὰρ τὰ περὶ θεοῦς ἁμαρτήματα. καὶ τοὺς θεοὺς ἄγασθαι αὐτούς· ὁσίους τε γὰρ εἶναι καὶ δικαίους πρὸς τὸ θεῖον. μόνους θ' ἱερέας τοὺς σοφοῦς· ἐπεσκέφθαι γὰρ περὶ θυσιῶν, ιδρύσεων, καθαρμῶν, καὶ τῶν ἄλλων τῶν πρὸς τοὺς θεοὺς οἰκείων. (DL 7.119)

Sages are dutiful towards the gods. For they are experienced with what is conventional concerning the gods; and piety is the science of the cult of the gods. And moreover they also sacrifice to the gods and are pure; for they refrain from mistakes about the gods. And the gods love them; for they are holy and just towards the gods. Only sages are priests; for they have studied sacrifices, temple building, purifications and the other things appropriate in relation to the gods.

Here we see that not only do the sages have *pietas* and *sanctitas*, they also engage in the activities of conventional religion. In fact, they even make a study of these conventions—they are ἐμπείρους τῶν περὶ θεοῦς νομίμων and ἐπεσκέφθαι γὰρ περὶ θυσιῶν, ιδρύσεων κτλ.. Let us put together two data: on the one hand, according to Seneca, imitating the gods is sufficient for virtuous cult. On the other, a sage has expertise in religious conventions and takes part in conventional religious acts. This expertise is called an ἐμπειρία, not an ἐπιστήμη. That is, it is not one of the sciences that go to make up the sage's virtue. Sages may all have an ἐμπειρία of their local

religious conventions, but obviously the *content* of any one sage’s ἐμπειρία cannot be necessary for virtue; a Roman sage might have a scholarly familiarity with the job of the *flamen dialis*, but a Scythian sage will not. This suggests that doing the acts dictated by one’s state religion is a preferable. That is, under normal circumstances, one will follow the local religious conventions. This will be the basis on which Balbus approves of Roman religion. Now, one of the limits on ‘normal circumstances’ here will be the nature of the local conventions; if they are ultimately derived from a vicious misunderstanding of the divine, as the cult of Venus Lubentina seems to be, then the sage will avoid them.¹³⁰

Now, a final question on Stoic religion. For a Stoic, what would be the *point* of a traditional religious act, like a sacrifice or a prayer? For sacrifices, Seneca¹³¹ gives us a clue, this time from the opening to his *On Benefits*, in which he is arguing that a benefit consists not in any material preferable handed over, but in the virtuous nature of the action:

non est beneficium ipsum, quod numeratur aut traditur, sicut ne in victimis quidem, licet opimae sint auroque praefulgeant, deorum est honor sed recta ac pia voluntate venerantium. itaque boni etiam farre ac fitilla religiosi sunt; mali rursus non effugiunt impietatem, quamvis aras sanguine multo cruentaverint.

The benefit is not the thing itself which is counted or handed over, just as the

¹³⁰ Seneca also gives some corrections to convention: (*Ep.* 95.47) *Quomodo sint dii colendi solet praecipere. Accendere aliquem lucernas sabbatis prohibeamus, quoniam nec lumine dii egent et ne homines quidem delectantur fuligine. Vetemus salutationibus matutinis fungi et foribus adsidere templorum: humana ambitio istis officiis capitur, deum colit qui novit. Vetemus lintea et strigiles Iovi ferre et speculum tenere Iunoni: non quaerit ministros deus.* “It is customary to give precepts on the how cult should be given to the gods. Let us forbid the lighting of lamps on the sabbath, since the gods do not need light and people don’t enjoy soot. Let us prohibit <people from> giving a morning *salutatio* to the gods or crowding round the doors of temples; human pride is attracted by these things, but he gives cult to god who knows him. Let us prohibit bringing towels and scrapers to Jupiter or holding up a mirror for Juno; for a god does not seek servants.

¹³¹ I assume here—and elsewhere—that Seneca’s testimony constitutes evidence for the sort of older Stoic view I ascribe to Balbus.

honoring of the gods is not in the victims, even if they are sleek and gleaming with gold, but in the right and holy intention of the worshippers. Therefore, good people are <successfully> religious even with flour or porridge; bad people, on the other hand, do not avoid a lack of holiness although they stain the altars red with a lots of blood. (*de Ben.* 1.6.2)

The point of a sacrifice, then, is not to provide the gods with some sort of material preferable. Rather it is, so to speak, a social gesture; it expresses the worshipper's acknowledgement of and reverence for the nature of the gods. It is easy to think of analogies in human interaction. One might compare the act of putting flowers on a grave. Few people in the West nowadays believe that the dead benefit from this act in any material way, but it is still seen as a significant gesture of respect to the deceased. So Stoics will follow customs of sacrifice, as acts to dramatize their attitude to the gods, even if they might moderate the nature of the victims where possible (though they will not be mean if the circumstances call for something grander and they can afford it, we learn from Epictetus¹³²). Something similar can obviously be said for prayer that is praise of the gods. What might seem a harder case is the type of prayer that involves asking for a benefit from the god.

A prayer for a benefit, which asks for a divine action, presents two problems to the Stoics. The first rests on their determinism: what is the point of praying if the god's action is already determined? One answer to this is fairly easy—perhaps your prayer, itself determined, helped to determine the ultimate divine action. The second problem is

¹³²*Enchiridion* 31.4-5 ὅπου γὰρ τὸ συμφέρον, ἐκεῖ καὶ τὸ εὐσεβές. ὥστε, ὅστις ἐπιμελεῖται τοῦ ὀρέγεσθαι ὡς δεῖ καὶ ἐκκλίνειν, ἐν τῷ αὐτῷ καὶ εὐσεβείας ἐπιμελεῖται. σπένδειν δὲ καὶ θύειν καὶ ἀπάρχεσθαι κατὰ τὰ πάτρια ἐκάστοτε προσήκει καθαρῶς καὶ μὴ ἐπισησυρμένως μηδὲ ἀμελῶς μηδὲ γε γλίσχρως μηδὲ ὑπὲρ δύναντων. “For wherever there is benefit, there also there is what is pious. As a result, whoever is careful about desiring and avoiding as one should, in that person there is also care for piety. It is appropriate to make libations and sacrifice and tithe with purity on each occasion according to the customs of your nation, and not in a slovenly way nor carelessly, nor stingily nor beyond your means.”

harder; it just seems alien to the nature of Stoic gods that they should pay attention to many individual human concerns. Yet the Stoics themselves do not seem to have regarded this as a problem, because to a curious extent prayer is a genre with which they are connected. A large portion of Cleanthes' *Hymn to Zeus* survives. What Cleanthes prays for are not preferables, but virtue (*Hymn* 28-35). It is no surprise that a Stoic will pray for virtue, not preferables (cf. Seneca *Ep.* 10.4). Only virtue is truly valuable. But it also suggests an answer to our puzzle. Perhaps the gods are not usually interested in supplying us individually with preferables (although they are certainly interested in supplying humanity in general with the preferables necessary for a reasonably rich human life, as catalogued by Balbus at *dND* 2.132-162). But they have set things up so that we can work our way towards virtue, in addition to which we need nothing to have a good life. Perhaps praying for virtue, and thus attending to our nature and relationship to the divine, will in itself help to bring virtue about in us.¹³³

Of course, this is not to say that the sage is not concerned about indifferents. Dealing with the health and property of oneself and one's associates in the right way is an important aspect of virtue. That being so, perhaps the sage might pray for indifferents—his children's health, for example? If sacrifice is an appropriate gesture of wonder and gratitude to the gods, then perhaps prayer for indifferents is an appropriate gesture of concern about preferable indifferents (in the normal circumstances when they are preferable) and in acknowledgement of the fact that god creates and sustains those indifferents. But it seems, empirically, that gods do not supply preferable indifferents to everybody. Many people suffer famine, disease or untimely bereavement because of circumstances quite beyond their control. Some of the individuals who suffer such things

¹³³ Algra (2003) 174-76 suggests this interpretation of Stoic prayer, with the added comment that given the Stoic notion of the divine within us, perhaps prayer is a self-address.

will no doubt have prayed for better (in Stoic terms, more preferable) times but, no matter how close to virtue the supplicant, bad things (or, things to be avoided) come. This is empirical reason to think that the gods have no duty to give preferable indifferents to individuals, or even to those individuals who ask for them in the right way. Balbus finishes his arguments that *deos consulere nobis* with a compressed series of arguments that the gods *consulere*, care about, what Balbus calls *singuli*—‘individual people’ (2.164-167). But it is not obvious that he means that the gods care for *each and every* individual person as an individual person. Sometimes Balbus is speaking of *magni viri*, “great men”, whom the gods look out for by giving them information through divination (2.166-167). It is not clear whether he means that *since* the gods demonstrably care for some great men, we should conclude that they care for individuals in general, or whether he just means that the gods care for some great men. The last sentences of Balbus’ arguments are,

Nec vero ita refellendum est, ut, si segetibus aut vinetis cuiuspiam tempestas nocuerit aut si quid e vitae commodis casus abstulerit, eum, cui quid horum acciderit, aut invisum deo aut neglectum a deo iudicemus. Magna di curant, parva neglegunt. Magnis autem viris prosperae semper omnes res, siquidem satis a nostris et a principe philosophiae Socrate dictum est de ubertatibus virtutis et copiis. (2.167)

But this [i.e. that the gods care for individuals] is not to be refuted in the following way, so that if someone-or-other’s crops or vines are damaged by a storm or if chance takes away some bit of life’s amenities, then we judge that the person to whom this has happened is resented or neglected by god. The gods care about great things and neglect little ones. But great men enjoy favour in all

things, at least if we Stoics and Socrates, the prince of philosophy, have spoken soundly about the riches and resources of virtue.

These sentences do not settle the issue of whether the gods care for every individual. It is not clear whether the destruction of “someone-or-other’s” (*cuiuspiam*) crops is a little thing because it is just an indifferent, or because it happened to “someone-or-other” rather than a ‘great man’, or both. There is a further complication, because the indifferents in question are relatively unimportant—the crops are ‘damaged’, not destroyed, or there is the loss of *quid e vitae commodis*, hardly an unmitigated disaster. Perhaps these are *parva* because they are not the most strongly undesirable indifferents. But by invoking Socrates the last sentence suggests that divine care is, at bottom, concerned about virtue and not indifferents (cf. *Apol.* 41d). Talk of “the riches and resources of virtue” usually means to say that a virtuous person may be deprived of more conventional riches and resources, as Socrates was, and yet still be happy.¹³⁴ If it is in that sense that even *magni viri* are cared for by the gods then divine care must consist in giving us the opportunity to achieve virtue but not necessarily in providing us with preferable indifferents. If that is so then, even if it is appropriate to make the gesture of praying for health and prosperity, it would be inappropriate to ask the gods for such preferable indifferents in the belief that this increases the chances that health and prosperity will be granted us.

This concludes our survey of Balbus and the Stoics on religion. Balbus, we have seen, presents a theology which calls for a fundamental revision of conventional beliefs about the gods of myth and cult. He is in that way a reformer. But apart from some

¹³⁴ We might compare here the end of the *Meno*, 99a-100b. Socrates says that successful ‘great men’ have come by the true beliefs that allow them act as though wise through divine inspiration. The divine gift to Themistocles and the like consists of true beliefs, just as for Balbus the gods give ‘virtue’ to great men and allow them to prosper in then sense if in no other. Balbus presumably does not think that all the Roman leaders he names were sages, so the gift to these men must also be ‘true beliefs’, not wisdom.

minor objections, like those to the cults of vices, he makes no mention of reforming Roman religion, and indeed seems at home with it. We can make sense of this position in the light of the wider Stoic evidence: for the Stoics, engaging moderately in one's local cults is a preferable, because it appropriately expresses a virtuous attitude towards the gods. Balbus recommends an involvement in religion entirely founded on Stoic theory, and says that such an involvement can only be best when it is virtuous, that is, when the worshipper has revised his beliefs along Stoic lines.

(E) Conclusions.

As we saw in chapter 2, Cotta's philosophical methods are those of an Academic sceptic; that is, he looks to refute each of Balbus' rational arguments with an equally strong rational argument (*dND* 3.9-10). But he is a *conservative* sceptic. Once he has disposed of rational arguments for and against theology, he does not fall back on agnosticism let alone atheism, but rather on a strong conviction that the received religion of Rome is to be defended, not on the basis rational argument, but rather on the basis of tradition (*dND* 3.5-6, 3.14). Where Balbus thinks that Roman religion is virtuous when understood rationally and carried out by Stoically virtuous adherents, and wants to strip away many aspects of the tradition by rational means, Cotta wants simply to defend received religion on the basis of authority and regards its derivation from tradition as a strength in itself.

If following traditional Roman religion was a matter of orthopraxy and not orthodoxy and Cotta and Balbus endorse (respectively) all and most of the relevant practices, is the dispute between them purely theoretical? Perhaps we can speculate at some more practical consequences of Balbus' suggested reforms in belief. For one thing, Cotta objects to the notion that a rationalized, Stoic Isis might be as much of a god as a

Roman deity (3.46). But Balbus, being a Stoic who embraces cosmopolitanism, will be happy to accept this. If part of Cicero's project in the philosophical dialogues is to offer the Roman elite tools with which better to take on the project of empire, then this would be a good example. A Stoic will regard all traditional descriptions of gods as open to the same sorts of rationalizing as Balbus applies to Roman religion and thus, in one sense, as equally legitimate ways to come to the right attitude towards the real, Stoic gods. It might still be inappropriate on grounds of civic commitment for a Roman Stoic to adopt the worship of Isis (I am not sure), but he should at the same time think that it is as appropriate for an Egyptian to practice the worship of a rationalized Isis as it is for him to worship a rationalized Minerva. In (at least) that sense, he should concede that Isis is as much of a god as Minerva. Next, we might wonder what effect Stoic theological reform would have on the jurisprudence of the pontifical college.¹³⁵ For Cotta, such jurisprudence would just be a matter of precedent and legal theory passed down from notable *pontifices maximi* like those he names (who were all notable for their intellectual and legal accomplishments¹³⁶). But a Stoic might try to put such law on a footing fully consistent with his theological theory.

So it is between these two *disputationes* that Marcus makes his choice. Both Balbus *and* Cotta are professed theists and defenders of traditional religion. One of them is an especially adamant defender of traditional religion, and that is Cotta the sceptic, not Balbus the Stoic. When readers have interpreted Marcus as choosing theism and religion over an attack on theism and religion, their interpretation rests on a false assumption. I shall return to his preference at *dND* 3.95 and to the supporting material at the end of *Div.* in chapter 6 (pp. 350-367).

¹³⁵ For the *pontifices* as jurists see Cicero's speech before the college *de Domo Sua* esp. 32-33; *de Legibus* 2 esp. 46-49; Beard.

¹³⁶ See Pease (1955-8) on 3.5 and 1.115.

CHAPTER 4: QUINTUS' ARGUMENT IN *DE DIVINATIONE* BOOK 1: *EVENTA*.

(A) Introduction.

Cicero gives over much of the first book of *de Divinatione* to a speech in favour of divination by his brother Quintus.¹³⁷ This speech has some difficult features. Quintus maintains and emphasises throughout what seems an unnecessarily strong distinction between two categories (*genera*) of divination, 'artificial' and 'natural'. He often seems to move from one topic to another at random, and to digress or repeat himself. For most of the speech, he holds that he does not need to explain the causal mechanisms which underlie successful divination—but before wrapping up, he does just that. He ends by invoking from Posidonius' three stages of theoretical explanation (*ratio*) of divination, 'from god', 'from fate', and (confusingly) 'from nature'. The whole argument (if that is what it is) is so saturated with examples that it can be hard to see the argumentative wood for the exemplary trees. All these quirks are frustrating; at first sight they succeed only in confusing the issue and to contribute little to Quintus' point.¹³⁸

Nevertheless, we are given reason to think that Quintus *has* an overall point. In the dialogue's opening conversation Quintus himself claims that he will look to draw a specific conclusion with a purpose related to the larger project of the *de Natura Deorum*. Roughly speaking, the conclusion is that divination is real, and the larger purpose is that the reality of divination constitutes for Quintus reason to believe that (a) the gods exist and that (b) they care about humans. The complexities described above seem unnecessary for this project. Quintus has only to establish that some divination is real,

¹³⁷ I use 'Quintus' for the character of Marcus' brother in the dialogue, just as I use 'Marcus' for Quintus' *propria persona* character.

¹³⁸ cf. e.g. Schofield (1986) on the "chaotic disorder of Quintus' examples": "...; any table of contents drawn up for Book 1 would be a fairly optimistic and arbitrary construct..." (52).

and to establish or accept that divination somehow entails his two theological theses. So the questions arise, what do the complexities in Quintus' speech amount to, and why does he include them?

Some quick answers present themselves. One is an answer that leads to *Quellenforschung*. Cicero depended on one or more sources for Quintus' arguments, so perhaps he simply lifted the structure of his source(s)' arguments from their original context without regard to Quintus' specific dialectical needs. This could explain the speech's complexity, especially if more than one source is in play. A second answer would be literary, and could itself invoke one or both of two factors. First, Cicero's dialogues are artful, and we would do well to suppose that Quintus' speech is written with an eye not only to philosophical exposition, but also to character, humour, political context, rhetorical virtuosity, and so forth.¹³⁹ These considerations could have led Cicero to give his character 'Quintus' a sequence of thought less than clear from the point of view of a philosophical reader. Second, we know that the dialogue was written quickly and amid momentous events. So perhaps the speech is just not edited to the highest standard.

I think that there is truth in all of these answers, and what I say below is not intended to be incompatible with them or to dismiss them. Nonetheless, I think we should also try to analyse Quintus' speech as a coherent piece of philosophy with a stated goal. If we do so, we may succeed in making his *disputatio* less confusing in the first place.

¹³⁹ Plausibly enough, Schofield regards Book 1 as Cicero's opportunity to write philosophy in a particular rhetorical style, heavy with *narratio*, (1986) 51-53.

For reasons of length, I will limit my discussion in this chapter to the earlier part of Quintus' speech, before he begins to give explanations of the mechanisms of divination. Chapter 5 will cover the latter part of the speech.

(B) The Occasion for Quintus' Speech: Balbus and Cotta in the *dND*.

As we saw in chapter 1, Cicero begins *Div.* with an unusual literary scheme. His two characters, 'Quintus' and 'Marcus', discuss his (the real Cicero's) recent opus the *dND*. This discussion motivates all the subsequent philosophical dialogue. With this trick, Cicero signals that *Div.* is in some way a continuation of the material in *dND*. And sure enough, Quintus is explicit that his speech in *Div.* 1 is a reaction to some perceived inadequacy in the treatment of divination in *dND*. He says

Sed, quod praetermissum est in illis libris [i.e. the second and third books of dND¹⁴⁰], id est de divinatione... id, si placet, videamus quam habeat vim et quale sit. (Div. 1.9)

But—if you like—let's see what power that which is passed over in those books, i.e. divination, has, and what it is like.

At first sight this is a little surprising. Divination is not *praetermissum* in Balbus' speech; it features prominently. Balbus divides his speech under four heads: (i) that the gods exist (*esse deos*), (ii) what they are like (*quales sint*) (iii) that they govern the cosmos (*mundum ab iis administrari*), (iv) that they are concerned with human affairs (*consulere eos rebus humanis*) (*dND* 2.3). Divination appears as a key datum in the arguments under heads (i) and (iv). Let us examine those arguments briefly.

¹⁴⁰ It is possible that *illis libris* refers to all three books of *dND*. But Quintus has just said that (1) *perlegi paulo [...] tuum ante tertium de natura deorum* but was reassured by (2) Balbus' defense of religion *in secundo libro*. At no point has he referred to the full *libri tres de natura deorum*. (*Div.* 1.8-9)

(i) The argument that *esse deos* runs *dND* 2.4-12. Of these eight sections five (7-12) are given over to *exempla* of divination. These include stories from Greek myth (Tiresias, Calchas, etc.), but the emphasis is on state-sponsored Roman divination: augury in particular, both historical and current, but also haruspicy and the Sybilline books. In some cases Balbus simply mentions examples of culturally accepted divination (e.g. the mythical Greeks) (2.4), in others he gives examples which suggest that the advice of diviners is accurate, for example Hostilius' success in following the advice of the early Roman augur Attus Navius (2.9). Broadly speaking, these *exempla* are supposed to constitute empirical reasons to believe that the gods exist. We need to look a little more closely to give a precise characterization of their role in Balbus' argument, because there is some evidence for both of two options. These options are (a) that the examples are supposed to help persuade one of a *consensus omnium* that the gods exist or (b) that they are supposed to help persuade one that divination is real, and hence that the gods exist. Let us take each of (a) and (b) in turn.

(a) It is overwhelmingly clear that Balbus' *overall* strategy to establish that *deos esse* is an argument from preconception. We can see this, for example, in a rhetorical gambit to the effect that he has no need to argue for the gods' existence at all, since it should already be obvious to everyone (2.4). It is also explicit in the introduction and conclusion to the argument.¹⁴¹ To help establish that we have a preconception that the gods exist, Balbus can try to provide anecdotal data which show that there is a universal consensus that they exist, which would constitute persuasive (albeit defeasible) evidence for the preconception.¹⁴² This he does by advancing various *exempla* of religious beliefs

¹⁴¹ *Quod nisi cognitum comprehensumque animis haberemus, non tam stabilis opinio permaneret nec confirmaretur diuturnitate temporis nec una cum saeculis aetatibusque hominum inveterari potuisset* (2.5).
...omnibus enim innatum est et in animo quasi insculptum esse deos (2.12).

¹⁴² The bar for convincing evidence of this preconception may be lower than for some, since it went undisputed among schools which relied on some version of *prolepseis*—the Epicureans agreed that we

and behaviours across different times and peoples. It is possible that the *exempla* of divination are supposed to be evidence of that same sort. This seems to be how they are introduced at 2.7:

praedictiones vero et praesensiones rerum futurarum quid aliud declarant nisi hominibus ea quae futura sint ostendi monstrari portendi praedici? ex quo illa ostenta monstra portenta prodigia dicuntur.

What do predictions and pre-perception of future matters demonstrate, if not that things which will be are shown, revealed, portended or predicted to people?

Hence those things are *called* ‘showings’, ‘revelations’, ‘portents’ or ‘predictions’.

This reads as a conceptual analysis of what Romans thought divinatory revelations were—that they conceived *praesensiones* as instances of things being *shown* to humans (or predicted, etc.). The thought, one presumes, is that this analysis should tell Balbus’ interlocutors that they already conceive of divinatory predictions as involving an agent who does the showing, i.e. a god or gods. In these remarks Balbus seems not to be interested in whether such events are actually veridical predictors. What *praedictiones... et praesensiones* normally *declarant* is the future, but Balbus draws his companions’ attention to what a Roman conception of them demonstrates about Roman assumptions.¹⁴³ (b) On the other hand, Balbus seems interested to go further and show that divination can, in fact, be successful. This seems to be the point of the Attus Navius/Hostilius example (2.9). His longest example concerns Tiberius Gracchus, who

have a preconception that the gods exist (*dND* 1.44). Furthermore, hardly anyone had ever disputed the bare *existence* of the divine in one sense or another, as is clear from Cicero’s own doxographical comments (*dND* 1.2), which is strong evidence of a *consensus omnium*. Balbus is quick to point this out: [sc. *deos*] *esse nemo negat*, 2.13.

¹⁴³ It is worth remembering that Cotta concedes that he indeed believes in traditional Roman divination at a pre-philosophical level, which presumably is enough for Balbus’ analysis to get off the ground (*quibus* [=augury] *ego credo, nec possum Atti Navi quem commemorabas lituum contemnere;... , 3.14*).

protested his offense when the *haruspices* claimed that an election under his augural authority had been conducted improperly. Later, Balbus reassures us, Gracchus realised that he had indeed made an augural error, and his admission led the elected consuls to resign (2.10-12). This argues for divination in a more complex way. The *haruspices* were Etruscans and outside traditional Roman religion. This was why they could resolve breaches in the Roman *pax deorum*—they were external consultants, so to speak, and were not affected by any problems in the religious equilibrium of Rome. What the Gracchus story indicates is that by using their distinct system of divination, the *haruspices* were able to draw correct conclusions about a mistake made in the augural system. This suggests that both systems were drawing on the same source of information, i.e. the gods, and that they were doing so reliably.

As his last point in this section on divination, Balbus defends the status of divination as an *ars* by pointing out that medicine is also prone to occasional failure (2.12), although Cotta will attack this conclusion (3.14). In sum, then, for his overall argument in (i) Balbus *need* claim no more about divination than that his fellow Romans practise it with the preconception that the gods exist [=a]. But he goes further, and also advances some preliminary reasons to think that successful divination is a real phenomenon (that *divinationem esse*, in the language of *Div.*) [=b]. Of course, this is perfectly compatible with the preconception argument, and arguments of the stronger sort themselves count as evidence for Roman preconceptions about divination. But Balbus has another reason not to seem too *laissez-faire* about the question of whether *divinatio sit*—he will later depend on an affirmative answer when arguing that *deos consulere rebus humanis*.¹⁴⁴ Let us turn now to that second argument.

¹⁴⁴ cf. Sextus, *M.* 9.132 where an argument from divination to the existence of the divine is given.

(iv) At 2.162-3 and 166-7, Balbus twice appeals to divination. He does so much more briefly and even more vaguely than he did under head (i). In 162-3 he starts by admitting that both his opponents will be doctrinally ill-disposed to admit that divination exists, Cotta because he follows Carneades and Velleius because he follows Epicurus. But, Balbus says, [divination] *mihi videtur vel maxume confirmare deorum prudentia*¹⁴⁵ *consuli rebus humanis*, “on the other hand, divination seems to *me* especially to strengthen <the claim that> human affairs are attended to by the wisdom of the gods”¹⁴⁶. He then remarks on the various kinds of divination—haruspicy, augury, oracles, prophets, and dreams. These have helped people get what they require, or avoid dangers.

Haec igitur sive vis sive ars sive natura ad scientiam rerum futurarum homini profecto est nec alii cuiquam a dis immortalibus data.

Therefore, this power or science or nature is given to man, for sure, and to no other, for the knowledge of future matters. (2.163)

This is very much the sketch of an argument. Balbus makes absolutely no claims about the theory of divination (“this power *or* science *or* nature”), and says nothing that will convince a doubter that divination is real. He knows very well that neither Cotta nor Velleius would grant a premise ‘*est divinatio*’. Cotta, although he pre-philosophically believes in some divination (pp. 146-7 below), will never grant ‘*est divinatio*’ in a way theory-laden enough to form a Stoic premise, and Velleius will simply reject divination out of hand. So Balbus tells us how he would argue if he could have the premise, and

¹⁴⁵ A second hand in V (ix-x) and some later MSS suggest *providentia* for *prudentia*. Rackham prints this in his Loeb. Cicero may have considered the two words etymologically linked, see Lewis and Short s.v. *prudentia* 1. cf. DL’s πρόνοια below, where the argument seems to be the other way about—if πρόνοια, then μαντική—roughly as we find it at *Div*.

¹⁴⁶ The syntax is a little odd here, and Pease lists textual variants for every word from *confirmare* to *consuli*. In the sentence as printed, I read *consuli* as an impersonal passive following *confirmare*, *prudentia* as the ablative of instrument for *consuli*, and *rebus humanis* as dative of advantage. I am not sure why Cicero would not use the more obvious active construction, which he gives to Balbus elsewhere, e.g. 2.3.

tells us further that to a Stoic like him this is the *most* convincing argument of all for the gods' interest in human affairs. A few lines later, in 2.166, the same argument is sketched even more briefly, this time for the conclusion that the gods care about individual men. A notable addition there is the distinction we will see everywhere in Quintus' speech, between natural and artificial divination:

quod quidem intelligitur etiam significationibus rerum futurarum quae tum dormientibus tum vigilantibus portenduntur; multa praeterea ostentis multa extis admonemur, multisque rebus aliis quas diuturnus usus ita notavit ut artem divinationis efficeret.

And this is grasped also by the signs of future matters which are portended, sometimes to those asleep, sometimes to those awake; and we are advised besides by many prodigies, many entrails, and many other matters that daily habit marked so that it brought about the art of divination.

There was never a great man, Balbus concludes, without *aliquo adflatu divino* (2.167).

So Balbus does not 'skip over' divination, but his claims about it are carefully circumscribed. He points out its usefulness as evidence for the preconception that gods exist; he suggests that it is real, and that this seems to be further evidence that the gods exist; he says that, for someone who concedes the reality of divination, this reality is the best evidence that the gods care about us. His technical treatment of the subject is far less detailed than Quintus'; in (i) we have some *exempla* but no theory of divination, while in (iv) there are no *exempla* and only the briefest sketch of the natural/artificial distinction we get from Quintus, a distinction of which Balbus makes no use (2.166). In (iv) there is also an explicit refusal to commit to any theory of the mechanisms of divination (*vis sive ars sive natura*, 2.163). What does Cotta say to all this?

Cotta's treatment of divination has two brief themes.¹⁴⁷ First, he questions the helpfulness of knowledge of fated future events—if they are fated to happen, why deprive us even of hope (3.14)? The point of this objection is presumably to question the link between divination and providence through a version of the Lazy Argument: in the Stoics' determinist universe, what would be the point of learning our futures, since they will happen whatever we do? And would it even be a kindness for the gods to tell us our determined future? If not, divination is hardly evidence for providence.¹⁴⁸ Quintus says relatively little about this objection, so we will not look at it further here, although we will see that with it Cotta responds to one of the dominant themes in the Stoic treatment of divination.

Cotta's second objection is worth quoting in full:

Unde porro ista divinatio, quis invenit fissum iecoris, quis cornicis cantum notavit, quis sortis? quibus ego credo, nec possum Atti Navi quem commemorabas lituum contemnere, sed qui ista intellecta sint a philosophis debeo discere, praesertim cum plurimis de rebus divini isti mentiantur. 'At medici quoque' (ita enim dicebas) 'saepe falluntur.' Quid simile medicina, cuius ego rationem video, et divinatio, quae unde oriatur non intellego?

Moreover, where does this divination of yours come from? Who discovered the stripe in the liver, who marked¹⁴⁹ the song of the crow, who <marked> the lots? I

¹⁴⁷ It is probable that there is a lacuna before 3.14 (although it is quite possible to read the extant text as printed by Ax (with *requiro* at the end of 3.13) as a coherent if somewhat abrupt transition to discussion of divination). So it is likely that some of what Cotta had to say on divination has been lost. If so, Quintus' argument would suggest that a comparison with the Peripatetics' rejection of artificial divination might have been made, since Quintus makes that rejection a major theme. But it is much more likely that nothing important is missing.

¹⁴⁸ Arguments which run the other way—from providence to divination—would also fail if this objection held water.

¹⁴⁹ Pease *ad. loc.*: “*Notare* here means to observe the relations between the sign and the thing signified.” (Pease 1955-58). He is probably not far wrong, and *notare* seems to capture both *noticing* a significance to the crow's song and *recording* it, or perhaps committing to memory for further investigation. Hence my rather archaic ‘mark’, which preserves the ambiguity.

myself believe in these things, nor can I belittle the staff of Attus Navius whom you mentioned; but I need to learn how these things are understood by philosophers, especially when these diviners of yours mislead in a number of matters. ‘But doctors too are often mistaken’—for so you were saying. But how are medicine (whose theory I myself see) and divination (where I don’t understand from where it springs) similar¹⁵⁰? (3.14).

The first thing to note is that Cotta does not entirely deny the reality of divination. He began book 3 with a declaration that his traditional beliefs as a *pontifex* can be compatible with a scepticism about rational, dogmatic theological beliefs (3.5-6). Even where a traditionalist like Cotta and a philosopher like Balbus believe the same things, a philosopher must provide rational grounds for his beliefs, which traditional authority does not have to. And Cotta thinks he has rational arguments to match Balbus’ rational arguments, so he is free to eschew rationally grounded beliefs for now: *sed tu* [i.e. Balbus] *auctoritates contemnis, ratione pugnas; patere igitur rationem meam cum tua ratione contendere*, “But you despise authority, and you fight using reason; so allow my reason to set-to with yours.” (3.9-10). Cotta echoes this line of thought for the specific case of divination—he himself believes in augury and haruspicy (*ego credo...nec possum contemnere*), two of the three departments of traditional state religion he outlined at 3.5. But he still has criticism of Balbus’ position on divination, because he thinks that the Stoics fail to give an account of how belief in divination can meet their own criteria of rationality. Once again, what he demands is a *ratio*.¹⁵¹ He has two main demands, which

¹⁵⁰ Pease is helpful again with *quid simile...?*, giving a number of parallels to support his “in what respect is medicine a comparable thing?” (Pease 1955-58 *ad. loc.*).

¹⁵¹ At this early stage in his *disputatio*, Cotta seems to be making good on the methodological promise he made in book 3’s opening exchanges, whereby *cogito...non tam refelli eius* [i.e. Balbus’] *orationem quam ea quae minus intellexi requirere*, “I’m planning not so much to refute his speech as to ask again about things which I understood less well.” (3.4, cf. 3.1) This is allegedly because, unlike Velleius, he thinks that Balbus’ speech was rather good on its own terms: the things said were *apta inter se et cohaerentia*. (3.4).

are connected, as follows: (i) (*unde porro... quis sortis?*) How did divination get started? He does not explain this question, but we can safely assume that the point draws on the bizarre correlations involved in augury and haruspicy—who was the oddball who first thought to record correlations between crows’ behaviour and human affairs? (ii) (*praesertim cum... non intellego?*) How can Balbus maintain that divination, though fallible, is legitimate in the way that a fallible art like medicine is legitimate, when divination lacks the evident rational explanations available for medicine, and indeed is subject to questions like question (i) (*unde oriatur?*)? In the next section, we will try to see what these demands amount to.

Balbus is not quite done yet. Cicero gives him a brief riposte, at 3.19. He complains that Cotta is not giving him a chance to support his positions, and keeps changing the subject just when Balbus is about to jump in. Balbus continues with the complaint I quote above on p. 10, a complaint that clearly adumbrates *Div.* and *Fat.*¹⁵² But it has not been highlighted enough that this passage specifically *motivates* Quintus to start the discussion of *Div.*; I think he has Balbus’ words here in mind when he says that divination was *praetermissum* in books 2 and 3 of *dND*.¹⁵³ After all, it is reading book 3 of *dND* specifically which prompts him to bring up the subject: ‘*Perlegi*’ inquit ‘*tuum ante paulo tertium de natura deorum.*’ (*Div.* 1.9).

But his methodology is not as toothless as it sounds. Cotta may not be trying to formally refute Balbus by unearthing inconsistency, but he is challenging him to produce further explanations of his claims in order to meet high Stoic standards of rationality. *quae minus intellexi* is a precisely targeted phrase, since what *philosophi* like Balbus claim to do is provide rational understanding of almost all of their views. So, from Balbus’ own point of view, Cotta is entitled to withhold agreement until he fully understands Balbus’ position.

¹⁵² E.g. by Schofield (Schofield (1986) 50), and implicitly by Pease (Pease (1955-8) *ad loc.*).

¹⁵³ Pease sees Quintus’ allusion (Pease (1920-23) on *praetermissum*).

For the purpose of his speech in *Div.* 1, Quintus presents himself as an ally of Balbus.¹⁵⁴ *satis... defensa religio est in secundo libro [of dND] a Lucilio*, he says (*Div.* 1.9). His motivation in pursuing discussion of divination is ultimately that he agrees with Balbus in supposing that the reality of divination would support *et esse deos et eos consulere rebus humanis* (1.10). What Quintus plans to offer us should now be clear. Balbus sketched arguments which depended on some examples of divination, but little or no divinatory theory. Cotta challenged Balbus to supply a rational explanatory theory, a *ratio*, for divination as a strange empirical science with purported similarity to medicine. Balbus says that the Stoics have an extensive reply to give to this challenge, but does not give it. Quintus looks to fill that gap for us.

(C) Stoics on Divination as an *Ars*.

Some aspects of Cotta's challenges may seem a little whimsical at first acquaintance. It seems readily understandable that he points to frequent failures by diviners; this is probably the most obvious objection available. But why carp on '*unde oriatur?*' and on the supposed analogy with medicine? In this section I want to try to reconstruct the outlines of debate on the issue between Stoics and sceptics (or their allies in the matter) prior to Cicero. I emphasise that this will be—at best—a hopeful reconstruction from significantly later evidence. Worse, this evidence is either very thin (the direct testimonia) or related mainly by analogy and guesswork (Galen on medical theory). We will begin with DL's brief report of Stoic views on μαντική. Following his version of their views on fate, he says:

καὶ μὴν καὶ μαντικὴν ὑφεστάναι πᾶσάν φασι, εἰ καὶ πρόνοιαν εἶναι· καὶ

¹⁵⁴ How far this is really true even of the *Div.* character 'Quintus' is not clear; cf. his surprising confession of scepticism about Stoic views of divination in favour of a Peripatetic account, 2.100.

αὐτὴν καὶ τέχνην ἀποφαίνουσι διὰ τινος ἐκβάσεις, ὡς φησι Ζήνων τε καὶ Χρύσιππος ἐν τῷ δευτέρῳ Περὶ μαντικῆς καὶ Ἀθηνόδωρος καὶ Ποσειδώνιος ἐν τῷ δωδεκάτῳ τοῦ Φυσικοῦ λόγου καὶ ἐν τῷ πέμπτῳ Περὶ μαντικῆς. ὁ μὲν γὰρ Παναίτιος ἀνυπόστατον αὐτὴν φησιν. And they say that every <sort of> divination is also real, if there is also providence; and they show that <divination> is even an art by means of some outcomes, as Zeno says, and Chrysippus (in the second book of his *On Divination*), and Athenodorus, and Posidonius (in the twelfth book of his work on nature and in the fifth book of his *On Divination*). Meanwhile Panaetius says that it is unreal. (7.149).

From this we can extract two claims.

C1: If there is providence, every sort of divination is real.

C2: We can see from some ‘outcomes’ (ἐκβάσεις) that divination is an art¹⁵⁵.

We should immediately note two distinctions between C1 and C2. First, C1 is phrased as a formal inference from a premise (...εἰ καὶ πρόνοιαν εἶναι), where C2 reports some looser form of demonstration (ἀποφαίνουσι διὰ τινος ἐκβάσεις). Second, the conclusions are importantly different: in C1, that divination is *real*, in C2, that it is an *art*. C1 seems to be one half of the link between providence and divination which we noted above, an argument which runs from providence to divination. The argument attributed to Chrysippus, Diogenes and Antipater at *Div.* 1.82-3 is presumably an example of an argument of this type. Cotta’s first theme, as we saw, seemed to be an effort to disrupt this sort of argument by asking whether revelation of our futures would really be

¹⁵⁵ I hope to leave it clear that τέχνη here is the word translated by Cicero with ‘ars’. ‘Art’ or ‘science’ would both be acceptable in English, although the 21st century meaning of ‘science’ is closer. I choose ‘art’ over ‘science’ largely for negative reasons: it avoids confusion in translation, since Quintus uses *scientia* meaning (roughly) knowledge, and it also avoids confusion with the modern term ‘science’.

providential. The importance of C2 seems less obvious. But it is with C2 that Quintus is often concerned, so we should examine it closely.

A first clue is provided by one of the passages attributed by Eusebius to a certain Diogenianus.¹⁵⁶ These passages are polemical attacks on Chrysippus' *On Fate*. In the passage at *Praeparatio Evangelica* 4.3, Diogenianus discusses at some length an

¹⁵⁶ Scholarship on Diogenianus can be confusing. The story begins in 1885 with Alfred Gercke who appended to a short collection of Chrysippean fragments four 'Diogeniani Epicurei Fragmenta' (Gercke (1885) 748-55). Gercke was puzzled by Zeller's identification of Eusebius' Diogenianus with the Pergamene Diogenianus who appears as a speaker in Plutarch's *de Pyth. Orac.* and *Quaestiones Conviviales*, and with Zeller's suggestion that this man was a Peripatetic. "Cur," asked Gercke, "Eusebii Diogenianus inter Peripateticos recensetur? pugna enim contra providentiam, fatum, divinationem Stoicorum ab Academicis et Epicureis non minus quam a Peripateticis fit." (Gercke 701). He then argued that Diogenianus is in fact an Epicurean, based on a promise to advance Epicurus' arguments (*Praep. Evang.* 4.3) and on some supposed Epicurean tropes and terminology in Eusebius' quotations (Gercke (1885) 702). In calling Diogenianus an Epicurean he has been followed by most scholars since, and at least one philosophical scholar just takes "the Epicurean Diogenianus" for granted (Bobzien (1998) 4 and *passim*). But in 1987 H. B. Gottschalk pointed out that all 19th century editors of the *Praep. Evang.* omitted the text's chapter headings, which K. Mras has argued go back to Eusebius and which he has printed in his 1954 edition (Gottschalk (1987) 1142 n.305). So Gercke was not in a position to know that the chapter heading for *Praep. Evang.* 6.8 reads ΕΤΙ ΠΕΡΙ ΤΟΥ ΑΥΤΟΥ· ΑΠΟ ΤΩΝ ΔΙΟΓΕΝΙΑΝΟΥ ΤΟΥ ΠΕΡΙΠΑΤΗΤΙΚΟΥ (Mras (1954) 321). Gottschalk also cites E. Amand de Mendieta to the effect that Diogenianus seems prepared to admit that some events happen by fate, which could be a Peripatetic view, or at least an un-Epicurean one (Gottschalk (1987) 1142 n.305). But Gottschalk has failed to convince those writing since. Jürgen Hammerstaedt, for one, remarks that the chapter-heading above is found in only three of the MSS, while one reliable alternative does not give Diogenianus' school at all (Hammerstaedt (1993) 24n10). (Hammerstaedt's article advances some evidence of Epicurean epistemological terminology in the Diogenianus texts.) But those who support the Epicurean reading should be careful when they cast aspersions on the chapter headings, since in Eusebius' text there is no explicit attribution of the passage in which reference to Epicurus is made (4.3), only the remark that it is the work of 'an author' who wrote against Chrysippus. The explicit attribution of the passage to Diogenianus comes only in a chapter heading. So the question of Diogenianus' sect seems unresolved. On balance it is plausible that he was an Epicurean, if only for the slightly bombastic indignation with which he argues and for the mention of Epicurus along with some Epicurean-style claims about method in *Praep. Evang.* 4.3 (cf. also note 25 below). (Another alternative might be that the *Praep. Evang.* 4.3 passage is in fact by an unnamed Epicurean, while the later passages (6.8ff) are by Diogenianus, who may have been a Peripatetic. On this view the 4.3 chapter heading is not Eusebius' own, but extrapolates his remarks about the author of the passage he quotes there to identify this author with the Diogenianus quoted at 6.8ff on a similar theme.) Diogenianus' date seems equally unresolved. The (plausible) consensus guess is that he is of the second century AD, but the grounds for this are only vague parallels with Plutarch and Alexander (e.g. Hammerstaedt 24n3). The handbooks in particular treat Diogenianus very shabbily. The *OCD* attributes the following *non sequitur* to W. D. Ross: "Epicurean.... His date is unknown, but he probably belongs to the 2nd cent. AD, when polemic of the New Academy [*sic!*] against Chrysippus was at its height." (*OCD*^{2&3} s.v. 'Diogenianus'). Tiziano Dorandi's article in Goulet is similarly uncritical, and cites Gottschalk's article with the entertaining title 'Aristotelian Philosophy in the Roman World from the Time of Cicero to the End of the Second Century B. C. [*sic!*].' (Goulet (1994) 833-4). (So far as I know, Zeller's identification with the Plutarchan Diogenianus has not been revived.)

ἀπόδειξις of fate based on the reliability of divination.¹⁵⁷ This discussion is useful both for its comments about the role divination played in the Stoics’ dialectic with their opponents, and because it looks at the work of a particular Stoic, Chrysippus. Chrysippus, says Diogenianus, put forward the following proof: μὴ γὰρ ἂν τὰς τῶν μάντεων προρρήσεις ἀληθεῖς εἶναι φησιν, εἰ μὴ πάντα ὑπὸ τῆς εἰμαρμένης περιείχοντο (4.3.1), “for he says that the predictions of diviners would not be true, if everything were not bound by fate”. The proof, evidently, rested on the falsity of the apodosis—it is not the case that the predictions of diviners are not true, so by *modus tollens* (= the Stoic second indemonstrable) neither is it the case that everything is not bound by fate.¹⁵⁸ Diogenianus finds this risible (πολλῆς εὐθείας μεστόν ἐστιν, 4), because, he says, it assumes that the truth of diviners’ predictions is either evident (ἐναργοῦς ὄντος, 4.3.1), or at any rate *more* likely to secure agreement (4.3.1) than the reality of fate. (It certainly seems true that Chrysippus must have made this assumption, but whether it was a ridiculous assumption is another question.) So, how did Chrysippus support his silent premise, that ‘the predictions of diviners are true’? Again, Diogenianus is scathing: Chrysippus could only prove the reality of divination (τὸ ...εἶναι μαντικὴν... ἀποδείξαι, 4.3.2) from the reality of fate. But what τρόπος ἀποδείξεως could be μοχθηρότερος (4.3.3) than that? Diogenianus insinuates with this that Chrysippus could not prove both fate from divination and divination from fate, because such proofs advanced together would be circular (especially as Diogenianus thinks there was no other

¹⁵⁷ =fr. 4 Gercke.

¹⁵⁸ See Bobzien (1998) 89-91 for a similar reading of this passage. The argument from divination to providence at Sextus *M.* 9.132 has the same structure: εἰ μὴ εἰσὶ θεοί, οὐδὲ μαντικὴ ὑπάρχει, ἐπιστήμη οὔσα θεωρητικὴ καὶ ἐξηγητικὴ τῶν ὑπὸ θεῶν ἀνθρώποις διδομένων σημείων, οὐδὲ μὴν θεοληπτικὴ καὶ ἀστρομαντικὴ, οὐ λογικὴ, οὐχ ἢ δι’ ὀνείρων πρόρρησις. ἄτοπον δὲ γε τοσοῦτο πλῆθος πραγμάτων ἀναιρεῖν πεπιστευμένων ἤδη παρὰ πᾶσιν ἀνθρώποις. εἰσὶν ἄρα θεοί, “If there are not gods, divination is not real (divination is the science of observing and explaining signs given by gods to humans), nor is divination by divine possession, nor star divination, nor divination by words, nor prediction by dreams. But it is absurd to rebut so great a number of things are trusted by all people.”

proof of divination available). This comment needs careful assessment, because it is not clear that the Stoics would always consider such circularity vicious. An obvious comparandum is the biconditional *arx Stoicorum at Div. 1.10: si divinatio sit, di sint et si di sint, sit divinatio*. Given their claims to systematicity and coherence, the Stoics presumably felt that plausible parts of their system which reciprocally entailed one another drew some inclining support from the reciprocation alone. But such circularity would have been more vicious in dialectic with someone not already convinced of the broad truth of the Stoic system. Someone not persuaded of fate and potentially suspicious of divination will obviously not be convinced by the circular proof to which Diogenianus alludes.

So, as Diogenianus implies, Chrysippus must find some way to convince his opponents that they have relatively evident reasons to grant the truth of divination. Luckily for us, Diogenianus proceeds to rubbish a fairly direct method of doing this—comparing predictions with outcomes—and in doing so strongly implies that this was Chrysippus’ own method¹⁵⁹:

τὸ γὰρ ἀποβαίνειν τινὰ κατὰ τὴν ἐνάργειαν ὧν προλέγουσιν οἱ μάντιες, οὐ τοῦ μαντικῆν ἐπιστήμην εἶναι σημεῖον ἂν εἴη ἀλλὰ τοῦ τυχικῶς συμπίπτειν ταῖς προαγορεύσεσι συμφώνους τὰς ἐκβάσεις, ὅπερ οὐδεμίαν ἡμῖν ἐπιστήμην ὑποδείκνυσιν...

For that some of the things which the diviners predict evidently come true (ἀποβαίνειν) is not a sign of divination being a science¹⁶⁰, but rather of

¹⁵⁹ I take Diogenianus’ γὰρ in line 15 to refer not the immediately preceding question, but to his claim that Chrysippus’ *only* available proof of divination would be from fate (10-14). What follows is then intended to explain why another mode of support for divination, comparing predictions and outcomes, is not legitimate. This suggests to me—as seems likely from the other evidence—that Chrysippus employed this second mode.

¹⁶⁰ In contexts where Chrysippus’ views are under discussion (cf. Sextus *M.* 9.132, Stobaeus 2.16.13), we usually see divination described as a *ἐπιστήμη* not a *τέχνη*. I translate ἐπιστήμη ‘science’ to

outcomes (ἐκβάσεις) happening by chance to be in agreement with predictions, which suggests no science to us¹⁶¹. (15-18).

So here we see criticized a demonstration of the sort which DL called above *διά τινος ἐκβάσεις*. We know from *Div.* that Chrysippus did indeed produce extensive collections of divinatory predictions from oracles and dreams.¹⁶² Nowhere in *Div.* is it explicit that Chrysippus recorded *ἐκβάσεις* along with the oracles and dreams, but it seems very likely. For one thing, he provided interpretations, the most likely use for which would be comparing the interpreted prediction of an obscure dream/oracle with its outcome. Marcus tells us at *Div.* 2.134 that Chrysippus included in his collection of dream examples the dramatically successful interpretation of a dream of an egg as a clue to buried treasure (cf. Photius s.v. *νεοπτός*, where the same story is also attributed to Chrysippus). For another, Marcus attacks the evidence of Chrysippus' collection of oracles in terms similar to Diogenianus':

Tuis enim oraculis Chrysippus totum volumen implevit partim falsis, ut ego opinor, partim casu veris, ut fit in omni oratione saepissime.

For Chrysippus filled a whole roll with your oracles—some of them false, I

distinguish it from τέχνη, 'art'. In Stoicism, only a sage can have ἐπιστήμη; what would be the τέχνη of divination in a fool amounts to ἐπιστήμη in the sage (Stobaeus 2.111.28-112.8=*SVF* 3.548=LS41G, cf. Olympiodorus *Gorgias* 12.1=LS42A). The terms are thus relevantly similar for our purposes. But we should take note that in giving his theory of divination Chrysippus appears to have concentrated on the case of the sage as diviner, rather than that of real-life diviners. His collections of examples, of course, concerned fools.

¹⁶¹“Us” here could be the Epicureans, or just people in general. An Epicurean comparandum for this passage as a whole could be Diogenes of Oenoanda fr. 54 Smith, but the text of the latter is mostly conjectural.

¹⁶²1.6: *Chrysippus, qui totam de divinatione duobus libris explicavit sententiam, uno praeterea de oraculis, uno de somnis.* 1.37: *collegit innumerabilia oracula Chrysippus nec ullum sine locuplete auctore atque teste.* 1.39: *De quibus [=dreams] disputans Chrysippus multis et minutis somniis colligendis facit idem quod Antipater ea conquirens quae Antiphontis interpretatione explicata declarant illa quidem acumen interpretis....* I suggest that the two supplementary volumes on dreams and oracles which Cicero mentions in 1.6 (*uno praeterea... uno*) consisted of Chrysippus' collections of dreams and oracles with their interpretations and *ἐκβάσεις*. Marcus says that Chrysippus' collection of oracles filled a *totum volumen* (2.114) so if the supplementary volumes were not these collections, we would have to suppose that there was yet another volume of collected oracles which Cicero does not mention in 1.6.

myself think, some true by chance, as happens very often in every sort of speech¹⁶³. (2.115)

Now, these testimonia from *Div.* do not refer to Chrysippus' *On Fate*, which is Diogenianus' target. But it is probably safe to assume that Chrysippus' procedure in *On Fate* was consistent with his dedicated works on divination. So it seems likely that in *On Fate* Chrysippus presented some predictions and their outcomes as evidence for the reality of divination, from which he then inferred the reality of fate.

But how could comparing some predictions and their outcomes give Chrysippus his proof? The premise he needs is that 'the predictions of diviners are true'. If this is to be evidence for his all-encompassing theory of fate, this premise must be quantified 'all the predictions of diviners (*qua* diviners) are true', at least when we exclude charlatans from the ranks of diviners. Bobzien (1998) 91 understands this to be Chrysippus' commitment, and sees support for this interpretation in the arguments around the necessity of divinatory theorems at *Fat.* 11-17. So how can exhibiting *some* true predictions make the case, especially when it is plainly true that much divination goes astray? To see the answer here, we must pay careful attention to what the ἐκβάσεις were supposed to establish. DL was explicit about this: they are supposed to establish that divination is a τέχνη. Diogenianus is less helpful on this score. He has already suggested two possible conclusions in favour of divination, that the predictions are true and also that μαντικὴν εἶναι, both of which are significantly different from DL's version. But I think this is just carelessness on his part. After the comments above he continues by saying that we do not consider an archer ἐπιστήμων when he often misses

¹⁶³ The sentence continues: *partim flexiloquis et obscuris, ut interpres eget interprete, et sors ipsa ad sortes referenda sit; partim ambiguus, et quae ad dialecticum deferenda sit.* The point is presumably that the alleged link from an obscure oracle to an outcome forged by interpretation of the oracle was suspicious. This would help explain why Marcus seems to think here that the truth of predictions cited by Chrysippus was a matter of personal opinion.

but hits once, nor would we consider a doctor such if he kills all but one of his patients, and that in general nothing is an ἐπιστήμη which fails in most of its proper tasks (Euseb. *Praep. Evang.* 4.3.4). He goes on, of course, to say that everyday life proves that divination mostly fails, and that good evidence for this is the fact that those who τῆν μαντικὴν ἐπαγγελλόμενοι τέχνην, “profess divination as an art” do not run their everyday lives on the advice of diviners (4.3.5). These comments strongly suggest that Chrysippus’ own claim was precisely that divination is an ἐπιστήμη or a τέχνη, (‘the Stoics’ describe divination as an ἐπιστήμη at Sextus *M.* 9.132). (That it is usually called an ἐπιστήμη rather than a τέχνη in Chrysippean contexts suggests that Chrysippus usually considered the ideal case of the sage-as-diviner, which would be consistent with an interest in ideal divinatory science as always true.) I agree with Bobzien that “we can assume that Chrysippus, if asked, would have explicated his claim [that the predictions of diviners are true] as follows: the theorems and predictions of the seers are true provided that they master their science and have not made interpretational mistakes in the individual instances of prognostication.”¹⁶⁴ That is, all predictions successfully made by the science of divination will be true. Pointing to unsuccessful predictions does not show that divination is not a science, because diviners are fallible, both in constructing and applying the science. A prediction produced by an unsuccessful application of divinatory science is not really a prediction of divinatory science. So in this sense it could be true that ‘all the predictions of diviners are true’; those that are false are not properly predictions of practitioners of divinatory science. Chrysippus catalogues his outcomes, then, to show that there is a science of divination, even if a science which is fallibly researched and applied. We should note that Diogenianus’ reply is neatly targeted

¹⁶⁴ Bobzien (1998) 91. Her use of the word ‘prognostication’ is unfortunate since ‘prognostication’ in ancient contexts usually means non-divinatory prediction from signs, e.g. weather signs.

against this argument. He not only points out that diviners *sometimes* go astray, as many opponents like Cotta do; he claims that they go wrong in the overwhelming majority of cases, which if true would indeed disqualify divination from the status of an art.

We can now begin to understand why Chrysippus would have wanted to show that divination was a τέχνη (or ἐπιστήμη) through τινὰς ἐκβάσεις. Within the Stoic system, he had ways to more formally establish the more basic conclusion that μαντικήν ὑφεστάναι, by arguing from the gods and providence and perhaps also from fate as Diogenianus hints. But dialectically divination could be useful, because it seemed possible to establish empirically that divination was (or could be in principle) a successful science. And from this the opponent could be led to infer fate or providence.¹⁶⁵ In addition, showing that divination could be scientific would be an interesting analysis of the phenomenon in itself, so such an investigation would not be idle for his school either. We can give Chrysippus' procedure some colour from the testimonia in *Div.* (see n. 148 above). In discussing ἐκβάσεις he seems to have spent most of his energies on dreams and oracles, which for Quintus would be types of natural divination. But Chrysippus seems not to have made this distinction; the sources suggest that his prime examples of the sciences of divination were the sciences of interpreting dreams and oracles. Quintus would be quite happy to concede that these were sciences or arts, but not that divination of this sort is most properly scientific or artistic.¹⁶⁶ (He thinks

¹⁶⁵ There must have been more to Chrysippus' argument that divination entails fate than has survived. Even if all the predictions of diviners are true, that does not show that *everything* about the future is fated now. It could just entail a very wide fatalism, whereby very many things but not everything are fated beforehand. Presumably the argument was that this sort of divinatory fatalism implied a degree of divine control of the future that could only be true if god in fact fated everything.

¹⁶⁶ Bobzien (88n66) points out that the definition of divination which Marcus attributes to Chrysippus—*vim cognoscentem et videntem et explicantem signa, quae a dis hominibus portendantur* (2.130) looks similar in wording to the description in Sextus ἐπιστήμη οὐσα θεωρητική καὶ ἐξηγητική τῶν ὑπὸ θεῶν ἀνθρώποις διδομένων σημείων. (*M.* 9.132, above). It is not explicit in Sextus that this is Chrysippus' definition specifically, but it seems likely that it ultimately derives from him (some of what Sextus says in

that the *divination* in divination through dreams—the *praesensio rerum futurarum*—happens in the dream itself and that dream interpretation is the art of recovery the already predictive content in the dream. I expand on this distinction later.)

This difference between Quintus and Chrysippus suggests not only that Chrysippus did not make the artificial/natural distinction, but also that he considered dream-interpretation and oracle-interpretation as paradigmatic divinatory sciences, alongside (one would presume) ornithomancy and the like. There is positive evidence for this in Chrysippus' definitions of divination generally and of its species. I think that we have three sources for definitions more or less attributable to Chrysippus, although two do not explicitly attribute them to him. Marcus gives the earliest version in *Div.*2.130:

Stoici autem tui negant quemquam nisi sapientem divinum esse posse. Chrysippus quidem divinationem definit his verbis: vim cognoscentem et videntem et explicantem signa, quae a dis hominibus portendantur; officium autem esse eius praenoscerere, dei erga homines mente qua sint quidque significant, quem ad modumque ea procurentur atque expientur. Idemque somniorum coniectionem definit hoc modo: esse vim cernentem et explanantem, quae a dis significantur in somnis.

Your Stoics, <Quintus>, deny that anyone other than the sage is able to have the capacity to divine. Chrysippus, indeed, defined divination with these words: a power both cognizing and seeing and explaining signs which are portended by gods to humans; but <he said that> its role is to foresee how the gods are disposed towards humans and what they are signifying, and how the things <signified>

9.132 is less obviously Chrysippean, for example the reference to astrology). If this is right, it is interesting that Chrysippus called it an *explicantem*/ἐξηγητική science..

should be attended to¹⁶⁷ and expiated. The same <Chrysippus> defined the interpretation¹⁶⁸ of dreams this way: that it is a power discerning and making clear what <signs> are signified by gods in dreams.

A very similar definition appears in two Greek sources. First Sextus, *M.* 9.132:

εἰ μὴ εἰσὶ θεοί, οὐδὲ μαντική ὑπάρχει, ἐπιστήμη οὔσα θεωρητικὴ καὶ ἐξηγητικὴ τῶν ὑπὸ θεῶν ἀνθρώποις διδομένων σημείων, οὐδὲ μὴν θεοληπτικὴ καὶ ἀστρομαντικὴ, οὐ λογικὴ, οὐχ ἢ δι' ὀνείρων πρόρρησις.

[According to the Stoics:] If there are not gods, divination is not real either (divination is a science which can discern and interpret signs which are given by gods to men), nor is <divination by> divine possession, or divination by the stars, or by words, nor prediction from dreams.

Stobaeus gives two slightly different versions of a similar (but not identical) definition:

Stob. 2.67.13 = *SVF* 3.654.4-6 εἶναι δὲ τὴν μαντικὴν φασιν ἐπιστήμην θεωρητικὴν σημείων τῶν ἀπὸ θεῶν ἢ δαιμόνων πρὸς ἀνθρώπινον βίον συντεινόντων· ὁμοίως δὲ καὶ τὰ εἶδη τῆς μαντικῆς.

[The Stoics say that only the sage is a good diviner, orator, etc..] And they say that divination is a science which can discern signs directed from gods or *daimones* to human life (and similarly for the species of divination).

Stob. 2.114.16 = *SVF* 3.605 Καὶ μαντικὸν δὲ μόνον εἶναι τὸν σπουδαῖον, ὡς

¹⁶⁷ At first sight we might take *procurrentur* and *expientur* to be two opposite reactions to whatever is signified, the first referring to the promotion of welcome outcomes, the second to the expiation of unwelcome ones. But in haruspicy *procurro* seems to be the term for the management of the right reaction to *prodigia*, cf. *Div.* 1.3 with Pease (1920-23) *ad loc.*. *Prodigia* generally signal a negative religious development requiring remedial action. So I think *procurrentur* *atque* *expientur* both describe the reaction to divine messages generally, and if anything to messages demanding action to avoid a negative consequence.

¹⁶⁸ *coniectio* is a puzzle. It must mean something like ‘interpretation’, but this use is a *hapax* (Pease (1920-23) *ad loc.*). It more often means ‘summary’ or ‘summarizing’ (*OLD* or Lewis & Short s.v. *coniectio*). It presumably had some connection in Cicero’s mind with *coniectura*, but what and how close this connection was is hard to estimate.

ἂν ἐπιστήμην ἔχοντα διαγνωστικὴν σημείων τῶν ἐκ θεῶν ἢ δαιμόνων πρὸς ἀνθρώπινον βίον τεινόντων. Δι' ὃ καὶ τὰ εἶδη τῆς μαντικῆς εἶναι περὶ αὐτόν, τό τε ὄνειροκριτικὸν καὶ τὸ οἰωνοσκοπικὸν καὶ θυτικὸν καὶ εἴ τινα ἄλλα τούτοις ἐστὶ παραπλήσια.

And <the Stoics say> that only the virtuous man has the capacity to divine, in as much as he has the science which can distinguish signs extended from gods or *daimones* to human life. Hence also that the species of divination concern him, the dream-interpretative species, and the augural, and the extispicine, and any others which there are in addition to these.

On the basis of Cicero's explicit attribution to him, I think that all these definitions ultimately emerge from Chrysippus. (I will argue below that by Cicero's time an alternative Stoic definition had developed, which is favoured by Quintus.)

The obstacle to tracing the Greek definitions to Chrysippus is the key difference between Marcus' version in *Div.* 2 and those of Sextus and Stobaeus: Marcus has Chrysippus call divination a *vis*, which should gloss Greek δύναμις, 'power' or 'capacity', while the Greek authors have 'the Stoics' call it an ἐπιστήμη, a 'science'. But this is not so great a difficulty as it at first appears. What in an untrained, regular fool is a *vis* to discern certain aspects of dreams will become an ἐπιστήμη in the sage when regularized into her relevant body of theorems. Marcus himself gives his version of the definition as proof that the Stoics thought that only the wise man could be a diviner. He takes this to be a consequence of the definition, continuing *quid ergo? Ad haec mediocri opus est prudentia, an et ingenio praestanti et eruditione perfecta?*, "What then? Is there a need here for ordinary wisdom, or for both outstanding talent and perfect erudition?" (2.130). Chrysippus, I think, would be happy to accept this consequence—that the only truly

successful, infallible diviner, possessor of the right ἐπιστήμη, would be a sage. Once again, the evidence of all four of these passages strongly suggests that Chrysippus was primarily concerned with the case of the sage as perfect diviner, and hence that when Marcus has Chrysippus call divination a *vis* this does not mean that for Marcus Chrysippus defined divination as a *vis rather than* an ἐπιστήμη.¹⁶⁹ Instead, Marcus gives the most general version of the definition, since he wants to argue that the only really successful use of the *vis* will be someone who has the ἐπιστήμη, and that (for a Sceptic) nobody can have this ἐπιστήμη.

Now, between the *vis* and the ἐπιστήμη of divination will be an intermediate state, the τέχνη of divination. This is art which real-life professional diviners have, an approximation to the sage's ἐπιστήμη which amounts to expertise and is the result of training. I think Chrysippus would be happy to define real-life expert divination by substituting τέχνη for *vis* or ἐπιστήμη in the definitions above, as is suggested by the passage from DL with which we began. Now, given this result, we can see that Chrysippus would not have accepted the artificial/natural distinction. It is explicit in Stobaeus that *mutatis mutandis* the species of divination are defined as subordinate kinds of divination; the same subordination is exhibited in Marcus' definition of the dream-interpretation species and suggested by Sextus' addition of some species of divination without argument. In all three sources, the example(s) of species include divination by dreams or by oracles, which would not be artificial divination for Quintus. Confirmation that under the artificial/natural distinction natural divination is not a τέχνη comes from what appears to be an independent source for the Stoic version of this

¹⁶⁹ In thinking that we do not have to choose between a definition with *vis* or one with ἐπιστήμη I agree with Lévy, see Lévy (1997) 331-2.

distinction as we find it in Quintus' speech.¹⁷⁰ This is [Plutarch]'s *Life of Homer*, a work “largely impossible to date” according to its recent editors but probably of about the third century AD¹⁷¹. [Plutarch] would have us think that Homer displays encyclopaedic learning on all subjects, and at the end of his section on medicine he moves to divination:

ταύτης μέντοι τὸ μὲν τεχνικὸν φασιν εἶναι οἱ Στωικοί, οἷον ἱεροσκοπίαν
καὶ οἰωνοὺς καὶ τὸ περὶ φήμας καὶ κληδόνας καὶ σύμβολα, ἅπερ
συλλήβδην ὄτταν καλοῦμεν, τὸ δὲ ἄτεχνον καὶ ἀδίδακτον, τουτέστιν
ἐνύπνια καὶ ἐνθουσιασμούς.

The Stoics say that of this [=divination] there is on the one hand the artificial <kind>, like extispicy, and bird-omens, and that concerned with sayings and lots and symbols, which together we call ‘omens[?]’¹⁷², on the other there is the non-artificial and unteachable <kind>, i.e. dreams and manias (212).

What we have here seems to be a doxographical pericope, and it is hard to know what its pedigree was before it found its way to [Plutarch]. But it does at least make the Greek equivalents for Quintus' terminology plain. The important point for us is that [Plutarch] calls natural divination ἄτεχνον καὶ ἀδίδακτον. But by his definition, for Chrysippus *all* species of expert divination were τέχνηαι. So Chrysippus cannot have accepted the

¹⁷⁰ Of course, the Stoic(s) who made the distinction were not the first to see the difference between artificial divination on the one hand and inspired divination on the other. Even in his own day, Chrysippus may have been unusual in looking to provide a single account of all forms of divination. In his famous *Phaedrus* passage on μανία and μαντική Plato distinguishes inspired divination from some artificial kinds (244b-d). From *Div.* it seems that Aristotle and the Peripatetics supported natural but not artificial divination, and thus invoked the distinction. From Aristotle's own texts it is not quite so clear what his line was. Granted, some sort of veridical dreaming (*Div. Per Somn.*) is the only ‘divination’ that receives his explicit endorsement. But he never condemns other divination out of hand, and when discussing the nose in *Hist. An.* he remarks that a sneeze is σημεῖον οἰωνιστικὸν καὶ ἱερὸν μόνον τῶν πνευμάτων, “the only breath which is a sacred and augural sign” (492b7-8).

¹⁷¹ Keaney and Lamberton (1996) 2.

¹⁷² ὄττα is a very rare word which Keaney and Lamberton leave untranslated.

artificial/natural distinction.¹⁷³

We can get further insight into what was (or came to be) at stake in calling divination a τέχνη by taking up the suggestion of several of our sources and looking at medicine as an analogy. Contemporary with Chrysippus in the second half of the third century BC there began a long-running theoretical schism in medicine between the Empiricists and the Rationalists.¹⁷⁴ Broadly speaking, the Empiricists criticized medical theorists who claimed to be able to reason from observations to the underlying physical causes of medical problems and propose treatments on that basis. The Empiricists claimed that the medical τέχνη could and should be derived purely from experience. Rationalists, in turn, fought back on behalf of the use of formal reason and the construction thereby of general causal theorems.¹⁷⁵ Our primary source for the debate is Galen. Ch. II of his *On the Sects for Beginners* (=pp 2-4 Helmreich=55-58 Kuhn) is a pithy introduction to the Empiricist view of medicine and is, in effect, an idealized history of an Empirical τέχνη. There are three kinds of ἐμπειρία in view: the περιπτωτικὸν εἶδος or ‘incidental kind’, the αὐτοσχέδιον or ‘extemporary’ kind and the μιμητικὸν or ‘imitative’ kind (Helmreich p.2 line 26-3.5).¹⁷⁶ Under the περιπτωτικὸν εἶδος fall ‘natural’ and ‘chance’ experience, where an affection which harms or heals the body comes about by obscure but natural causes (like an unexplained nosebleed) or by chance (like an accidental cut) and is observed (2.13-25). In neither case is the affection voluntary (it happens ἀβουλήτως). Under the αὐτοσχέδιον kind

¹⁷³ By arguing in this way that the artificial/natural distinction was a development from the view found in Chrysippus’ definition of divination, I implicitly assert again that there an alternative definition was developed.

¹⁷⁴ Date from Walzer and Frede (1984) xx-xxii.

¹⁷⁵ Galen *On the Sects for Beginners* ch.’s I-IV with Frede’s introduction to Walzer and Frede (1984) xx-xxxii.

¹⁷⁶ Here and in what follows I rely on Frede’s translation for an understanding of Galen’s terms (Walzer and Frede (1984) 4-5).

fall instances where something which harms or helps the body is voluntarily tried out (πειράζειν) for some less than scientific reason-- ὑπ' ὄνειράτων προτραπέντες ἢ ἄλλως πως δοξάζοντες, “by those influenced by dreams or having somehow formed some other opinion” (3.2-4). The μιμητικόν kind is the key to Empiricism (τὸ μάλιστα τὴν τέχνην αὐτῶν συστησάμενον) (3.8-9). Under it, affections observed in experience of the other two kinds are imitated in an effort to produce like effects. If such affections imitated in this way prove helpful for the most part over many imitations, then τὴν τοιαύτην μνήμην θεώρημα καλέσαντες ἤδη πιστὸν ἡγοῦνται καὶ μέρος τῆς τέχνης, “they call such a memory a ‘theorem’ and then consider it trustworthy and part of the art” (3.4-13). It is easy to imagine simple theorems of this sort-- ‘when patients with a headache took an aspirin, for the most part they reported less pain’—although most theorems of fully qualified doctor will doubtless be far more complex. The art itself simply consists of an aggregation (ἄθροισμα) of such theorems (3.13-17), where the Rationalists would presumably require that such empirical theorems be properly linked in a rational structure. Two further details are important. First, Empiricists rely not only on direct personal experience (αὐτοψία) but also on the recorded experiences of other doctors, the recording and passing on of which is called ἱστορία (3.17-20). *Ars longa, vita brevis*; ἱστορία was presumably the source of most of an individual doctor’s theorems, although Galen does not say this. Second, where an Empiricist doctor faces a situation for which he has no experience to draw upon, he can use the method of ‘transition to the similar’ (ἢ τοῦ ὁμοίου μετάβασις), in which he evolves a new theorem from experiences similar in many respects but not identical (3.21-4.17).

This conception of a medical τέχνη and its idealised history drew fierce criticism from the Rationalists. This was not, as Galen points out, because it led Empiricist doctors

to treat patients any differently from their rivals:

καὶ καθόλου φάναι τὰς αὐτὰς ἐπὶ τῶν αὐτῶν παθῶν ἰάσεις οἷ τε
δογματικοὶ καὶ οἱ ἐμπειρικοὶ παραλαμβάνουσι περὶ τοῦ τρόπου τῆς
εὐρέσεως αὐτῶν ἀμφισβητοῦντες·

And to speak generally, the Rationalists and the Empiricists use the same treatments in the case of the same affections, while disagreeing about the manner of discovery of those treatments. (7.16-19)

The dispute was over whether an art based on experience, imitation and transition to the similar could successfully generate all the right theorems and the right treatments, or in the strongest form of Rationalist objection over whether such an ‘art’ was an art at all (9.6). To be properly comprehensive, perhaps an art should be able to rationally generate new theorems for unprecedented situations, as an art can if equipped with an account of non-empirical causes, for example about the biochemistry of headaches and aspirin.

The structural analogy of this medical debate as reported by Galen with the debate over divination should be clear, as should some differences between the two. A key difference is that the opponents of divination do not, as Rationalists do for medicine, posit their own explanatory theory for divination. Another is that on Chrysippus’ a properly formulated and applied divinatory art (in particular, one accepted and applied by the sage) will make only true predictions while the fallibility of actual divination results from the foolishness of diviners. Empiricist medicine would surely countenance theorems which yield true predictions not always but for the most part. But a key similarity is that these same opponents do demand an explanatory theory *from* those who claim that divination is an art, as Rationalists insist that medicine must have explanatory theory to be a functional τέχνη. The Rationalists and the opponents of divination trade

on the same requirements on a τέχνη. This is what Cotta's *unde oriatur?* and demand for a *ratio* of divination amount to, and we can see the same demand in other places—Quintus attributes it to Carneades: *quaeris, Carneades, cur haec* [successful instances of divination] *ita fiant aut qua arte perspicere possint?*, “You ask, Carneades, why these things happen this way or by what art they can be understood?” (*Div.* 1.23). I should emphasise that in the absence of explicit evidence connecting the two, the analogy between the Empiricist position and the Stoic claim that divination is an art remains just an attempt on my part to illustrate the latter. But I think we can take two things from it. First, from Chrysippus' time on there developed a controversial model of a τέχνη which could be an aggregation of theorems derived only from experience and without any supporting explanatory or causal theorems. These theorems could be passed on in collections of records. Second, this model came under attack, and one of the grounds for this attack was that a τέχνη which lacked higher explanations of empirical theorems was inadequate.

In sum, then: Chrysippus seems to have argued for the reality of divination from the nature of the divine (*Div.* 1.82-3). But he also had reasons to make the limited claim that divination was a successful science or art—he could use this claim as ‘empirical’ grounds for his theories of fate and divine providence. Accordingly, to avoid a dialectically vicious circularity, he supported the claim with ἐκβάσεις rather than theoretical arguments, and for this model of a τέχνη there was a parallel in medical theory. Along with a wider attack, Carneades seems to have challenged the notion that divination was a science or art. Between this debate and Quintus' speech there was evidently some development in the Stoic position. For one thing, we can say that Posidonius investigated a more natural scientific basis for divination, as is obvious in Quintus' own speech. A

more fundamental development involved a new definition of divination (as we will see below) and the artificial/natural distinction. (I will discuss this development more thoroughly later, pp. 170-176.) It is not possible yet to say who was responsible for this development. It is tempting, as ever, to attribute the new definition and distinction to Posidonius. Marcus presents Posidonius three *rationes* as subdivided across natural and artificial divination, but this could be an artifact of Quintus' presentation and not original to Posidonius (*Div.* 2.27). Then again, Antipater was the earliest Stoic known to have written on divination after Carneades' attack. I see no advantage in attributing the development to a specific Stoic in the absence of evidence; we could allay our scholarly *horror vacui* with a conjecture but in doing so we might mislead.

We are at last equipped with the background to Quintus' speech. Cotta's criticisms of the *ars* of divination are far from whimsical, but echo a key challenge to the Stoics' position on divination. The Stoics, of whom Balbus is an example, thought that they could use empirically plausible divination as evidence for (among other things) the existence of gods and divine concern for human affairs. They typically supported the claim that divination was an *ars* by appeal to ἐκβάσεις or, as Quintus will put it, to *eventa*. Balbus gestures at but does not give this sort of support in his two arguments from divination. Cotta in return poses a challenge that was well-rehearsed: why should he accept an *ars* that can give no explanatory *ratio* for its subject, and what history could be given for such an '*ars*'—*unde oriatur?*—that would warrant thinking it an *ars* at all? Balbus says that there are extensive Stoic answers to these questions, and it is these which Quintus will give.

(D) Quintus on the *ars* and the *eventa*.

In *Div.* generally there are two sorts of reasons why one might believe in divination. In speaking of ancient acceptance of divination in his proem, Cicero says *atque haec* [=the types of divination sanctioned in Rome], *ut ego arbitror, veteres rerum magis eventis moniti quam ratione docti probaverunt*, “And as I myself think, the ancients approved these things more because they had been moved by the outcomes (*eventis*) in events than because they had been informed by theory (*ratione*).” (*Div.* 1.5).¹⁷⁷ These two modes of persuasion form one of the two main structuring principles for Quintus’ speech. He makes grand claims at the outset that he need only analyse *eventa* to make the case for divination (1.11-16). What he does not need to analyse are the ‘*causae*’ involved, and it is clear that analyzing the *causae* would be a paradigm case of giving a *ratio*.

*Quarum rerum [=divination] eventa magis arbitror quam causas quaeri oportere.
Est enim vis et natura quaedam, quae tum observatis longo tempore
significationibus, tum aliquo instinctu inflatuque divino futura praenuntiat.*

I think it is more helpful to investigate the outcomes of these things than the causes. For there is, at any rate, *some* power or nature which announces future things beforehand, now by signs observed over a long period, now by some divine stimulation and inspiration (1.12).

The latter sentence is Quintus’ hand-waving over the *causae*; there must be *some* factor or factors in natural world which produce these predictions, otherwise divination would not work as it evidently does, but (at least at this point in the speech) he claims to have no idea what those factors are. He explains how he nonetheless thinks that the *eventa* alone

¹⁷⁷ The *ego* here contrasts Cicero with the philosophers who follow immediately and so serves to introduce his doxography on divination. But it also has the interesting implication that Cicero (i.e. his authorial voice in this proem) finds it *plausible* that the *veteres* would be persuaded by *eventa*. This is in contrast to more thoroughgoing opponents of divination like Diogenianus.

convince him of the reality of divination, by appeal to analogies with medicine and weather-prognostication.¹⁷⁸ His first analogy brings an Empiricist view of medicine strongly to mind, with his dismissal of the role of *ratio* and emphasis on usefulness and the *inventor*:

Mirari licet quae sint animadversa a medicis herbarum genera, quae radicum ad morsus bestiarum, ad oculorum morbos, ad vulnera, quorum vim atque natura ratio numquam explicavit, utilitate et ars est et inventor probatus.

We should wonder at the kinds of herbs which have been noticed by doctors, which roots are appropriate for the bites of animals, which for diseases of the eyes, which for wounds, <herbs> whose power and nature reason has never explained, but by whose usefulness the art and the discoverer have been approved. (1.13)

Or again:

Sic ventorum atque imbrorum signa, quae dixi, rationem quam habeant, non satis perspicio; vim et eventum agnosco, scio, approbo.

Thus the I do not grasp well enough what explanation the signs of wind and rain which I have mentioned have; but I am aware of their power and their outcomes, I know this, I assent to it. (3.16).

So (at least in the first 108 sections of his speech) Quintus will be following something like the latter of the two strategies which DL gives the Stoics on divination; he will be supporting divination through its ἐκβάσεις. But where Chrysippus and his followers

¹⁷⁸ Quintus is explicit that prognostication is not divination (*ex alio genere*, 1.13). This is a little puzzling to us, especially as he seems to think that it prognostication is almost equally hard to explain. The idea is that prognostic theorems are in principle explicable without invoking the divine, even though in many cases we cannot see these explanations. Boethus made some progress in this regard, he says (presumably in his commentary on Aratus) (1.13). That Quintus takes this view of Aratus' *Prognostica* counts against the idea that Aratus' poem is motivated by the Stoic interest in divination.

sought to persuade by this method that divination *tout court* was a science or art, Quintus has the more articulated view, in which not all divination is artificial. Let us now look at this distinction, which is the other structuring principle of Quintus' speech.

(D1) Stoic development after Chrysippus: the natural/artificial distinction.

Quintus begins his *disputatio* with the artificial/natural distinction: *duo sunt enim divinandi genera, quorum alterum artis est, alterum naturae*, “there are two kinds of divining, of which one is of art, the other of nature” (1.11). He gives examples of each kind: the artificial kind includes the predictions of *aut extispicum aut monstra aut fulgora interpretantium*, “those who interpret extispicy or prodigies or lightning” (=the *haruspices*), of *augurum*, “augurs” and of *astrologorum*, “astronomers”. At 1.72-9 these will be supplemented by examples of another form of artificial divination, *a coniectura*, which is more extemporary and contrasted with the conventional divinatory arts that have been built up through a lengthy series of observations. The natural kind, meanwhile, includes the predictions of *somniorum aut vaticationum*, “dreams and oracles” (1.12). At first sight this distinction is very puzzling. In what sense is divination by dreams more ‘natural’ than haruspicy? Divinely inspired dreams seem somewhat ‘supernatural’, while haruspicy involves looking closely at the natural world. Again, why would augury etc. be more ‘artificial’ than divination by dreams? Divination by dreams often involved skilled interpretation, as Chrysippus maintained and as we see in Artemidorus. What has ‘conjecture’ got to do with artificial divination—it by appears by definition to be the result of extempore guesswork and not of an art? And in making this distinction, does not Quintus start to give an explanation of the mechanisms of divination, something he claims repeatedly to eschew (at least in the first part of his speech)?

To find a satisfying answer to these puzzles we need to reflect again on what notion of an *ars* is in view here. Recall the Empiricist τέχνη in Galen *On the Sects* ch. II. This τέχνη was simply an ἄθροισμα of theorems. An experience of healing which came about coincidentally or as the result of some more-or-less extempore experiment was imitated, and if imitated successfully many times yielded a theorem which entered the τέχνη. The theorem, we supposed, would be a correlative sentence matching a treatment (of a given condition in given circumstances) to a cure, or something of the sort. An Empiricist could acquire these theorems through his own experience, or through the records of others. Faced with new situations, he would derive prescriptions for new treatments from similar experiences. Quintus works with a very similar notion of an *ars*.

Now, at this point some readers might protest. The notion of an *ars* which I sketch here might seem altogether too speculative and limited. Some objections would be: (a) What I have said implies that an *ars* could be just a collection of sentences which could, in principle at least, be written down in a book. (b) How do I know that I have the right meaning of ‘theorem’, and how do I know that the divinatory *ars* was made up of theorems (Quintus never uses that word at all)? And (c) surely there is more to a doctor’s *ars* than just some principles, or even than knowing and using principles—surely he has motor skills, a bedside manner, trained intuitions and the like? On this last objection (c), my answer is a simple ‘no’. Certainly, there was much more to the *practice* of being a diviner (or a doctor) than knowing and applying some theorems, and certainly there was huge controversy in antiquity over what constituted an *ars*, but it is plain from the medical debate that a τέχνη/*ars* could simply mean one’s system of principles and did not extend to the wider craft of medicine, and that in the case of the Empiricist this τέχνη was just a collection of theorems. So this limited notion of an *ars* was certainly

available to Quintus and the Stoics. On (b), in *Fat.* Cicero represents himself as supposing a divinatory *ars* to be (in principle at least) constituted from ‘theorems’, and is explicit that by ‘theorems’ he means conditionals correlating a sign and an *eventum*:

etenim si est divinatio, qualibusnam a perceptis artis proficiscitur ('percepta' appello quae dicuntur Graece θεωρήματα) non enim credo nullo percepto aut ceteros artifices versari in suo munere aut eos qui divinatione utantur futura praedicere. Sint igitur astrologorum percepta huiusmodi: 'Si quis', verbi causa, 'oriente Canicula natus est, is in mari non morietur.' (*Fat.* 11-12).

For if divination is real, from what sorts of precepts of the *ars* does it proceed (I call ‘precepts’ what are called in Greek θεωρήματα)? For I do not believe that practitioners of other *artes* engage in their calling with no precept, or that those who use divination¹⁷⁹ to predict future things <engage in it with no precept>. So let the precepts of astrologers be like this, e.g. ‘If someone is born with the Dogstar rising, he will not die at sea.’ (*Fat.* 11-12).

In this context Marcus expects full agreement from Chrysippus on all that he says, with the exception of his formulation of the theorem. (Chrysippus will want to formulate it not as a conditional but as a negated conjunction, to avoid the necessity of future events predicted by divination (*Fat.* 15). Even with Chrysippus’ formulation, the theorem is a correlative sentence of the sort I am proposing). On (a), I am happy to accept the consequence that an *ars* would be a list of sentences we could write down in a book because we have a number of such books extant from antiquity. Classic cases are the astrological handbook of Dorotheus of Sidon, and Vetteius Valens’ *Anthologies*. Dorotheus’ poem (which survives in Arabic) consists predominantly of conditionals

¹⁷⁹ Divination *tout court* is treated as an *ars* here. Cicero is arguing against Chrysippus specifically, so this is further evidence that Chrysippus did not have the artificial/natural distinction.

relating astrological circumstances at a relevant hour to *eventa*.¹⁸⁰ Vetteius too gives many passages of correlative theorems, which he expresses with a standard ‘future more vivid’ conditional (ἐὼν + present subjunctive + future indicative) of the sort which Cicero is probably translating with astrological theorem above.¹⁸¹ Quintus mentions *libri* associated with both the *haruspices* and the augural college, and these could easily have included such collections of theorems, or something close enough for Quintus to make his point (1.72).

The distinction, then, which Quintus makes is between divination which operates from an art of this sort, and divination which does not use an art but is ‘natural’. I suggest that the most satisfying way to understand this distinction is that it is based on *the source of predictive*¹⁸² *content* in the respective kinds of divination. By ‘predictive content’ I mean roughly ‘propositional content about a future event’. Straightforward future-tense linguistic content is the most obvious example, as in a prediction given by a *haruspex*, but many other kinds are possible, like non-linguistic symbolic content experienced in a dream or found figuratively in the ravings of a frenzied prophet. Consider how predictive content is generated in artificial divination. An event occurs, like the call of a bird. This event has *no* intrinsic predictive content; there is *nothing* in an ordinary bird singing in a tree which has any content concerning what will happen to you tomorrow, no matter how closely you scrutinise the event or on what level you interpret it. (Indeed, a bird calling has little or no propositional content, of any sort.) But a divinatory *ars* might have a theorem which says ‘If a bird calls next to you in such-and-

¹⁸⁰ Pingree (1976) *passim*.

¹⁸¹ Pingree (1986) *passim*.

¹⁸² Although Quintus defines divination as prediction of the future, many of his examples include divination which is not precisely this—warnings (to Simonides in his dream, 1.56) or information about the present or the past (Sophocles’ dreams about the identity of a notorious thief, 1.54). But what I say here should apply to all these cases, *mutatis mutandis*.

such a way, a bus will hit you tomorrow'. A diviner can take this theorem, 'plug in' the *signum* of the calling bird, and see that the apodosis of the theorem is therefore now true. Now he has generated some predictive content--'A bus will hit you tomorrow'—where before there was none. Via this theorem, the *ars* is the *original source of the predictive content*.¹⁸³ What about natural divination? In the natural case, dreams and oracles *already contain the predictive content*. Sometimes, in the case of dreams which require no interpretation, this is obvious. An example is the dream of Gaius Gracchus, in which he was told by his brother Tiberius that he (Gaius) must die the same death as him (Tiberius) (1.56). Often, though, the content is obscure and hard for us to understand. On these occasions, interpretation is needed. And Quintus is quite happy to admit that this *interpretation* is artificial (*artificiosa somniorum Antiphontis interpretatio*, 1.116). It appears from 1.116 that Antiphon had pointed to the technical nature of such interpretation as an argument *against* the naturalness of natural divination. But Quintus is happy to accommodate it as an art for making use of content which is *naturally there* in dreams and oracles but which may be hard to mine. Divine nature, he says, would not have given us metals but omitted to tell us how to get at the veins from which we extract them. The extraction of obscure predictive content can itself be an art, but such content is already there in the dream, as it is not in the signs of artificial divination.¹⁸⁴

¹⁸³ In this account of the *artificial* divination I agree approximately with Denyer's assignment of 'non-natural meaning' to artificial divinatory signs, although I disagree with him that signs (*qua* signs) are outside the normal causal order of nature. On the other hand, I do not agree that *dreams and oracles* also have non-natural meaning, as he seems to think since he does not limit his account to artificial divination (Denyer (1985) 4-6). I think the point of designating natural divinatory events as such is that they have something like 'natural meaning'.

¹⁸⁴ We can compare here some of Aristotle's remarks. For him the τεχνικώτατος interpreter of dreams is one who can "discern likenesses", ὁμοιότητος θεωρεῖν (*Div. per Somn.* 464b5-7). Aristotle's metaphor here is the perception of reflections in disturbed water (464b7-12, cf. *De Insomn.* 461a14-17). This suggests that he thinks that dream-interpretation is a matter of discovering and making sense of confused content, not generating predictive content on the basis of signs with no intrinsic predictive content. This is what we would expect given his theory in *Div. per Somn.*. That he makes this declaration is mildly suggestive; was there another view of dream-interpretation of which he was aware, a predecessor of Chrysippus' view? Cf. further Allen (2001) 168: "[Dreams, frenzied pronouncements and certain kinds of oracles] differ from

Support for this interpretation of the artificial/natural distinction can be found in the coherence which lends to Quintus' position, specifically between the distinction the non-Chrysippean definition of divination which he endorses. I think that this is the developed Stoic definition which I claimed above was required by the move from the account of divination consistent with Chrysippus' definition to an account involving the natural/artificial distinction. Although we find other versions of this definition in *Div.*¹⁸⁵, the most careful version and Quintus' own is at 1.9: [divination], *quae est earum rerum quae fortuitae putantur praedictio atque praesensio*, "[divination], which is the prediction and foreseeing of those states-of-affairs which are thought to be by chance". There is no mention of an *ars* in this definition. Rather, divination consists in *praedictio atque praesensio*. In the case of artificial divination, *praedictio* or *praesensio* happens when then diviner derives his prediction from his science, but in the case of natural divination it occurs when the dreamer or seer forms predictive content in his or her own dream or prophetic utterances (cf. *Div.* 1.128). Artificial interpretation is necessary for us to understand obscure content in divinatory dreams or oracles, but under the new definition it is not part of divination proper; it is the interpretation of some content already generated by a completed divinatory event.

So I think we have satisfactory answers to two of our questions above: how is artificial divination 'artificial', and how is natural divination 'natural'?. But what about

lightning bolts, fissured livers, and stellar configurations studied by long observation, as well as the sweating statues and hungry mice that occupy conjectural divination, by directly representing the events they forecast. Someone carried away by divine afflatus predicts that event will occur more or less by saying that it will, a dream either by allowing a god to appear and tell the dreamer that it will or by depicting its occurrence." I agree with this sketch, except in that I disagree about the scope of *coniectura*, see pp.184-185.

¹⁸⁵ The other versions are given in Cicero's authorial voice at 1.1 and by Marcus at 2.19. At 1.1: *...praesensionem et scientiam rerum futurarum*, "the foreseeing and knowledge of future matters"; the differences from Quintus' version are easily explained by the place of this definition in the first sentence of the treatise, where we would expect the subject to be defined loosely. At 2.19: *quam dicebas praesensionem esse rerum fortuitarum*, "which you [Quintus] were saying was the foreseeing of chance states-of-affairs". I discuss this definition in chapter 6 pp.308-318.

coniectura? To get an answer there, we have to see how Quintus defends the divinatory *artes*.

(D2) *Coniectura*.

Quintus, as advertised, defends the *artes* mostly by appeal to anecdotes of predictions and their *eventa*. This is the point of the series of *exempla* of artificial divination at 1.26-36 and the artificial *exempla* in 1.87-108 (a coda of bonus *exempla* at the conclusion of the *eventa*-based argument). This collection of anecdotes has led some commentators to think that Cicero departs from a strictly philosophical register in Quintus' speech and engages in a more 'Roman' and 'forensic' discourse.¹⁸⁶ In this they are not wrong. But I hope it should be clear by now that there is technical philosophical purpose and precedent in cataloguing signs and *eventa*, such that Quintus' tactic is not just to "swamp the reader with examples".¹⁸⁷ Rather, he aims to make it plausible that artistic divination is a successful art by exhibiting ἐκβάσεις, *eventa*. But Quintus also provides us with an idealized history of divinatory arts similar to *On the Sects* ch. II, which is meant to answer Cotta's *unde oriatur?*. Quintus' idealized history gives *coniectura* its role.

Broadly speaking, Quintus says that the established divinatory arts of the Ciceros' time were formed by recording the careful observation of signs and *eventa* over very long periods of time (just as Empiricist medics would imitate an experience many times before a theorem was derived from it). The process of making of these records he calls

¹⁸⁶ e.g. "The deluge of examples permits Cicero to indulge his skills as a story-teller (not to mention his ambitions as a poet) on a much grander scale than the limited scale available in *ND II ad init.* had permitted. The reader may be forgiven for feeling sometimes that the real point of *Div. I* is simply that it gives him the opportunity to do so. The underlying philosophical thought is presumably that it is precisely an authentically messy welter of allegedly divinatory experiences which gives the best chance of persuading someone of the case for divination." (Schofield 52.)

¹⁸⁷ Schofield (1986) 52.

observatio. The *vis et natura quaedam* of 1.12 *praenuntiat* by *observatis longo tempore significationibus*. This works because,

observata sunt haec [=the crow calling on the left, the raven on the right] tempore immenso et in significatione eventis¹⁸⁸ animadversa et notata. Nihil enim est autem quod non longinquitas temporum excipiente memoria prodendis monumentis efficere atque assequi possit.

These things [i.e. paradigmatic *signa* of artificial divination] have been observed during a vast length of time, and by their outcomes remarked upon and then noted for what they signify. For there is nothing which lengthiness of time, with memory collecting and records handed down, cannot bring about or achieve.

(1.112)

This immediately precedes the analogy with medical *ars* quoted above, and the parallels are obvious. *Signa* and their correlated *eventa* are first of all *animadversa* and then *notata*, where *animadversa* probably means ‘idly remarked upon’ and *notata* probably has a stronger meaning, ‘noted’, ‘attended to’. Over a sufficiently great *longinquitas temporum* memory will collect these experiences, and then records will preserve them (as with medicine, the records are probably far more important than individuals’ memories). Quintus thinks that this process is quite capable of producing any successful (empirical) *ars*—no matter how complex, bizarre or unlikely, one supposes. Astrology certainly depended, or claimed to depend, on such long and painstakingly kept records. Cicero in his proem himself remarks on the *diuturna observatio* of the Babylonians and that the

¹⁸⁸ All but one of the MSS have *in significatione eventus*, a crux for many editors (although Pease (1920-23) prints it untouched and hazards “in regard to the significance of their outcome”). Many solutions are proposed, but Giomini prints *eventis*, the reading of H, a later (saec. xi) MS. Giomini and Pease both point to 1.72, *eventis animadversa ac notata sunt* as a parallel in support of H. Giomini notes with “*fortasse rectius*” the editions of Sturm (1541) and Lambinus (1565) who omit *in*. This is indeed attractive, yielding a simple “noticed and recorded by their signification and their outcomes”. At any rate, the approximate meaning is clear.

Egyptians have pursued the same *ars* in a *longinquitate temporum innumerabilibus paene saeculis* (1.2). Quintus goes one better and puts a figure on the amount of time the Babylonians have been going at it: [we should not accuse of falsehood those] *qui quadringenta septuaginta milia annorum, ut ipsi dicunt, monumentis comprehensa continent*, “who have 470,000 years encompassed in their records, as they themselves say”. (This is something of an overestimate, but as a matter of fact the Babylonians *did* keep records correlating celestial events with earthly *eventa* with increasing detail and sophistication for well over a millennium down to the Hellenistic period.¹⁸⁹ Ptolemy claims in his respectable astronomical work to have access to some of these records going back to the reign of Nabonassar in the eighth century (*Almagest* III.7.8-13.). Historians of astronomy believe him, since he cites from these records a lunar eclipse of 19th March 720BC, accurately but with somewhat different figures than his own methods would have produced (*Almagest* IV.6.) Again, with augury and haruspicy there seems no reason to doubt that the material in the *libri* would have reflected a long tradition.

But for all that lengthy *observatio* may account for much of the success of the *artes*, questions are left unanswered. How did initial animadversions get picked up on and turned into a nascent system? And how should a contemporary diviner deal with new situations? In other words, how does a diviner make predictions from what might be *signa*, and start to test possible theorems, where no theorem is currently extant? This is where *coniectura* is important. When he has finished his first catalogue of *eventa* for artificial divination (and repeated the Tiberius Gracchus *exemplum* familiar from Balbus), Quintus says again that he agrees with those who say there are two types of divination.

¹⁸⁹ See the relevant part of the *Enuma Anu Enlil* for the long older collection of astrological theorems, including material of many dates back into the second millenium (Reiner and Pingree (1975-2005)). The *Enuma* contains similar collections for other forms of divination. For the later ‘astronomical diaries’ see Sachs and Hunger (1988-2001).

Est enim ars in eis qui novas res coniectura persequuntur, veteres observatione didicerunt, “for there is art in people who pursue new matters by conjecture, but have learnt old ones by observation.” (1.34). In the latter situation, the diviner has learned theorems produced by past observation, and can apply these. But when he comes to *novas res*, he must turn to *coniectura*. After Quintus has dealt with natural divination (1.37-71), he goes straight back to this theme of *coniectura* in 1.72 (*quae vero aut coniectura explicantur aut eventis animadversa ac notata sunt, ea genera divinandi, ut supra dixi, non naturalia, sed artificiosa dicuntur*, 1.72). Again, some part of the activity¹⁹⁰ of these *artes* functions by *monumentis et disciplina*, as found in the *libri* of the *harspices* and the augurs (1.72). But other aspects are *subito ex tempore coniectura explicantur*. There follows 1.72 to 1.79 (to *Archias versibus*), a catalogue of *exempla* of divination by *coniectura*, predictions as ever correlated with *eventa*. Some of these are primordial, like Calchas predicting the length of the war at Troy from seeing a number of sparrows (1.72). Some are historical instances of divination by *haruspices* or augurs, which seems confusing until we understand that the practise of *coniectura* is consistent with professing an established *ars*. A snake emerged from beneath an altar at which Sulla was sacrificing, and a *haruspex*, Gaius Postumius, advised Sulla to march immediately, which he did with success (1.72). Quintus’ point must be that Postumius did not rely on any existing theorem of his discipline, but rather made a ‘transition to the similar’ or just plain guessed, and made a true prediction. Just before the battle of Leuctra, the some soon-to-be victorious Boetians at Labadia heard their cocks crowing *assidue*, which their augurs interpreted as a sign of victory, since cocks crow when victorious (1.74). This time we have more insight into the inspiration for the *coniectura*.

¹⁹⁰ I take *quorum alia... alia autem* here to be a fairly vague ‘of which things some...others’ referring back to artificial divination in general.

The augurs made their prediction because of a well-known behavioural fact about cocks. This does not seem to be a prediction from a theorem of the augural *ars* as such, and hence constitutes a *coniectura*. Perhaps, after long enough study of the correlation between assiduous crowing and victory, a theorem could be derived. A special category of *coniectura* emerges in 1.78-9: *fiunt certae divinationum coniecturae a peritis*, “sure conjectures in divining come about <made by> experts”. It does not seem likely that *certae* here is to mean ‘certain’, rather ‘very reliable’, nor is it clear who the relevant *peritis* are since in two of three examples they go unremarked and in the third they are simply *haruspices*. But the predictions are all notably good: that Midas would be rich, that Plato would have sweetness of speech, and that Roscius would be famous (1.78-9). So these predictions seem intended as examples of spectacularly successful predictions from *signa* where no *ars* can help, with the suggestion that such spectacular success is achieved with the aid of plenty of practice in divining. These suggestions serve as extra evidence that *coniectura* can sometimes be successful by something more than chance.

So *coniectura* plays a role in divination straddling those of extempore experience and ‘transition to the similar’ in Empiricist medicine. It allows new *artes* to get underway and new theorems to be tried out, and allows the practitioners of existing *artes* to deal with new situations.¹⁹¹ The *eventa* given show that it can sometimes produce true

¹⁹¹ Charles Brittain (in conversation) has challenged this interpretation of *coniectura* by pointing to a passage of the *Lucullus*. *Acad.* 2.42: [The sceptics, arguing against catalepsis, divide up the issue to do with cognition into the sensory, then *ea quae ducuntur a sensibus*, and] *tum perveniunt ad eam partem ut ne ratione quidem et coniectura ulla res percipi possit* “then they come to the third part, arguing that nothing is apprehensible by reason or inductive inference, either” (Brittain’s translation in Brittain (2006)). I take it that the challenges here are that (a) in context *coniectura* must be capable of yielding catalepsis, and hence must be capable of being infallible and that (b) it seems to be something more than *ea quae ducuntur a sensibus*. In answer to (a), I see no difficulty in saying that the sage should be able to engage in infallible *coniectura*, where *coniectura* just means inductive inference from the evidence. *Coniectura* means ‘induction from evidence’ in Cicero’s rhetorica (*de Inv.* 1.10, 2.14-51, cf. *Partitione* 33-4) and speeches (*Rosc.* 107, 123, *Verr.* 2.1.125, 2.2.164, 2.2.183, 2.3.110, *Cluent.* 20, *Cael.* 66). It is not unreasonable to suggest that with her infallible perception, preconceptions and reason the Sage will be able to draw some useful inductive conclusions. Even if this were implausible it is not unlikely that the Stoics thought it, since in the case of the Sage they must often extend the possibility of catalepsis to apparently

predictions, which is all that seems necessary for Quintus' argument. Of course, it is not infallible, and perhaps not even reliable, and this would seem to leave some fallibility in the eventual *artes*, even with the control of very long periods of observation. Again, Quintus can accommodate this. In 1.24-5, he considers the obvious objection, made by Cotta and just about every other opponent of divination, that divination often gets its predictions wrong. His first reply is to say that medicine, navigation and politics get things wrong too, but are still considered *artes*. He goes on

similis est haruspicum responsio omnisque opinabilis divinatio; coniectura enim nititur, ultra quam progredi non potest. ea fallit fortasse non numquam, sed tamen ad veritatem saepe derigit; est enim ab omni aeternitate repetita, in qua cum paene innumerabiliter res eodem modo evenirent isdem signis antegressis, ars est effecta eadem saepe animadvertendo ac notando.

The advice of haruspices and all <merely> opinable divination is similar [to the foregoing fallible arts]; for it is founded on conjecture, beyond which it cannot progress. Perhaps it is false sometimes, but on the other hand it often directs us to the truth; for the art has been researched for all eternity, and it is brought about as in that <eternity> the same events have come out preceded by the same signs an almost countless number of times. (1.24-5)

fallible types of cognition, e.g. perception. That *coniectura* is fallible when done by fools like ourselves, and that we should be unwise to regard its fruits as cataleptic, is clear from the *Lucullus* itself: *non quaero rationes eas quae ex coniectura pendent, quae disputationibus huc et illuc trahuntur, nullam adhibent persuadendi necessitatem*, "I'm not looking for proofs relying on inductive inference, which are dragged this way and that in debate and fall short of persuasive necessity.", *Luc.* 116 (translation from Brittain (2006)). In answer to (b), it seems open to us to make a relatively 'thin' interpretation of *ea quae ducuntur a sensibus*, to include e.g. preconceptions, but not consciously drawn inductive inferences, e.g. conclusions about the facts of a forensic case from the evidence or predictions from present (or past) circumstances. I would take *coniectura* in *Div.* to be the latter sort of conscious inference.

This, I think, is Quintus' account of the idealized history of artificial divination in a nutshell (it immediately precedes his catalogue of artificial *exempla*). It puts together the elements we have discussed above, and makes clear how they give rise to the fallible but reliable divinatory *ars* of the sort which Quintus favours. Here we see another difference between Quintus and Chrysippus. Quintus evidently thinks that since artificial divination is fallible, even if properly practiced it will not always produce true predictions. This is presumably a concession to reality in his ideal history. Where Chrysippus seems to have tended to focus on the ideal picture of the sage-as-diviner¹⁹², Quintus is concerned with the long history of *observatio* where most or all of the observers were not sages, and their observations and *coniecturae* were fallible.

Now, as with my appeal in general to the parallel case of Empiricist medicine, my illustrative equation of *coniectura* with certain procedures of Empiricism should not be taken too far. There are some key differences. Quintus gives us no reason to think that practitioners of artificial divination who employ *coniectura* are committed to Empiricist-type claims about its value. It plays a similar role relative to the completed art (it helps to constitute the art and is not supported by it), and is similarly tentative and very fallible. But practitioners of a divinatory *ars* could presumably have had *some* procedures (fanciful or otherwise) for attempting *coniecturae*, and (so far as the evidence goes) these *could* be based on some theory (however tentative) of why the gods might use certain signs for certain outcomes. A medical Empiricist, of course, could never give any credence to such a theory; he could entertain one, perhaps, to generate new potential theorems, but could not take any epistemological support from it. This is what we should expect from the use of *coniectura* as a technical term in the context of

¹⁹² Of course, Chrysippus collected and studied many examples of real-life divination in the service of his effort to support his theory of divination *eventa*. But his theory seems to have concentrated on the ideal case.

rhetoric, where *coniectura* was argument for inferences about non-evident facts from agreed evidence. One could give rhetorical principles for setting out such arguments, some of which were common-sensical (e.g. irascible people tend to act in anger). Marcus himself compares divinatory *coniectura* to the arguments of rhetoricians, *Div.* 2.55). Similarly, within (say) the college of augurs, there could have been recommended procedures for *coniectura*, based on some observed or regularities, or on common sense, or similar. Quintus leaves this possibility open, and there is some evidence that *coniectura* could be more than simply guessing theorems at *Lucullus* 107¹⁹³:

quid fiet artibus? quibus? iisne quae ipsae fatentur coniectura plus uti quam scientia, an iis quae tantum id quod videtur secuntur nec habent istam artem vestram qua vera et falsa diiudicent?

[If we adopt Stoic epistemological standards...] What will happen to the arts? What arts!? Those which themselves acknowledge that they use *coniectura* more than knowledge, or those which follow only impressions and do not have that art of yours by which true things and false things are distinguished?

The point here is that certain *artes* do not seem equipped to meet the Stoic's high standard of *catalepsis*. Now, if we assume that divination is one of the arts which follows *coniectura* more than knowledge (as I have suggested) this seems to put it in a different category from *artes* which *just* follow φαντασία. Brittain has plausibly counted Empiricist medicine as an example of the latter sort.¹⁹⁴ So this passage is evidence that *coniectura* in divination could be given by its practitioners credence as a mode of fallible inductive inference rather than just a means to generate candidate theorems.

¹⁹³ My thanks to Charles Brittain for pointing this out.

¹⁹⁴ See Brittain (2006) note *ad loc.*.

My interpretation of *coniectura* faces some (I hope) mild opposition from the interpretation of Allen in his promising, if brief, exegesis of *Div. 1* (Allen (2001) 161-170). Broadly speaking, Allen and I agree. He regards *coniectura* as part of artificial divination, and says that “The principal motive for supplementing the method of long observation seems to have been the need to cover unusual cases that do not fall under the experience-based theorems established by that method” (Allen 167). He also thinks that *coniectura* yields “a Philonian conditional linking a sign with the event it forecasts” (Allen 170). By a ‘Philonian’ conditional he means a purely truth-functional conditional, one which asserts no necessary connection (physical, logical or otherwise) between the occurrence of the sign and the event it predicts (Allen 150-154). He gives a loose characterization of the natural/artificial distinction which accords with my own. So far, so good. But Allen differs from me in that he does not see *coniectura* as part of the history of the rest of artificial divination. Rather he, considers it a separate department of the discipline, defined by different methods and (loosely) different subject-matter.

“The initial impression created by *Div. 1.12*, that divination is based solely on signs grounded in long observation of constant conjunctions, is dispelled later, when it becomes clear that there is a second part of artificial divination, carefully distinguished from the first and based on conjecture.” (Allen 166.)

I agree that *coniectura* is carefully distinguished from divination by an established *ars*, and that it involves some sort of inference as opposed to mechanical application of theorems. But I do not agree that it is simply a separate department of the artificial divination. I think that it is (in theory) historically integral to the formation of divinatory *artes*, and is not limited in its subject-matter to portents or prodigies, but

covers the whole range of divinatory arts, including (especially) haruspicy and augury. I think the Philonian conditionals which it yields are sometimes taken up as candidate theorems for an *ars*. Evidence for the historical relationship between *coniectura* and other divinatory *artes* is found in *Div.* 1.72-9 where, as we saw, many of the explicit examples of *coniectura* involve augurs or *haruspices* acting (apparently) as such. We might also think of the traditional phrase *coniectura auguror*.⁶³ And most importantly, while Allen thinks that his *coniectura* part of is “founded on conjecture”, Quintus explicitly says of *haruspicum responsio omnisque opinabilis divinatio*, “the advice of *haruspices* and all opinable divination” that it *coniectura... nititur, ultra quam progredi non potest*, “is founded on conjecture, beyond which it cannot progress” (1.24).

A final question remains. What is the relation between this account of artificial divination, and Quintus’ claim that he will give no *ratio* of the *causae*? Is this account not itself a *ratio*? I think not. Just as the Empiricists were careful to give their account of their *ars* in the form of a history, something itself the product of experience, so Quintus could claim that his history simply reports correlations between *signa* and *eventa* conjectured, observed and recorded. We can compare this with his *ratio a natura* of artificial divination at the end of 1.131, where he gives a similar story but in natural scientific terms.

(D3) The empirical argument for natural divination.

Quintus also uses *eventa* to support natural divination. Here, of course, he is not arguing that natural divination is an *ars*. He is trying more directly to show that the predictive content in divinatory dreams and in oracles correlates (in some sense) with *eventa*. But in this he faces the same obvious challenge (that predictions drawn from

dreams sometimes seem to be wrong) but without the same defensive options (he cannot argue that divination from dreams is a fallible, but reliable, art). He squares up to the challenge (*at multa falsa!*) in 1.60. An immediate answer is to say *immo obscura fortasse nobis*, “Rather, perhaps, obscure to us!” If they are obscure, then to extract their predictive content in comprehensible form will take interpretation. And whether this interpretation is artificial or not, it will be fallible. And even in cases where an apparently clear prediction turned out false, we can always say that it was in fact an obscure prediction of something other than what it apparently predicted. So the error in prediction from dreams could always be attributed to interpretation, in which case we could always explain away apparent examples of false predictive content in dreams.

But Quintus then goes on to consider the scenario in which some predictive dreams are false. Here he has an error-theory drawing on elements borrowed from Plato and Posidonius, which gives reason to think that dreams are in fact potentially reliable. From 1.60-66 he aims to make it plausible that humans have an innate power to have dreams which are *veracia* (1.63), to *divinare* (1.64), to *praesagire* (1.65) and the like. This power will yield true content in dreams and frenzies when the soul is in the right state, for example when one has been temperate and dreams (as in the Republic passage in 1.60-61), or is close to death (1.63-4), or in frenzy (1.66). For this reason dreams and oracles *can* be reliable. But we can also see why they will often be unreliable, (especially dreams)—we are rarely in those states of exalted temperance or proximity to death. Now strictly speaking this interlude may exceed the rubric of giving *eventa* and no *rationes* about *causae*; there is some minimal theorizing about the mechanism of natural divination. But this theorizing is barely more than hand-waving at some *vis atque natura*. All Quintus aims to discover is that we naturally have some faculty which allows us to

get at these truths, and to say this is hardly more than to make explicit some assumptions behind the notion of ‘natural divination’ itself. We can see how thin the theorizing is here from the eclectic range of authorities Quintus appeals to in its support—Plato, Posidonius, Plautus, *sagae anus*, Roman tragedy (cf. the more usual role of *anus* in the dialogue, as the paradigmatic victims of superstition). This is his hand waving to fill the gap which denying the status of an *ars* to natural divination left in Chrysippus’ defense of fallible divination, a theory which equips us with the a basic reason to think natural divination reliable. It is not his last word on the *ratio* of natural divination. And the persuasion that such divination really is reliable will have to come by *eventa*.

So how does Quintus propose to persuade us of the reliability of natural divination using *eventa*? He tells us this in 1.70-71, as he wraps up his main catalogue of natural exempla. He follows Cratippus, who used to give a similar ratio to the above for natural divination (1.70) (Cratippus, being a Peripatetic, gave credence only to what Quintus calls natural divination). Cratippus, it appears, proof that a human soul can really get at truths through dreams and frenzies. He compares the sense of sight. Although the eyes cannot always function, once someone has seen *vera* with sight just once, he knows that the sense of sight exists.

Item igitur, si sine divinatione non potest officium et munus divinationis exstare, potest autem quis, cum divinationem habeat, errare aliquando nec vera cernere, satis est ad confirmandum divinationem semel aliquid esse ita divinatum ut nihil fortuito cecidisse videatur; sunt autem eius generis innumerabilia; esse igitur divinationem confitendum est. (1.72)

In the same way, therefore, if it is not possible for there to be the purpose and function of divination without the <faculty of> divination, but if it is possible that

someone who has the <faculty of> divination to err sometimes and not perceive true things, then it is enough to support the <faculty of> divination that something should once be divined in such a way it seems not at all to have fallen out by chance; but there are countless examples of this sort; therefore, it must be admitted that divination exists.

The argument makes two assumptions. The first of these is that the function of divination could not happen without a faculty of divination, just as seeing could not happen without sight. The second is that sometimes someone with the faculty can go wrong, just as someone with sight can fail to see right sometimes. Now, if there has been one incontrovertible instance of natural divination, then there must be the faculty of divination, since it could not be that the function of divination could happen without the faculty, and since it is perfectly possible for a faculty to be well employed rarely or just once. So, just one incontrovertible instance of divination would prove that this faculty exists. But there are many such. And it is these many such instances which Quintus hopes to have displayed to us. In this way, by proving the limited ratio that we have a faculty for natural divination *via* Cratippus' argument, Quintus can support natural divination by *eventa*.

Conclusion.

We are no longer reading Quintus' speech in a vacuum. We can see that it answers specific challenges by Cotta to Balbus' position in *dND*. We can also see that those challenges, and Quintus' speech, are part of technical and philosophically disciplined dispute. A lot of what seems confusing in Quintus' speech is the result of terminology and structuring principles which are meant to fit this debate, rather than a general defense

of divination from scratch. I hope I have shown how some of this works for the first part of the speech, down to 1.108, in which Quintus deals mainly with supporting divination by its *eventa*. His discussion of *rationes*, and how it relates to the earlier part of the speech, I will cover in my next chapter.

(A) Introduction: how does a physical theory of divination help Quintus' argument?

As we saw in my last chapter, Quintus divides divination into two *genera*, natural and artificial. He undertakes to defend both of these empirically or, as he puts it, from the *eventa* or 'outcomes', and claims that a defence from the *eventa* gets around the need to offer a theory¹⁹⁵ (*rationes*) that explains how divination works at the level of physics. This is a strategy intended to avoid Cotta's demand in *dND* 3 that the Stoics offer a *ratio* for the phenomena of divination that Balbus has used in support of his theology in *dND* 2. The *eventa* are supposed to establish a different sort of conclusion for each of the two *genera*. In the case of artificial divination, the *eventa* show that there is a successful, empirical *ars* of divination. In the case of natural divination, *eventa* establish that humans naturally possess some *vis* by which they divine in frenzy or sleep. In the latter case, since the arguments are entirely from *eventa* the conclusion claimed can be only functional: we have a divinatory *vis* in the sense that we can naturally produce successfully predictive content. The correlation of predictions and outcomes cannot, on its own, produce a physical theory about what that *vis* is or how natural divination works.

Quintus explicitly claims that the empirical defence of divination is all that is required of him. This is how he sums up the role of his empirical arguments (1.86):

Cur fiat quidque, quaeris. Recte omnino, sed non nunc id agitur; fiat necne fiat, id quaeritur. Ut, si magnetem lapidem esse dicam qui ferrum ad se adliat et attrahat, rationem cur id fiat, afferre nequeam, fieri omnino neget. Quid idem

¹⁹⁵ I use 'theory' for *ratio(nes)* here to make a distinction rather like that between theoretical and experimental physics. As usual, *ratio* most likely translates λόγος, here in the sense found in debate between Empiricists and Rationalists; the point of Empiricism was to eschew λόγοι, i.e. 'theory' proposing causal links between empirical data.

facis in divinatione, quam et cernimus ipsi et audimus et legimus et a patribus accepimus.

You ask why each thing happens. Quite fairly, but that's not the matter in hand; does it happen or doesn't it, that's the question. It's as though, if I say that there is a lodestone which draws and attracts iron, but I can't provide a theory explaining why that happens, you altogether deny that it happens. You're doing the same thing in the case of divination, though we ourselves see it, and hear about it, and read about it and have it handed down to us from our fathers.

Moreover, even when finally Quintus *does* give his theory of divination (1.109-131), he sticks to his guns and never concedes that he *needed* to. So the overall strategy of his speech, according to him, is just the empirical one.

Obviously, this poses a question: why does Quintus burden his speech with what he claims is an unnecessary explanation of the empirical data? It is easy to speculate about Cicero's authorial motivations here: although he wanted to give Quintus a strictly empirical argument overall, we can imagine that he also wanted to complete his report of the wider Stoic position. But we should hope to be able to see how and why Quintus shoehorns the *rationes* into his speech. His transition from the *eventa* to the *rationes* is rather confusing. It is spread between 1.84-87 and 1.109. In 1.85 he lists some why-questions that opponents of have divination had pressed: why should the haruspex think that a particular cleft in the liver signifies such-and-such an outcome? Why do the gods send visions to dreamers and the ecstatic but not to people in a normal waking state? It is such questions as these that he claims he need not answer in the quotation from 1.86 above (*cur quidque fiat*). He then dilates on a reaffirmation of the overwhelming anecdotal support for the proposition that 'divination happens', a renewed catalogue of

empirical evidence that stretches through 1.108. At 1.109 he brings himself back to the matter in hand:

Sed ut, unde huc digressa est, eodem redeat oratio: si nihil queam disputare, quam ob rem quidque fiat, et tantum modo fieri ea, quae commemoravi, doceam, parumne Epicuro Carneadive respondeam? Quid, si etiam ratio exstat artificiosae praesensionis facilis divinae autem paulo obscurior? Quae enim extis, quae fulgoribus, quae portentis, quae astris praesentiuntur, haec notata sunt observatione diuturna. Etc.

But let's return our speech to same place we digressed from to get here: if I can't give any treatment of *why* each thing happens, yet I show that at any rate the things that I have mentioned *happen*, have I given too little reply to Epicurus or Carneades? What if the theory of artificial foresight is also readily available, but the <theory> of divine¹⁹⁶ [i.e. natural] <foresight> is a bit less obvious? For what we foresee by *exta*, by omens, by the stars, these things are marked down by daily observation. [There follows Quintus' exposition of the Stoic *rationes* of divination.]

Quintus reiterates here—albeit now in rhetorical questions—that he *need* not give any *rationes* to answer the doubters (I take it that Quintus' answer to *parumne... respondeam?* is 'no'). To make the point, he asks 'what if' (*quid si etiam*) one part of the explanation is easier than the other, and then proceeds to illustrate that difference. And this, the illustration of a 'what if', is Quintus' apparent reason for ending his speech with

¹⁹⁶ It is odd that Quintus describes divination *a natura* as *divina* here; the gods are involved in all divination. I take it that *divina* here refers to the divine element in human natures that allows us to have veridical dreams etc., in contrast to our ability to formulate stochastic arts which allows us to divine from bird flight etc..

a discussion of theory. He does not need the discussion for his argument, but it helps him make a point.

But, of course, it is implausible that Quintus would spend so long just illustrating a ‘what if.’ His way of introducing the *rationes* allows him to maintain throughout that they are superfluous to his formal argument, but their presence must serve some meatier purpose. What might this be (beyond, perhaps, Cicero’s bid for a complete Stoic treatment of divination)? We can conjecture their purpose more easily when we recall that the Stoics had pressing reasons to make clear that their *formal* expository argument for the reality of divination rests solely on *eventa*. By ‘expository’ here I mean ‘in exposition to non-Stoics’, part of an attempt to persuade an audience not already convinced of Stoicism in general. For one thing, as Quintus says explicitly, the empirical approach obviates the many objections that ask ‘why’ divination happens. For another, as we learnt from Diogenianus in my last chapter, Chrysippus sought to prove divination from *eventa* to avoid circularity in his exposition to non-Stoics—he wanted to use divination to support his theology against his opponents, and thus had to support divination other than by argument from his theology. One would imagine that similar considerations applied to later Stoics in their own expositions. So the Stoics had reason to claim emphatically that any theoretical support they might try to give to divination when looking to persuade doubters was not part of their formal proof. But while this formal claim might be true, it is of course unrealistic to suppose that the theoretical *plausibility* of divination was irrelevant to their empirical case. One way in which the theoretical plausibility of a conclusion seems to be important even for purely inductive, empirical arguments is that the standard of empirical data required to make the case will vary along with the plausibility of the conclusion. If I want to convince an ornithologist

that starlings visit my garden, then a reliable report on my part, or a blurry photograph, will probably be enough to do the trick. But if I want to convince her that an ivory billed woodpecker (of a species considered extinct) is a visitor, then the standard of evidence required will be very high—excellent film, expert witnesses, material with DNA and so on. Something similar might be said for the Stoics on divination. Much of what they claim happens just seems daft, and in fact this is an underlying theme of the ‘why?’ objections. One such objection is to ask how anyone would ever have begun the apparently nutty science of augury, to which we saw the answer in my last chapter. Another is ask why the gods would give veridical visions to sleepers and the frenzied but not to those in normal waking states; the Stoics would be the first to accept that sleepers and the frenzied are unreliable. This latter objection points up an implausibility in what the Stoics are trying to prove. So, if we find natural divination implausible because of that objection we will require stronger empirical evidence of its reality than we would if there were some theoretical reason to think that we should look to sleep and frenzy as occasions for divination. It is this latter sort of concern, I speculate, that Quintus tries to address by giving some *rationes* of divination. It will turn out, for example, that Stoic physics make it probable that sleep and frenzy are precisely the times that divinatory visions will come to us. By showing that apparently crackpot features of claims about divination tally with regular physics (albeit regular Stoic physics) Quintus leaves those claims more plausible, and perhaps makes doubters more inclined to accept the empirical evidence. Of course, all this only applies in the context of exposition to an audience without the Stoa; in a finished Stoic system, the coherence of divinatory theory with the rest of physics will be straightforwardly part of its support.

We can illuminate this rather crooked approach to divinatory theory with Aristotle's remarks introductory to his *On Divination by Dreams* (462b14-20). He writes:

τὸ μὲν γὰρ πάντας ἢ πολλοὺς ὑπολαμβάνειν ἔχειν τι σημειῶδες τὰ ἐνύπνια παρέχεται πίστιν ὡς ἐξ ἐμπειρίας λεγόμενον, καὶ τὸ περὶ ἐνίων εἶναι τὴν μαντικὴν ἐν τοῖς ἐνυπνίοις οὐκ ἄπιστον· ἔχει γὰρ τινα λόγον· διὸ καὶ περὶ τῶν ἄλλων ἐνυπνίων ὁμοίως ἂν τις οἰηθείη. τὸ δὲ μηδεμίαν αἰτίαν εὐλόγον ὄραν καθ' ἣν ἂν γίνοιτο, τοῦτο δὲ ἀπιστεῖν ποιεῖ...

For that all people, or most people, suppose that dreams have some significance offers support from experience. And that there is divination in dreams about some things is not implausible, for it has a certain rationale, and because of that you might think similarly about other dreams. But seeing no reasonable causal explanation according to which <divination in dreams> comes about, that makes one find it implausible.

Aristotle's attitude is that divination (in dreams, anyhow) has a certain anecdotal plausibility, but that it is very hard to explain rationally. We find this attitude in Cicero too. He himself writes of earlier Romans that *haec, ut ego arbitror, veteres rerum magis eventis moniti quam ratione docti probaverunt* "the ancients credited these things [i.e. divination], so I judge, moved by outcomes more than informed by theory" (*Div* 1.4-5). With this, Cicero suggests that he himself finds a plausibility in the *eventa* that he does not find in *rationes*. So ancient intellectuals could find divination anecdotally plausible but theoretically implausible. The expository approach of Chrysippus and his successors (and adaptors) aims to capitalise on divination's empirical plausibility, while (in Quintus' version) taking a two-pronged approach to theory. On the one hand, Quintus claims that

it is not a problem for him if he can give no reasonable explanation of his data. But at the same time, he throws in explanations that might make us suppose that rational theory might be more available than we thought.

Two curious features of Quintus' account of the *rationes* deserve mention here. The first is that he presents each part of the Stoic theory only very quickly and in broad terms. Rather than leading us helpfully through the Stoic doctrines that he puts together into a theory of divination, he adverts to them in brief. This requires a lot of work from the modern reader. In the dramatic context of Quintus' speech, perhaps we are to understand that Marcus is an informed audience and picks up Quintus' point; indeed, his reply in book 2 seems to show that he has understood. But from the point of view of Cicero the author this crabbed and confusing exposition is a surprise. If the point of *Div* and related works was to educate a public not well versed in philosophy (cf. *Div* 2.4-7) how did he expect his readers to make much sense of Quintus on, for example, πνεῦμα and sympathy? One possibility is that a fuller account of Stoic natural science was slated for *de Fato* (either in a lost section or in an original plan that was modified to produce our version), or in the work in which Cicero seems to have intended to include the elements that come down to us under the title *Timaeus*¹⁹⁷. Another is that this section was intended more to fulfill another of Cicero's aims in the philosophica of 45-44, exhibiting the

¹⁹⁷ The preserved preface of *Timaeus* begins *multa sunt a nobis in academicis conscripta contra physicos et saepe <cum> P. Nigidio Carneadeo moro et modo disputata* (*Timaeus* 1), "I wrote a lot against the physicists in the *Academica*, and I often argued <against them> with Publius Nigidius, using the manner and method of Carneades." *contra physicos* here suggests that *Timaeus* was slated to be on a similar topic, that is, an *On Nature*, incorporating the translation of Plato *Timaeus* 27e-47b that follows the preface. *in academicis* dates the preface to sometime after the *Academica* or to after mid-45 BC. This much is promising. But the rest of the preface leaves it unclear whether the planned *On Nature* would have included specifically Stoic physics. This is due to the potential speakers whom Cicero names as present at the dialogue—the rather startling trio of Marcus himself, Nigidius Figulus and Cratippus the Peripatetic (*Timaeus* 2). Cicero was willing to perform some contortions of plot to bring these three together: Nigidius is returning from an embassy and at Ephesus awaits Marcus who is on his way to Cilicia (presumably as proconsul in 51 BC), while Cratippus has come across from Mytelene specifically to see Marcus (*Timaeus* 2).

viability of putting Greek philosophy into Latin, a task that would require only a potted version of a some theories to be translated.

The second curiosity of Quintus' theory is that he frequently appears to Platonize. He says that natural divination happens when the soul is free of the body (1.113), that the soul has lived for all eternity and has encountered innumerable other spirits in this eternity and that its eternity helps to explain its divinatory insight (1.115). The apparent incompatibility of these ideas with traditional Stoicism has attracted some comment, especially from John Glucker and Harold Tarrant (Glucker (1999), Tarrant (2000)). My position on these passages is threefold. First and foremost, I think that almost all of what appears Platonic or Platonist in Quintus is in fact a description of straightforward Stoic theory, at bottom unwelcome to a Platonist outlook. But second, I suspect that it is not a coincidence that much of this doctrine is phrased so as to be easily confused with Platonism—in Plutarch, we find Platonist theory of divination phrased to sound sympathetic to the Stoics (*de Defectu Oraculorum* 435e-438e, esp. 436ef and 437c-438d). Third, I think that on one occasion (1.115) Quintus' phrasing goes beyond putting Stoic ideas in ambiguous style and (perhaps accidentally) amounts to a Platonic intrusion, and to that extent I agree with Glucker (1999). Nevertheless, I think even that passage is supposed to advert to Stoic theory.¹⁹⁸ On the whole, I think that attention to Quintus' Platonizing language is not helpful for understanding his theory.

¹⁹⁸ 1.113 is straightforwardly Stoic—it refers to the separation of the *hegemonikon* from the bodily senses in sleep that I explore in section (B) below. A second Platonic-looking passage (1.132) is in fact Quintus' perfectly Stoic explanation of artificial divination *a natura*—there always have been humans to observe signs and outcomes, there always will be, we live in a cosmos teleologically ordered so that correlations of sign and outcome work (cf. 1.109 for the same explanation put in similar terms but without the *a natura* element). The problematic passage, in 2.115, runs: *Viget enim animus in somnis liberque est sensibus omnique impeditioe curarum iacente et mortuo paene corpore. Qui quia vixit ab omni aeternitate versatusque est cum innumerabilibus animis omnia quae in natura rerum sunt videt, si modo temperatis escis modicis potionibus ita est affectus ut sopito corpore ipse vigilet.* “The soul has energy in sleep and is free from the senses and every hindrance of care, with the body lying almost dead. Because <the soul> has lived from all eternity and has encountered innumerable souls, it sees everything which there is in nature, if only, through temperate eating and moderate drinking, it is in such a state that it is awake while the body

As a final prolegomenon, some comments on the structure of Quintus' exposition of divinatory theory. First, I should reiterate that the part of Quintus' speech where we should look for his *rationes* is from *Div.* 1.109 to the end. In the part of his speech devoted to the *eventa* (i.e. before 1.109) Quintus introduces a fair amount of theory, for example at 1.60-64 where he gives some theories of Plato and Posidonius regarding divination in dreams. But in trying to see the *rationes* of divination for which Quintus himself wants to argue, we have to treat these passages before 1.109 with great caution. This is because under the rubric of his empirical arguments Quintus looks to invoke the authority of Great Philosophers (*summi philosophi*, 1.84). This invocation cannot amount to an agreement with everything the Great Philosophers say about divination since, after all, they disagree among themselves. Rather, Quintus wants to use their authority as further empirical support for specific points—e.g. that divination in dreams is possible under the right conditions, where 'the right conditions' may vary from one philosopher to another. So while we should make due use of the theory mentioned before 1.109, especially the explicitly Stoic theory, we should be careful in assessing how much of it Quintus stands behind.

slumbers.” Now, the first of these two sentences is again straightforwardly Stoic. We can even force the second into Stoic shape if we understand *animus* as a mass noun—πνεῦμα, the divine substance out of which the soul is made—has indeed lived from all eternity since it is withdrawn into god at the conflagration and mixed with other portions of soul. But even if this forced Stoic interpretation were correct, there would still be a Platonising element in it. Why would Quintus appeal to the fact that soul *has* lived and *has* encountered innumerable others as an explanation for its ability to divine *now*? According to Quintus what matters is the particular human soul's present physical to the divine soul, not the longevity of 'soul' as a mass noun. So I agree with Glucker (1999) and Tarrant (2000) that a Platonist element has intruded into Quintus' talk here, although only here (Glucker himself calls it a 'cento'). I do not agree with Tarrant (2000) that we should see this as a direct intrusion from, and evidence for the text of, Plato's *Meno*. It is much more plausible to think that Cicero was using some Platonizing Stoic formulation, and perhaps that he introduced some imprecision in phrasing. (Cicero seems to be looking for some kind of etymological effect from *vigilantibus* (in the previous sentence) ... *viget* ... *vixit* ... *vigilet*.) Of course, the *Meno* is very much in the background when the Socratic tradition concerns itself with divine inspiration—compare also Balbus' *Nemo igitur vir magnus sine aliquo adflatu divino umquam fuit*, “Therefore nobody was every a great man without some divine impulse.” (*dND* 2.167) with the end of the *Meno* 99a-100b.

A second structural feature that we should notice here are the three levels of explanation attributed to Posidonius at 1.125:

Quocirca primum mihi videtur, ut Posidonius facit, a deo, de quo satis dictum est, deinde a fato, deinde a natura vis omnis divinandi ratioque repetenda.

So, it seems to me that every power of divining and its theory must be sought, as Posidonius does, first from God—about which we have said enough already—then from fate, then from nature.

1.125-126 then give the *ratio a fato* while 1.127-131 give *ratio a natura*. It is not absolutely clear how much of what precedes Quintus includes in the *ratio a deo*, but he probably means it to include both reference back to the general exposition of Stoic theology in Balbus' speech in *dND 2* (Quintus depends explicitly on the arguments of *dND 2* in *Div.* 1.117) along with some of the more theological arguments in the earlier part of the *ratio* section of *Div.* 1, particularly 1.118-120 on the interaction of the divine mind with its creatures. (We may also be supposed to recall such earlier arguments as the ethical constraint on the gods to signify the future presented at 1.82-83). So the later part of Quintus' exposition is definitely under the rubric of Posidonius' division (1.125-131), the earlier part perhaps less definitely so. Nevertheless, I think the whole story that Quintus gives across his three Posidonian sections is consistent and forms on theory; Posidonius' three *rationes* seem to me to be three different levels of description of the same explanatory state of affairs.¹⁹⁹ So I will not use Posidonius' structure in my exegesis of Quintus' theory.

¹⁹⁹ In saying that Quintus' theory in general is consistent with his particular explanations classified under the Posidonian divisions I do not intend any comment on Cicero's source(s). I take no position on that question.

(B) The Theory of Natural Divination.

(B1) Introduction to Theory of Natural Divination.

Quintus gives his theories of natural and artificial divination in parallel, moving from one to the other every few sentences. But since he explains the two *genera* with theories that are mostly distinct, I will treat them separately. I will take natural divination first since it seems to me to allow the clearest introduction of the tricky issue of πνεῦμα and sympathy, a part of Stoic physics important for both *genera*. Within natural divination I am going to focus on one paradigm case. The two main subdivisions of the natural genus are divination in dreams on the one hand, and divination in *furor* on the other. Since we are better equipped with sources for the Stoic view of dreams, I will concentrate on that sub-genus first and then try to elucidate divination in *furor* with reference to the dream case. At 1.64, Quintus reports from Posidonius a further subdivision of divinatory dreams into dreams sent from God, those from demons, and those where the soul divines *ipse per sese*. It is hard to know what this subdivision amounts to, and it does not appear explicitly or implicitly in Quintus' own exposition in 1.109-132.²⁰⁰ I suspect that if we had more information on Posidonius' subdivision Quintus' theory would be seen cover all of the subdivisions. If not, it seems to me that it is best suited to divination *ipse per sese*. So the paradigm case I will use to elucidate the theory of natural divination is divination in dreams, and perhaps specifically divination in dreams by the soul *ipse per sese*.

²⁰⁰ In attempting no taxonomy of dreams Quintus is unusual among ancient dream theorists. Well known taxonomies include Posidonius' classification of divinatory dreams that Quintus himself reports (1.64), and Homer *Od.* 19.560, Plato *Rep.* 571c-572b *Tim* 71d, Aristotle's *Div. Per. Somn.* 463b14, Herophilus *apud* Aëtius 5.2.3, Philo Judaeus *Quod a Deo* 1.1-2, 2.1, Artemidorus 1.1-2, Tertullian *de Anima* 47.1-4, Macrobius 1.3.2.. For a full set of references to the sources for the development of these classifications see Behr (1968) 171-180.

Here is how Quintus introduces his theory of natural divination. It is his theory in a nutshell. It is a crucial point of reference for what follows, because it indicates which natural facts Quintus considers most important in explaining natural divination:

Altera divinatio est naturalis, ut ante dixi; quae physica disputandi subtilitate referenda est ad naturam deorum a qua, ut doctissimis sapientissimisque placuit, haustos animos et libatos habemus; cumque omnia completa et referta sint aeterno sensu et mente divina, necesse est cognatione divinorum animorum animos humanos commoveri. Sed vigilantes animi vitae necessitatibus serviunt diiunguntque se a societate divina vinclis corporis impediti. (1.110)

The other sort of divination is natural, as I said before. This should be attributed, by the finesse of physical analysis, to the divine nature from which (as the most learned and wisest men have held) we have our souls drawn and poured out. And since every thing is filled up and crammed with an eternal sense and divine mind, it is necessary that human souls are co-affected by kinship with divine souls. But <human> souls that are awake are slaves to the necessities of life and, bound by the chains of the body, cut themselves off from their relationship with the divine.

Quintus points up three claims about natural facts here:

1. Every thing is full of the sentient, rational divine.
2. Our souls are drawn off from the divine, and are akin to it, and are thus such as to be affected along with it. This is co-affection is an example of *sympathy*, a consequence of the Stoic theory of πνεῦμα. Cicero has no one way of rendering συμπάθεια (*coniunctione naturae et quasi concentu atque consensu*, 2.34; *convenientia et coniunctione naturae*, 2.124; *continuatio coniunctioque naturae*, 2.143), and I suspect that *commoveri* is meant to be

Quintus' way of referring to or even translating it, while *cognatione* and *diungunt* also suggest a context concerned with sympathy.

3. When we are awake, this property of souls is in some way ineffectual. (The implication is that it will come into its own when we are asleep.)

Let us take each of these claims in turn and see how Quintus uses them to explain natural divination. I will explore claim 3 first. Then I will expand a little on the Stoic theory of normal, non-divinatory dreams, since it is important to have this material before us when we study divinatory dreams. Then I will explore claims 1 and 2 together; this will require a somewhat lengthy digression of the theory of πνεῦμα. I think that Quintus *refers* to an adequate Stoic account of these matters, but as I said above I do not think he explains it as fully as he might. So I will often use other Stoic sources to shed light on what he means.

(B2) The Stoic physiology of sleep.

I now begin exploring claim 3 from 1.110, in particular its implication that when we are asleep we are somehow better able to divine because our souls are freed from their waking duties. Quintus makes that implication explicit later:

Nec vero umquam animus hominis naturaliter divinat, nisi cum ita solutus est et vacuus, ut ei plane nihil sit cum corpore; quod aut vatibus contingit aut dormientibus. (1.113)

But no human soul ever divines naturally, except when it is set loose and blank, so that it has simply nothing to do with the body. This applies to prophets or those asleep.

Nam quae vigilantibus accidunt vatibus, eadem nobis dormientibus. Viget enim animus in somnis liber ab sensibus omnique impeditioe curarum, iacente mortuo paene corpore. (1.115)

For the same thing as happens to prophets when awake happens to us when asleep. For the soul is lively in sleep, free from the senses and hindrance by responsibilities, with the body recumbent and almost dead.

A natura autem alia quaedam ratio est quae docet quanta sit animi vis seiuncta a corporis sensibus, quod maxime contingit aut dormientibus aut mente permotis. (1.129)

There is another *ratio* [i.e. another of Posidonius' three levels of explanation], from nature, which teaches how great the power of the mind is cut off from the senses of the body, which most of all applies either to sleepers or to those who are agitated in their minds.

Quintus' talk here is of freedom for the soul, freedom from the senses and from all that it has to deal with during our waking lives. This involves freedom from the rest of the body, which Quintus suggests has no affect on the soul during sleep. It must be this freedom that allows the soul better to capitalise on its *cognatio* with the divine as suggested in 1.110. But this talk of a soul freed of the senses and ready for a certain sort of cognition when the body is 'almost dead' sounds odd from the mouth of a Stoic, who ought to be a materialist.²⁰¹ What does Quintus mean?

²⁰¹ For the metaphor of slavery to and binding by the body in *Div* 110 Pease cites the parallel of Africanus senior to Africanus junior during the latter's dream at *de Re Publica* 6.24: *hi vivunt qui e corporis vinculis tamquam e carcere evolaverunt*, "those who are disentangled from the chains of the body as though from a prison, are alive." The philosophical underpinnings of Scipio's divinatory dream are of course hard to ascertain. Pease cites a number of parallels for the σῶμα = σῆμα motif; they are predominantly Platonic. (Pease (1920-23), note on *vinculis corporis* in *Div* 110.)

Before we turn to our sources for the Stoics on sleep, we must first look at the Stoics' views on the functioning of the senses and on the parts of the soul. In a sense, of course, the Stoics were notorious monists; as far as motivation goes, they did not partition the soul in a Platonic or Aristotelian manner. But they did think that there were physical, spatial parts of the soul (a part of the general view which Posidonius presumably shared).²⁰² Galen reports Chrysippus' views as follows:

οὕτωςι λέγει· ἡ ψυχὴ πνεῦμά ἐστι σύμφυτον ἡμῖν συνεχές παντὶ τῷ σώματι διηκόν ἔστ' ἂν ἡ τῆς ζωῆς εὐπνοια παρῆ ἐν τῷ σώματι. ταύτης οὖν τῶν μερῶν ἐκάστῳ διατεταγμένων μορίῳ τὸ διηκόν αὐτῶν εἰς τὴν τραχεῖαν ἀρτηρίαν φωνὴν εἶναι, τὸ δὲ εἰς ὀφθαλμοὺς ὄψιν, τὸ δὲ εἰς ὦτα ἀκοήν, τὸ δ' εἰς ῥίνας ὄσφρησιν, τὸ δ' εἰς γλῶτταν γεῦσιν, τὸ δ' εἰς ὄλην τὴν σάρκα ἀφήν καὶ τὸ εἰς ὄρχεις ἕτερόν τιν' ἔχον τοιοῦτον λόγον, σπερματικόν, εἰς ὃ δὲ συμβαίνει πάντα ταῦτα ἐν τῇ καρδίᾳ εἶναι, μέρος ὄν αὐτῆς τὸ ἡγεμονικόν. (*de Placitis Hippocratis et Platonis* 3.1.10-11)

The soul is *pneuma* of one nature with us, continuously pervasive in the entire body as long as the regular breath of life is present in the body. Of the parts (μερῶν) of the soul which are assigned to each segment of the body, the one that pervades to the throat is voice; that to the eyes, sight; that to the ears, hearing; that to the nostrils, smell; that to the entire flesh, touch; and that which pervades to the genital organs, since it has a different principle, is seminal. The heart is the location of the part where all these meet, which is the governing part of the soul.

[Long's translation, significantly modified; Long (1999) 567.]

Chrysippus' identification of the heart as the location of the *hegemonikon* was

²⁰² Iamblichus is explicit that the parts of the soul enumerated here are bodily parts in (explicit) contrast to the faculties of impression, assent etc. (*apud* Stobaeus 1.368.12-20=*SVF* 2.826=LS 53K).

controversial²⁰³, but partition of the soul into *hegemonikon* and the seven other parts enumerated does not seem to have been. Aëtius (4.21=*SVF* 2.836, 4.4.4=*SVF* 2.827) and DL (7.110=*SVF* 2.828) attribute exactly the same parts of the soul, with the same terminology, to the Stoics in general. Aëtius adds the charming image of the *hegemonikon* as a *πολύπους*, an octopus with tentacles (albeit with seven tentacles). These Stoic parts of the soul are straightforwardly material and spatial. They are chunks of stuff, *πνεῦμα*, either constituting the *hegemonikon*, or extending from the *hegemonikon*, wherever it is, out to the sense organs, the throat and the genitals (the *πνεῦμα* serving the sense of touch must presumably overlap with some other ‘tentacles’).

In two cases, these tentacles of *πνεῦμα* must perform what we would call a motor function—they bring about the appropriate motions in the organs of speech and the genitals.²⁰⁴ In the other five cases they perform a sensory function, bringing information back from the sense-organs to the *hegemonikon*. (The soul also transmits outward impulses to move the body, but this is not immediately relevant for us.) How do the sensory parts of the soul give information about the outside world to the *hegemonikon*? Alexander *Mantissa* 130.13-27 is entitled *Πρὸς τοὺς διὰ τῆς τοῦ ἀέρος συνεντάσεως τὸ ὄραν ποιοῦντας*, ‘Against those who make sight be through the tensioning of the air.’ As often, Alexander does not name his targets, but they are clearly the Stoics (Sharples (2004) 98-99, Sambursky (1959) 29). Most of the short treatise is concerned with refuting the Stoic view that light gives a tension to air outside the body

²⁰³ Long (1999) 567-571, especially with reference to Galen’s neurological discussions in *de Plac. Hipp. et Plat.*.

²⁰⁴ An exception here was Panaetius, who assigned the connection to the genitals to the human *physis*, nature, our plant-like level of organic organization, rather than the soul, the level of organization common to animals but not to plants (Nemesius 212.6-9, = LS 53I). This is of some interest given that the genitals can be stimulated by experiences in dreams.

which allows a connection from the eyes to the objects of vision. But Alexander also treats the (evidently closely related²⁰⁵) mechanism that connects the *hegemonikon* to the eyes in this theory of vision; he attributes to his opponents an explanatory factor in the πνεῦμα in the soul, a τονική κίνησις, ‘tensional movement’ (ὥσπερ λέγεται πρὸς αὐτῶν 130.28, τὴν...κίνησιν ἣν λέγουσι τονικήν 131.4). On the Stoic view, all bodies are held together by a τονική κίνησις; all bodies being entirely penetrated by πνεῦμα, the τονική κίνησις in a given body is an oscillation in the πνεῦμα from the body’s centre out to its surface and back again.²⁰⁶ It is through this oscillation that the πνεῦμα gives each body its qualities and unifies it in the fullest sense of the term (Nemesius 70.6-71.4=LS 47J). In the case of sensation, it must be either that variations in this oscillation amount to signals from the senses to the *hegemonikon*²⁰⁷, or that inbound πνεῦμα carries the ‘impression’ made by the tensioned external air informed by the object of vision²⁰⁸. We can compare here the view of Hierocles that self-sensation comes about through the mutual resistance of the soul and body during the soul’s

²⁰⁵ Cf. DL 7.157=SVF 2.867=LS 53N, comparing a cone of stretched air (and/or light) to a walking stick for feeling the objects of vision, an analogy shared by Alexander; Cleomedes’ ὁρατικὸν πνεῦμα which is obviously between the eyes and the objects of vision (2.6.177-187) and the non-Stoic but obviously Stoic-influenced theories of vision at Galen, *Plac. Hipp. et Plat.* VII.4.4-5.12, e.g. λείπεται οὖν ἔτι τὸν πέριξ ἄερα τοιοῦτον ὄργανον ἡμῖν γίγνεσθαι καθ’ ὃν ὀρῶμεν χρόνον, ὅποῖον ἐν τῷ σώματι τὸ νεῦρον ὑπάρχει διὰ παντός (VII.5.5), “so there remains <the theory> that during the time when we see the surrounding air becomes an instrument for us of the sort that the nerve is in the body at all times.” Reinhardt attributes this theory to Posidonius (Reinhardt (1926) 187-192, cf. Sambursky 28).

²⁰⁶ Alex. *De Mixtione* 224.23-27=SVF 2.442=LS 47I, Nemesius 70.6-71.4=LS 47J; cf. Philo *Leg. Alleg.* 22-3, *Quod deus sit immutabile*, 35-36 = SVF 2.458 = LS 47PQ, Sambursky (1959) 29-33.

²⁰⁷ Sambursky (1959) 22n4 cites as a proof text for this point Philo, *Quaest. et Solut. in Genesin* 2.4=SVF 2.802=LS 57R, which attributes to the soul the oscillation out from the centre and back again. While this is a useful piece of evidence about the tenor of the soul in general, I can see no explicit connection in it with sensation.

²⁰⁸ Alexander’s arguments in *Mantissa* 130.26-131.6 perhaps suggest the latter view (that the incoming πνεῦμα carries the impression) because they seem to suppose that the πνεῦμα oscillates by moving alternately out and in and that vision would be intermittent on this view; this suggests that impressions only arrive at the *hegemonikon* when carried by incoming πνεῦμα. But his own testimony at Alex. *De Mixtione* 224.23-27 allows for the view that the signal is carried through variations in the oscillation because he says there that the inward and outward movements are simultaneous, with which Nemesius agrees (70.6-71.4). See Sambursky (1959) 29-30. Still, it seems possible that either view of the mechanism is compatible with either view of the oscillation.

oscillation (*Elements of Ethics* 4.38-53=LS 53B, cf. Long (1999) 567). To summarise for the case of vision, information about the objects of vision are transmitted from the objects to the eyes through air tensioned by light, and then from the pupils to the *hegemonikon* through the part of the soul that stretches between the two, the mechanism for transmission being, in one way or another, the *τονικὴ κίνησις*. A similar theory must apply for the other senses—Alexander is explicit that it applies in the case of touch (*Mantissa* 130.30-131.3). So, in the Stoics’ view, the *hegemonikon* is physically connected to each sense organ through a tensional movement in a ‘tentacle’ of πνεῦμα stretching to the organ. In fact, for them the name of each sense (sight, hearing, etc.) referred, or could refer, to its respective ‘tentacle’ (see Galen *de Plac. Hipp et Plat.* quoted above, Alexander *Mantissa* 131.3 τὸ πνεῦμα τοῦτο...ὁ καλοῦσιν ὄψιν). We are now in position to turn to the Stoic physiology of sleep.

Our Stoic sources on sleep are very brief, but very helpful. DL gives the following:

τὸν δὲ ὕπνον γίνεσθαι ἐκλυομένου τοῦ αἰσθητικοῦ τόνου περὶ τὸ ἡγεμονικόν. (7.158 = *SVF* 2.766)

[The Stoics say] that sleep happens when the perceptive tension around the *hegemonikon* is loosened²⁰⁹.

For various reasons given below, this appears not to be a definition of sleep, but instead to indicate a key factor in sleep physiology. The key factor indicated is very important for our purposes: the τόνος pertaining to sense around the *hegemonikon* is loosened. That is, I take it, the τόνος in each ‘tentacle’ of πνεῦμα stretching to the sense organs is relaxed so much that the *τονικὴ κίνησις* can no longer effectively be transmitted through

²⁰⁹ ἐκλύω can be used of unstringing a bow; e.g. Herodotus 2.173. See *LSJ* sv..

it, just as a loosened guitar-string will no longer transmit vibrations along its length. περὶ τὸ ἡγεμονικόν suggests that the loosening takes place in particular in the inner part of each tentacle, such that no effectual sensory signals reach the *hegemonikon*²¹⁰. Aëtius has left us a slightly fuller account, but sadly his text seems to be garbled:

Πλάτων οἱ Στωϊκοὶ τὸν μὲν ὕπνον γίνεσθαι ἀνέσει τοῦ αἰσθητικοῦ πνεύματος, οὐ κατὰ ἀναχαλασμόν καθάπερ † ἐπὶ τῆς γῆς, φερομένου δὲ ὡς ἐπὶ τὸ ἡγεμονικόν μεσόφρυον· ὅταν δὲ παντελῆς γένηται ἡ ἀνεσις τοῦ αἰσθητικοῦ πνεύματος, τότε γίγνεσθαι θάνατον. (5.24.4 = SVF 2.767)
 Plato(!²¹¹) <and> the Stoics <say> that sleep happens by the relaxation²¹² of the perceptive πνεῦμα, not by an easing(?) as † in the case of earth, leading up to the *hegemonikon*, the space between <its> eyebrows †; but when the relaxation of the perceptive πνεῦμα happens altogether, then death happens.

Aëtius makes clear what we would expect, that what happens in sleep is only one kind of loosening of the tension in the sensory ‘tentacles’; such loosening also happens in death (this is one reason why DL’s version cannot be a definition of sleep).²¹³ The difference, Aëtius reports, is in the extent of the ‘loosening’, in degree of course (a body’s pneumatic tension can never relax completely else it will cease to be that body) but also perhaps in

²¹⁰ The faintly perceptual appearances that can occur in dreams—for example, when the sound of one’s alarm clock causes the appearance of a noisy object (e.g. a fire engine) in one’s dream just before waking—suggest that the Stoics ought not to think that sensory inputs disappear *altogether* during dreams, just that they are very much attenuated and perhaps distorted by passing through the slackened πνεῦμα around the *hegemonikon*. Aristotle probably has phenomena in mind when he proposes that veridical dreams sometimes arise from the ‘magnified’ representation of faintly sensed events (*Div. per Somn.* 464a6-20). My thanks to Charles Brittain for pointing this out.

²¹¹ “Στράτων conī. Corsinus” (Von Arnim *ad loc.*).

²¹² ἀνεσις is the loosening of the strings, as of a lyre; cf. Plato *Rep.* 349e. Note that Aristotle gives the notion the opposite role in his account of sleep: τῆς δ’ αἰσθήσεως τρόπον τινὰ τὴν μὲν ἀκινήσιαν καὶ οἶον δεσμόν τὸν ὕπνον εἶναι φαμεν, τὴν δὲ λύσιν καὶ τὴν ἀνεσιν ἐγρήγορσιν (*de Somno et Vigil.* 454b25-27), “we say that sleep is in a way lack of motion and as it were binding of sense, but the freeing and loosing of <sense we call> waking”.

²¹³ We might add that similar effects will result from serious injury, like the blindness imposed on Teiresias, or from congenital defects in the sensory ‘tentacles’.

location. The garbled clause seems to suggest that the loosening happens in the part of the ‘tentacles’ closest to the *hegemonikon* and leading into it (von Arnim *ad loc.* conjectures ἐσωτέρω ὄν for μεσόφρυσον²¹⁴), and this would tally with DL’s περὶ τὸ ἡγεμονικόν. In addition to DL and Aëtius, we have the version of Tertullian: *Stoici somnum resolutionem sensualis vigoris* (cf. ἐκλυομένου τοῦ αἰσθητικοῦ τόνου²¹⁵) *affirmant* (*de Anima* 43.2), “the Stoics maintain sleep is a loosening of the sensory energy.” Tertullian presents this as a definition of sleep, which it cannot be, but his wording confirms our other witnesses. Sleep involves the loosening of the sensory τόνος in each of the ‘tentacles’ of πνεῦμα extending from the *hegemonikon* to the sense organs, probably in particular in those parts of the πνεῦμα adjacent to the *hegemonikon*. This loosening denatures the πνεῦμα (rather like the loosening of a string) such that it can no longer carry sensory signals to the *hegemonikon*. Hence, there are no sensory inputs to the *hegemonikon* during sleep. (A neat feature of this theory is that allows that the two other ‘tentacles’, leading to the voice and the genitals, have no interruption in their function during sleep. After all, people vocalize and exhibit physical arousal when asleep.)

We can now see what Quintus means by an *animus* that is *solutus et vacuus* in sleep (1.113), *liber ab sensibus* (1.115) and with its *vis seiuncta a corporis sensibus* (1.129). The *animus* here must refer to the *hegemonikon* rather than the soul as a whole. According to Sextus it was regular Greek usage among some Stoics to refer to the *hegemonikon* as the ψυχή:

φασὶ γὰρ ψυχὴν λέγεσθαι διχῶς, τό τε συνέχον τὴν ὅλην σύγκρισιν καὶ

²¹⁴ ἀναχαλασμὸν καθάπερ † ἐπὶ τῆς γῆς is opaque to me; I presume it originally referred to complete ἄνεσις of the sensory πνεῦμα, as in death.

²¹⁵ That Tertullian (or a Latin source) appears to translate τόνος with *vigor* is intriguing; Quintus says that the soul *viget* in sleep when free of the senses (1.110)—i.e., it retains its tenor?

κατ' ἰδίαν τὸ ἡγεμονικόν. ὅταν γὰρ εἴπωμεν συνεστάναι τὸν ἄνθρωπον ἐκ ψυχῆς καὶ σώματος, ἢ τὸν θάνατον εἶναι χωρισμὸν ψυχῆς ἀπὸ σώματος, ἰδίως καλοῦμεν τὸ ἡγεμονικόν. (M. 7.234-35)

For they say that the 'soul' is said in two ways: what holds together the whole composite [i.e. the body], or the *hegemonikon* in particular. For whenever we say that a man is constituted from 'soul' and body, or that death is the separation of 'soul' from body, we are speaking of the *hegemonikon* in particular.

Quintus, similarly, sometimes uses *animus* to refer to the *hegemonikon* only. Meanwhile, by the *sensus* Sextus means the 'tentacles' of πνεῦμα extending from the *hegemonikon* to the sense organs (the *vincla corporis* perhaps (1.110)). In sleep the *hegemonikon* is, effectively, cut off from the *sensus*. It is probably still in some contact with their inner ends, but those ends have lost their τόνος to the extent that they are not performing their sensory role. In this perfectly respectable Stoic sense the *hegemonikon* is quite literally *seiuncta a corporis sensibus*. It is thus *vacuus*, "blank"—it has no *sensory* impressions flowing into it (although, as we all know, this does not mean that the *hegemonikon* is free of the *imagined* 'sensorium' of dreams). So here we have one of Quintus' explanatory factors for divination in dreams: the *hegemonikon* is free of sensory inputs.

Aside from their failure to be adequate physiological definitions, there is another way in which I think the reports of DL, Aëtius and Tertullian fall short of a full analysis of human²¹⁶ sleep. The analysis they report suggests that the *experience* of sleeping would be that one's mental processes carry on as in wakefulness, except that one is no longer aware of sensory input or whatever sensory input yields in the way of conscious experiences. Of course, that is not what the experience of sleeping is like. For one thing,

²¹⁶ It may be that what they report was intended as an analysis sleep in all animals, human or not, and this may account for the shortfall.

there seems to be an interruption in one's consciousness. Perhaps more pertinently for us, when we do have a sort of awareness in sleep—during dreams—it is not of normal thought going on as though we were in a sensory deprivation tank, but rather of a vivid 'virtual reality'. Furthermore, some mumbling, twitching and sleepwalking aside, we do not act by moving our bodies in sleep (and twitches or even sleepwalking are probably not actions in the full sense)—yet we hardly need our senses for every action (I could act in a sensory deprivation tank), and so if sleep is just the cutting off of sensory inputs we should be able to keep on acting. These experiences ought to have corollaries in the Stoic analysis of sleep. Specifically, the Stoics should try to account for them by changes that happen during sleep in the functioning of the *hegemonikon* itself, especially by changes in our imaginative faculty and in our abilities to assent and release impulses to act. To some extent these changes might be prompted by the lack of sensory inputs, but they seem to amount to more than just that lack. So far as I know, the only evidence for the Stoic view of this aspect of the physiology of sleep comes from Lucullus in the *Academica*:

'At enim dum videntur, eadem est in somnis species eorum quae vigilantes videmus.' *Primum interest, sed id ommittamus; illud enim dicimus, non eandem esse vim neque integritatem dormientium et vigilantium mente nec sensu.* (2.52)

[A sceptic might object:] 'But while they are seen, [impressions'] appearance in dreams is the same as that which we see when awake.' First of all, there is a difference, but let's let that go; for we do say this: that there is neither the same energy nor the same soundness neither in the mind nor in the sense of those asleep and those awake.

It is possible that the *vis* and *integritas* here are meant to be cognitive or experiential

rather than physiological; there immediately follows a discussion of the diffident way that drunks assent. But the words, particularly *integritas*, suggest a physical reading (cf. *Tusculans* 5.99 *bonum integritas corporis; misera debilitas*, “soundness of body is a good; infirmity, a wretchedness”). Lucullus does not just argue (as he might) that there is a phenomenal difference between dream appearances and waking ones, but rather he argues that there is actually some difference in the general effectiveness of the mind between full lucidity and sleep, drunkenness, madness and so on, and for the Stoics such an all-around weakness of mental capacities will probably involve some physical dissolution of the soul. In addition, the distinction made between *mente ac sensu* suggests the physical division of the *hegemonikon* from the sensory ‘tentacles’. So these words of Lucullus suggest that, for the Stoics, the tension of the *hegemonikon* was loosened in sleep just as was that of the senses. Now, the loosening in sleep of the tension in the sensory tentacles is severe enough to shut down all transmission of sensory data, at least through the tentacles’ inner parts. The *hegemonikon* continues some of its functions in sleep, so its loosening must be comparatively slight.

Quintus’ remarks on the freedom of the *animus* during sleep are in line with such a view, and in any case make it clear on their own that the Stoics paid attention to the experiential difference between dreams and waking. Quintus goes further than pointing out the physical separation of *hegemonikon* and senses. Waking souls he says, *vitae necessitatibus serviunt* (1.110) but in sleep the soul is *liber ab... omni... impeditioe curarum* (1.115). The point here, I take it, is that our waking mental lives do not carry on uninterrupted in sleep. When asleep, we do not think about securing lunch or worry about our responsibilities. Sometimes a particularly pressing concern from the day will crop up in that night’s dream, but such occasions are the exception. In fact, our dreams

are generally through-the-looking-glass adventures largely unconnected with daily life, perhaps because in dreams our minds do not seem to function in the sort of connected way that gives our thoughts continuity. Pressing concerns that dominate our waking thoughts thus seem mostly *unable* to intrude into dreams and distract the soul from the sort of state that Quintus thinks will explain divinatory dreams.

I take it that I have now illustrated Quintus' claim that the soul is freed from its waking duties in sleep: it is cut off from the sensory parts of the soul and lacks sensory input, and also (mostly) ceases to consider daily concerns. Why this might help to explain divinatory dreams we shall see later. Next, it will be convenient to introduce the Stoics' analysis of normal, non-divinatory dreams, because it follows neatly from their analysis of sleep. After that we will turn to Quintus' claims 1 and 2 from *Div.* 1.110.

(B3) The Stoics on (non-divinatory) dreams.

In what follows I will refer to 'faculties' of the Stoic soul, or more particularly of the *hegemonikon*. I intend this in a weak sense of 'faculty', that is, an ability to do some specific type of thing. The sort of weak notion of faculties of the *hegemonikon* is exhibited in Aëtius, who just before setting out the spatial parts of the soul I have explored above says:

Οἱ Στωϊκοί φασιν εἶναι τῆς ψυχῆς ἀνώτατον μέρος τὸ ἡγεμονικόν, τὸ ποιοῦν τὰς φαντασίας καὶ συγκαταθέσεις καὶ αἰσθήσεις καὶ ὀρμάς· καὶ τοῦτο λογισμὸν καλοῦσιν. (4.21.1=SVF 2.836=LS 53H)

The Stoics say that the highest part of the soul is the *hegemonikon*, which generates impressions and assents and perceptions and impulses; and they call this 'the reasoning part'.

Here the *hegemonikon* is characterized in terms of some types of things that it can do.

Now, it may be that some Stoics thought that there were ‘faculties’ of the soul in some stronger sense, faculties that amounted to parts in a relatively strong metaphysical way. Certainly, these were not spatial parts, as Iamblichus tells us, but related to the spatial *hegemonikon* as the sweetness and pleasant odour of an apple are both distributed throughout the apple’s volume (*apud* Stobaeus 1.368.12-20=*SVF* 2.826=LS 53K). Nor, most Stoics would agree, were these faculties that could come into motivational conflict with one another. But Iamblichus still says that that these faculties are distinguished *ιδιότητι ποιότητος*, “by a peculiarity of quality”, a phrase that might be metaphysically loaded for the Stoics. I think that for my purposes the realization of these faculties, and what sort of parts of the soul they may have constituted, is not important. What matters is that the *hegemonikon* had faculties to do certain things. Notably, it could assent; it could issue impulses, which in a rational soul were attendant upon certain assents; and it had some ability to produce or represent *φαντασία*, impressions. Aëtius intriguingly suggests that dealing with *φαντασία* and dealing with *αἰσθήσεις* were two different things, but it is hard to make much of this. On a Stoic view, adult human *αἰσθήσεις* must have involved dealing with a sensory *φαντασία* (assenting to it appropriately, perhaps). Iamblichus’ list of the *hegemonikon*’s faculties in the passage just cited is *φαντασία*, *συγκατάθεσις*, *ὁρμή* and *λόγος*. It is clear that Aëtius here describes an adult human *hegemonikon*, a *hegemonikon* that acquired sufficient preconceptions and concepts that has reason, can assent, has rational impressions and impulses that amount to responsible actions. For my purposes, it is enough to say that the adult human *hegemonikon* has the ability to assent, and hence sometimes to issue an impulse, and that it has an imaginative faculty, with which it entertains impressions. Of course, the case of dreaming will make will pose some complex questions about this latter faculty.

DL reports the following distinction:

Διαφέρει δὲ φαντασία καὶ φάντασμα· φάντασμα μὲν γὰρ ἐστὶ δόκησις
διανοίας οἷα γίνεται κατὰ τοὺς ὕπνους, φαντασία δὲ ἐστὶ τύπωσις ἐν
ψυχῇ, τουτέστιν ἀλλοίωσις, ὡς ὁ Χρύσιππος ἐν τῷ δευτέρῳ Περὶ ψυχῆς
ὑφίσταται. (7.50=*SVF* 2.55=*LS* 39A)

An impression and a figment²¹⁷ are different. For a figment, on the one hand, is an apparition of thought of the sort that happens in dreams, but an impression is a stamping in the soul, i.e. an alteration, as Chrysippus says in *On the Soul* bk 2.

For our purposes, Diogenes' important contribution here is to say that φαντάσματα are characteristic of dreams in a way that φαντασίαι are not.

Aëtius has left us a clearer commentary on the Chrysippus' φαντ- terminology (4.12.1=*SVF* 2.54=*LS* 39B). He gives us the classic definition of a φαντασία, πάθος ἐν τῇ ψυχῇ γιγνόμενον, ἐνδεικνύμενον ἐν αὐτῷ καὶ τὸ πεπονηκός, “an affection happening in the soul, revealing in itself also what made <it>.” Aëtius cashes this out with perceptual examples, like an affection in our vision caused by a white thing that reveals the white thing. A second term to be defined is the φανταστόν, ‘the impressor’ (or, ‘that of which we can form an impression’), which in the perceptual case just outlined is the white object of vision. Aëtius then moves on to a parallel pair of terms for the figmentary case.

Φανταστικὸν δὲ ἐστὶ διάκενος ἔλκυσμός, πάθος ἐν τῇ ψυχῇ ἀπ’
οὐδενὸς φανταστοῦ γινόμενον καθάπερ ἐπὶ τοῦ σκιαμαχοῦντος καὶ
κενοῖς ἐπιφέροντος τὰς χεῖρας· τῇ γὰρ φαντασίᾳ ὑπόκειται τι
φανταστόν, τῷ δὲ φανταστικῷ οὐδέν. Φάντασμα δὲ ἐστὶν ἐφ’ ὃ

²¹⁷ I admit that ‘figment’ (which I take from Long and Sedley (1987), see pp. 236-237) is a loaded overtranslation of φάντασμα. But it reflects my interpretation of how Stoic dreams work—our dream experiences are authored by, are figments of, our imaginative faculty.

ἐλκόμεθα κατὰ τὸν φανταστικὸν διάκενον ἔλκυσμόν· ταῦτα δὲ γίνεται ἐπὶ τῶν μελαγχολῶντων καὶ μεμνηότων· ὁ γοῦν τραγικὸς Ὀρέστης ὅταν λέγῃ·

ὦ μητέρα, ἰκετεύω σε, μὴ ἴσιέ μοι

τὰς αἱματωποὺς καὶ δρακοντώδεις κόρας·

αὗται γάρ, αὗται πλησίον θρώσκουσί μου, (Eur. *Or.* 255-57)

λέγει μὲν αὐτὰ ὡς μεμνηῶς, ὀρᾷ δὲ οὐδέν, ἀλλὰ δοκεῖ μόνον.

An ‘imagination’ is an empty dragging, an affection in the soul that happens as a result of no impressor, as in the case of the shadow-boxer who uses his hands to hit empty spaces; for some impressor lies behind an impression, but no <impressor lies behind> imagination. A ‘figment’ is that to which we are dragged in empty imaginative dragging; this happens in the case of melancholics and those who are mad. An example is the tragic Orestes when he says:

Oh mother, I beg you, don’t urge at me

The bloody-eyed and serpent-haired maidens!

For they—they leap around me!

He says these things because he’s mad—he does not see anything, but only thinks²¹⁸ he does.

These comparisons focus on the case of perceptual impressions or figments that resemble them. The word φανταστικόν looks at first sight like the term for a faculty, but it is clearly not that here: it is the instance of ‘dragging’ that is productive of a particular figment. It is an instance of imagination, not the faculty of imagination.

²¹⁸ We might perhaps translate δοκεῖ in line with δόκησις in DL above (‘has an apparition that’ ...) but Aëtius is prompted by Electra’s reply in the play: ὀρᾷς γὰρ οὐδὲν ὧν δοκεῖς σάφ’ εἰδέναι (*Or.* 259), “for you see nothing of what you think you perceive clearly.” This clear comment must have been a part of what made the scene so attractive to philosophers as an example of delusion.

Figments differ crucially from impressions in their causal history—there is no φανταστόν in their history, no impressor. If I shadow-box and visualize my ‘opponent’, there is no opponent’s body in front of me to play the causal role that such a body would play if I had an impression of an opponent. In this sense the ‘dragging’ in my soul is ‘empty’—where in a case of perception my soul would be ‘stamped’ into having an impression, in shadow-boxing I decide to ‘drag’ my soul into some sort of imitation of a perceptual impression of an opponent. The experience is bit like having a perceptual impression of an opponent, and if I’m unusually successful it might be very like having a perceptual impression, but of course I’m not really seeing an opponent and I have no perceptual impression of one. In the shadow-boxing case, the instance of ‘imagination’ means something like ‘imagination’ in its every-day English sense: the boxer in training decides to produce a figment before his ‘mind’s eye’. But, to judge from the rest of our Aëtius passage and from DL’s aversion to dreams, such is not the standard case of ‘imagination’ and ‘figments’. Rather (to give pathological cases) melancholics and the mad have figments, or dreamers have them (to give healthy cases). There, the subject does not choose to produce the figments. That is why Orestes’ experience is troubling in a way that a shadow-boxer’s is not; Orestes is fooled by figments he did not decide to produce.

The apparently ‘sensory’ phenomena of normal dreams, then, are φαντάσματα, figments, produced by the imaginative faculty of the *hegemonikon* in individual instances of ‘imagination’, but not caused by any objects of perception. This is hardly a surprise. When put together with the Stoic physiology of sleep, we have a consistent, if still incomplete, picture of dreaming. The *hegemonikon* is cut off from the senses, and is weakened itself, but it does not shut down—*viget...animus in somnis*, says Quintus

(1.115). Without sensory inputs, the imaginative faculty of the *hegemonikon* which (I take it) is usually responsible for representing sensory impressions now spins its wheels and produces empty figments.²¹⁹ This results in the experience of ‘virtual reality’ when asleep: [σ]κι[α]γραφήματα τῆς διανοίας, as Diogenes of Oenoanda (probably) calls Stoic dream images, “trompe l’oeil thought-pictures” (fr. 7.4-6 Chilton).²²⁰

Since we will be interested in the case of *veridical* dreams, we should ask here about the epistemological status of normal dreams. The answer is as we should expect—φαντάσματα in dreams, are of very little epistemological value. We can easily imagine the importance of dreams, hallucinations and the like for the epistemological debates between Stoa and Academy, and arguments from φαντάσματα (*visa inania*²²¹) are duly prominent in the *Academica* (2.47-54, 87-90; Antiochus would talk about the subject for a whole day (2.49) while the principals in the Stoic-Academic debate filled

²¹⁹ Tertullian, who accepts the Stoic theory of sleep (*de Anima* 43) and seems to have a related theory of dreaming, gives us a pleasing image for this phenomenon. He makes an analogy between the activity of the sleeping soul separated from the body and a charioteer without a chariot who, although he has no reins to pull, makes all the motions of driving through a race (45). The image brings out a certain similarity between dreaming and madness; the soul continues to ‘act’ frenetically even when it is stripped of all ability really to act. It perhaps constitutes evidence that on the Stoic theory the *hegemonikon* is cut off not just from the senses, but from πνεῦμα that would carry impulses to act outward, especially when Tertullian says, *Nihilominus tamen fieri videntur quae fieri tamen non videntur; actu enim fiunt, effectu vero non fiunt* (45.9-11) “but nonetheless what is seen not to happen appears to happen; for it happens in act, but it does not happen in effect”. (Waszink (1947) comments “The best interpretation of the sentence seems to be to assume that *videntur* is used here in two different senses: ‘Nevertheless things seem to happen which obviously do not happen.’”) In Stoic terms this might translate into ‘the owner of the *hegemonikon* acts in dreams, i.e. assents to hormetic impressions; but these acts do not have their effects, i.e. the body does not move.’ But I think that we should not push Tertullian’s image too hard as evidence for Stoic views. The only part of his view that is explicitly Stoic is the physiology of sleep (43) and other parts seem less Stoic than Platonist or Christian—for scriptural reasons he associates all dreams with divinely-sent ecstasy, which does not seem to be a Stoic view (45).

²²⁰ The κ and ι between the conjectural [σ] and [α] are both dotted, so we cannot be sure. But the conjecture makes good sense. The full sentence is κενὰ μὲν οὖν [σ]κι[α]γραφήματα τῆς διανοίας οὐκ ἔστι τὰ φάσματα, ὡς ἀξιοῦσιν οἱ Στωϊκοί (fr. 7.4-8 Chilton). The context is fairly clearly concerned with dreams, see καθευδο... line 3.

²²¹ By translating φαντάσματα this way, Cicero calls attention to their key difference in causal history from perceptual φαντασίαι—cf. Aëtius’ διάκενον ἔλκυσμόν. On the other hand, he makes the *visa inania* a subset of *visa*, that is, of impressions. This might look wrong, given Aëtius’ use of φαντασία strictly for perceptual impressions. But there is another, looser sense of ‘impression’, that is, something we entertain or experience. In this sense φαντάσματα should qualify as ‘impressions’. Sextus *M.* 7.242-6 = *SVF* 2.65 = LS 39G labels what are clearly φαντάσματα as ‘true-and-false impressions’.

many books with it (2.87)). Lucullus imagines the fundamental Academic objection from *visa inania* as follows:

'Deinde cum mens moveatur ipsa per sese, ut et ea declarant quae cogitatione depingimus et ea quae vel dormientibus vel furiosis videntur non numquam, veri simile est'²²² sic etiam mentem moveri, ut non modo non internoscat vera illa visa sint anne falsa, sed ut in is nihil intersit omnino.' (2.48)

[An Academic will say:] “Then, since the *hegemonikon* moves by itself through itself, as the things we depict by imagination and what appears to those asleep or in frenzy, it is plausible that sometimes the *hegemonikon* also moves so that not only can it not tell whether such impressions are true or false, but so that there is not difference between them at all.”

Lucullus’ Academic plays on just the examples we have been discussing: *cogitatio*, that is, imagination by choice, as with the shadow-boxer, or dreams and frenzy, that is, the figments produced by the dreaming *hegemonikon* or unwanted ‘visions’ like those of Orestes. The Academic’s case is that sometimes false figments will be indistinguishable from true impressions, from which he will look to infer that we should not assent.

Lucullus’ sketch of the Stoic reply is as follows:

Omnium deinde inanium visorum una depulsio est, sive illa cogitatione informantur, quod fieri solere concedimus, sive in quiete sive per vinum sive per insaniam. Nam ab omnibus eiusdem modi visis perspicuitatem, quam mordicus tenere debemus, abesse dicemus. (2.51)

Next, there is one way to throw out all empty impressions, whether they be

²²² The MSS have a crux: *non inquam veri simile sit*. A corrector in A gives or suggests *numquam* for *inquam*. This is a significant correction since it adds an extra negative, but the text with *inquam* is hard to make sense of. *est* for *sit* is Madvig’s. It is hard to see why *sit* should be subjunctive—it is the main verb. *sit* could have come about by confusion with the following *sic*.

shaped by imagination, which we concede is a regular occurrence, or in repose, or through wine, or through madness. For we shall say that clarity, to which we must hold fast, is absent from all impressions of this sort.

Lucullus' defence is not to suggest that *visa inania* are of any epistemic worth. Rather, he maintains that one can distinguish them from cataleptic impressions sufficiently well to uphold one's commitment to catalepsis as the criterion of truth. All parties, as we would expect, concede that the figments of dreams are not to be assented to; Lucullus explicitly concedes that the sage will not assent in frenzy (*in furore* (2.53), the strongest sense of *μανία* according to *Tusc.* 3.11), and presumably we can infer that he will not assent in dreams either. Now, perhaps impressions in dreams might be true in some respects—Sextus thinks so, with his example of the man who dreams that Dion is alive by dreaming that Dion is standing next to him (Sextus *M.* 7.242-6 = *SVF* 2.65 = LS 39G). Dion *is* alive, but not standing next to him. Still, we should obviously never assent to dream figments, since even any that are coincidentally true can never count as any *evidence* for what they represent. This poses some questions for the usefulness of veridical dreams, to which we shall turn later.

With it established that we *should* never assent to figments in dreams, we must then ask whether we *do* assent to them. Lucullus says that drunks (presumably with the exception of drunken sages, if there could be any) will assent in circumstances which, when they sober up, they regret:

*Ne vinulenti quidem quae faciunt eadem approbatione faciunt qua sobrii:
dubitant haesitant revocant se interdum iisque quae videntur inbecillius
adsentiuntur, cumque edormierunt illa visa quam levia fueriunt intellegunt.* (2.52)

Nor do drunks even do what they do with the same confidence as the sober; they

hesitate, they get stuck, they change their minds, and now and again they rather weakly assent to their impressions; and when they've slept it off they understand how silly their impressions were.

Perhaps in dreams we similarly assent sometimes to our figments. Of course, the full functioning of our faculty of assent will be impaired by the weakening of our *hegemonikon* in sleep; this would help to explain why any assents to hormetic impressions during sleep do not usually result in bodily movements. This impairment may also make us more liable to assent to figments that would be transparently bizarre and implausible in waking life. But the texts do not give us direct help to get past these speculations. Our best information on the functional psychology of the *hegemonikon* during dreams come from the ethical context; Zeno and Epictetus (3.2.5) agree that dreams are an indicator of progress towards virtue:

ἡξίου γὰρ ἀπὸ τῶν ὀνείρων ἕκαστον αὐτοῦ συναισθάνεσθαι
προκόπτοντος, εἰ μὴθ' ἡδόμενον αἰσχρῶ τινι ἑαυτὸν μήτε τι
προσιέμενον ἢ πράττοντα τῶν δεινῶν καὶ ἀτόπων ὀρᾶ κατὰ τοὺς
ὑπνους, ἀλλ' οἷον ἐν βυθῶ γαλήνης ἀκλύστου καταφανεῖ διαλάμπει τῆς
ψυχῆς τὸ φανταστικὸν καὶ παθητικὸν διακεχυμένον ὑπὸ τοῦ λόγου.

(Plutarch, *De Prof. In Virt.* 82f = *SVF* 1.234)

For [Zeno] held that each person gets a sense, as he progresses towards virtue, from dreams, if he sees himself not taking pleasure in anything shameful, nor allowing or doing anything weird or absurd in his dreams, but as though in the clear depths of a sheltered calm the soul's imagination and affective faculty shine through, dissolved by reason.

One way to think of these more virtuous dreams would be to think that assent, or rather

withholding of assent, is involved. Perhaps the dreamer is still presented with shameful ‘sights’ or situations in which she could do something weird and absurd, but refrains from taking any pleasure in these shameful things and from assenting to any weird or absurd dream ‘actions.’ But that does not seem to be the situation which the second half of the quotation describes. It seems rather that the imagination has *already been* better disposed by reason (δικακεχυμένον), such that the sorts of figments ‘seen’ and ‘heard’ in dreams are different, not just the dreamer’s reactions to them—she is not attracted to shameful things in dreams because she no longer imagines figments of them. This leaves the functional psychology of the *hegemonikon* during dreams still rather uncertain, especially with regard to the ability to assent.

(B4) The divine πνεῦμα and the human soul.

Now we have seen the background to Quintus’ claim that in dreams, our souls are free from the senses and the cares of the day and are thus better able to divine naturally. But how is it that this rather weak, epistemically untrustworthy state is apt for forming veridical images? This Quintus looks to answer this question with claims 1. and 2. in 1.110 as outlined in (B.1) above. These were:

1. Every thing is full of the sentient, rational divine.
2. Our souls are drawn off from the divine, and in kinship with it, and are thus such as to be affected along with it.

It is these natural facts, Quintus claims, that bring about divinatory dreams: the information we can gather from physical kinship with the divine will inform dream images free of interference from sensory inputs, and will make available to us their true predictive content.

The Stoic physics I discuss here recall many aspects of what has been called the Theory of Sympathy. Stoic συμπάθεια is often associated with Stoic divination, and for good reason—Marcus twice explicitly introduces and translates the notion as an important part of the Stoics explanation of divination in *Div 2* (2.34, 142). It was a vital and fascinating part of the cosmologies of both Chrysippus and Posidonius. In current scholarship it gets remarkably little attention, and one can find a mysterious or magical interpretation of the doctrine: the *Neue Pauly* entry runs simply “Sympathie(zauber): s. Magie”: “Sympathy (-etic magic): *see* Magic.” This sort of notice gives Stoic sympathy less than its due. But in another era of scholarship the importance of sympathy was inflated out of all proportion. What might seem to be a landmark study of the subject, Karl Reinhardt’s *Kosmos und Sympathie*, has the subtitle *Neue Untersuchungen über Poseidonios*—it is an exercise, first and foremost, in source criticism (Reinhardt (1926)). “[W]as war Poseidonios? und was war er nicht?” is the question posed at the beginning of the book (Reinhardt (1926) 5), not “what is sympathy?”. Reinhardt thought he discerned as Posidonian a grand development of Chrysippus’ modest physics of cosmic πνεῦμα into an all-encompassing explanation of the system of the cosmos and the distant co-affections of its parts independent of the theory of πνεῦμα.²²³ “Man kann die Frage

²²³ Reinhardt’s distinction here is put most neatly here in his *RE* article on Posidonius. On the one hand, “Aber das alles [= the notion of sympathy for Chrysippus and others before Posidonius] ist noch etwas anderes als eine Theorie der Sympathie.” “Bei Chrysipp ist es ein materieller Lebensträger, das Pneuma, das die gesamte Materie durchdringt und mit sich selbst kommunizierend macht. Das Pneuma verhütet den Zerfall.” While on the other, for Posidonius, “Sympathie wird Aufeinanderabgestimmtsein des Entferntesten, sie wird, von Pneuma-und Mischungslehre unabhängig, zur Erklärung einer Fülle jetzt erst sich hervordrängender Phänomene, wird zum innersten Zusammenhalt, zum Band zwischen Makro- und Mikrokosmos, zwischen Himmel und erde, Mensch und Gott.” (*RE* vol. 22.1 (1953) 653-54.) J. B. Gould fired a broadside against these arguments; Gould himself, of course, was defending his Chrysippean turf from Reinhardt’s incursions: “Reinhardt’s reasoning strikes us as being lame. For he does not explain why Posidonius’ substitution of an “Allkraft” for Chrysippus’ material pneuma—both function as forces unifying the world and placing its parts in ‘sympathetic relations’ with one another—entitles us to ascribe a ‘a theory of sympathy’ to Posidonius, but proscribes our ascription of such a theory to Chrysippus. Chrysippus, too, by the way, believed that there is a connection of all things with one another; where this connection is not conspicuous it is merely ‘verborgen’. (II 973)” (Gould (1970) 101n1)

auch so stellen: Wo wird die Sympathie geheimnisvoll?“ says Reinhardt (Reinhardt (1926) 52); with this principle in mind, it is hardly surprising that Reinhardt did not go out of his way to make his shibboleth look anything less than ‘mysterious’.²²⁴

I cannot credit Reinhardt’s view. Contemporary scholarship is right to ignore it. First, I can see no evidence that there was a ‘Theory of Sympathy’ underlying swathes of anybody’s Stoic system; I know of no Stoic who wrote a *περὶ συμπαθείας*. The data for and explanation of sympathy seems rather to be one feature of the general Stoic contention, attested for Chrysippus at the latest, that the cosmos was a animal organically unified in the same way as the body of any animal by an all-pervasive *πνεῦμα*. Second, one can find a coherent version of this theory explicitly attributed to Chrysippus.²²⁵ Reinhardt was wrong to think that Chrysippus’ pneumatic version of the theory amounted to less than a doctrine of, and explanation of, the interconnection of distant parts of the cosmos. Third, in Edelstein and Kidd’s edition of the fragments of Posidonius, where only those attributed to him by name are included, *συμπάθεια* appears once (in *Div.* 2.142=F106 EK), *συπαθῶς* once (in Strabo’s report of the theory of tides, F217.32 EK), and the Latin *compassio* and a cognate once each in the same sentence (in Priscianus Lydus’ report of the theory of tides, F219.18 EK). Now, the words are used in just the contexts that Reinhardt would like. But they are hardly common enough to suggest that a

²²⁴ Lest there be any doubt about the scope of Posidonius’ Theory of Sympathy in Reinhardt’s view, here is how Reinhardt answers his own question: “Als kosmischer, erklärender Begriff erscheint die Sympathie zuerst bei Cicero, bei Strabo und bei Philo; bei den ersten beiden ausschließlich an Stellen, wo sie nachweislich aus Poseidonius schöpfen. Daraus folgt: erst Poseidonios hat die ‘Sympathie’ aus der Beschränktheit astrologischer Gleichungen einerseits, aus medizinischen, prognostischen und mirabilienartigen einzelnen Beobachtungen andererseits zu einem physikalischen, das ganze Weltbild ganz und gar durchdringenden, bestimmenden, erleuchtenden Begriff erhoben, er erst hat Sympathie als Fernwirkung im Großen und als kosmischen Zusammenhang der Wissenschaft erobert, er erst hat sich ihrer Macht, ihrer geheimen Offenkundigkeit durch die Beobachtung der Gezeiten versichert, er erst hat den Weltzusammenhang als Sympathie geschaut, erfahren und gefühlt, um darauf eine neue Theologie, eine neue Lehre der Mantik, eine neue Physik, eine neue Erkenntnistheorie und eine neue Theorie des Schicksals aufzubauen.” (Reinhardt (1926) 52-54)

²²⁵ For a specifically Chrysippean theory of the cosmic *πνεῦμα* see Lapidge (1978) 169-76 and (1973) 273-278, cf. Todd (1978) 148-155, Gould (1970) 100-102.

Theory of Sympathy was fundamental to the distinctiveness of Posidonius' thought, and in any case the instances of sympathy adduced do not require anything other than Chrysippus' theory to account for them. What the evidence from Edelstein and Kidd *does* suggest is that Posidonius added considerably to the volume and precision of the *data* for sympathy. For example, he produced an impressive theory of the tides and their correlation with the movements of the moon which is obviously in the background in later discussions of sympathy (tide theory, F214-220 EK; later discussions, *Div.* 2.33-34, *dND* 2.19, Sextus *M.* 9.78-80, Cleomedes 2.3.61-67). But the data that Posidonius elaborated are only one half of the Stoic treatment of sympathy. They are the same sort of explananda that the pneumatic theory of Chrysippus and his followers sought to address, and they are supposed to convince us that some such theory must be found. We must not run together the observable data for sympathy and the overall theory that sought to explain those data, of which the notion of 'sympathy' itself was just a part, albeit an important one for divination.²²⁶

²²⁶ If compelled to present a view, I would say that the least implausible reconstruction of the history of sympathy in the Stoa would be this. [1] Stoics at all dates from Zeno on no doubt appealed to the orderly phenomena the cosmos. [2] We have positive evidence that as part of his theory of cosmic πνεῦμα Chrysippus included the idea of συμπάθεια (Alex. *Mixt.* 216.14-17 quoted below). Many discussions of sympathy or associated phenomena appear in the context the pneumatic theory, and two diatribes that attack the cosmic (Alex., *Mixt.*) and physiological (Galen, *PHP*) aspects of this theory take Chrysippus as their targets. So it is probable that συμπάθεια received some sort of formal elaboration as part of Chrysippus' pneumatic theory, although that may not have been the first such elaboration. [3] It may be, as Reinhardt suggests (*RE* 22.1 (1953) 653-654), that the arguments against astrology attributed to Panaetius at *Div.* 2.90-97 suggest that Panaetius had doubts about the possibility of a sympathetic (?) connection (*contagio*) between celestial and earthly events (2.91). [4] Perhaps partly in reaction to Panaetius, Posidonius significantly elaborated the volume and precision of empirical evidence for cosmic sympathy, as is copiously attested in Edelstein and Kidd (F214-229, F106-133 EK, etc.). It seems possible, indeed likely, that he also retrenched the theoretical treatment of sympathy, but our sources do not allow us to be sure of this, and certainly not of what changes he might have made. It is therefore not possible to distinguish in later generically 'Stoic' sources what belongs to Chrysippus and what belongs to Posidonius in the theoretical treatment of sympathy. This problem is especially acute as Posidonius seems to have taken up enthusiastically the theory of πνεῦμα: he defines God as a type of πνεῦμα νοερόν (F100-101 EK), in one case as πνεῦμα νοερόν διῆκον δι' ἀπάσης (F100 EK).

Taking up, then, Quintus' claim that *omnia completa et referta sint aeterno sensu et mente divina* (*Div.* 1.110), “every thing is filled up and crammed with an eternal sense and divine mind”, let us examine first the sense in which, on the Stoic view, everything is full of the ‘divine mind’. The language which Cicero gives to Quintus here looks very likely to be about spatial ‘filling’, given a close comparandum in *Lucullus* 1.125. There, Marcus wonders if his dogmatic opponents would prefer that he assent to any dogmatic doctrines rather than none; he playfully suggests that he should go for to Democritus’ views and imagines the volley of counterargument that would result. The first response he imagines defends the continuous plenum against Democritus’ void, and gives the condition of the plenum as, *cum ita completa et conferta sint omnia...*, “since every thing is filled up and crammed...”. This phrasing is very reminiscent of Quintus’ *cum omnia completa et referta sint...* and suggests that Quintus has some similar plenum in mind. So, it looks as though Quintus holds that every body is filled up with the *divina mens*. This is *prima facie* an odd thought, but it was a standard view in Stoicism, as we shall now see.

DL expands a little on the sort of Stoic claim that Quintus is making:

Τὸν δὴ κόσμον διοικεῖσθαι²²⁷ κατὰ νοῦν καὶ πρόνοιαν, καθά φησι
Χρύσιππός τ' ἐν τῷ πέμπτῳ Περὶ προνοίας καὶ Ποσειδώνιος ἐν τῷ ιγ'
Περὶ θεῶν, εἰς ἅπαν αὐτοῦ μέρος διήκοντος τοῦ νοῦ, καθάπερ ἐφ' ἡμῶν
τῆς ψυχῆς· ἀλλ' ἤδη δι' ὧν μὲν μᾶλλον, δι' ὧν δὲ ἦττον. δι' ὧν μὲν γὰρ
ὡς ἕξις κεχώρηκεν, ὡς διὰ τῶν ὀστέων καὶ τῶν νεύρων· δι' ὧν δὲ ὡς
νοῦς, ὡς διὰ τοῦ ἡγεμονικοῦ. οὕτω δὴ καὶ τὸν ὅλον κόσμον ζῶον ὄντα
καὶ ἔμψυχον καὶ λογικόν ... (7.138-39)

²²⁷ Von Arnim prints οἰκείσθαι; but there is MS authority for διοικεῖσθαι and it makes better sense.

The cosmos is governed according to mind and providence, as Chrysippus says in book 5 of *On Providence* and Posidonius says in book 13 of *On the Gods*, mind pervading into every part of it, as the soul <pervades> in our case; but it <pervades> through some things more, through some less. For it passes through some as a hexis, as through bones and sinews; through others, as mind, as through the *hegemonikon*. In this way the whole cosmos is an animal, ensouled and rational... [there follows a doxography of the various Stoics' locations for the cosmic *hegemonikon*: in the aether (Antipater), in the heaven (Posidonius, Chrysippus), the sun (Cleanthes), the purer part of aether (also Chrysippus).]

DL's εἰς ἅπαν αὐτοῦ μέρος διήκοντος τοῦ νοῦ recalls Quintus' *cum omnia completa et referta sint... mente divina*. The doctrine, we might note, is ascribed to Chrysippus as well as to Posidonius. The way in which the divine νοῦς pervades the cosmos is said to be like the way in which our souls pervade us—Chrysippus *apud* Galen *PHP* 3.1.10-11 above described the πνεῦμα of our souls συνεχὲς παντὶ τῷ σώματι διῆκον, “continuous, pervasive in the whole body.”

DL expands on the sense in which the divine νοῦς can be said to be pervasive. He makes it a corollary of some familiar Stoic views about the structure of particular bodies. Inanimate objects like bits of wood or stone, or like our bones and sinews considered in isolation, are held together by a ἔξις, that is, πνεῦμα with a τόνος that gives them their qualities like hardness or elasticity. Plants and animals have a φύσις that inanimate objects do not; their πνεῦμα is so organized that it not only gives them hardness, whiteness and such properties, but an organic structure and nature such that they grow, reproduce and so forth; our bodies have a φύσις too, as can clearly be seen in

such activities as the growth of hair and nails.²²⁸ What about animals? Plutarch preserves for us Chrysippus on a newborn's transition from plant-like embryo, with only a φύσις, to an animal with ψυχή:

Τὸ βρέφος ἐν τῇ γαστρὶ φύσει τρέφεσθαι νομίζει καθάπερ φυτὸν· ὅταν δὲ τεχθῆ, ψυχόμενον ὑπὸ τοῦ ἀέρος καὶ στομούμενον τὸ πνεῦμα μεταβάλλειν καὶ γίνεσθαι καὶ ζῶον· ὅθεν οὐκ ἀπὸ τρόπου τὴν ψυχὴν ὠνομάσθαι παρὰ τὴν ψῦξιν. αὐτὸς δὲ πάλιν τὴν ψυχὴν ἀραιότερον πνεῦμα τῆς φύσεως καὶ λεπτομερέστερον ἡγεῖται μαχόμενος αὐτῷ.
(*Stoic. Repugn.* 1052f)

[Chrysippus] thinks that the foetus in the womb is nurtured by nature like a plant; but that, when it has been born, being cooled and tempered by the air the πνεῦμα changes and an animal comes into being too; whence, not inappropriately <he thinks> that soul gets its name from 'cooling' (ψῦξις). But meanwhile he considers that the soul is πνεῦμα rarer than nature and finer, contradicting²²⁹ himself.

So an animal has a ψυχή, a soul. The soul comes about when a foetus, which has the same biological status as a plant, is born—and this change is a change in the πνεῦμα of the foetus/animal's body.²³⁰ We find the same theory of the change from nature to soul at

²²⁸ Galen, *Intro. Med.* 14.726.7-11 = *SVF* 2.716 = LS 47N; Philo *Immut. Dei* 35-36 = *SVF* 2.458 = LS 47Q; compare also Plutarch *Stoic. Repugn.* 1053e-1054b, Philo *Leg. Alleg.* 2.22-3 = *SVF* 2.458 = LS 47P.

²²⁹ The 'contradiction', which Plutarch brings out in subsequent sentences, need not detain us now—he thinks that the soul cannot both be finer and rarer than a nature, and also brought about by the cooling and tempering of a nature. It is possible that Plutarch could find something in Chrysippean 'chemistry' that would make these two claims appear incompatible, but equally it seems unlikely that Chrysippus would have been unable to explain how they go together—his terminology is wonderfully flexible.

²³⁰ This passage might suggest that the nature of the foetus changes *into* the soul of the animal—that is, that the animal has no nature but a soul instead. But it seems more likely that an animal has a nature as well as a soul; many of its bodily functions carry on at the same level of organization as those of a plant, as is especially clear with such processes as the growth of nails or hair. Even if the (or some) Stoics dubbed the animal's πνεῦμα a soul and *not* a nature this difference from my interpretation seems largely terminological, since they would have to concede that the soul continues to have functions just like those of

birth in Hierocles (col. 1 lines 15-28, see Long (1999) 563-565), and shortly after Hierocles brings out the crucial attributes that a soul has but a nature does not, perception and impulse (col. 1 ll. 31-33). Furthermore, rational souls—ours, demons’ and the Gods’—are a subset of souls in general and are also made of πνεῦμα. So on this Stoic view every body in the cosmos is filled with its own chunk of πνεῦμα, be it a ἔξις, a φύσις or a ψυχή. The τονική κίνησις of each chunk of πνεῦμα extends to the surface of every body (Philo, *Immut. Dei* 35-36) just as we saw that it does in the case of the human body (Galen, *PHP* 3.1.10-11). So every part of every body in the cosmos is filled with πνεῦμα, and there is no void in the cosmos, hence every part of the cosmos is filled with πνεῦμα. This, of course, involves Chrysippus’ extremely provocative doctrine of total mixture, whereby the body πνεῦμα is completely coextensive with the bodies that it pervades (Alex. *Mixt.* 216.14-217.2). Now, nowhere is νοῦς explicitly identified with πνεῦμα, but the interchangeability of the two terms in describing what pervades other bodies and can form ἔξεις, φύσεις and ψυχαί makes it very likely that two are to be considered the same matter (e.g. Philo *Leg. Alleg.* 2.22 = *SVF* 2.458, where a discussion of ἔξις, φύσις and ψυχή is introduced with the observation that ὁ νοῦς...πολλὰς ἔχει δυνάμεις, ἐκτικὴν, φυτικὴν, ψυχικὴν, λογικὴν ...). If that is right, then on these grounds alone every part of the cosmos is full of the divine *mens*, just as Quintus says.

Thus far, we have considered the pervasion of the cosmos by πνεῦμα as a corollary of πνεῦμα’s pervasion through every body in the cosmos. But in the Chrysippean system total cosmic pervasion is in itself crucially constitutive of the cosmos:

ἔστι δὲ ἡ Χρυσίππου δόξα περὶ κράσεως ἥδε· ἠνωσθαι μὲν ὑποτίθεται

a nature. The same could be said for the properties of an animal (cohesion, resistance) that are brought about its tenor or, on the other view, tenor-like functions of its soul.

τὴν σύμπασαν οὐσίαν, πνεύματός τινος διὰ πάσης αὐτῆς διήκοντος, ὑφ’ οὗ συνέχεται τε καὶ συμμένει καὶ σύμπαθές ἐστίν αὐτῷ τὸ πᾶν.

(Alexander, *De Mixt.* 216.14-17)

Chrysippus’ doctrine of mixture is as follows: he asserts that every substance is unified, some πνεῦμα pervading through all of it, by which the all²³¹ is held together, stays together and is in sympathy with itself.

The πνεῦμα in the cosmos, then, can be thought of as one mass that pervades the whole, as well the sum of the discrete portions in each body. Alexander makes it a factor in three cosmic properties: συνοχή, συμμονή and συμπάθεια. The former two relate to, respectively, the cohesion and stability of the cosmos as a body spherical and perfect, which goes to show that πνεῦμα plays a role in such properties of the cosmos similar to its role in the tenor of smaller bodies. According to Plutarch, Chrysippus (referring, it appears, to motions like the natural tendency of bodies towards the centre of universe) described the motion of the cosmos ὡς ἐπὶ τὴν συμμονὴν καὶ τὴν συνοχὴν τὴν ἑαυτοῦ κινεῖσθαι διὰ τῶν μερῶν πάντων πεφυκότος, “as that of something of a nature to move for its own stability and cohesion through all <its> parts” (*Stoic. Repugn.* 1054f). The role in these processes that Alexander ascribes to πνεῦμα is elaborated in some later and not explicitly Chrysippean, and there we learn that it performs this role through its τόνος (Clement *Strom.* 5.8.674 = *SVF* 2.447, Cleomedes 1.1.72 *SVF* 2.546).

What of συμπάθεια? As I said above, in Stoic physics the word (and its cognates) is used in two distinct, but closely related, ways. First, it can refer to a type of observed datum, a ‘co-affection’ of two objects or systems that calls for explanation; the

²³¹ τὸ πᾶν here must refer to the cosmos, not to the whole Stoic universe of cosmos and surrounding void—there can be no πνεῦμα in the void. This is despite the occasional insistence in Stoic contexts that τὸ ὅλον refers to the cosmos and τὸ πᾶν to the universe (cf. Alex. *Quaest.* 3.12, 101.22-102.19; Todd (1976) 188 on the passage quoted).

classic example after Posidonius is the observable co-affection of tides and the moon. (If we think that ‘co-affection’ is too strong a term for such empirical phenomena, since we observe correlations and not co-affections, presumably the Stoics can reply that on their theory any change in a body is in one sense an ‘affection’—its active principle is bringing about a change in it—so on their view observable correlations amount to co-affections.) Second, συμπάθεια can refer to the underlying features of a system within which a co-affection occurs with reference to which we should explain the co-affection; in an animal, for example, it will be the animal’s physiology and psychology. Bodies whose parts are subject to such co-affections are, on the Stoic view, unified (ἡνωμένον) in the strongest sense, stronger than that in which objects like ships composed of contiguous parts (συναπτομένα) are unified, or entities like regiments made up of separate parts (διστώτα) (Sextus *M.* 9.78).

This clearest source from which to understand συμπάθεια is an argument for the existence of God reported by Sextus. It is not explicitly Stoic, but the terminology is Stoic, the arguments cohere with Stoic theory and the empirical evidence cited is Posidonian. It is worth quoting at length, which I will do in stages. First:

ἐπεὶ οὖν καὶ ὁ κόσμος σῶμά ἐστιν, ἥτοι ἡνωμένον ἐστὶ σῶμα ἢ ἐκ συναπτομένων ἢ ἐκ διστώτων. οὔτε δὲ ἐκ συναπτομένων οὔτε ἐκ διστώτων, ὡς δείκνυμεν ἐκ τῶν περὶ αὐτὸν συμπαθειῶν. κατὰ γὰρ τὰς τῆς σελήνης αὐξήσεις καὶ φθίσεις πολλὰ τῶν τε ἐπιγείων ζώων καὶ θαλασσίων φθίνει τε καὶ αὔξεται, ἀμπώτεις τε καὶ πλημμυρίδες περὶ τινὰ μέρη τῆς θαλάσσης γίνονται. ὡσαύτως δὲ καὶ κατὰ τινὰς τῶν ἀστέρων ἐπιτολὰς καὶ δύσεις μεταβολαὶ τοῦ περιέχοντος καὶ

παμποίκιλοι περὶ τὸν ἀέρα τροπαὶ συμβαίνουσιν, ὅτε μὲν ἐπὶ τὸ
κρεῖττον, ὅτε δὲ λοιμικῶς. ἐξ ὧν συμφανές, ὅτι ἡνωμένον τι σῶμα
καθέστηκεν ὁ κόσμος. (M. 9.79)

So since the cosmos is also a body, either it is a unified body, or from contiguous parts, or from separate parts. But it is not from contiguous parts or from separate parts, as we show from the sympathies around it. For many land and sea animals grow and diminish according to the growths and diminutions of the moon, and flows and ebbs happen around some parts of the sea, and in the same way too fluctuations of the surrounding <sublunary stuff> and extremely varied deviations around the air happen according to some of the risings and settings of the stars, sometimes for the better, sometimes pestilently. From these things it is clear that that the cosmos is constituted as a unified body.

At this point, Sextus thinks that the Stoic he paraphrases here will take himself to have shown *empirically* that the cosmos is unified. The ‘sympathies’ he invokes are observable co-affections of the sort researched by Posidonius (cf, on the tides, Posidonius F214-220 EK; on the influence of the stars on the atmosphere, *Div.* 1.129-30 = F110 EK). They are correlations between heavenly and earthly events. Such correlations came to play a role in the controversy over astrology (e.g. *Div.* 2.91) but that need not be in view here. What is important is that there are co-affections between widely distant parts of the cosmos; the co-affections are not local, and as a consequence the cosmos as a whole and not any of its parts is shown to be unified. In book 2 of *Div.* Marcus says of the theory that nature is *uno consensu iuncta ... et continens*, “joined and contained by one sympathy” (2.33) that *placuisse physicis, eisque maxime qui omne quod esset unum dixerunt*, “physicists have held it, and especially those who said that everything is one”

(2.33). Marcus emphasizes the role of sympathy in *unifying* the cosmos.

Sextus continues:

ἐπὶ μὲν γὰρ τῶν ἐκ συναπτομένων ἢ διεστώτων οὐ συμπάσχει τὰ μέρη ἀλλήλοις, εἴγε ἐν στρατιᾷ πάντων, εἰ τύχοι, διαφθαρέντων τῶν στρατιωτῶν οὐδὲν κατὰ διάδοσιν πάσχειν φαίνεται ὁ περιωθείς· ἐπὶ δὲ τῶν ἠνωμένων συμπάθειά τις ἔστιν, εἴγε δακτύλου τεμνομένου τὸ ὅλον συνδιατίθεται σῶμα. ἠνωμένον τοίνυν ἔστι σῶμα καὶ ὁ κόσμος. (M. 9.80)

For in the case of bodies from contiguous parts or separate parts the parts are not in sympathy with one another, for example in an army, if it so happens that all <but one of> the soldiers die the survivor does not seem to suffer at all by transmission; but in the case of unified bodies there is a sympathy, for example, if a finger is cut the whole body shares in the condition. So then, the cosmos too is a unified body.

This part of the argument is perhaps less clear. After all, if the rest of army dies a soldier is affected, at least *qua* soldier. He is now a soldier whose army has died, just as if my finger is cut, my little toe is a toe of a body whose finger has been cut. The point of difference must be physical: all the physical harm done to the others soldiers has no direct physiological effect on the survivor. Now, a cut to my finger may have a very slight physiological effect on my toe, but it will have some effect, and perhaps more importantly it will have a significant effect on the centre of the physiological system of which the toe is also an integral part. We know how sensory information is transmitted in the body: through the τονικὴ κίνησις of the πνεῦμα (Hierocles 4.38-53 =LS 53B makes it clear that this mechanism also affords the *hegemonikon* data on the internal state of the body). Sextus here appeals to some such physiological system that obtains in the

case of finger as part of a body, not in the case of a soldier as part of an army.

The connection of this συμπάθεια theory with πνεῦμα theory is made clear by the final part of Sextus' argument. He does not mention πνεῦμα, but his appeal to ἕξις, φύσις and ψυχή is an appeal to the πνεῦμα in each body, and in accord with Alexander's report that the pervasion of πνεῦμα through the cosmos explains the cosmos' συμπάθεια with itself:

ἀλλ' ἐπεὶ τῶν ἠνωμένων σωμάτων τὰ μὲν ὑπὸ ψιλῆς ἕξεως συνέχεται, τὰ δὲ ὑπὸ φύσεως, τὰ δὲ ὑπὸ ψυχῆς, καὶ ἕξεως μὲν ὡς λίθοι καὶ ξύλα, φύσεως δὲ καθάπερ τὰ φυτά, ψυχῆς δὲ τὰ ζῶα, πάντως δὴ καὶ ὁ κόσμος ὑπὸ τίνος τούτων διακρατεῖται. καὶ ὑπὸ μὲν ψιλῆς ἕξεως οὐκ ἂν συνέχοιτο. τὰ γὰρ ὑπὸ ἕξεως κρατούμενα οὐδεμίαν ἀξιόλογον μεταβολὴν τε καὶ τροπὴν ἀναδέχεται, καθάπερ ξύλα καὶ λίθοι, ἀλλὰ μόνον ἐξ αὐτῶν πάσχει τὴν κατὰ ἄνεσιν καὶ τὴν κατὰ συμπίεσμον διάθεσιν. ὁ δὲ κόσμος ἀξιολόγους ἀναδέχεται μεταβολάς, ὅτε μὲν κρυμαλέου τοῦ περιέχοντος γινομένου, ὅτε δὲ ἀλεινοῦ, καὶ ὅτε μὲν αὐχμώδους, ὅτε δὲ νοτεροῦ, ὅτε δὲ ἄλλως πως κατὰ τὰς τῶν οὐρανίων κινήσεις ἑτεροιομένου. οὐ τοίνυν ὑπὸ ψιλῆς ἕξεως ὁ κόσμος συνέχεται. εἰ δὲ μὴ ὑπὸ ταύτης, πάντως ὑπὸ φύσεως· καὶ γὰρ τὰ ὑπὸ ψυχῆς διακρατούμενα πολὺ πρότερον ὑπὸ φύσεως συνείχετο. (M 9.81-84).

But since some unified bodies are held together (συνέχεται) by a mere ἕξις, some by a nature, some by a soul (i.e.: by a ἕξις: like stones and wood; by a nature: as in the case of plants; by a soul: animals), no doubt the cosmos too is controlled by one of these. Now, it will not be held together by a mere ἕξις. For bodies governed by a ἕξις have no significant fluctuations or deviations, but as the

case of stone and wood they are only affected of their own accord by stretching and compression, but the cosmos admits significant fluctuations—sometimes the surrounding <sublunary stuff> becomes wintry, sometimes torrid, and sometimes parched, sometimes damp, sometimes differentiated in some other way in accordance with the motions of the heavenly bodies. So then, the cosmos is not held together by a mere ἔξις. But if not by that, then no doubt by a nature; for bodies controlled by a soul, too, were held together by a nature significantly earlier.

Sextus envisages three sets of bodies, which seem to be in to some degree concentric—that is, all ensouled bodies in some sense have natures and ἔξεις, all natured bodies have ἔξεις but not all of them have souls, while some all bodies with ἔξεις lack both natures and souls. Some bodies are held together by a *mere* ἔξις, that is, a ἔξις not a nature or a soul. The ‘mere’ suggests that bodies with natures and souls are also given their resistance to stretching and compression by a ἔξις, or a ἔξις-like element in their nature or soul (for example, our bones and sinews, considered in isolation, have a ἔξις; presumably even the material of our *hegemonikon* is resistant to stretching and compression). Similarly, all animals had a nature before they had a soul. As we saw above, this is a chronological priority—animals were plant-like fetuses before their birth. But they also retain natures of their own, or nature-like characteristics. So when Sextus excludes the possibility that the cosmos has a mere ἔξις, he takes himself to have shown that it has a nature, even for the case where it has a soul.

The final stage in the argument shows that the cosmos has a soul, and indeed a rational soul:

ἀνάγκη ἄρα ὑπὸ τῆς ἀρίστης αὐτὸν φύσεως συνέχεσθαι, ἐπεὶ καὶ

περιέχει τὰς πάντων φύσεις. ἡ δὲ γε τὰς πάντων περιέχουσα φύσεις καὶ τὰς λογικὰς περιέσχηκεν. ἀλλὰ καὶ ἡ τὰς λογικὰς περιέχουσα φύσεις πάντως ἐστὶ λογική· οὐ γὰρ οἶόν τε τὸ ὅλον τοῦ μέρους χειρόν εἶναι. ἀλλ' εἰ ἀρίστη ἐστὶ φύσις ἡ τὸν κόσμον διοικοῦσα, νοερά τε ἔσται καὶ σπουδαία καὶ ἀθάνατος. Τοιαύτη δὲ τυγχάνουσα θεός ἐστιν. εἰσὶν ἄρα θεοί. (M. 9.84-86)

Therefore necessarily <the cosmos> is held together by a nature, since it contains the natures of all <bodies that have natures>. But the <nature> that contains all <bodies that have natures> also contains rational natures. But the <nature> that contains rational natures is no doubt rational too; for the whole cannot be inferior to the part, but if the nature that administrates the cosmos is the best, it will have a mind and be virtuous and immortal. And such a thing, since it turns out to exist, is a God. Therefore there are gods.

This extremely dubious argument is one of a family that we find in a number of sources, Stoic and otherwise. Plato *Philebus* 29d-30e and Xenophon *Memorabilia* 1.4.8 are classical examples; the latter seems to have been better known and is cited by Cicero's Balbus (*dND* 2.18) and Sextus (*M.* 9.95-97). Xenophon's argument is based on our acquisition of a *stuff* associated with intelligence from the cosmos at large, and there was an obvious Stoic application of this view to the acquisition of the stuff that goes to make up our souls. The classic Stoic statement of this is that our souls are an ἀπόσπασμα, a drawing-off from the surrounding cosmic soul (DL 7.143). We find a Zenonian or perhaps Cleanthean application of this theory to an argument for the existence of God at *dND* 2.25-30, Zenonian because concerned with fire rather than πνεῦμα. But the stuff-based argument does not seem to be what Sextus gives us in my last quotation, nor does it

appear in the probably Chrysippean parallel argument from Balbus (*dND* 2.18; Chrysippus 2.16) although these arguments appeal to our acquisition of stuffs from the environment as a parallel (compare also DL 7.142-143 = *SVF* 2.633). Rather, the argument is that if parts of the cosmos have reason, and as a whole is better than its parts, then as a whole it must have reason. This hardly seems to follow, even if we grant that what has reason is better than what does not. Why should a whole be better than its parts, or even, why should the cosmos be better than its parts? My apartment contains me, but it is not better than me; nor is it rational. Perhaps a way to somewhat rehabilitate the argument would be to look to something like the functional description of the whole nature of the cosmos. To give a full description of the nature of the cosmos, you would have to include functional descriptions of some rational parts of the cosmos (e.g. your soul). So by containing rational natures the cosmos is *ipso facto* rational. But this cannot be right, either—it is important for the argument in the texts that the cosmos is *better* than its parts. The point cannot be that it is rational just by containing lots of rational natures; it must exceed those natures somehow. The argument seems irretrievably bad to me. But what it succeeds in showing us is that the Stoics thought the cosmos has a rational nature, which is to say a rational soul, in the just same sense as we have a soul, except that it exceeds us (non-sages) in virtue and immortality (and, of course, in size and cognitive scope). This makes good sense of the common Stoic claim that the cosmos is a rational animal (*SVF* 2.633-645).

So, we have seen that the pervasion of πνεῦμα through the cosmos is crucial for the cosmos' συνοχή, συμμονή and συμπάθεια, and that the cosmos' συμπάθεια can be witnessed in those correlated 'metabolic' changes that demonstrate empirically its organic nature. We also saw earlier the role πνεῦμα plays in our bodies, parallel to what

we call the ‘nervous system’. Did the pervasion of πνεῦμα in the cosmos play the same role in συμπάθεια that it does in our bodies? We have some late evidence that it did, from Cleomedes:

Τοιοῦτον δὲ ὑπάρχον τὸ κενὸν ἐν μὲν κόσμῳ οὐδ’ ὅλως ἔστι. Δῆλον δὲ ἐκ τῶν φαινομένων. Εἰ γὰρ μὴ δι’ ὅλου συμφυῆς ὑπῆρχεν ἡ τῶν ὅλων οὐσία, οὔτ’ ἂν ὑπὸ φύσεως οἷόν τ’ ἦν συνέχεσθαι καὶ διοικεῖσθαι τὸν κόσμον, οὔτε τῶν μερῶν αὐτοῦ συμπάθειά τις ἂν ἦν πρὸς ἄλληλα, οὔτε, μὴ ὑφ’ ἐνὸς τόνου συνεχομένου αὐτοῦ καὶ τοῦ πνεύματος μὴ δι’ ὅλου ὄντος συμφουῖς, οἷόν τ’ ἂν ἦν ἡμῖν ὄραῖν ἢ ἀκούειν. Μεταξὺ γὰρ ὄντων κενωμάτων ἐνεποδίζοντο ἂν ὑπ’ αὐτῶν αἱ αἰσθήσεις. (1.1.68-74)

There absolutely isn’t such void existent inside the cosmos. But this is clear from the phenomena. For if the substance of the wholes were not of one nature through the whole, it would not be able to hold together or administrate the cosmos, nor would there be any sympathy of its parts with one another, nor, were it not held together by one tenor²³² and the πνεῦμα were not of one nature through the whole, would we be able to see and hear. For if there were pockets of void in between the senses would be hindered by them.

Cleomedes does not explicitly premise sympathy on the plenum of πνεῦμα, but he does premise on it what he considers a parallel case, that of our senses’ access to the world.

The closeness of this analogy strongly suggests he thinks that there is a similar role for πνεῦμα the single nature of the cosmos.²³³

²³² τόνου Von Arnim, τόπου MSS. Todd (1990) prints τόνου.

²³³ DL 7.140 reports an argument originating with Chrysippus similar in many respects: ἐν δὲ τῷ κόσμῳ μηδὲν εἶναι κενόν, ἀλλ’ ἡνωσθαι αὐτόν· τοῦτο γὰρ ἀναγκάζειν τὴν τῶν οὐρανίων πρὸς τὰ ἐπίγεια σύμπνοιαν καὶ συντονίαν. φησὶ δὲ περὶ τοῦ κενοῦ Χρύσιππος μὲν ἐν τῷ Περὶ Κενοῦ καὶ ἐν τῇ πρώτῃ τῶν Φυσικῶν τεχνῶν καὶ Ἀπολλοφάνης ἐν τῇ Φυσικῇ καὶ Ἀπολλόδωρος καὶ Ποσειδώνιος ἐν δευτέρῳ τοῦ Φυσικοῦ λόγου, “there is no void in the cosmos, but rather it is unified; for this necessitates the common πνεῦμα and common tenor of earthly and heavenly things. Chrysippus

That concludes my exploration of the texts on the theory of cosmic πνεῦμα and sympathy. In this paragraph I would like to offer a very tentative and speculative reconstruction of the role of sympathy in Stoic cosmology. It seems that within the cosmos, as within any body unified by a continuous nature or soul (that is, a continuous piece of πνεῦμα with the right sort of tensional motion; such a body is συμφυσής), two bodies, no matter how far apart, can be co-affected with one another thanks to transmission (διάδοσις) through the continuum of πνεῦμα that pervades the containing body, the cosmos' nature. This is how two parts of the human body in sympathy are co-affected; two organs, spatially separated, undergo correlated affections because they are connected through the πνεῦμα of the soul. The mechanics of 'transmission' through the πνεῦμα is presumably either informations of the πνεῦμα carried to and fro by the tensional motions of its various parts, or a modification of those motions as in the case of transmission by the modulation of waves. It is tempting to plump for the latter, since we have so many modern analogies (Sambursky would like to attribute to Chrysippus the notion of the superposition of wave-forms in the transmission of impressions, Sambursky (1959) 25-26). Nor is the idea as anachronistic as we might suppose—antiquity was quite at home with the mathematics of vibrating strings. In *Div.* 2.33, Marcus gives another Stoic example of sympathy that *iam nervos in fidibus aliis pulsus resonare alios*, “that some strings on lyres resound when other strings are struck”. This is a familiar example of resonance that can be observed with any guitar. So it is tempting to propose the following model for the mechanics of sympathy: the tensional motions of the πνεῦμα in one contained body (say, the moon) set up faintly transmitted waves through the wider πνεῦμα of the containing body (the cosmos), such that the πνεῦμα of any other

says this in his *On Void* and in book 1 of *The Physical Arts* and Apollophanes in *Physics* and Apollodorus and Posidonius in book 2 of *The Physical Discourse*.”

contained nature that is ‘tuned in’ in the right way (say, a shellfish) will literally resonate and thus produce the right co-affection. Whether or not that model of the mechanics is correct, the important upshot is that the natures of two bodies distant in the cosmos can be co-affected: when the moon waxes, shellfish grow, but when it wanes, they shrink (Marcus gives this as a Stoic example of sympathy in *Div.* 2.33). Many of the examples of sympathy that come down to us, especially after Posidonius, concern sympathy between heavenly and terrestrial natures (τὰ ἐπίγεια καὶ τὰ οὐράνια), since it was those examples that are the main evidence that the natures can be in sympathy over the *whole cosmos*, not just within the sublunary sphere or within the heavens. In turn, such sympathy is evidence that the whole cosmos itself is unified and has a continuous pneumatic nature—Nature, God’s nature. So much for my tentative, speculative reconstruction of sympathy.

A summary of the theory of cosmic πνεῦμα and the συμπάθεια it allows is given by Balbus in *dND* 2.19²³⁴:

Quid vero tanta rerum consentiens conspirans continuata cognatio quem non coget ea quae dicuntur a me conprobare? possetne uno tempore florere, dein vicissim horrere terra, aut tot rebus ipsis se inmutantibus solis accessus discessusque solstitiis brumisque cognosci, aut aestus maritimi fretorumque angustiae ortu aut obitu lunae commoveri, aut una totius caeli conversione cursus astrorum dispares conservari? haec ita fieri omnibus inter se concinentibus mundi partibus profecto non possent, nisi ea uno divino et continuato spiritu continerentur.

²³⁴ If to anyone, Balbus attributes this passage to Chrysippus (2.16). Reinhardt’s attribution of it to Posidonius has no basis; even if there is something odd about Cicero omitting to have Balbus fulfil his subsequent promise to speak about this passage *uberius* (2.20), why should that show that 2.19 is a fragment of Posidonius (Reinhardt (1926) 111-115)?

What? Whom will so great a common kinship (*cognatio*, cf. συγγένεια), sympathetic (*consentiens*, cf. *Div.* 2.34), with a common spirit (*conspirans*, cf. σύμπνοια) and connected (*continuata*, cf. συντονία?) not compel to agree with what I have said? Could the earth bloom at one season, then at the next be rough, or the approach and departure of the sun and its solstices and midwinters be known from so many things themselves changing themselves, or the marine tides and the narrowing of the straits be co-affected with the rising and setting of the moon, or the unequal courses of the stars be maintained by a single turning of the whole heaven?—these things assuredly could *not* come about in this way, with all the parts of the cosmos in harmony with one another, unless they were held together (cf. συνοχή) by one divine and connected spirit.

Pease (1956-58 *ad loc.*) is surely right to identify *spiritus* with πνεῦμα—it is a divine continuous substance that, holding together the world, allows it to be in sympathy with itself. This passage thus demonstrates admirably Cicero’s familiarity with the sort of theory of divine, all-pervading πνεῦμα that I have been ascribing to the Stoics. I think that Quintus refers to this theory in *Div.* 1.110 when he says that every thing is full of *mente divina*.

What about Quintus’ twin claim, that every thing is full of *aeterno sensu*? This, it seems to me, is a consequence of the claim about pervasion by the divine mind. If the cosmos is an animal, it will have the ability to perceive. DL confirms that it is αἰσθητικός (7.143). Sextus gleefully tries to capitalize on this feature of Stoic God in a series of arguments, at least one which is Carneadean (*M.* 9.140) that attempt to show that a God with physical perception will be passible in unacceptable ways (*M.* 9.139-147). Now, if the cosmos has a perceptive faculty, it can only use its perception to perceive

what is going on within itself. So it is immediately likely that the *aeterno sensu* with which every thing is filled is, again, the divine πνεῦμα playing its role as sensor for the divine *hegemonikon* (one thinks of Chrysippus’ image of the *hegemonikon* as a spider at the centre of its web sensing vibrations through the web’s tendrils, Calcidius *In Tim.* 220).²³⁵

The scope of this internal perception, and its connection with the theory of cosmic πνεῦμα, is brought to the fore in Epictetus, *Discourse* 1.14, “Ὅτι πάντας ἐφορᾷ τὸ θεῖον, “that the divine oversees all men.” The scene begins

Πυθόμενου δέ τινος, πῶς ἂν τις πεισθῆι, ὅτι ἕκαστον τῶν ὑπ’ αὐτοῦ πραττομένων ἐφορᾶται ὑπὸ τοῦ θεοῦ, Οὐ δοκεῖ σοι, ἔφη, ἡνώσθαι τὰ πάντα; — Δοκεῖ, ἔφη. — Τί δέ; συμπαθεῖν τὰ ἐπίγεια τοῖς οὐρανόις οὐ δοκεῖ σοι; — Δοκεῖ, ἔφη. (1-2)

When someone asked him how someone might be convinced that each of his actions are overseen by God, [Epictetus] said ‘Do you not think that everything is unified?’ –‘I do,’ he said. –‘What then? Do you think that earthly matters are in sympathy with heavenly ones?’ –‘I do,’ he said.

There follows the now familiar catalogue of co-affections of heavenly and earthly processes, with exception that some of these changes (like flowering in season) are portrayed as being by divine command (3-4). Arrian has Epictetus continue:

ἀλλὰ τὰ φυτὰ μὲν καὶ τὰ ἡμέτερα σώματα οὕτως ἐνδέδεται τοῖς ὅλοις

²³⁵ I am puzzled by one aspect of divine sensation. Can God be equally sensitive in all types of bodies? On the one hand, it is a plausible corollary of Chrysippus’ thesis that God determines every last detail of the cosmos (*Stoic. Repugn.* 1050a-d, 1056c) that he also perceives every last detail. But on the other hand how can he sense the inside of a block of stone when the pneῦμα that stone is a βῆιω, such that the stone has no perception, and does not have even the nature of a plant that can transmit physiological information internally? God may control the βῆιω, but it seems implausible that he can have sensation through it (just, as perhaps, we have no sensations in some parts of our body, like the brain). Perhaps he can *perceive* all bodies that have a mere βῆιω, but from the outside. But what of a diamond embedded in a mountain of rock; can he perceive the diamond?

καὶ συμπέπονθεν, αἱ ψυχὰὶ δ' αἱ ἡμέτεραι οὐ πολὺ πλέον; ἀλλ' αἱ ψυχὰὶ μὲν οὕτως εἰσὶν ἐνδεδεμέναι καὶ συναφεῖς τῷ θεῷ ἅτε αὐτοῦ μέρια οὔσαι καὶ ἀποσπάσματα, οὐ παντὸς δ' αὐτῶν κινήματος ἅτε οἰκείου καὶ συμφυοῦς ὁ θεὸς αἰσθάνεται; (5-6)

But the plants [which have been his favourite example of co-affected earthly bodies] and our bodies are thus bound up with the whole and sympathetic with it, but are not our bodies much more so? But souls are thus bound up with and in contact with God, and since they are parts of him and drawn off from him, does not God perceive each of their movements since each is proper <to him> and of a common nature?

Epictetus follows this with a discussion of the cognitive scope of God's mind; given how much we can entertain and process with our own minds, is it not plausible that God can do much more (7-8)? This section of the argument concludes:

ὁ δὲ θεὸς οὐχ οἷός τ' ἐστὶ πάντα ἐφορᾶν καὶ πᾶσιν συμπαρεῖναι καὶ ἀπὸ πάντων τινὰ ἴσχειν διάδοσιν;

Cannot God oversee everything and be present with everything and have some transmission from everything?

διάδοσις, 'transmission', was Sextus' term for what the survivor of a dead army does not have from an army, but a human body does have from a cut finger (*M.* 9.80). Epictetus began his argument with the observation that everything is unified and sympathetic, which was what Sextus' dogmatic argument was looking to underwrite. If we accept Epictetus as a source for the Old and Middle Stoic theory of cosmic πνεῦμα, then it seems that God perceives what goes on within in him through the portions of his πνεῦμα that go to make up souls, natures and the like. These portions of πνεῦμα are (a)

συναφεῖς, in contact with, the general divine πνεῦμα (which pervades all things), and such that (b) are of a common nature with the divine, πνεῦμα, of which it is after all a part, such that their motions—the motions of yours and my soul—are actually proper to the divine. This makes God sensitive to everything through his pneumatic presence in everything. In that way, everything is crammed with *aeterno sensu*.

In this exploration of Quintus' claim that *omnia completa et referta sint aeterno sensu et mente divina* (*Div.* 1.110) I have tipped my hand with regard to his remaining claimed natural fact, that our souls are *haustos... et libatos* from the *natura deorum*. I take this to be a reference to the doctrine that a human soul is an ἀπόσπασμα from the divine soul of the cosmos, that is, they are a part of it infused into a human body.

(B5) Quintus' theory of divinatory dreams.

Now that we have understood the natural facts to which Quintus refers in explaining divinatory dreams (and wished that he had taken the time to explain those natural facts, too), we are in a position to examine his conclusion. Given these claimed natural facts, he says, *nesesse est cognatione divinatorum animorum animos humanos commoveri*, “it is necessary that by human souls are co-affected by the kinship²³⁶ of divine souls.” (*Div.* 1.110) Human souls are of the same stuff as, and parts of, the divine soul—they have σύμπνοια with the divine πνεῦμα. It is therefore physically possible that they be co-affected with the divine soul around them. The simplest way to understand this is that they are affected by the divine πνεῦμα with which they are immediately in contact—συναφεῖς, says Epictetus—rather as the *hegemonikon* is

²³⁶ The medieval Leiden corpus MSS (ABVH) have *cognitione*. This is possible, but editors have printed one of two conjectures: *cognatione* (Marsus) or *contagione* (Davies); Pease prints the former, Giomini the latter. I prefer the conjectures to the MSS, because both corrections equally refer to the theory of πνεῦμα, cf. *cognatio* in *dND* 2.19 or *Div.* 1.64, or *contagio* in *Div* 2.92 cf. Epictetus' συναφεῖς. I marginally prefer *cognatio* because *dND* 2.19 and *Div* 1.64 are stronger parallels and because it involves a correction of only one letter, although I see that it makes the genitive of *divinatorum animorum* slightly awkward to render.

affected by the sensory tentacles in sensation. Let us remember that we in almost all circumstances we are surrounded by the air. According to Balbus, the air is to be considered divine (the Romans call it ‘Juno’, *dND* 2.66) presumably on the analogy of ‘Ceres’ and ‘Neptune’ who pervade the earth and sea respectively (*dND* 2.71).

While we are awake (and not in frenzy), these affections from the divine πνεῦμα have no discernible effect on our *hegemonikon*—that is, they produce no effect on the *hegemonikon* of which the *hegemonikon*’s owner will be aware. This is because during waking life our *hegemonika* are affected by strong inputs from the senses, and are taken up with life’s cares. But in sleep there are no sensory inputs to the *hegemonikon*, and the *hegemonikon*’s tenor itself slackens such that it ceases to be taken up with cares. Under these conditions, the affections from the divine πνεῦμα inform the activities of our imaginative faculties. So, by the *adflatu deorum* some of our dream-images have content that amounts to a true prediction of some future outcome.²³⁷

Quintus expands on this theory in two important ways; one appears in his section concerned with finding for divination explanations ‘from fate’ (1.125-128), the second in the section concerned with an explanation ‘from nature’ (1.129-132).

The main point of the explanation ‘from fate’ is to show how a future-tense prediction can be true now (an issue of truth-theory) and how a diviner can *praesentire*, ‘foresee’ a future outcome that is not yet the case (an epistemological issue). The answer to the question about truth derives from the Stoic notion of fate as a ‘causal nexus’ (1.125). If I make prediction *p* at time t_1 that a state of affairs *s* will obtain at a later time t_2 , then for *p* to be true at t_1 is for there to exist at t_1 causes that determine that *s* will obtain at t_2 . On the Stoic view of fate, if *s* will in fact obtain at t_2 any prediction that *s*

²³⁷The Chrysippean version would be to say ‘some of our dream images are signs portended to us by the gods.’

will obtain at t_2 made prior to t_2 is true, no matter how long before t_2 it is made, because there always exist causes that determine that each future state of affairs will obtain. This theory of truth is clearest from the arguments against it in *Fat* 26-28 where Marcus makes the obvious objection: why can't it be true that 's will obtain' just when s will obtain (cf. Bobzien (1998) 67-71)? He summarises the Stoic argument for the connection of truth and fate thus:

Quia futura vera, inquit, non possunt esse ea quae causas cur futura sint non habent, habeant igitur causas necesse est ea quae vera sunt; ita cum evenerint, fato evenerint (Fat. 26)

Because true future things, he²³⁸ says, cannot be things that do not have causes because of which they are future things, it is therefore necessary that those things which are true have causes; thus, when they have come to obtain, they have come to obtain by fate.

The truth and falsity of future propositions depends on theory of fate because without the theory of fate future propositions would have no present truthmakers. Quintus is clear that this general theory applies equally to the predictions revealed through divination (*Div.* 1.125-128):

Non enim illa quae futura sunt subito existunt, sed est quasi rudentis explicatio sic traductio temporis nihil novi efficientis et primum quidque replicantis. Quod et ei vident, quibus naturalis divinatio data est, et ei, quibus cursus rerum observando notatus est. (1.127)

Those things which will be do not suddenly arise, but like the unwinding of a rope the passage of time brings about nothing new and rolls out each thing one by

²³⁸ Marcus uses *inquit* carelessly here; it is not clear in context who the subject of the verb might be. It is generally accepted that the argument is to be attributed to Chrysippus (Bobzien (1998) 68n18).

one.²³⁹ Those to whom natural divination is given see this, and those by whom the run of events is recorded by observation.

Quintus does not explicitly mention truth here, but he calls attention to the feature of the theory of fate whereby future things are fully determined in the present. It is odd that Quintus says that diviners of both types ‘see’ the Stoic theory of the determination of the future. Perhaps artificial diviners may have some theorized version of this notion, but it is hardly the case that all divinatory dreamers do. I suspect that he is speaking somewhat figuratively here. Diviners ‘see’ the future (in one sense or another) in that the upshot of divination is a representation of future states-of-affairs not of presently existing causes. But the truthmakers and causes of these predictions do exist presently. So ‘seeing’ future states-of-affairs in divination involves appreciating in one way or another, consciously or not, that present causes determine future events.

The answer to the epistemological question—how is it that natural diviners ‘see’ things that are not yet the case?—is perhaps surprisingly direct. It is also explicitly conjectural; Quintus holds that it is probable, not proven. The conjecture is that natural diviners simply ‘perceive’ (*cernere*) the presently existing causes of the future events about which they have veridical dreams or visions:

Ita fit ut et observatione notari possit, quae res quamque causam plerumque consequatur, etiamsi non semper (nam id quidem adfirmare difficile est); easdemque causas veri simile est rerum futurarum cerni ab iis, qui aut per

²³⁹ The image is that the unrolling of the rope produces no new rope (nothing new) but brings out successive bit of unrolled rope for the first time (*primum quidque*). Similarly, the passing of time does not bring about anything that was not already ‘present’ in the totality of antecedent causes but instead sees each successive state of the world emerge in turn from its antecedent causes. That the rolled rope pre-exists its unrolling does *not* show that the Stoics think the future is ‘real’ in the way that the present is *sub specie aeternitatis*—the point of making the causes of future events the truthmakers of future-tense propositions must lie in denying that sort of reality to the future. Instead, it shows that present causes are connected to the future in the right way to make future tense propositions true or false now.

furorem eas aut in quiete videant. (1.126)

It comes about it in this way [i.e. according to the theory of fate] that we can notice what event follows which cause for the most part, even if not always (for that, at any rate, is hard to be sure about); and it is probable that these same causes of future events are perceived by those who may see²⁴⁰ future events either by frenzy or in repose see future events.

The first point in this passage is that we have good reason to accept the Stoic theory of fate since we formulate for-the-most-part causal laws about what will follow from a specific cause. It is ‘the same causes’ that a natural diviner perceives. That is, the natural diviner perceives the causes now determining the future events about which she has a veridical vision.

Non est igitur ut mirandum sit ea praesentiri a divinantibus, quae nusquam sint; sunt enim omnia, sed tempore absunt. Atque ut in seminibus vis inest earum rerum, quae ex iis per progignuntur, sic in causis conditae sunt res futurae, quas esse futuras aut concitata mens aut soluta somno cernit... (1.127-128)

Therefore, it is not the case that we should wonder that things which are not the case are foreseen by people who divine; they are all the case, but they are absent in time. And as there is in seeds the power of those products that are propagated from them, thus in causes are hidden future events, <future events> which the *hegemonikon* perceives *will* be the case either when it is excited or set free in sleep.

Here it is appropriate to say that the *hegemonikon cernit* future events directly because

²⁴⁰*videant* here probably just means ‘see’ in the sense of ‘see in a dream’, ‘have a dream appearance of’—it is probably used as cognate with the *visa inania* that we are said to have in dreams in *Lucullus* (*Acad.* 2.49), and is thus to be distinguished from *cernere*. So I take the object *eas* to be the *res futurae*, not the causes thereof, since the true content of veridical dream appearance is a prediction of future events, not information about the presently existing causes.

Quintus is pointing out that future events are already ‘hidden in’ the causes which the *hegemonikon* perceives directly. Note now the status of this theory. Quintus says that “it is probable” that natural diviners perceive the causes future events, and thus that “it is not the case that we should wonder” that they ‘see’ future events. This fits the interpretation of the role of Quintus’ *rationes* that I advanced at the start of the chapter. It does not matter for his formal argument that his theory turn out to be correct, but it would certainly help his case if he show that there is a *plausible* Stoic theory available. This tactic is particularly shrewd against Academic opposition, who are inclined to accept theories as plausible and not in any stronger way.

We should also note that the theory of the truth of the contents of divinatory visions advanced here as plausible is stronger than what would have been required by Chrysippus’ account of divination, but is exactly what is required by the later Stoic account to which Quintus adheres. Once again, Chrysippus’ theory is that *all* divination is ‘the art of interpreting signs portended from gods to men’ (*Div.* 2.130, cf. Sextus *M.* 9.132). On this theory, it does not matter how the ‘signs’ in dream visions come about, any more than it matters how the croaking of the crow comes about in augury. All that matters is that the gods set things up so that at certain times certain dreamers or prophets have certain visions that can be interpreted artificially. (Furthermore, on Chrysippus’ view these signs will not always be about future events.) But on the later account which makes an important distinction between natural and artificial divination, the divinatory content of veridical visions is the result of a natural human *vis* capable of operating without divine agency (1.64), and this content in itself constitutes true predictive content. (Furthermore, by definition it is a *praesensio ac praedictio rerum futurarum*, about future things, *Div.* 1.8.) So only those who hold the later account need to allow for a causal link

between the present causes of future events and veridical visions. Now, the later account must have been evolved with Academic criticism in mind (even if it was not prompted specifically by such criticism). So it is not surprising to find Quintus using and phrasing the theoretical side of the later account in a way specifically devised to evade Academics like his listener, Marcus.

To this point, the epistemology of veridical dreams is rather abstract: we ‘perceive’ the causes of future events, and this allows us to have true dream appearances about those events. But Quintus fleshes this picture out in the final section of his Posidonian structure, the *ratio a natura* (1.129-132). The *natura* in view seems to be both our own φύσις and that of the cosmos, that is, the πνεῦμα that we, the lesser gods and the cosmos itself have in common and through which sympathetic causation and information can pass as in our own souls:

A natura autem alia quaedam ratio est, quae docet, quanta sit animi vis seiuncta a corporis sensibus, quod maxime contingit aut dormientibus aut mente permotis. Ut enim deorum animi sine oculis, sine auribus, sine lingua sentiunt inter se, quid quisque sentiat (ex quo fit, ut homines, etiam cum taciti optent quid aut voveant, non dubitent, quin di illud exaudiant), sic animi hominum, cum aut somno soluti vacant corpore aut mente permoti per se ipsi liberi incitati moventur, cernunt ea, quae permixti cum corpore animi videre non possunt. (1.129-130)

But there is another theory, from nature, that tells us how great the power of the mind is cut off from the senses of the body (which most of all applies either to sleepers or to those who are stimulated by their minds). Because just as the souls of the gods sense among themselves without eyes, without ears, without tongues what each of them senses (whence it comes about that people do not worry that

the gods might fail to hear them, even when they pray for something or make a vow *silently*), in the same way when human souls move free themselves through themselves when relieved of the body, either set loose by sleep or stimulated by the mind, and perceive things which they cannot see when mixed up with the body.

deorum animi... sentiunt inter se quid quisque sentient is probably a way of saying that the gods are in sympathy with one another—compare *Div. 2.34 ...coniunctione naturae et quasi concensu et consensu, quam συμπάθειαν Graeci vocant ...*. In appealing to the common sense usefulness of silent prayer, Quintus is likely to be appealing to the same theory as Epictetus used to show that the gods oversee all our actions, and Epictetus explicitly used the theory that the gods are in sympathy with us (*Epict. Disc. 1.14*). The specific aspect of sympathy that Quintus calls to our attention is that the gods have access to one another's sensations. Presumably, if 'Neptune' (the god who pervades the sea,) senses something, then 'Ceres' (the God who pervades the earth) (*dND 2.71*) can also sense it, this ability being attributable to the cosmic *natura*. 'Neptune' and 'Ceres' are connected through the cosmic πνεῦμα—the cosmic nervous system, so to speak—and thus have access to one another's sensations. Our *hegemonika* are also sensitive to some information available through the cosmic πνεῦμα. By this mechanism our *hegemonika cernunt* things that they cannot see in normal waking life. As we saw above, the important things to *cernere* in a divinatory dream are the causes of a future event. I take it that this is what Quintus refers to here. We cannot see them in normal waking life not least because they are, typically, scattered such that we cannot see them all at once.

In these contexts *cernere* seems to be carefully chosen to be somewhat ambiguous. Etymologically, *cernere*'s basic meaning is to sift or distinguish (*OLD*, sv.)

and there is some of that connotation here, as the divining soul somehow picks out the relevant causes of a future event. *cernere* can certainly be used to express sensory perception, especially visual perception: *acies, qua cernimus, quae pupula vocatur* (*dND* 2.142). But it can also be used of non-sensory forms of cognition, *bene adhibita ratio cernit, quid optimum sit* (*Tusc.* 4.58). Our sympathetic sensitivity to the causes of future events in natural divination seems to be in some ways analogous to sensation—disconnected from our own senses, our *hegemonikon* instead has access to the divine πνεῦμα, through which it ‘cernit’ the causes. The causes of the future events we foresee are thus in the causal history of our own veridical visions. But at the same time, it is important that this process is *not* sensation, precisely because it does not come through our own sensory πνεῦμα. A crucial difference must be that in normal perception the inputs from our senses are represented to in the familiar ways that mark them as such—visual impressions, auditory impressions, and so forth. But there is no such special way of representing information gleaned from the πνεῦμα around us in natural divination. Instead, our imaginative faculty represents it as ‘sensory’ information—visions, dreamed sounds and so on—which it is not. When I dream that Zeus stands before me and delivers a message, or that an egg is dangling from my bed, I am not seeing Zeus standing before me (though during the dream it seems to me that I *do* see him), nor do I see the egg.²⁴¹ The ‘sensory’ content of the dream is thus simply false. Perhaps there could be an element of truth in it, as when someone dreams that Dion is alive and standing beside him when Dion is, in fact, alive (*Sextus, M.* 7.246). But even there, the true content of the dream is extremely limited; the dreamer does not see Dion

²⁴¹ The egg dream was a notorious example from Chrysippus’ collection, *Div.* 2.134 cf. *SVF* 2.1202-1203. Its fame was lexicographical. In the story the dream interpreter understood the yolk of the egg to mean gold and the white to mean silver, and that both were buried under the bed; when the dreamer paid him with the resulting silver he asked, ‘what, no yolk?’. The story became an illustration of the word νεοττός, yolk.

standing beside him, even if Dion stands beside him. In *Lucullus*, Lucullus seems to agree with an Academic objector he imagines that the gods send false impressions in dreams (*Acad.* 2.47-53); his counter-argument is that dream impressions are distinguishable from normal waking ones, not that they can be true.

More importantly, perhaps, no ‘sensory’ impressions in dreams could ever be cataleptic. This is first and foremost because they are not really sensory impressions, but it is also the case that the *hegemonikon* is loosened and not operating to its usual standards. As a result, the sage probably will not assent to impressions in dreams (*Acad.* 2.52-53, cf. 2.88). This presumably applies to veridical divinatory impressions just as to normal dream impressions; I ought not to assent to any dream impression that a bearded Zeus stands before me even where the message he is giving me is true. The true content of veridical dreams is extremely circumscribed. Where I dream that there is an egg under my bed, the content that is true is the represented²⁴² proposition ‘there is gold and silver buried under my bed’, and everything else about my dream impressions is false. So it must be that I should never assent to my dream impressions during a dream. The time to spot the true content must be after I wake up and recall my dream. The process of divinatory dreaming is thus analogous to normal Stoic perceptual epistemology in some ways, but unique in others. The analogy is that the in divinatory case some propositional content (the prediction) is represented to the subject (as content in a dream) and has been caused in a natural way by its truthmakers (the causes of the future events it predicts).

²⁴² Of course, it is not represented in an immediately comprehensible way. Rather, it is represented rather as hieroglyphics represented Egyptian language when they were undreadable before their decipherment. They looked like cryptic drawings with no comprehensible propositional content, but they did *have* that content. When scholars deciphered the hieroglyphics they were not attaching new propositional data to the writing; rather, they interpreted content that was *already there*. This is Quintus’ point in comparing the interpreters of natural divinatory content to grammarians interpreting poetry (*Div.* 1.34). The comparison works best if we think of allegorizers finding indirectly represented content under the surface meaning of e.g. Homer.

But the divinatory case is unique in that the true content to which we should rightly pay attention is represented not as a cataleptic impression, but as part of a an unreliable (indeed, mostly false) set of impressions to which we should not assent, but which we should rather recall and interpret later when our *hegemonikon* resumes its proper functioning.

There seem to me to be two important gaps in Quintus' theory of divinatory dreams. The first is that he does not tell us how it comes about that a divinatory dreamer should happen to 'perceive' the causes of some future event that is of importance to her. When we consider the complexity of the causal history of any event, it becomes clear that picking out all the event's causes, or even most its salient causes, is a big task, and one which gets bigger and bigger the further the event is in the future at the time of the dream. Quintus points out that no human mind is capable of perceiving the total causal state of the whole cosmos (1.127), but he does not tell us how it is the human mind can come to see just the right portion of it on some occasions. We could conjecture one of two ways to fill the gap here. The first has been suggested to me (in conversation and through a work in progress) by Charles Brittain. Brittain's suggestion is that, in effect, God sets up a coincidence on each occasion that we have a divinatory dream; for each divinatory dream, the world just happens to be such that the dreamer 'perceives' the causes of a future event of which God wishes to apprise her, and there is no further explanation of why the dreamer perceives exactly those causes. This is a plausible view because it is exactly by 'coincidences' that Quintus accounts for artificial divination—as we shall see, he thinks that God sets up a series of coincidences that we can notice and then predict through divinatory art. It also gives God agency even in dreams where we dream 'ourselves through ourselves', which accounts for how such dreams come about

deorum adpulsu (1.64). It could well be right, and is certainly consistent with the text.

An alternative way to fill the first gap would be as follows. Just as the gods have access to our sensations and to one another's through sympathy, perhaps we have access to divine or demonic (or even human?) sensations through sympathy. That is, if God has access to our minds through sympathy, why cannot we have some access to his mind too? Both Quintus (1.126) and Epictetus (*Disc.* 1.14.7-10) suggest that the major difference between our minds and God's mind is one of scope, not kind. Our access, of course, would be very limited, in two ways. First, only in sleep and frenzy are our *hegemonika* able to represent in imagination the relatively faint 'signals' from the divine mind we have access to through the πνεῦμα. Second, we would only be able to have access to a tiny proportion of the contents of God's mind. But perhaps sometimes we manage to get a hold on the right parts, that is, on the cosmos' own belief about some future event pertaining to us and its sensation of the presently existing causes of that event. On this view, it is not a coincidence that we happen to see the right set of causes; rather, we get access to a set of God's sensory data about them that God has already grouped under the heading 'causes of event *e* due to happen to John tomorrow'.²⁴³ The point is not that we

²⁴³ There might be some evidence for this view in Calcidius, although Calcidius' presentation is sufficiently vague that we should hardly put much weight on it: *Heraclitus vero consentientibus Stoicis rationem nostram cum divina ratione conectit regente ac moderante mundana: propter inseparabilem comitatum consciam decreti rationabilis factam quiescentibus animis ope sensuum futura denuntiare. ex quo fieri, ut adpareant imagines ignotorum locorum simulacraque hominum tam viventium quam mortuorum. (In Tim. 251)* "But Heraclitus, with the Stoics in agreement, connects our reason with the divine cosmic reason that rules and guides cosmic affairs; <he says that> <our reason>, being given common awareness of <divine> rational decision because of an unbreakable fellowship, announces future things with the help of the senses, when our souls are in repose. From which, <he says>, it comes about that there appear <to us> representations of unknown places and the likenesses of men, alive as well as dead." If this passage were good evidence for a Stoic view, it would be interesting to see that Calcidius connects our *ratio* with the divine *ratio*. 'Our *ratio*' could mean a lot of things—some faculty of ours, our whole *hegemonikon*, the physical realisation of our belief set—but the intriguing point is that Calcidius says that our *ratio* is connected to the *analogous feature* of the divine. This sounds as though we are connected to God's *hegemonikon*, or some aspect thereof. That notion is reinforced by the claim that what we have access to by this connection is a *decretum rationabile*. But we must be very cautious about the worth of this passage as a comparandum for Quintus. First of all, Calcidius introduces it as primarily Heraclitean (he may allow himself a little pun here: Heraclitus issues a while the Stoics, *consentientibus*, come to hold the same belief

would have access (only) god's thought that 'e is due to happen' but rather that we would have access to god's *sensory* data about the causes and that we would in that way *cernere* them, much as god can tell what we are seeing. The advantage of this view is that it gives weight to the thought that we ourselves have a natural *vis divinandi* because of our *cognatio* with the divine. It is not just that we are physically sensitive to the cosmic πνεῦμα and represent some of its signals in our dreams, but rather that our minds are able (feebly) to interrogate the information available in the πνεῦμα in the same kind of way as the gods do.

The second gap in Quintus' theory is that he tells us nothing about how the perceptions of the causes of some future event which we are able to glean from the πνεῦμα are converted into the represented content about that future event found in our experiences in dreams. This sort of demand—how do our minds process the inputs?—might seem somewhat anachronistic, but Aristotle has something to say on the issue. For Aristotle, who conjectures that some veridical dreams result from the dim non-sensory 'perception' of remote events by the soul in sleep, the processing of these quasi-sensory inputs is essentially an association of ideas and images that will, on some occasions, result in a veridical dream by coincidence (*Div. per Somn.* 463a7-21, 464a6-20). In the parallel case of the use of dreams in medical diagnostics, a sensation of phlegm in the throat becomes a dream experience of enjoying a sweet drink, or a slight feeling of inflammation becomes the dream appearance of walking through fire (*Div. per*

by sympathy—the resonate with Heraclitus' views rather as with the *decreta* of God). We might suppose Calcidius' source is most likely to have been a Stoic one that claimed precedent in Heraclitus, but we cannot be sure what sort of Stoic, or Stoicizing, source that might have been. Second, Quintus would not agree that divinatory visions happen *ope sensuum*, so even if Calcidius accurately reports a Stoic view, it is not exactly Quintus' view. (But compare also *Div.* 2.119, where the soul perceives future things by the divinity of the *mens* and by conjunction with external *mentes*. That *mens* is used in both cases again suggests that our *hegemonikon* is joined to the *hegemonika* of gods, demons, or whatever, rather than simply perceiving the causes of future events directly.)

Somn. 463a12-16). The association of ideas in such cases is clear, but it is also indeterminate—the informative part of the dream appearance seems to be generated from the relevant sensation by a rather random step. Where several such steps might be involved, the veridical content of the dream will presumably be far from plain. In the ‘divinatory’ case, Aristotle speculates, the number of occasions on which some veridical content in the dream is recoverable is increased by recourse to dream-interpreters, whose skill is to eliminate the ‘noise’ of processing and so glean some information about the remote events and their outcome (rather as some ‘adaptive’ telescope mirrors can compensate for perturbations in the atmosphere and produce much clearer pictures). This analysis of dream interpretation suggests that the associative processing of faint quasi-sensory inputs is essentially random, since dream interpreters must often screen out randomized noise:

τεχνικώτατος δ' ἐστὶ κριτῆς ἐνυπνίων ὅστις δύναται τὰς ὁμοιότητας θεωρεῖν· τὰς γὰρ εὐθυονειρίας κρίνειν παντός ἐστιν. λέγω δὲ τὰς ὁμοιότητας, ὅτι παραπλήσια συμβαίνει τὰ φαντάσματα τοῖς ἐν τοῖς ὕδασι εἰδώλοις, καθάπερ καὶ πρότερον εἶπομεν. ἐκεῖ δέ, ἂν πολλὴ γίγνηται ἢ κίνησις, οὐδὲν ὁμοίᾳ γίνεται ἢ ἔμφασις καὶ τὰ εἶδωλα τοῖς ἀληθινοῖς. δεινὸς δὲ τὰς ἐμφάσεις κρίνειν εἴη ἂν ὁ δυνάμενος ταχὺ διαισθάνεσθαι καὶ συνορᾶν τὰ διαπεφορημένα καὶ διεστραμμένα τῶν εἰδώλων, ὅτι ἐστὶν ἀνθρώπου ἢ ἵππου ἢ ὄτουδήποτε, κάκεῖ δὲ ὁμοίως τί δύναται τὸ ἐνύπνιον τοῦτο. ἢ γὰρ κίνησις ἐκκόπτει τὴν εὐθυονειρίαν.

But the judge of dreams most skilled in the art is the one who can observe likenesses. For anyone can judge plain dreams. I mean by ‘likenesses’ that dream-appearances are analogous to reflections in water, as we said before (*de*

Insom.n 461a14-25). But in the case of water, if there is a lot of movement, the reflection and the images are not at all like the real things. But someone who could see at a glance and spot together the displaced and distorted features of the images, that one is of a man or of a horse or of whatever, will be a formidable judge, and similarly in the other case <someone who> can <judge> what a given dream is <will be a formidable judge>. For the movement deranges the plain dream.

For Aristotle, this processing is not a natural faculty to produce veridical dreams. It is random movement of the soul in sleep, and it happens more to the melancholic or fevered or drunk than to the healthy and sober (*de Insomn.* 461a21-23, *Div. Per Somn.* 464a32-464b1). It is just the same feature of the soul that gives us incoherent dreams when we are ill (*de Insomn.* 461a21-23). Now, Aristotle also allows for ‘plain’ dreams that do not stand in need of this sort of interpretation, but even with ‘plain’ dreams there is some sort of associative processing involved and it is more likely to occur in fools or the unhinged than in wise people with disciplined minds (*Div. Per Somn.* 464a17-24). For Aristotle, veridical dreaming caused by dim perceptions of the causes of future events would seem to be a coincidental occurrence, that is likely only in pathological circumstances. At best, it is an occasional upshot of other natural faculties of our soul.

Quintus could not agree with exactly this view, since for him we have a *vis divinandi* given to us by the gods. The *vis* is a designed feature of our souls, not a coincidental upshot of their nature, and certainly not pathological. Still, perhaps he might hold a similar view; he might think that our imaginative faculty indeed represents the inputs we receive through the surrounding πνεῦμα more or less at random, but that such representation is not a merely coincidental upshot of other features of souls, and rather

that those other features were elegantly designed to have just such an upshot.²⁴⁴ After all, he thinks that the true content of divinatory dreams often needs to be extracted by artificial interpretation and that the gods have provided for this (*Div.* 1.116). But he owes us some account of how, under certain (evidently unusual) circumstances the *hegemonikon* can process in some fairly reliable way information about the causes of a future event and produce a prediction of that event. After all, he is familiar with Plato's assertion in the *Republic* that we are more likely to have veridical (*veracia*) dreams if we eat and drink temperately, and he gives that passage as authority for his empirical claim that we have a *vis divinandi* (*Div.* 1.60-61 = Plato *Rep.* 571c-572a). If the *hegemonikon* has such an ability it would still not be surprising that divinatory dreams are distorted and hard to make out since in sleep our *hegemonikon* is weakened in its functioning. But Quintus gives us no theory along these lines. Now, still a third possibility might be that we are to think that the information about the causes of future events that we receive is to some degree 'pre-processed'; this would be the case if what we have access to through the πνεῦμα is not directly the causes of a future event, but to God's perceptions of and beliefs about those causes (a possibility I raised as a way to fill the first gap, see pp. 255-256). This pre-processed information would then be represented in a more-or-less random way by the *hegemonikon*'s imaginative faculty. This account would make our *vis divinandi* less than coincidental but cut out any need for reliable processing in the *hegemonikon*. But, so far as I can see, Quintus does not allow us to choose between these options.

(B6) Quintus' theory of divinatory frenzy.

For the most part, Quintus' explanation of divination in frenzy is the same as his

²⁴⁴ This, I think, is Brittain's view.

explanation of divination in dreams, and any features that I do not say are different I take to be the same. Our Stoic sources on frenzy (μανία or *furor*) are much less helpful on the physiology involved than they are for sleep and dreams; even Galen tends to deny any physiological side to Chrysippean μανία in *PHP* because his project is to show that Chrysippus' psychology is implausibly intellectualist (e.g. 4.5.22-23, 4.6.48). Frenzy tends to appear as a companion to dreaming in epistemological contexts, being the other notable state in which φαντάσματα are experienced. Precisely the feature of these two states that leaves their subjects able to divine naturally—the replacement of sensory impressions with φαντάσματα—makes them in other respects epistemologically unreliable and thus undesirable. So far as I know, the best clue to the Stoic physiology of frenzy beyond Quintus' *ratio* appears in *Acad.* 2.52, where Lucullus says that the insane (*insanis*) can tell when they start to be frenzied (*incipientes furere sentiant*) and also when they are recovering—*cum relaxentur*, “when they are being relaxed”. The process of *recovery* from frenzy sounds like what happens to *hegemonikon* when it enters sleep. This suggests that frenzy is in some way the opposite of sleep—it is excessive tension and/or τονική κίνησης in the soul rather than too little.

The crucial aspect of sleep that allowed the dreaming soul to divine was that the *hegemonikon* is cut off from the senses. Thus, in sleep the *hegemonikon*'s interactions with the cosmic πνεῦμα are stronger than its sensory inputs. But in frenzy, the diviner is awake. So, how is it that *hegemonikon* represents to itself in divinatory frenzy not the strong sensory inputs of waking life, but rather the deliverances of its sympathy with the divine? The answer must be that what matters in a divinatory state is the strength of the *hegemonikon*'s own independent activities *relative* to the strength of its sensory inputs. In sleep, the *hegemonikon* is weakened but sensory inputs are completely cut off; in

frenzy, there are strong sensory inputs, but the *hegemonikon*'s independent activity is stronger still and responds to its own sympathy with the surrounding πνεῦμα rather than to sensory inputs. In the case of frenzy the sense in which the *animi vis* is *seiuncta a corporis sensibus* (1.129) is rather more metaphorical than in the case of sleep. In sleep, there is a literal barrier in the slackened sensory 'tentacles' between the *hegemonikon* and the senses; in frenzy, there is no such literal barrier cutting off sensory inputs, but those inputs are relatively ineffectual. Quintus employs another metaphor to describe the divinatory effects of frenzy on the *hegemonikon*, that of the soul 'leaving the body':

Ergo et ei, quorum spretis corporibus evolant atque excurrunt foras, ardore aliquo inflammati atque incitati, cernunt illa profecto quae vaticinantes pronuntiant. (1.114)

So those people whose souls, having spurned their bodies, fly away and charge out inflamed or excited by some fervour, they perceive those very things which they foretell when they prophesize.

The Stoics were in a better position than most other theorists of mind to think that the soul (or at least the rational part of it) could literally leave the body, since they considered it a lump of stuff permeating the body. But I doubt that Quintus intends this image literally. Rather, he means that in divinatory frenzy the *hegemonikon*'s attention, so to speak, shifts from bodily matters towards the causes of future events to which it has access through the πνεῦμα of which it is a part and which extends out beyond the body all through the cosmos. 'Attention' here does not exactly mean the sort of attention that one can voluntarily direct, since frenzy is not a voluntary state and frenzied people hardly seem to be able to divine at will. Rather, it is whatever relation allows the imaginative faculty to represent at one time sensory inputs, at another inputs from the cosmic

πνεῦμα.

Quintus casts his net very wide for the causes of frenzy, as indeed he must given the range of phenomena he seeks to explain by it. He includes under his empirical examples of frenzied divination everything from the tragic prophecies of Cassandra (1.66) to the visions of an oarsman before the battle of Dyrrachium (1.68), the activities of the Pythia at Delphi (1.38, 79) and the calm foresight of the Indian Callanus as he mounted his own funeral pyre (1.47, 65). Of the causes Quintus says:

Multis rebus inflammantur tales animi qui corporibus non inhaerent, ut ei qui sono quodam vocum et Phrygiis cantibus incitantur. Multos nemora silvaeque, multos amnes aut maria commovent. Credo etiam anhelitus quosdam fuisse terrarum quibus inflatae mentes oracla funderent, quorum furibunda mens videt ante multo, quae sint futura. Credo etiam anhelitus quosdam fuisse terrarum quibus inflatae mentes oracla funderent. (1.114-115)

Such minds as do not stick in their bodies are inflamed by many things, like those who are excited by the sound of voices and songs in the Phrygian²⁴⁵ mode.

Groves and woods enthuse²⁴⁶ many people, and rivers or seas enthuse many people, whose frenzied mind sees what will be long before hand. [There follows a list of examples, including tragic Cassandra, some Roman *vates* and the Pythia.]

I believe also that there have been some exhalations of the earth, and that minds inflated with these used to pour out oracles.

Quintus here admits what we would call in 21st-century parlance both ‘physical’ and ‘psychological’ causes. The physical cause is the *anhelitus* (cf. Plutarch’s ἀναθυμίασις, *Defectu Orac.* 437c) that in the past would dispose a *hegemonikon* to yield up oracles.

²⁴⁵ The Phrygian mode was evidently thought to excite the mind; cf. the quotation from Galen below.

²⁴⁶ It is tempting to see some hint at sympathy in *commovent*. But the *com-* in *commovere* can be just emphatic as in ‘commotion’, see *OLD* sv. 1. Perhaps the double meaning is useful for Cicero here.

This immediately follows mention of Apollo's oracles, so it seems very likely that one exhalation Quintus has in mind here is the sweet-smelling gas that Plutarch's Lamprias says was sometimes perceptible even to visitors in the temple at Delphi (*Defectu Orac.* 437c). Quintus seems to be even more pessimistic than Plutarch about the latter-day exhalation and implies that it has dried up altogether, or ceased to be efficacious. But, when it did work, Quintus suggests that it had physical (we might say, 'chemical') effect on the *mens*, the *hegemonikon*, of the prophet. This effect was to put the Pythia's mind into a frenzied state appropriate for prophecy.²⁴⁷ On the other hand, Quintus cites some (in modern terms) 'psychological' causes: certain types of music, or even just numinous landscapes, the perception of which leads the mind to frenzy. Here there is no 'chemical' agent. Rather, sensory impressions entertained and their associated thoughts and (in some sense) feelings lead the subject's mind into a frenzied state.

Quintus does not enlarge on these 'psychological' cases as much as he might. How can a Stoic account for the possibility of heard harmonies disrupting the normal functioning of the mind, where she takes the normal functioning of the mind to be always to do with rational assents to impressions? Galen pressed exactly this objection against Chrysippus in a passage that Edelstein accepts is largely Posidonian (commentary on F168), although it is related to and explicitly (5.6.20) draws on the use of music in Plato's educational schemes:

ἐπεὶ διὰ τί πρὸς θεῶν, ἐρωτήσω γὰρ ἔτι τοῦτο τοὺς ἀπὸ τοῦ

Χρυσίππου, Δάμων ὁ μουσικὸς αὐλητρίδι παραγενόμενος αὐλούση τὸ

²⁴⁷ Cf. Lamprias in Plutarch *Defectu Orac.* 438a on the Pythia's inspiration: ὅταν οὖν εὐαρμόστως ἔχη πρὸς τὴν τοῦ πνεύματος ὡσπερ φαρμάκου κρᾶσιν ἢ φανταστικὴ καὶ μαντικὴ δύναμις, ἐν τοῖς προφητεύουσιν ἀνάγκη γίγνεσθαι τὸν ἐνθουσιασμόν, "So whenever the imaginative and divinatory faculty is in a state well suited for the admixture of the πνεῦμα as of a drug, necessarily inspiration comes about in those giving oracles." πνεῦμα here seems to mean the gas of the exhalation, not πνεῦμα in the Stoic sense.

Φρύγιον νεανίσκοις τισὶν οἰνωμένοις καὶ μανικὰ ἄττα διαπραττομένοις ἐκέλευσεν ἀυλῆσαι τὸ Δώριον, οἱ δ' εὐθύς ἐπαύσαντο τῆς ἐμπλήκτου φορᾶς; οὐ γὰρ δήπου τὰς δόξας τοῦ λογιστικοῦ μεταδιδάσκονται πρὸς τῶν ἀυλημάτων, ἀλλὰ τὸ παθητικὸν τῆς ψυχῆς ἄλογον ὑπάρχον ἐπεγείρονταί τε καὶ πραύνονται διὰ κινήσεων ἀλόγων. (*PHP* 5.6.21-22)

So why, by the gods (I shall ask this too of Chrysippus' followers), when Damon the musician came upon a girl playing a flute in the Phrygian mode to some young men who were in their cups and doing whatever frenzied things, did he tell her to play in the Dorian mode, and <why> did they stop their deranged conduct? For at any rate they were not taught new beliefs of the rational faculty from the flute music, but rather the non-rational affective faculty that the soul has snapped them out of it and calmed them down, through non-rational motions.

Quintus thinks that exactly the sort of Phrygian mode music that Galen mentions *can* produce some sort of frenzy. So if we were to accept the Galen passage as Posidonian, it would be evidence that Posidonius—and thus Quintus—could have thought that music could have non-rational effect on the psychological state of its audience. The sound of the Phrygian music induced the youths by some non-rational process to bad behaviour and the Dorian calmed them down.²⁴⁸ Alternatively or additionally, perhaps a certain harmonic or rhythm could have a 'physical' affect on the soul independent of its 'psychological' one and kick the *hegemonikon* into a state of excitement. But in the case of viewing a grove or the sea, it is harder to see how there can be a fierce enough affect, physical or emotional, to produce frenzy. Rather, the frenzy would have to be brought on

²⁴⁸ This need not imply that Posidonius held a Platonic, multi-part view of the soul (although Galen, who interprets Posidonius as a Platonist, phrases some of the passage that way). That he thought music can lead by irrational or non-rational means to frenzied behaviour or states of mind need not imply that he thinks there is some proper παθητικὸν part of the soul.

just by the thoughts involved in considering the numinous scene. Woods, seas and the like are common Stoic examples of the sorts of numinous sights that should bring on admiration of the divine (*dND* 2.95, 98, 100-101, Seneca *Ep.* 41). In Quintus' view, such admiration can lead the subject to get carried away with the excitement and enter a state of frenzy. This idea, perhaps, draws plausibility from the fact by contemplating something that shows the admirable hand of the divine we can be led to represent to ourselves information gleaned from the divine.

Quintus' list of causes is also remarkable in that he manages to avoid any causes of frenzy that make it appear a *pathological* state. *Furor* or μανία is primarily an undesirable state, at least as much for the Stoics as for anybody else. Leaving aside the possibility of natural divination, it puts one in an epistemologically useless state much as dreams do (*Acad.* 2.52-53). Sextus enjoys the examples of Euripides' Heracles Furens (ὁ ... Ἡρακλῆς μανείς) who kills his own children after mistaking them for Eurystheus' (*M.* 7.405) or his Orestes who mistakes Electra for a Fury κατὰ μανίαν (*M.* 7.244-245), and Aëtius uses the latter example when explaining that the Stoic φάντασμα is typical of τῶν μελαγχολῶντων καὶ μεμηνότων, "melancholics and those who are frenzied" (*SVF* 2.54). In these cases the Stoics would surely have regarded the frenzy as pathological and to be avoided. In Orestes' case the dramatic cause of his madness is (presumably) the Furies, while Heracles is driven mad by Iris and a personified Rage (Λύσσα) (*HF* 822-873). But Quintus steers clear of these sorts of causes, or of 'physical' ones like melancholy (i.e., an excess of black bile). Instead, his frenzies are brought on by the exhalations at Delphi or religious music and salubrious scenery. As with the suggestion Brittain makes in the case of dreams (that Posidonius must think that a disposition to divinatory dreams is natural rather than pathological), so in the case of

frenzy Quintus carefully suggests that one can reasonably put oneself into the sorts of circumstances where frenzy will result, and hence that divination in frenzy could be part of a desirable and virtuous life. When we try to refer this part of the theory back to Quintus' empirical examples, it does not look plausible. Perhaps it accounts for the Pythia or Callanus ascending his pyre, but Cassandra is usually portrayed as suffering unenviable divine punishment and oarsman at Dyrrachium was presumably crazed with terror. Still, maybe all Quintus needs to show is that even someone living a virtuous life might put themselves in some situations where divinatory frenzy could be induced.

Such, then, is Quintus' theory of natural divination. A neat summary of the Stoic theory is given by Marcus (*Div.* 2.119):

Divinos animos censent esse nostros, eosque esse tractos extrinsecus, animorumque consentientium multitudine completum esse mundum; hac igitur mentis et ipsius divinitate et coniunctione cum externis mentibus cerni, quae sint futura.

They [i.e. the Stoics] say that our souls are divine, and that they [i.e. our souls] are drawn from outside, and the cosmos is full of a huge number of souls in sympathy; therefore by this divinity of the <human> mind itself and by <the human mind> being joined with minds outside, the things which will be are perceived.

(C) The Theory of Artificial Divination.

There is much less to be said about Quintus' theory of artificial divination. For one thing, insofar as it appeals to natural facts, it appeals to some of the same facts that we find in

the theory of natural divination. But more importantly, with artificial divination it is the case in a much clearer sense that Quintus' theory is just that he has no theory. He holds that he *has* no explanatory connection between signs and outcomes to offer, other than the fact that God has elected to ensure that the latter follow the former in a way they we can predict through an empirical art, and he is not concerned that in many cases there may well *be* no explanatory connection to offer. That is why he says that while the *ratio* of natural divination is a bit obscure, the *ratio* of artificial divination is *facilis*, “easy” (1.109). This is immediately clear in his preface to the *ratio* which, as with natural divination, is his theory in a nutshell. The preface on natural divination appeals to key natural facts; the preface on artificial divination just repeats the case given in the section of the speech dealing with the *eventa*:

Quae enim extis, quae fulgura, quae portentis, quae astris praesentiuntur, haec notata sunt observatione diuturna. Affert autem vetustas omnibus in rebus longinqua observatione incredibilem scientiam; quae potest esse sine motu atque impulsu deorum, cum, quid ex quoque eveniat, et quid quamque rem significet, crebra animadversione perspectum est. (1.109)

For things which are foreseen by entrails, things foreseen by lightning, things foreseen by prodigies, these have been noticed by daily recording. But antiquity produces unbelievable²⁴⁹ knowledge of all subjects by recording over a long time. This can come about without divine motion or inspiration since it is by alert observation that we spot what outcome comes from each thing, and what thing signifies which event.

Quintus insists that divinatory sciences operate purely by recording observations of signs

²⁴⁹ Cicero might intend Quintus to produce a sly oxymoron here—it will turn out later in the dialogue that Quintus personally believes in natural divination, but not in the artificial kind (2.100).

and outcomes—that is, without theorizing about the connection without the two. It is important that the two things being connected are a sign (*quid... significet*) and an outcome (*quid... eveniat*); Quintus has not moved from talking in the terms of a science that connects sign and outcome talking about causes and effects, instead, he is still talking about signs and outcomes. The outcome (*eventum*) is a *res* (event or state-of-affairs, $\pi\rho\tilde{\alpha}\gamma\mu\alpha$) but it is not considered here the *effect* of its sign. We can compare his description in the *ratio a fato* of for-the-most-part *causal* laws²⁵⁰, which are also formulated by observation over a long period:

[Fate is to be understood as] *causa aeterna rerum, cur et ea, quae praeterierunt, facta sint et, quae instant, fiant et, quae sequuntur, futura sint. Ita fit ut et observatione notari possit quae res quamque causam plerumque consequatur, etiamsi non semper (nam id quidem affirmare difficile est).* (1.126)

[Fate is to be understood as] the eternal cause of events, and the reason why those things which have been happened, and those things which are present, are happening, and those things which follow, will be. Thus it comes about that we

²⁵⁰ Bobzien (1998) is very reluctant to talk about ‘causal laws’ or indeed ‘laws of nature’ generally in connection with the Stoics (32-33, 41-43). This is because she inherits Michael Frede’s view on Stoic ‘active’ causes, whereby an ‘active’ antecedent cause does not determine its effects, but rather the combination of an ‘active’ cause and the ‘containing’ cause of an individual nature in which the effect plays out (20, 32-33; Frede (1980) 246-249). To the extent that she thinks Stoic ‘laws of nature’ would be appropriate, they would have to be written in terms of the behaviour of kinds of natures (Bobzien (1998) 33, cf. Frede (1980) 247). But Quintus plainly thinks that, for the most part, after observation we can say what will be consequent on each cause, and it seems to me that making such predictions on the basis of observation must involve the induction of for-the-most-part laws connecting causes and effects (with reference to the cause’s environment, of course). Furthermore, we know from *Fat.* that Chrysippus refused to formulate divinatory theorems as conditionals, and that for him conditionals required a necessary connection of antecedent and consequent. This strongly suggests that he thought we could formulate such conditionals, otherwise he would have had to excise conditionals altogether from his logic. Frede (1980) assigns to these conditionals the role of characterising kinds of natures and their internal behaviour. But since the cosmos has a nature, surely we can formulate Frede-type conditionals about the internal behaviour of the cosmos that look a lot like causal laws describing the behaviour cosmos’ contents? That seems to be the point of inferring unification from observed sympathies. Quintus thinks that someone in possession of a complete knowledge of the nexus of all the causes in the world at a particular time can infallibly predict the future (1.127).

can also by observation notice what event is a consequence of each cause for the most part, even if not always (for that is difficult to be sure about).

Here we note not *quid ex quoque eveniat* but rather *quae res quamque causam consequatur*. From this it is supposed to be plausible that future events are determined by present causes. But the theorems drawn up in divinatory arts are not causal laws like this, not even of the for-the-most-part kind.²⁵¹ Quintus never proposes that there need be any causal connection between sign and outcome in artificial divination, only that there is a regular observable correlation.

Still, Quintus seems to feel himself committed to saying something about artificial divination in each Posidonian sub-division of his *ratio* of divination. In the *ratio a deo* he tells us how God brings about signs (1.118-121), in the process answering a Carneadean objection; in the *ratio a fato* he gives the specifics of the theory of truth of future predictions as applicable to artificial divination (125-128); in the *ratio a natura* he finds himself hard-pressed for anything to say, but digs up some supposed examples of this kind of explanation (130-131) and then finishes his speech in favour of divination with a rousing peroration that restates the ideal history of the formulation of divinatory arts as a natural fact (131). Let us examine each of these in turn.

The *ratio a deo* is introduced with a big problem (*magna quaestio*): the question is, *quo modo autem aut vates aut somniantes ea videant, quae nusquam etiam tunc sint?*,

²⁵¹ Here I agree with what is now the consensus view about Stoic divinatory theorems (Allen (2001) 161-170, Bobzien (1998) 159-170 and perhaps Frede (1980) 247-248 although it is unclear to me whether Frede there thinks that divinatory theorems are some sort of case parallel to attempts to make predictions on the basis of antecedent causes, or that they fail to be Chrysippean conditionals just because they make predictions from antecedent causes; the latter would be wrong, and the former would be somewhat misleading since the arguments in *Fat.* which he loosely cites are concerned with divination, not with prediction from antecedent causes). Sambursky thought that the theorems were themselves causal laws of physics: Sambursky (1959) 79-80, “the negative formulation of empirical relations is actually the starting-point of the great laws of modern physics”, and are part of “[t]he revolutionary progress made by the Stoics in elaborating the concept of causality.”

“but how do prophets or sleepers see things which are not at the time the case anywhere?” (1.117). Judging from Quintus’ answer, despite the similarities of phrasing this question is different from the subsequent narrow question of how predictions can be true now and how consequently divination works epistemologically (the narrower question is addressed in the section *a fato*). The question for now seems to be a more general one, ‘how do diviners see things that are completely remote from human cognition?’. The implicit answer to this general question is simple enough: they don’t. But the gods do, and given the basic theses of Stoic theology established by Balbus in *dND* we know that the Gods can signify the future to us and, since they care for individual humans, sometimes they will do so (1.117). This prompts the question that Quintus next undertakes to answer:

*Sed distinguendum videtur quonam modo. Nam non placet Stoicis singulis
iecorum fissis aut avium cantibus interesse deum; neque enim decorum est nec dis
dignum nec fieri ullo pacto potest.*(1.118)

But it seems that we must specify how [they signify future events]. For the Stoics do not hold that individual clefts in livers or the songs of birds matter to God; for it is not seemly, nor worthy of the gods, nor can it happen at all.

Quintus here appears to react to some sort of criticism, real or imagined (*distinguendum videtur*), according to which the Stoics are accused of making their gods interested in trivial matters. This is a curious ‘accusation’—the Stoics think that the gods do indeed determine every last thing. In what sense is it ‘unworthy’ and even impossible that the gods should care about small matters? And since the gods care about signifying the future, why should they not care about the relevant signs? What precisely is the objection?

It seems likely that Quintus here answers an objection he attributed to Carneades in 1.12: *Quare omittat urguere Carneades, quod faciebat etiam Panaetius, requirens Iuppiterne cornicem a laeva, corvum ab dextera canere iussisset*, “For which reason [the empirical approach to divination] Carneades should stop pressing his objection, which even Panaetius used to do, inquiring whether Jupiter had ordered the crow to sing on the left, the raven on the left.” I take it that Carneades objects on the basis that Jupiter has issued some *specific* order to each bird. In 1.12 Quintus waves such objections away, but in 1.118-119 he gives an answer. This begins with:

sed ita a principio inchoatum esse mundum ut certis rebus certa signa praecurrerent, alia in extis, alia in avibus, alia in fulgoribus, alia in ostentis, alia in stellis, alia in somniantium visis, alia in furentium vocibus. (1.118)

But [the Stoics hold that] the cosmos was started up from the beginning in such away that certain signs would precede certain events, some signs in the entrails, some in birds, some in lightning, some in omens, some in the stars, some in the visions of dreamers, some in the voices of those in frenzy²⁵².

The crucial point of this response is *a principio inchoatum esse mundum*. God determined *at the start of the cosmic cycle* that certain signs would precede certain events. That is, God does not intervene ‘supernaturally’ by forcing each crow to croak in the right way; instead, when charting his overall determination of the course of cosmic

²⁵² It is uncomfortable for my interpretation of Quintus as favouring a later Stoic view of divination distinct from Chrysippus’ that he mentions here ‘signs’ in dreams and frenzy alongside the ‘signs’ of artificial divination. According to me, Chrysippus thought that all divination was artificial and that dreams and frenzy yield signs with the same status as bird-flight or clefts in the liver, but Quintus thinks that the content of divinatory dreams or frenzied visions is already a true prediction rather than a sign. I have to take it that Quintus is speaking loosely here, and by ‘signs’ just means the phenomena useful for divinatory prediction that God determines at the start of the cosmos. (If I were prepared to dismiss passages of *Div.* from my interpretation of Quintus for source-critical reasons, then I would be inclined to say that this sentence and the following one about interpretation reflect a Chrysippean source and are not representative of the view that Cicero wants to make dominant in Quintus’ speech.)

history, he makes sure to set things up so that the right coincidences of sign and outcome always occur.

Quintus next goes on to tell us how god can determine events like the state of entrails or the flight of birds naturally, that is (I take it) without ‘supernatural’, particular intervention in each case. By ‘supernatural intervention’ here I mean an intervention where God either steps in and forces the bird to behave in a way contrary to how a bird with its nature would usually behave, or induces the bird to make some movement according to its own nature by forcing some aspect of the bird’s environment to behave contrary to *its* nature. That is, ‘supernatural’ intervention would involve God making an exception in the usual behaviour of the natures he has set up for the various parts of the world in order to produce a sign. I intend ‘parts of the world’ very generically: animals, seas, heavenly bodies—any part of the cosmos that has a distinct nature. I think that Quintus denies this sort of intervention in the case of haruspicy as follows:

Hoc enim posito atque concesso, esse quandam vim divinam hominum vitam continentem, non difficile est, quae fieri certe videmus, ea qua ratione fiant, suspicari. Nam et ad hostiam deligendam potest dux esse vis quaedam sentiens, quae est toto confusa mundo, et tum ipsam, cum immolare velis, extorum fieri mutatio potest, ut aut absit aliquid, aut supersit; parvis enim momentis multa natura aut affingit aut mutat aut detrahit. (1.118)

When we posit and concede this—that there is some divine force containing human life—it is not difficult to make out on what theory those things happen that we certainly see happening. For a sentient force that pervades the whole cosmos can be a guide to the choice of a victim, and then when you wish to sacrifice the victim there can be a change in the entrails, so that they might lack something, or

have some excess feature; for in tiny moments nature adds many things, or changes them, or takes them away.

The *ratio* that Quintus adverts to here is, again, the πνεῦμα theory—that there is a divine *vis quaedam sentiens, toto confusa mundo*. This *vis* ‘contains human life’ and hence can be a ‘guide’ to the choice of victim. Now, the ‘guide’ explanation might sound like an appeal to particular supernatural intervention, but in fact that is out of line with the πνεῦμα theory. As we have seen divine πνεῦμα ‘contains’ human life in that the human ‘soul’ and ‘nature’ are a chunk of divine πνεῦμα, and in that the πνεῦμα is the *συνεκτικόν*, the ‘containing’ cause of natural human activities. It is by human nature itself, a nature set up by and constituted from a part of the divine nature, that the divine determines our reactions to our environment. Thus, we are *naturally* ‘guided’ to certain choices (of course, God controls our environment too). Similarly, once we have chosen a victim the victim’s entrails can alter to give us a sign when examined. This too might appear to require supernatural intervention, and Quintus’ example is the case of Caesar’s sacrifice in which the victim’s heart was found to be missing (1.119). But Quintus insists that *natura* makes changes to organs. The point of the example seems to be that the disappearance of the heart is something that happened recently in Rome and was reliably witnessed—it is one of those things *quae fieri certe videmus*. So, given that it happened, we should agree that it could happen naturally. This looks a rather implausible inference in context (it rather assumes what needs to be proved), but we can put a more charitable spin on it. Suppose that we 21st century readers take our sources seriously, and conclude that there really was a reliably witnessed incident at Caesar’s sacrifice where the victim appeared to have no heart (and appearance is what matters with a divinatory sign) (the sources collected in Pease (1920-23) *ad loc.* are copious—Pliny *NH* 11.186-187;

Obsequens, 67; Valerius Maximus 1.6.13; Suetonius *Divus Julius* 77; Appian 2.116; Plutarch *Caesar* 63). We would surely agree that the victim must have had a heart until its death. Now, how do we explain the apparent lack of a heart when the victim was cut open? I assume we will not have recourse to the supernatural. So, we will concede to Quintus that there is some obscure but possible natural circumstance in which a heart can disappear at the moment a sacrificial victim is cut open. That is, we *do* assume what Quintus needs to prove, and the example gets at this intuitive assumption.

The second passage in which Quintus deals with the issue of what I have called ‘supernatural’ intervention is rather more ambiguous. It concerns how God brings it about that birds move in the right way for augury (1.120):

Eadem efficit in avibus divina mens, ut tum huc, tum illuc volent alites, tum in hac, tum in illa parte se occultent, tum a dextra tum a sinistra parte canant oscines. Nam si animal ut vult ita utitur motu sui corporis, prono, obliquo, supino, membraque quocumque vult flectit, contorquet, porrigit, contrahit eaque ante efficit paene quam cogitat, quanto id deo est facilius, cuius numini parent omnia!

The divine mind does the same thing in birds, so that they fly now this way, now that way, disappear now over here, now over there, sing now on the right, now on the left. For if an animal uses the movement of its body forward or side-to-side or backward as it wishes, and bends and twists and straightens and draws in its limbs however it likes, how much easier that is for God, whose will everything obeys.

The ambiguity here is in the analogy between the way an animal moves itself and how God moves an animal. Quintus argues that since an animal can move itself as it wishes, *a fortiori* God can move the animal however *he* wishes, with greater ease. On the one hand this could mean that God can easily step in and override the animal’s natural tendencies,

but on the other it could mean that it is easy for God to move an animal according to that animal's nature. At first sight the former, 'supernatural' case might seem more likely, because the analogy between the animal's control of itself and God's control of itself is clearer on that interpretation. In the latter, non-'supernatural' case the analogy is less clear, because in the non-'supernatural' case the way God sets up divinatory signs will be by planning ahead, and not by doing himself anything to the animal's body analogous to the animal's own impulses. But I think that this apparent support for a 'supernatural' interpretation is misleading. First, God is said to do *eadem*, the *same* things, with birds as he does in the case of haruspicy just before. Second, I prefer to understand this passage about the birds as arguing for the scope of God's natural control, that is, precisely that birds are governed by a part of the divine mind, that is, their own natures.²⁵³

So, on my interpretation, Quintus' reply to Carneades' objection is that God does not intervene 'supernaturally' in specific cases, but rather that God planned the course of the cosmos from the start so that the interaction of individual natures would play out in such a way that certain signs would happen to precede other events. Certainly, this

²⁵³ The role of the animals themselves in augury and related practices was a subject of debate throughout antiquity. The main concern among many supporters of divination was to make clear that they did not hold that divinatory animals themselves had insight into the future events that they were being used to predict. Socrates' view reported in Xenophon's *Memorabilia* (1.1.3) seems to have been influential: ὑπολαμβάνουσιν οὐ τοὺς ὄρνθας οὐδὲ τοὺς ἀπαντῶντας εἰδέναι τὰ συμφέροντα τοῖς μαντευομένοις, ἀλλὰ τοὺς θεοὺς διὰ τούτων αὐτὰ σημαίνειν, κάκεινος δὲ οὕτως ἐνόμιζεν, "[supporters of divination] take it that neither the birds nor people one runs into [apparently a type of sign for Xenophon] know what will happen to those divining, but rather that the gods signify through them, and [Socrates] believed this." Cf. e.g. Epict. 1.17: οὐδὲ τὸν κόρακα θαυμάζομεν ἢ τὴν κορώνην, ἀλλὰ τὸν θεὸν σημαίνοντα διὰ τούτων, "we do not wonder at the crow or the raven but rather the God who signifies through them." But Origen attributes to Celsus a view that birds and the non-rational animals are in a sense more divine than us because we get information about the future from them (*Cels.* 4.88). Origen evidently understands this possession of a θείαν φύσιν (4.91) to mean that the animals themselves have knowledge of the future, because he gives a counter-argument, that if animals foresaw they future they would not put themselves in danger as they do (4.89-91). So Celsus, in Origen's report, represents another side of the debate in which Xenophon and Epictetus agree. It may be that Quintus over-emphasises the role of the divine will in the significant movement of birds precisely to locate himself in this debate—although he thinks that birds in themselves have some *vis divina*, nevertheless significant movements represent *the gods signifying*, not any insight on the part of the birds themselves.

would be a task of astonishing complexity, but as Velleius points out in *dND* the Stoics were never shy about increasing the divine workload (he says that the Stoic God is *laboriosissimus*, *dND* 1.52). If this is right, perhaps we might conjecture that the course of the debate with Carneades went as follows. Chrysippus (or a Stoic colleague) held that God does not set up causal connections between divinatory signs and outcomes (hence his analysis of divinatory theorems as negated conjunctions in *Fat.* 15), and instead sets up regular ‘coincidences’. This position gives Carneades’ challenge quite some bite: if there is no causal connection to the work, does God have to intervene and cut clefts in livers, shove birds around, hurl lightning here and there? Quintus’ reply is that there is God does not need to intervene ‘supernaturally’ in specific cases; rather, the course of the cosmos is determined ahead of time so that the right coincidences naturally fall out.

Whether or not my conjecture about its place in the historical dialectic is correct, I can think of two lines of interpretation concerning Quintus’ view. One line would say that according to Quintus, as with my conjectural version of Chrysippus’ view, God just sets up coincidences in every case, and there is never any sort of natural or causal *connection* between sign and outcome. A second line would be as follows. We have seen the importance of sympathy in the Stoic πνεῦμα theory. Sympathy seems to work something like this: two natures (say, the moon and the sea) are physically connected through the πνεῦμα. The tensional movement in the πνεῦμα allows ‘transmission’ (διάδοσις) between the two. This connection allows the two natures to be ‘co-affected’; when the moon moves into a certain position, the sea undergoes a certain affection. Now, in his argument against sympathy at 2.34-37, Marcus protests the absurdity of proposing that there is sympathy between a cleft in a liver and his personal financial gain (2.34). That would seem to suggest that he is attacking a position according to which there is a

sympathetic connection between sign and outcome. So perhaps the view presents is that there *is* some causal connection between sign and outcome, i.e., one of sympathy. God sets up the cosmos such that are sympathetic connections between two natures. Sometimes, there is a connection between (say) a bird and some other natures determining an apparently unconnected outcome. So God avoids supernatural intervention in every case not by setting up a series of bare coincidences, but by ‘programming’ the right connections into apparently disparate natures.

Although it might have some limited role, I think that this latter line of interpretation of Quintus’ view cannot be the right one in general. First, Quintus explicitly distinguishes divination from predictions made through *insight* into natural correlations or connections, be it the sort of remarkable predictions associated with Solon or Thales (1.111) or the sort of prognostic predictions from traditional weather-signs we find in Aratus (1.12-16). So to explain artificial divination in general just by positing a sympathetic connection of sign and outcome would be to explain it away; it would be another empirical science like Posidonius’ hydrology and it would no longer be the prediction of future events *quae fortuitae putantur*. Second, the context in book 2 is not such good evidence for the second line of interpretation as it first appears. For one thing, surely no Stoic ever thought that there was sympathy between a liver and Marcus’ *lucellum* or *quaesticulus*; a bonus or bank-balance is surely not the sort of thing that is in sympathy with a natural body (2.34). Marcus’ example looks more satirical than serious; by contrast, in 2.142 he asks a more coherent question about the sympathetic connection between a dream and future events. When Marcus goes on to grant the point on sympathy (for argumentative purposes) he says that he weakens himself if *ullam esse convenientiam naturae cum extis concessero*, “[he] concede[s] that there is any

agreement of nature with the entrails” (2.35). What he concedes is importantly different from what he has been satirizing; he concedes is that the liver may be connected to a Nature greater than itself, rather than that the liver is connected to the *outcome*, financial gain. Finally, a sympathetic connection of sign and outcome would probably have required that Chrysippus’ analysis of divinatory theorems as negated conjunctions be dropped in favour of a conditional analysis, and there is no evidence of this²⁵⁴.

Now, I have said that there might be *some* limited role for the line of interpretation according to which God employs sympathies between natures to guarantee the correlations of artificial divination. We will see later in the *ratio a natura* that according to Posidonius and Quintus a few types of artificial divination might turn out to be explicable more or less as natural sciences. So I do not think that Quintus’ theory *excludes* the possibility that there is some sort of sympathetic connection between sign and outcome, since it allows that other, more straightforward natural connections between outcomes are sometimes discoverable. Rather, it is important to see that in Quintus’ theory *it does not matter* whether there is a natural connection between sign and outcome or not. What matters is that God sets up the coincidences and, so far as even Posidonius could tell, in most cases God does this just by planning that certain signs will precede outcomes, while in other cases he may have employed some natural connection. Divinatory sciences are not thought to be devised on the basis of any insight into natural connections of the sympathetic sort (except possibly in some cases where a mythological aetiology of a divinatory practice would have been subject to Stoic allegorical interpretation). In many cases it seems most plausible that there is no such

²⁵⁴ Granted, Quintus formulates some divinatory theorems as conditionals (1.121). But Chrysippus’ point about divinatory theorems is probably that they are to be properly analysed as negated conjunctions, not necessarily that they must slavishly be phrased that way (*pace* Marcus’ captious objections, *Fat.* 15-17). Furthermore, Sextus implies that there was after Chrysippus a Stoic truth-functional analysis of conditionals (*PH* 2.104-106).

connection—for example, it seems deeply implausible that there was any such connection between birds and matters of state. But it does not matter whether or not there is any such connection, so long as God has set up the right series of coincidences.

Let us now turn to Quintus' remarks on artificial divination under the second of Posidonius' divisions, the *ratio a fato*. This is the part of his *ratio* of artificial divination equivalent to his views on the epistemology and theory of truth in natural divination.

Here is what he says:

Quod et ei vident, quibus naturalis divinatio data est, et ei, quibus cursus rerum observando notatus est. qui etsi causas ipsas non cernunt, signa tamen causarum et notas cernunt; ad quas adhibita memoria et diligentia et monumentis superiorum efficitur ea divinatio, quae artificiosa dicitur, extorum, fulgorum, ostentorum signorumque caelestium. (1.127)

Which [the unwinding of the 'rope' of Stoic fate] they also see to whom natural divination is given, and also those by whom the course of events is noted by observation. Even if they do not see the causes, they nevertheless see the signs and marks of causes; the <sort of> divination, from entrails or lightning or omens or celestial signs, which is called artificial, is produced by the use of memory and careful attention and from the records of earlier generations.

It seems to me that the first clause of the second period in this quotation (*qui etsi causas...cernunt*) refers only to artificial diviners. The rest of the second period clearly refers only to artificial diviners, as does the second clause of the first period. So although the *qui* of *qui etsi causas...* could refer to all diviners grammatically speaking, I take it to refer to artificial diviners. These diviners do not *cernere* the causes themselves as diviners in dreams or fury do (1.126). Rather, they perceive the *signs* of causes. That is,

the crow is not a cause of the outcome predicted by its croaking. Rather, its croaking is a sign. It is striking that Quintus does not say here that the diviner sees the sign of a future outcome, but rather the sign of the *causes* of the future outcome. This is consistent with his theory of the present truth of predictions about the future—the truthmakers of the predictions obtained from a divinatory art are presently existing causes, not the future events predicted, and in that sense the signs are *of* presently existing causes.

It seems to me that in an instance of artificial divination the diviner manipulates five things. The first of these is a proposition, a *theorem* of his divinatory art—on Chrysippus' strict analysis a negated conjunction, but in all practical usage phrased as a conditional. For example, take something like 'Not both 'your victim has no heart' and not 'life will fail you soon'' (this tweaks the case in *Div.* 1.119 to make it simpler). The truth of this theorem has been established over time by the practitioners of the diviner's art. Two more items are the propositions related by the negated conjunction: 'your victim has no heart' and 'life will fail you soon'—let's call these the *sign-clause* and the *outcome-clause* respectively. Now, the truthmaker of the sign-clause is the *sign*. This sign will not be a simple body, but rather a body or bodies (e.g. a crow, a liver) in a certain state (croaking, cleft) in a certain relation to the diviner (on the left, belonging to the diviner's victim). A sign is therefore something like an event or a state-of-affairs that obtains. So in our example, the relevant sign is a state-of-affairs obtaining whereby your victim has no heart. Meanwhile, the truthmakers of the outcome-clause are a set of presently existing causes that determine the predicted outcome. This will surely be a huge and diverse set, but let us suppose that in your case it includes Brutus, Cassius, some of their chums, and a few daggers. In another case, it could have not included Brutus or Cassius, but instead the salmonella germs lurking in your dinner, or the anvil

falling towards your head, or whatever. Many sets of causes would make the outcome-clause true. So, properly analysed on Stoic lines, the divinatory procedure will be as follows. A state-of-affairs is observed to obtain whereby your victim has no heart. This shows that the sign-clause is true. But, given the theorem, where the sign-clause is true, the outcome clause is true too. Hence, the diviner can infer that it is true that ‘life will fail you soon’. But if that clause is true, some truthmakers must exist for it. The diviner has no idea what those causes are (at least, his art tells him nothing about them), but he knows that there are some such causes presently existing which now determine the outcome.²⁵⁵ He knows that your life will fail you soon.

²⁵⁵ In this paragraph, I use modern terminology to gloss over a host of long-standing problems in Stoic metaphysics, logic and epistemology. I am unapologetic about doing so, because however we decide that the Stoics staked out conceptual territory like that occupied by ‘states-of-affairs’, ‘propositions’, ‘truthmakers’ (and so on), *mutatis mutandis* the analysis I give must be roughly how they analysed the logic of artificial divination, given what Quintus says and the parallel material in *Fat.*. The problems I refer to are centred on the notion of the λεκτόν and of the sign. Sextus attributes to the Stoics (*PH* 2.104) a definition of the sign whereby the sign is a λεκτόν (specifically, an ἀξιῶμα) antecedent in a sound conditional revelatory of its consequent (*M.* 8.245, *PH* 2.104), where by ‘conditional’ he means a truth-functional conditional equivalent to Chrysippus’ negated conjunction (*M.* 8.245-247, *PH.* 2.105) (cf. Bobzien (1998) 161-162). It is not clear how far this reflects usual Stoic views of the sign, or whose views it might reflect (cf. Allen (2001) 147-158). But it is often accepted that the Stoic sign is to be understood as an ἀξιῶμα (Bozien (1998) 162, (implicitly) Allen (2001) 149-150 (although it is not clear to me that he continues to write this way in what follows, 150-158)). After all, in *M.* Sextus introduces the Stoic theory of signs as the first example of a theory on which a sign is νοητόν rather than αἰσθητόν (*M.* 8.244-245). If that is what Quintus thinks, then I am wrong to say that the sign is a distinct truthmaker of some ‘sign-clause’; the sign itself is the obtaining of a propositional state (the victim lacking a heart), however we ought to formulate the notion. If this interpretation is correct, I may have to juggle some of my terminology, but nevertheless I would defend my five items that the diviner manipulates; at a minimum, the diviner has some *mental* item, his impression of the sign, that is true in virtue of the sign’s obtaining, or being true, or whatever. As to whether Quintus has the view that a sign is an ἀξιῶμα, there is probably too little evidence to say. He says that we see (*videre*, 1.15) or perceive (*cernere*) signs and one might be tempted to make Burnyeat’s protest that “signs... are observable, which no *lekton* could ever be.” (Burnyeat (1982) 211). But that protest is precisely what is controversial. As for Quintus, although he seems to talk of signs as material objects, on close examination his language turns out to be guarded and hard to interpret. Signs are *in* things: *signa... alia in extis, alia in fulgoribus* etc. (1.119). On one occasion he labels as *signa* some of the divinatory theorems themselves (1.121). A particularly confusing passage occurs in 1.121: the properly prepared diviner *et ad astrorum et ad avium reliquorumque signorum et ad extorum veritatem est paratior*, “is better prepared with regard to the truth of stars and birds and the other signs and entrails.” Here the *signa* seem to be identified with bodies—stars, birds, entrails—but then they are assigned a truth value, they have ‘truth’ which the well-prepared diviner is ready to spot. This plainly stands in need of some clarification. Perhaps the diviner is good at spotting bodies which show him the truth of some prediction, and hence have truth derivative on the truth of a divinatory theorem and its consequent. But perhaps the bodies are in states which themselves amount to the truth of ἀξιῶματα. It is not clear what precisely Quintus means by a *signum*.

The final part of Quintus' theory of artificial divination (and the peroration of his Stoic defence of divination) is in the *ratio a natura* (1.129-131). It is important to see that this is a continuous passage, because its conclusion, with its claim that *animi hominum semper fuerint futurique sint*, "human souls have always existed and always will exist", could easily be misread as one of Quintus' more egregiously Platonizing passages, which it is not (1.131).²⁵⁶

Unsurprisingly, Quintus takes the view that artificial divination is harder to locate in the *ratio a natura* than natural divination²⁵⁷:

Atque hanc quidem rationem naturae difficile est fortasse traducere id genus divinationis quod ex arte profectum dicimus, sed tamen id quoque rimatur quantum potest Posidonius. Esse censet in natura signa quaedam rerum futurarum. (1.130)

Now perhaps it is hard to carry over²⁵⁸ this natural theory into that kind of divination that we have said proceeds from art, but nevertheless Posidonius grubs around for this <kind of divination> so far as he can. He thinks that there are in nature some signs of future events.

One can see less and more theorized reasons why Posidonius' was a hard task. A less theorized reason is just that so much artificial divination was bizarre; what natural connection could there be between bird behaviour and matters of state? I have already outlined a more theorized reason above: divinatory arts are not founded on natural

²⁵⁶ The continuity is clear from the inferential structure. With Democritus' theory in 1.131 we are clearly dealing with the *ratio a natura*. The quotations from Pacuvianus are then introduced with *quae si a natura profecta observatio atque usus agnovit ... ut ille Pacuvius.....* Following Pacuvius, the final rhetorical question is connected to what has gone before by an *igitur*.

²⁵⁷ I do not agree with Kidd (commentary of F110) that Posidonius but not Quintus gives a natural *ratio* for artificial divination. This *ratio* is the peroration of Quintus' speech; it does not read at all as though it is entirely attributed to Posidonius or not endorsed by Quintus.

²⁵⁸ At the risk of making Quintus mix his metaphors (cf. *rimatur*), *traducere* was (among other things) the technical term for 'portaging' a ship across an isthmus; see *OLD* sv..

scientific insight, and often may well describe regularities about which there is no natural scientific insight to be had. It would be interesting to know whether *rimatur quantum potest* is a comment from Quintus about the limitations of Posidonius' efforts here, or whether Posidonius himself thought natural explanation of artificial divination a difficult task to which he was required to square up. The latter would suggest that Posidonius was for some reason committed to the view that all three levels of theory—*a deo*, *a fato* and *a natura*—must apply, and be seen to apply, to both kinds of divination. Why he would have been so committed is hard to say but, if he was, that datum should influence any interpretation of the three levels.

The two examples that Quintus cites (and it seems overwhelmingly likely that Posidonius used at least the first example himself) concern natural explanations that can be offered for divinatory arts established as such in the remote past, long before Democritean or Posidonean natural science. Posidonius, and presumably Quintus, stand behind the first example, while the second is attributed to Democritus. The first example concerns a local practice on Ceos reported by Heraclides of Pontus. The Ceans would observe the rising of the Dog star annually; if it rose looking dim and hazy, the atmosphere was thick and the ensuing year would be unhealthy, but if it rose clear, the atmosphere was rare and pure and the year would be healthy (1.130). This pair of theorems evidently constitutes a miniature art. Now, Quintus does not say that this is a *divinatory* art, but it seems likely that we are supposed to understand it as such given what we know of the peculiar mythology of Ceos. Ceos was the location of the sacrifices whereby the mythical hero Aristaeus saved the Cyclades from a drought. The sacrifice was made at the time of the rising of the Dog star, and after it the Etesian winds blew; Aristaeus passed on the practice of sacrificing and observing the Dog's rising to the

Ceans (Diodorus 4.82.2-3, Scholia to Apoll. Rhod. 2.498, Hyginus *Astronomica* 2.4).

Now, Aristeaus was the son of Apollo. The mythical explanation of the practice of observing the rising of the Dog star was an aetiology of what was certainly a religious practice, and so it seems likely that the associated mini-art was considered a divinatory one, established through the wisdom of the son of a god, not through a Posidonian scientific insight.²⁵⁹ It is hard to say how much of what Quintus says is part of the divinatory theorems to be explained, and how much is Posidonius' natural explanation. It could well be that the original theorems were just along the lines of 'if the Dog star rises dim, the year will be pestilent', and that the link to the atmosphere is Posidonius' added explanation. Certainly, such explanation—the collection of data relevant to human affairs from observation of the heavens through the atmosphere—draws on characteristically Posidonian natural science (*Div.* 2.47; F 112, 114, 118-138, 210-220 EK).

The second example is attributed to Democritus: *Democritus autem censet sapienter instituisse veteres ut hostiarum immolatarum inspicerentur exta*, "But Democritus thinks that the ancients wisely established the practice whereby the entrails of sacrificial victims are examined." (1.131). Democritus' reasoning was that the colour of the entrails could reveal signs of future health or pestilence, and in particular of the fertility or otherwise of the fields. The natural scientific reasoning here is clear—animals feed in the fields, so the condition of their internal organs will reflect the ecological conditions of one's land. Democritus' theory is explicitly that the 'ancients' displayed wisdom in setting up this practice, although it is not clear if he they thought they had natural scientific wisdom now lost, or wisdom from some other source. At any rate, it is

²⁵⁹ It is quite likely that Posidonius would have explained this aetiology as hiding from view some genuine natural scientific wisdom to which the founders of the cult had access. But the divinatory art had evidently not been regarded that way for a very long time.

not clear if Quintus (or Posidonius) endorses this view. It seems unlikely that he does, since this would constitute a significant revision of his view of haruspicy given at 1.118-119, where divine ‘guidance’ is important for picking up the right victim and bringing about unusual changes in the internal organs. Democritus’ theory seems to be given more as a second example of the *sort* of natural explanation of some kinds of artificial divination that Quintus thinks might be discoverable. In neither example is the relevant correlation explained by reference to sympathy. Rather, in both cases the divinatory procedure is a method of indirect observation: the state of the atmosphere at a particular time of year is determined by the appearance of the Dog star shining through that atmosphere (cf. Posidonius F114 EK on the appearance of the sun in different atmospheric conditions), or the condition of the fields is determined by the inspection of organs fed from those fields.

Quintus’ second approach to the *ratio a natura* of artificial divination is a much broader one and, as the peroration of his Stoic exposition, spreads somewhat into a final endorsement of artificial divination in a teleological cosmos. He begins by attacking as inconsistent two claims made by a natural philosopher (*physicus*) in Pacuvius’ *Chryses* (1.131). The first claim is that we should not pay any attention to haruspices or augurs. The second claim is that there is some power, the father of all things, that produces and is the cause of everything and that which everything returns (*Quidquid est hoc, omnia animat, format, alit, auget, creat / sepelit recipitque in sese omnia*, “Whatever this is, it animates, forms, nourishes, makes grow, and creates everything, and merges and receives everything back into itself.”, 1.131). I take it that, not implausibly, Quintus reads these lines an endorsement by the *physicus* of the Stoic view of a Nature of the cosmos. So Quintus thinks that it is inconsistent to hold both that one should not heed artificial

diviners, and that the cosmos is run by a Stoic Nature. That is, he thinks that a cosmos run by Nature will inevitably underwrite artificial divination, if there is anybody who cares to pay attention to the observable correlations. This claim on its own is a bit of a stretch—why could not the cosmos have a Nature that did *not* produce the regularities claimed by augurs and *haruspices*—but we are in the last sentences of Quintus’ speech here, so presumably we are to understand many of his arguments about the constraints on a cosmic divine nature that should make us confident that divination is underwritten (1.82-3, 117). Quintus finishes this part of his speech as follows:

Quid igitur cur, cum domus sit omnium una, eademque communis, cumque animi hominum semper fuerint futurique sint, cur ii quid ex quoque eveniat at quid quamque rem significet perspicere non possint? (1.131)

Since all things have one same shared home, and since there have always been and always will be human souls, why could not <human souls> see clearly what outcome comes from what and what signifies each event?

Quintus here gives two conditions which, being true, render artificial divination possible. The first condition—that *domus sit omnium una, eademque communis*—is a shorthand way of describing the teleological Stoic cosmos. It recalls some passages of Balbus’ speech in *dND*: Balbus says that the gods and other powerful rational beings must be *unum mundum ut communem rem publicam atque urbem aliquam regentes*, “ruling a united cosmos like a shared commonwealth and city” (*dND* 2.78), and that *est... mundus quasi communis deorum atque hominum domus, aut urbs utrorumque*, “the cosmos is like a shared home for gods and humans, or a city for both” (*dND* 2.154)²⁶⁰. The fact that the cosmos is a common home imposes on the gods duties of justice to their fellow-citizens,

²⁶⁰ Compare the Greek term διοικεῖσθαι for the ordering of the cosmos by providence (DL 7.138).

humans, as Quintus has argued (*Div* 1.82-3, 117). So I take this first condition to refer to the fact that the nature of the cosmos is teleologically ordered for our benefit; for Quintus this ordering will include the correlations we specify in divinatory arts. Meanwhile, Quintus' final description of the divination that results from these conditions of nature is a *verbatim* repetition what he said in 1.109 (at the very start of his *ratio* of divination) was the product of *vetustas* and *longiqua observatione* in artificial divination: people can learn *quid ex quoque eveniat at quid quamque rem significet*. So I take Quintus second condition here in 1.131—that there always have been and always will be human souls—to be a restatement of the condition for artificial divination that there have been observation over very long periods of time. In the context of the explanation *a natura* Quintus restates this condition as a natural fact that can allow long observation to happen—human souls have always been around, so natural scientists should admit that observation over very long periods of time can have happened. Furthermore, it can continue to happen, because human souls will always be around; it is a consequence of Quintus' model of artificial divination that as time goes on divinatory arts will get better and better.²⁶¹ Once again, Quintus formulates his conclusion in a rather tentative way: why, he asks the natural scientist, should divination *not* happen, given the natural facts that the Stoics have advanced? As ever, Quintus' *ratio* aims to lend plausibility to his empirical claims, not to be a proof on its own.²⁶²

²⁶¹ Seneca defends augury against the charge that it is odd for some birds and not others to be significant by supposing that the birds then thought non-significant had not yet been incorporated into a science, apparently leaving it open that they could be (*NQ* 2.32.5). Seneca may not hold quite the same theory of divination as Quintus, but he does think that divinatory arts might go on improving into the future.

²⁶² We might suppose that in this teleological picture of divination, the presence of human souls functions as a natural fact in another explanatory way—it guarantees that the gods have a reason to set up and maintain the coincidences that underwrite arts, since there always have been and always will be human souls who are owed this service.

CHAPTER 6: MARCUS' ARGUMENTS AND VIEWS
IN *DE DIVINATIONE* BOOK 2.

As I argued in chapter 1, Marcus' speech in *Div.* 2 consists mostly of negative arguments against Quintus, but from 2.148 introduces Marcus' personal views. (To this analysis we should add 2.8 where Marcus reminds us of his sceptical commitments preliminary to the negative arguments of 2.9-148.) I will treat the two parts of the speech, negative and personal, in parts (A) and (B) of this chapter. The negative part is of interest in itself as a reply to Quintus and because it gives in detail reasons Marcus might have to doubt the reality of divination. My interpretation of it continues the reading of *Div.* begun in my last two chapters. In (B) concludes that interpretation and at the same time picks up more directly the project I began in chapters 2 and 3, an attempt to understand Marcus' preference at the end of *dND* in light of his conclusions in *Div.* This yields my interpretation of the stance Cicero takes on his material in *dND* and *Div.*

(A) Marcus' arguments against divination: 2.9-148.

(A1) Marcus' strategy: suspiciously unfair to Quintus?

The negative part of Marcus' speech has a clear and clearly sign-posted structure. This has drawn admiration, especially as it follows Quintus' apparently chaotic and truly messy effort. "Nothing could be more straightforward than the structure of Book II: any table of contents drawn up for book I would be a fairly optimistic and arbitrary construct."²⁶³ (Schofield (1986) 52) The straightforward structure is as follows. Marcus first makes a preliminary "sally" (*excursio*, 2.26), a sustained argument designed to tempt

²⁶³ I have demonstrated at some length that I am not as pessimistic about the comprehensibility of book I as Schofield is here, but I am quite happy to concede that its movements of thought are often confusing and sometimes confused.

Stoics into a dilemma that does for divination with a single blow (2.9-26). Then he pursues his grand battle strategy (to “rout the wings” of Quintus’ position, *cornua commovere disputationis tuae*, 2.26), in which he runs through first the kinds of artificial divination and then those of natural divination, attacking the reality of each in turn (2.26-148). But it seems to me that this clear structure masks some problems of interpretation. As we will see, the dilemma of the preliminary “sally” is not very compelling, least of all to a Stoic. Marcus suggests some lack of confidence in it when he admits that it was made ‘lightly armed’ (*levis armaturae*, 2.26). So, much of the heavy work of refutation ought to be done in the section that is structured by type of divination. But Marcus’ disciplined adherence to this structure means that at no point does he set out what view (if any) he advocates of Quintus’ position as a whole, rather than of Quintus’ position as applied each individual kind of divination. This is a concern for me in particular since I think that Quintus makes a unified, philosophically responsible defence of divination. If I am right then Marcus ought to have in mind a strategy to dispose of Quintus’ defence (even if that strategy is a justification of a piecemeal attack structured by kinds of divination).

I will suggest later that Marcus does, in fact, have a general approach for attacking Quintus. This is represented by certain patterns of argument that recur in many of his specific criticisms of the kinds of divination. I first want to make some remarks about this strategy in general and in particular the following three features of it. First, as Schofield well notes, Marcus’ approach is often ‘rhetorical’ in the straightforward sense of employing the techniques of forensic rhetoric (Schofield (1986) 51-55). Marcus sometimes calls attention to his use of rhetoric by using more or less forensic language (*testibus uti* 2.26, *magnam iacturam causae* 2.34, *omissis testibus* 2.89, *quasi quadam*

praevaricatione 2.90), and Schofield provides some parallels between arguments in *Div.* 2 and those of *Pro Roscio Amerino* (Schofield (1986) App. II, p. 65). Second, Marcus sometimes seems routinely to commit *ignorationes elenchi*. That is, he makes arguments against the Stoics that appear to misinterpret to a significant degree some salient part of Stoic doctrine (as one would understand it from Quintus' speech). These misinterpretations would result in *ignorationes* because in purporting to conclude from them that the Stoic view of divination is wrong Marcus would actually conclude that a different view of divination is wrong, because he has misrepresented some part of the Stoic view he claims to refute. (Although I do not ultimately agree with his diagnosis of a systematic *ignoratio*, Denyer (1985) documents a number of potential *ignorationes*; Hankinson (1988) 151 accepts Denyer's conclusion.) Third, in addition to his *ignorationes* Marcus seems to depart from the sort of strictly *ad hominem* arguments we might expect of him. That is, he makes arguments founded on premises that Stoics will not welcome and may feel no pressure to accept given their wider position. From these three features it would be easy to form a negative opinion of Marcus' speech: a bit shoddy, leaning too much on 'merely rhetorical' persuasion and misapprehending its target.

I have reason to be very wary of such a judgment because it would raise urgently this question: how is it that in writing book 2 Cicero made Marcus misapprehend the position he himself wrote for Quintus in book 1? Three possible answers to that question would threaten my project. One answer would be that in fact Quintus *has* no systematic position in book 1. On that answer my reading of Quintus' argument is a phantom of interpretative ingenuity and is ruled out of the text of book 1 by the text of book 2—and was not intended by Cicero to be in book 1, if we put the point in terms of authorial

intent. A second answer would be to say that the mismatch is good reason to revisit the model of *Quellenforschung* whereby Cicero cribbed from sources slavishly and unintelligently. One might favour this answer if one thought that a mismatch suggests that Cicero used (a) source(s) for book 2 which argued against a different position than that held by the source(s) for book 1, and that he either did not spot the mismatch or made no sufficient effort to correct it.²⁶⁴ If Cicero's sources could dominate the parts of his text to that extent then my project of looking for an interpretation of *dND* and *Div.* as a coherent whole planned by Cicero would look dubious. A third answer would be that Cicero was well aware of the flaws he wrote into Marcus' understanding of book 1. He might have written them so that (for example) some readers would see through Marcus' arguments and thus light on the stronger points of Quintus' case. Such a gambit is not out of the question as a rhetorical trick an ancient author might apply, but it would be incompatible with my reading of Cicero the author as hostile to the Stoic theory of divination. But I do not think that the original question—why Cicero would make Marcus misapprehend Quintus' speech—needs to be asked. Even though Marcus makes some arguments that a Stoic might laugh out of court, I do not think that Marcus misapprehends Quintus' speech.

First, on the issue of rhetorical tactics, as Schofield points out it is important to remember that Marcus is responding to the specific case for divination that Quintus has made (Schofield (1986) 50, 50n9, 54-55). Quintus carefully limited his case so that—formally—the burden of proof fell entirely on the empirical evidence of his examples and to no extent on his theory. Marcus certainly apprehends this aspect of Quintus' defence. At a key programmatic point in his speech—the outset of his main

²⁶⁴ See e.g. Pease (1920-23) on *Div* 1.9 '*de divinatione*' and the inconsistent definitions of divination between books 1 and 2: "This inconsistency is probably due to the use of different and unrelated sources for the two books...."

arguments following his *excursio*—he criticizes and thus implicitly acknowledges the formal basis of Quintus’ case:

Duxisti autem divinationem omnem a tribus rebus, a deo, a fato, a natura. Sed tamen cum explicare nihil posses, pugnasti commenticiorum exemplorum mirifica copia. De quo primum hoc libet dicere: hoc ego philosophi non esse arbitror, testibus uti qui aut casu veri aut malitia falsi fictique esse possunt; argumentis et rationibus oportet quare quidque ita sit docere, non eventis, iis praesertim quibus mihi liceat non credere. (2.27)

But you derived every sort of divination from three things, from god, from fate and from nature. But since you were unable to explain anything you went to battle using a wondrous host of trumped-up examples. About that I first want to say this: I do not think this appropriate for a philosopher, to use pieces of evidence [lit. ‘witnesses’] that can be true by chance or can be false and concocted through ill will. A philosopher should show why each thing is as it is by proofs and arguments not by outcomes, especially not by outcomes which I can’t trust.

Marcus’ goal in refuting Quintus’ *formal* case should be to show that the *copia exemplorum* is unable to establish what Quintus thinks it can.

Quintus asked that the question under examination be not *why* divination happens, but *whether* it happens. Marcus is well aware of this: *quid fieret, non cur fieret, ad rem pertinere*, “[you, Quintus, said that] what happens, not why it happens, is what’s relevant” (2.46). In favour of an answer ‘yes’ to question of whether divination happens, Quintus advanced anecdotal examples of outcomes that matched predictions. With a few exceptions, Marcus will not question the truth of these anecdotes. In some cases he

cannot question the anecdote because he himself is the source. So what he will argue is that Quintus was wrong to argue from the truth of the anecdotes to the reality of divination. So, to be precise about what is at issue in Marcus' speech, he must dispute an inductive inference that was made from agreed evidence. This evidence consists in particular examples, not general truths. From the perspective of Cicero's rhetorical training the question at issue is a *constitutio coniecturalis*, that is to say, an issue (*constitutio*) subject to *coniectura*, arguments about the plausibility of inductive inferences from agreed evidence to disputed facts (*de Inv.* 1.10, 2.14-51; *Part. Orat.* 33-40). In the forensic context, such arguments might be applicable in cases where the defence accepts the truth of the evidence brought by the prosecution but wants to argue that the defendant did not do the action of which he stands accused (rather than that, say, he did it but not culpably). In such cases the defence must challenge the inference a prosecutor has made from the common fund of evidence. A defender might present an alternative inference and argue that it is at least as plausible as the prosecutor's, or more plausible, or whatever. The defendant, it is agreed, was found standing over the stabbed body with a bloody dagger. The prosecution argues for the inference that the defendant did the stabbing. But the defence argues that the defendant found the victim freshly stabbed by someone else and pulled the dagger from the body. (Cf. the more complex but comparable case at *de Inv.* 2.14-15.) So far as the evidence goes, both of these inferences might be correct. The case will be won or lost according to how plausible the two sides can make their inferences sound to the jury. Marcus himself compares divinatory *coniectura* of the sort posited by Quintus to the forensic method. He says:

Ut enim in causis iudicialibus alia coniectura est accusatoris, alia defensoris et tamen utriusque credibilis, sic in omnibus iis rebus quae coniectura investigari videntur anceps reperitur oratio. (2.54)

For just as in cases at trial²⁶⁵ the accuser has one *coniectura*, the defender another, and both *coniecturae* are believable, so in all of those matters that seem right to investigate by *coniectura* we find two-sided rhetoric.

The textbook advice the young Cicero represented in *de Inventione* 2.14-51 makes it clear that a surprising breadth of tactics was considered standard rhetorical practice in the forensic competition for plausibility. In the case of actions done or not an orator will typically appeal to a jury's sense of character, passions and normal behaviour: would such a man have done such a thing? By building a case on induction from reputable anecdotes Quintus has invited a counter-argument analogous to those forensic tactics.²⁶⁶ Marcus is not required by this sort of refutation to dispute general theories or arguments (although he does, just as Quintus in fact presents such theories and arguments alongside his formal case). Instead, he is required to show Quintus (and us, the readers) that Quintus' inferences about particular facts were not plausible, or were at any rate less or no more plausible than some alternative inferences. To Cicero's way of thinking, this sort of dispute is rhetorical territory more than philosophical. Now, by that I do not mean that the rhetorical arguments are disconnected from or ineffectual in their philosophical context. The point is rather that faced with the strategy of supporting a philosophically important thesis (*est divinatio*) with pieces of particular empirical evidence, the

²⁶⁵ *iudicialis* could just mean 'in court', or it could have the more specific technical meaning that Cicero gave it in *de Inv.* 1.7: [sc. *genus*] *iudiciale, quod positum in iudicio habet in se accusationem et defensionem aut petitionem et recusationem*, "the judicial kind [of rhetorical job], which is subject to a judgment and involves prosecution and defence or plaint and response."

²⁶⁶ There may be a pun to suggest this invitation in Marcus' comment on Quintus' 'whether it happens, not why it happens' tactic: *sed te mirificam in latebram coniecisti*, "you threw yourself [or, 'conjectured yourself'] into a surprising refuge", 2.46.

appropriate argumentative response for Cicero is to apply the tools of rhetoric devised precisely for disputing inferences from evidence. That is a philosophically legitimate response which if successful would yield the philosophically important conclusion that there is no evidence for divination, or even that on the current evidence *non est divinatio*. So Schofield is right to say that Cicero gives Marcus a forensic rhetorical bent in *Div* because that is what the subject matter demands: “a situation in which full-blown rhetoric was exactly the right philosophical strategy—where philosophy could with perfect propriety *be* rhetoric.” (Schofield (1986) 55)

I will now address the degree to which Marcus does not argue *ad hominem* and, in the strongest cases of this tendency, commits *ignoratioes elenchi*. Readers like Denyer and myself who have spent energy trying to see the subtleties and virtues of the Stoic defence in Quintus’ speech will be irritated when, at times, Marcus rather crudely ignores those virtues. We will see some such cases in my next two sections. For now, let us consider what we ought to conclude from them about Marcus’ general response to Quintus. Do they suggest that Marcus has missed important features of Quintus’ speech, or of Stoicism more widely? I think that such a conclusion would require another premise, that is, we should have to suppose that Marcus *ought* to argue *ad hominem* in the sense I am using the phrase. We should have to *expect* that for the most part Marcus will use premises and techniques of argument that he thinks the Stoics would accept, or that he hopes to avoid making attacks against which the Stoics think they have an easy defence. Why would we expect this?

One reason to expect it might be that Marcus is an Academic sceptic²⁶⁷ and some historians have thought that the Academics tended to argue *ad hominem* in the sense I

²⁶⁷ Marcus’ Academic scepticism in *Div.* is clear from his remarks at 2.8 and 2.150 and can also be inferred from the continuity of his character with the one ‘he’ wrote for himself in *dND*. Given a lack of evidence

mean. To pick somewhat unfairly on a conveniently concise source, Annas and Barnes' (1985) few paragraphs on Academic rather than Pyrrhonist scepticism, we find:

“[The Academics'] style of philosophizing was *ad hominem*. Typically, they would take hold of one of the doctrines of a dogmatic philosopher (the Stoics were their usual target) and attempt to reduce it to absurdity. ‘If you Stoics are right’, they would argue, ‘and such-and-such is the case, then we cannot know the truth about so-and-so. You Stoics are committed by your own principles to scepticism.’” (p. 14)

What to make of this “style of philosophizing” is a further matter—did it reflect a scepticism more ‘mitigated’ and ready to compromise with dogmatists than was the harder line of Pyrrhonism? Or was the *ad hominem* “style” just a different strategy to pursue the same sceptical goal as the Pyrrhonists? Yet even an interpreter like Striker who takes the latter, ‘strategy’ view usually emphasizes the Academics’ *ad hominem* technique:

“[O]ne possibility is that he [i.e. a sceptic] take his premises from a dogmatic opponent. Then his arguments will have the following form: supposing that something which the dogmatists assert is true, it can then be shown that nothing can be known. . . . This is the typical strategy of the Academics.” (Striker (1996c) 137)

So perhaps we should expect Marcus to pursue this “typical strategy”, in which case his failure to do so properly would lead to the sort of conclusions about *Div. 2* that I am trying to avoid.

But that expectation would be mistaken. The importance of the *ad hominem*

to the contrary, Academic allegiance should also be our default assumption about Cicero's *propria persona* characters in the late philosophica. Cicero's own Academic preferences are gestured at in *Div. 1.7*.

strategy to the Academics is strongest in their argument addressed to the Stoics against κατάληψις and in favour ἐποχή (*Acad.* 2.66-68 cf. Sextus *M.* 7.154-157). This argument is meant to use premises all but one of which are welcome to the Stoics, and another that is supposed to be evidently plausible (although the Stoics will resist it). It is certainly an argument of central importance to the Academics, first because the Stoics were their major opponents, and second because the argument, if successful, undermined all other Stoic claims to epistemic success. But if they thought they had succeeded in this quick, epistemological way against Stoicism, the Academics still took it upon themselves to argue against all dogmatic positions on non-epistemological questions—as is so amply demonstrated in Cicero’s philosophica. Of course, these refutations are ultimately in the service of an epistemological outlook—scepticism—but their *immediate* purpose is not to refute an explicitly anti-sceptical claim (e.g., ‘knowledge is possible’) but rather to attack the truth of some other dogmatically held proposition (e.g. ‘the cosmos is rational’). A worthwhile focus on the central, epistemological argument should not lead us overly to limit our expectations of how the Academics will argue in other contexts. (Indeed, even in their epistemological struggle with the Stoics the Academics could use any technique that came to hand to make plausible their controversial premise, that for any true impression there could be a false one just like it.) Striker is clear about this. Her essays on sceptical strategies (1996b and 1996c) explicitly focus on *epistemological* strategies, and hence portray the Academics arguing *ad hominem* against the Stoics. (Note that my quotation of her above is her analysis of how the Academics show that “nothing can be known”.) But she takes the view that in contexts discussing Stoic epistemology directly the Academics might take a freestyle approach more like the ‘Pyrrhonist’ one (Striker 1996b 96). Let us consider an example of this sort of freestyle approach from *Div.* 2,

Marcus' refutation of a bare syllogistic argument that Quintus attributed to Chrysippus, Diogenes and Antipater (2.101-6 cf. 1.82-83). Marcus' approach is to call on a principle that a compelling syllogism concludes something that was doubted from premises that are not (*conclusio autem rationis ea probanda est in qua ex rebus non dubiis id dubitatur efficitur*, 2.103). This principle is probably Stoic, or welcome to the Stoics.²⁶⁸ But the ways that Marcus goes about rendering each premise dubious certainly are not (2.104-106). Two premises are doubtful because Epicurus(!), Ennius or Dicaearchus asserted their contraries; another, because *doctissimi* assert the contrary; another, because of the implausibility of making gods look into every house; another, because the gods might give us signs but no way to interpret those signs, just as they gave the Romans themselves no way to interpret the signs used in Etruscan haruspicy; and so forth. Marcus does not just point out philosophers who will not accept some of the premises. He uses his δύναμις ἀντιθετική just as flexibly as any Pyrrhonist to produce ἰσοσθένεια, or at least doubt, about each premise. Consequently, he says, the argument is not sound because its premises are doubted. There is nothing illegitimate about this procedure even though Marcus' reasons for doubting the premises would not be admitted by Stoics. Similarly, Marcus' arguments against Quintus aim to question the plausibility of Quintus' inference that divination exists. There is no reason to think that Marcus is obliged as an Academic to question that plausibility in Stoic terms. He can use the more freestyle approach and appeal to any source of plausibility. So when Marcus makes arguments from premises that a Stoic would rubbish, perhaps rather than introducing a

²⁶⁸ *Acad.* 2.26 *Itaque argumenti conclusio, quae est Graece ἀπόδειξις, ita definitur: ratio quae ex rebus perceptis ad id quod non percipiebatur adducit*, "Therefore the the demonstration of a proof, which in Greek is ἀπόδειξις, is defined thus: an argument which proceeds from matters grasped to something which was not grasped," cf. Sextus *PH* 2.135: "Ἔστιν, ὡς φασίν, ἡ ἀπόδειξις λόγος δι' ὁμολογουμένων λημμάτων κατὰ συναγωγὴν ἐπιφορὰν ἐκκαλύπτων ἄδηλον, "a demonstration, as [dogmatists] say, is an argument using agreed premises that discovers something unclear through deductive inference."

red herring he wants to see the equal, or greater, plausibility of the alternative he offers. When he says that a chance outcome is an outcome without a cause rather than an outcome obscure to human reasoning a Stoic can accuse him of introducing a red herring, but perhaps he wants us to think that his version of chance is at least as plausible as the Stoic one.

But might we might still expect to Marcus to be more sensitive to the robustness of Quintus' position, not because of our expectations of 'Academic' procedure but just because we would expect the author who wrote book 1 to give his own character a greater charity towards the niceties of Quintus' position. Showing charity to an opponent is good philosophical practice, both in the pursuit of truth (something to which an Academic purports to subscribe) and for the dialectical purpose of refuting one's opponent's strongest possible position. Yet I do not think that this sort of expectation need always apply in a context like *Div. 2*. It is always an option in philosophical discussion to throw up one's hands and exclaim that one's opponent is committed to something that is just not plausible. To use a rather crude example: suppose I am arguing against some (no doubt fictional) sort of utilitarian. She has a version of utilitarianism that it is careful, coherent and broadly persuasive. But suppose she is committed to the view that we should kill a healthy person to provide organ donations so that ten others in mortal danger can live. I am within my rights as a charitable interlocutor to throw up my hands and say 'that's implausible because it's just wrong to kill someone like that'. I know full well that speaking of an action as 'just wrong' flies in the face of her careful, coherent and persuasive position. But I hope to get her to see (as I suppose) the intrinsic implausibility of her commitment and to abandon some or all of the position that commits her to it. I might be mistaken, but given my reaction to what she has said it may be more charitable

of me to think that, on reflection, she will prefer to give up her theory than to defend the transplant thesis. Marcus is similarly entitled sometimes to sputter ‘pull the other one!’²⁶⁹. This is especially so when what is at issue is the plausibility of inferences from empirical evidence, and it is so even when he has understood very well the theory that is supported by those inferences. When he says against haruspicy that it is just implausible that a cosmic nature should be connected with his small financial gains (2.34) he has just outlined at some length the Stoic theory of sympathy. Indeed, he has given us one of the best passages we have for understanding the theory (2.33-34). But although he obviously understands the theory he cannot see the plausibility of a connection between cosmic nature and an outcome like his financial gain. The Stoics, of course, can have a coherent and careful account of what the connection is—god who fates Marcus’ future gain is identical with the nature that is in sympathy with the liver. But especially when this well worked-out theory merely from the observable facts, Marcus is within his rights even as a charitable disputant to call the theory inferred from the facts implausible. A good way to see that he is being fair in his tactics is to reflect that he is *right*. For all that we may be taken with the novelty and cleverness of the Stoics’ position on divination we actually *agree* with Marcus. So, that he sometimes ignores the substance of the Stoic theory is no evidence that he is being unduly uncharitable, and hence no evidence that he has misapprehended the Stoic position.

As a final evolution of the charge that Marcus fails to do justice to Quintus’ speech we might say that although Marcus speaks within the constraints of Academic and charitable dialectic, he will fail to persuade any convinced Stoics. To someone persuaded of the advantages of the Stoic system Quintus’ argument might well look very robust.

²⁶⁹ Or, in American English, ‘gimme a break!’.

That being so, a convinced Stoic might dismiss a reply which fails to engage the argument on its own terms. So she might dismiss out of hand all, or more likely parts, of Marcus' speech. Now, this objection might well be true so far as it goes. But it raises a question of audience: is Marcus aiming to argue convinced Stoics out of their position? No, or at least not primarily. From Cicero's point of view there are two obvious 'audiences' for Marcus' speech. One audience is quite outside the drama: the readers of *Div.* For the most part we were not and are not convinced Stoics. We are the jury for the competing *coniecturae* about the evidence. So although Marcus' speech is mostly addressed to Quintus-*qua*-Stoic, Cicero's real aim in writing the speech is to show to an audience composed mostly of non-Stoics the implausibility of the Stoic position. But what about Quintus, the audience inside the drama? Well, it turns out that he is not Stoic either (2.100). As a matter of personal opinion he thinks the Stoics are wrong about artificial divination and on natural divination he is ready to listen to what Marcus has to say. He is in roughly the same position as most of us. As we saw in chapter 1 Cicero paid close attention to how the choice of interlocutors in a dialogue would allow him to modulate the drama. In *dND* he gave the Stoic speech to Balbus, a dull schoolman undistinguished outside philosophy and almost a cypher for 'convinced Stoic'. In *Div.* he made a non-Stoic defend the Stoic view, and that was perhaps in part so he could have the freest possible hand in its refutation.

(A2) The *excursio*: 2.9-26.

In discussing Marcus' arguments against Quintus I will follow the highest-level structure of his speech: I will discuss first the *excursio* by which he hopes to knock out divination at a blow, and then his main set of arguments that are directed at each kind of divination

in turn. But in the latter case I will depart from his kind-by-kind structure, because I think that we can make out patterns of argument between the different kinds.

The *excursio* moves in three stages: first, there is in an ‘investigation’ attributed to Carneades (*quod in primis Carneades quaerere solebat*, 2.9) that tries to show that a divination has no subject-matter of its own (2.9-12); second, a Stoic reply is worked out, whereby divination is said to be of future chance events (2.13-14); third, divination of chance events is confronted with a dilemma (2.15-26). The three stages of the *excursio* seem to me to form one long argument. The first two stages show why a Stoic must take a position that is vulnerable to the dilemma of the third stage. This poses a question about the development of Stoic views of divination. In chapter 4 I proposed that Chrysippus defined divination as something like the ‘science of observing and explaining signs portended by gods to men’ (*Div.* 2.130, cf. *Sextus. M.* 9.132), and pointed out that Quintus’ definition—‘the prediction and foreseeing of future events thought to be by chance’—is different and presumably a later development. In the *excursio* Marcus represents the ‘prediction of future chance events’ version of divination as provoked by an attack on divination which he attributes to Carneades. This suggests a refinement of my historical proposal: Carneades criticized Chrysippus’ version of divination, and at least in part it was in response to Carneades’ criticism that the new definition was worked out.²⁷⁰ Now, Cicero’s text certainly does not make this development clear. He talks as though he is attacking one Stoic position, not two successively. He does not present the ‘chance’ definition of the second stage as a development that responded to criticisms of the first. Further, as is so often the case with Cicero’s speakers, Marcus tells us where

²⁷⁰ Timpanaro (1999) also speculates that the new definition was prompted by Carneadean criticism (lxiii). He proposes Antipater as the source of the version of the definition that Marcus gives (2.13, 19)—*praedictio et praesensio rerum futurarum quae fortuitae [sunt]*—and Posidonius as the source of Quintus’ version, where *putantur* replaces *sunt*. This is wholly speculative but plausible.

Carneades' arguments begin, but not where they end. So it is possible that the whole *excursio* is owed to Carneades. Reason to think the latter is that part of the ultimate dilemma (the discussion of divine foreknowledge, 2.18) resembles explicitly Carneadean material at *Fat.* 32 (although it also contains a relative of the Lazy Argument that Carneades may have avoided, *Fat.* 31). Nonetheless, it is preferable to think that the first two parts of Cicero's *excursio* represent the historical dialectic between Chrysippus, Carneades and Chrysippus' successors. For one thing, I think that there are strong advantages to thinking that Quintus' definition was developed other than by Chrysippus, as I said in chapter 4. For another, the ultimate dilemma of the *excursio* is unsuccessful, as we will see, and perhaps so unsuccessful that we should be reluctant to attribute it to Carneades.

Carneades' question, with which Marcus opens the *excursio*, asks *quarum rerum divinatio esset*, "what states of affairs²⁷¹ is divination of?" (2.9). Marcus then moves through a list of various types of states of affairs that we cognize by different means, a list that must be meant to be exhaustive (for the list, 2.12): those for which we use the senses (2.9), or arts like medicine, music or astronomy (2.9-10), or philosophy, including ethics, logic and physics (10-11), or matters politics and law (2.11-12)²⁷². For each means he shows by example that, for the states of affairs with which each means of cognizing is concerned, we would prefer the means under consideration to divination as a way of getting at the facts. Blind Tiresias could not tell black from white by divination;

²⁷¹ I normally translate *res* in this sort of sense with 'events', e.g. *praedictio rerum futurarum* = 'prediction of future events'. I do this because divinatory outcomes are usually events and because 'events' is usually more elegant to read than 'states of affairs'. But in the Carneadean argument 'events' obviously is obviously too narrow a term to include states of affairs like an object being white.

²⁷² It is curious that Marcus lists *qui sit optimus rei publicae status?*, "what is the best constitution for the state?" as a question separate from philosophy and the arts. It looks like a philosophical question, or perhaps one amenable to arts like jurisprudence or rhetoric. In *de Fin.* Piso says that Aristotle and Theophrastus both wrote on the question (5.11), while the question is the topic of Cicero's *Republic* (1.33). Scipio is perhaps the sort of *vir peritus rerum civilium* that Marcus has in mind (*Div.* 2.11).

we would go to an astronomer for facts on the sun and moon rather than to a diviner; divination will be of less help in deciding what just behaviour is than will ethics; we would go to a statesman for advice on political issues rather than to a diviner. So (if we suppose that the list is exhaustive) there is no type of state of affairs of which divination is the preferable method of investigating.²⁷³ To this survey is added a premise:

nam aut omnium [i.e. rerum] debet esse, aut aliqua ei materia danda est, in qua versari possit. (2.12)

For either [divination] ought to be of all states of affairs, or it must be given some subject matter with which it can be concerned.

Since the survey is supposed to have shown that divination meets neither of these criteria, there is probably no divination: *vide igitur, ne nulla sit divinatio (2.12)*.

In one way, this is an incisive challenge. It gets at an intuitive problem whereby it is rather hard to pin down exactly what divination *is*. Of course, we know roughly what its goal is—to receive communications from the gods—but it is still hard to say what it consists in. The relationship between astrology and astronomy illustrates the problem. In many ways the two arts are concerned with the same object and evidence (the movements of the heavens). But one (astronomy) is the art whereby those movements are understood, modeled and predicted, and their physical consequences investigated. The other (astrology) uses some of the results of astronomy (the models of heavenly movements) to produce dubious analyses of events on earth by methods which even its advocates admit are less certain and exact than those of astronomy (Ptolemy, *Tetrabiblos* 1.2) and which its opponents suggest ignore important astronomical results (*Div.* 2.91). Astrology looks like an ersatz art parasitic on astronomy. One could say something

²⁷³ As Hannibal said to his host who, warned off by extispicy, dared not take Hannibal's advice and go to war, *An tu ... carunculae vitulinae mavis quam imperatori veteri credere? (Div.* 2.52), "You would rather trust some little cuts of veal than a seasoned general?"

similar about the relationships between oionoscopy and ornithology, extispicy and anatomy or mantic dreams and the psychology of dreaming. Nowadays we might say that divination is a pseudo-science. Carneades' problem gets at this intuition quite precisely: is there any type of question we would sooner settle by divination?

But it is harder to make out a compelling formal version of Marcus' argument. Why should we grant him his premise that divination must have some type of state of affairs as its subject matter?²⁷⁴ It seems to me that we can make the best sense of the premise if we think that Carneades commented specifically on divination as defined by Chrysippus, and that Marcus (although he does not say as much) repeats this criticism in order to motivate the later Stoics' definition and this to trap a Stoic into the eventual dilemma of the *excursio* more inextricably. Reasons to think this are: (1) Marcus' examples are not especially concerned with predictions. He challenges divination to tell black from white, to teach us about music, to explain the Cretan Paradox, as well as to predict celestial events. This would be perverse in reaction to Quintus' definition of divination, in which divination just *is* a certain sort of prediction. But on Chrysippus' definition divination observes and explains signs from the gods whether they be signs of the future, present or past. Chrysippus captures the importance of prediction in divination by making it divination's *officium* (*Div.* 2.130), not by making it constitutive of divination. There are examples in *Div.* that presumably stem from Chrysippus in which the past or present is revealed through divination (the past: Sophocles is told whodunit in a case of theft, 1.54; the present: a traveler dreams that the innkeeper is murdering his companion, 1.57). (2) In formulating his premise, Marcus talks of

²⁷⁴ It may be that 'an art must have a definable subject-matter' (or similar) was a widely accepted proposition in our period—there was a set of arguments against the technicality of rhetoric that seem to have had it as a premise (Brittain (2001) 299-300). But we should still try to understand why this premise was compelling.

divination as though of an *art*: *materia danda est in qua versari possit*, cf. *de Inv.* 1.7 *materiam artis eam dicimus, in qua omnis ars et ea facultas, quae conficitur ex arte, versatur*, “We call the subject matter of an art that with which all of the art, and the skill which the art confers, is concerned.” According to Quintus, one genus of divination is done with an art, but divination *per se* is not an art. On the other hand, Chrysippus called all divination an art. In Marcus’ version of Chrysippus’ definition it is a *vis* (2.130) and in Sextus’ version of the same definition it is an ἐπιστήμη (*M.* 9.132). For something to be at once a *vis* and an ἐπιστήμη it should also be, in Quintus’ terms, an *ars*: a *vis* in most people, a *vis* and an *ars* in the expert, and a *vis*, *ars* and ἐπιστήμη in the sage. DL gives some confirmation of this:

καὶ αὐτὴν καὶ τέχνην ἀποφαίνουσι διὰ τινὰς ἐκβάσεις, ὡς φησι Ζήνων τε καὶ Χρύσιππος ἐν τῷ δευτέρῳ περὶ μαντικῆς. (7.149)

And [the Stoics] also show that [divination] is an art through some outcomes, as Zeno says and Chrysippus in book 2 of his *On Divination*.

Just as Quintus tries to show through outcomes that the kinds of artificial divination are successful arts, Chrysippus tried to show that divination in general is an art. So, although Marcus does not explicitly target divination conceived of as an art, in this first part of the *excursio* he talks as though he were doing just that. This suggests that Carneades did so, and hence that he responded to Chrysippus’ definition of divination, and not to the later one.

Chrysippus defined the divinatory art by the type of phenomenon with which it deals and in which it finds its evidence—signs portended by gods to men—not by the type of states of affairs about which it seeks to ascertain the truth. So what Carneades demanded is that the art of divination should be set over some type of states affairs as its

subject matter—not subject matter in the sense of evidence, but in the sense of some type of state of affairs about which it is responsible for determining the facts. There being no such type, he supposed that there is no art of divination. The premise still seems unfair. Why should an art have some definable *type* of state of affairs over which it is set? Why cannot it be a successful art if it just gets many disparate states of affairs right, even if one cannot identify a common thread between them? On the one hand, perhaps Carneades was thinking along lines similar to what I said was the compelling ‘informal’ insight of his argument. Perhaps he said to the Stoics: it seems important with all your other arts that they have some identifiable subject matter, so if divination is really an art, then it should fit the pattern. On the other, perhaps Carneades’ thought was as follows, involving two unspoken premises. Suppose (first) that Carneades’ list of ways of getting at truths is indeed exhaustive, that is, exhausts all the states of affairs there are and puts each and every one under a way of getting at the truth. Suppose (second) that for any state of affairs we will prefer to divination the method listed for it by Carneades. Then there will be *no* state of affairs about which divination is the best way to get at the truth. There are still problems with the argument thus formulated. For example, by showing that there is no question which divination is the *best* way to answer, Carneades would not have shown that there are no questions which it is a *good* way to answer. There is also a difference between the best way to find something out in principle and the best way in practice. Still, as Marcus presents it, this sort of argument provokes the new definition that Quintus used, so it seems likely that it was good enough to spur some Stoic after Chrysippus into action.

I now turn to the second part of the *excursio*, in which Marcus offers to the Stoics a carefully supported version of Quintus’ definition of divination (2.13-14). Marcus says

that, according to Quintus, divination is *earum rerum praedictionem et praesensionem quae essent fortuitae*, “the prediction and foresight of those states-of-affairs which are by chance” (2.13). (Here we encounter an important problem when Marcus substitutes ‘are by chance’ for Quintus ‘are thought to be by chance’ in 1.9. I will discuss this a little later as it becomes an especially pressing problem in part three of the *excursio*.) Marcus presents this new definition as a reaction to the sort of problem he pointed to in part one of the *excursio*—Quintus kept divination away from *iis rebus quae sensibus aut artificiis perciperentur*, “those states of affairs that are grasped by the senses or by the arts.” So Marcus interprets the ‘chance events’ definition of divination as an attempt to mark off a set of states of affairs that do not, in fact, fall under Carneades’ list of preferable methods. Marcus immediately points out a problem with this attempt and offers a solution: other stochastic arts, like navigation or meteorology, aim at ‘chance’ outcomes. So perhaps the Stoics have failed to escape Carneades’ problem with the ‘chance events’ definition. No, says Marcus, the sort of ‘chance’ future events in view are those that not even any of the stochastic arts could predict, and in fact *no* human art could predict. *ita relinquitur ut ea fortuita divinari possint quae nulla nec arte nec sapientia provideri possunt*, “so it remains that those matters of chance can be divined which neither any art nor any wisdom can foresee” (2.14). On this interpretation, there are some future events that not even a learned sage, equipped with ultimate wisdom and the most pertinent of arts other than divination, can predict using arts other than divination. Which (for the Stoics) is to say that no human, even in principle, could ever predict these events without divine help (divination requires specific divine help, either direct ‘communication’ in natural divination or planning of specific signs and events in artificial divination). These future states of affairs, then, are a subject-matter all divination’s own. We cannot predict them,

but the gods can, so they can and sometimes should communicate their predictions to us. This is the motivation that Marcus attributes to Quintus for adopting the ‘chance events’ definition.²⁷⁵

Why does Marcus connect the ‘chance events’ definition with an attempt to elude all the predictive capabilities of the senses and the arts? As he says, we think of chance events as unpredictable in one sense (nobody can be sure whether a chance event will happen) but not in another—we may well feel that we can assess how likely a chance event is, and sometimes that we can guess with confidence what will transpire. But Marcus’ interpretation makes better sense if he has in mind the *Stoic* notion of chance. The Stoics defined chance epistemically. For them, τύχη is an αἰτία ἄδηλος ἀνθρωπίνῳ λογισμῷ, a “cause unclear to human reasoning” (Alexander, *Mant.* 179.6 Bruns = *SVF* 2.967, Aëtius *Plac* 1.29.7 = *SVF* 2.966). Thus defined, chance had a place in the Stoics’ determinist world. Of course, no cause was ἄδηλος absolutely, but only to *human* reasoning. God, determining all things, was aware of all causes, so in this sense ‘chance’ could be called ‘divine’ (Simp. *In Phys.* 333.1 Diels = *SVF* 2.965). So for a Stoic *res fortuitae* will be events of which *we* do not know ‘the cause’. In one sense the sorts of events predicted by stochastic arts like meteorology are Stoic chance events—we cannot assess the causes of the day after tomorrow’s weather competently enough to make very precise predictions about it. We use the evidence of today’s weather to assess what proximate causes of tomorrow’s weather there are now and past weather patterns to make inferences about how the causes that there are will interact, but we might be wrong. Still, with that kind of stochastic art we try to use signs that are part of the causal system leading up to the future outcome. If we suppose that all arts (other than divination) in one

²⁷⁵ It seems likely that, historically, this was part of the motivation for adopting the new definition. Another part was probably the move from conceiving of divination in general as an art to conceiving of divination as a mode of prediction that could include both arts and natural processes.

way or another predict future events through their proximate antecedent causes then absolutely chance events, those absolutely obscure to human reasoning, will not be predictable by humans without divine help even by stochastic arts (other than divination). In the second part of the *excursio*, Marcus indeed seems to read Quintus' *res quae fortuitae sunt* this way, because *he* suggests that *res fortuitae* are supposed to be *fortuitae* not in the sense that they require stochastic arts to predict them but in the sense that no merely human art can predict them, even in principle. In the second stage of the *excursio*—but not subsequently—Marcus works with a notion of chance as something relative to different observers and predictors, that is, an epistemic notion²⁷⁶. I think he does this because he (and Cicero) understand that the Stoic notion of chance is epistemic and because in this passage he is trying to 'tempt' the Stoics into a certain version of their view of divination.

Such, then, is the interpretation of Quintus' definition that Marcus offers the Stoics because (he implies) it is safe from Carneades' criticism. In the third part of the *excursio* he tries to subject this view to a dilemma. The first horn of the dilemma (2.15-18) aims to show that future chance events are in principle unpredictable, even by god, and hence that they are not amenable to divination. It is here that we encounter the first notable *ignoratio elenchi* in Marcus' speech. Marcus asserts that chance outcomes are those that could have happened otherwise: *Quid est enim aliud fors, quid fortuna, quid casus, quid eventus, nisi cum sic aliquid cecidit, sic evenit, ut vel aliter cadere atque*

²⁷⁶ Alexander, *Mant.* 24.179.6-10 Bruns criticizes just this feature of Stoic chance: it seems to mean that something might be by chance for one man, but not for another, depending on whether its cause was obscure to each. Alexander is also ready for the obvious reply that what is chance has a cause obscure to all men and not just to some—in that case, he says, nothing is by chance for the Stoics, since they think that there is divination, i.e., there is nothing that nobody cannot in principle predict (24.179.14-18). Alexander's answer fails because prediction by artificial divination need not involve any understanding of the causes of the predicted event on the part of the human diviner.

evenire potuerit?, “For what is fortune, what is luck, what is chance, what is accident²⁷⁷, except a case that falls out such that, or happens such that, it could have fallen out or happened otherwise?” (2.15). Now, this is not yet an entire *ignoratio*, since Chrysippus was careful to leave room for the contingent in his account of modality (*Fat.* 13-14, DL 7.75, Bobzien (1998) 112-119). So there is a sense in which a Stoic can agree that some things could have happened otherwise: it was true yesterday that I could choose either toast or cornflakes for breakfast this morning, although it was physically determined that I would choose cornflakes. So, perhaps what Marcus describes as ‘by chance’ is what a Stoic would call ‘contingent’.

But Marcus’ notion of chance is not consistent with a Chrysippean notion of contingency. For he concludes from it that god himself does not know whether a future chance event will happen:

Nihil enim est tam contrarium rationi et constantiae quam fortuna, ut mihi ne in deum cadere videatur ut sciat quid casu et fortuito futurum sit. Si enim scit, certe illud eveniet; sin certe eveniet, nulla fortuna est; est autem fortuna; rerum igitur fortuitarum nulla praesensio est (2.18).

For there is nothing so contrary to reason and regularity as chance, so that it seems to me that it does not even fall to god to know what will be by chance and accident. For if he knows, it will certainly happen; but if it will certainly happen, there is no chance; but there is chance; therefore there is no foreseeing chance events.

A Stoic will not concede that there is chance of the sort implied by this argument, nor that

²⁷⁷ Marcus uses a barrage of words to describe chance and through the rest of this section he keeps using them and their cognates. It seems to me that he uses them more or less interchangeably so I have not attempted the (perhaps impossible) task of keeping his terminology straight in my translation. The reason for this casual use of language may be that Marcus is trying to call up everyday notions of chance and luck rather than precise philosophical ones.

we could make the argument sound by substituting ‘contingently’ for ‘by chance’. A Stoic views contingency such that even if god knows that some event will happen, and even if the event is determined now, it might still be contingent. So in *Fat.* 13 Marcus addresses Chrysippus:

Tu et quae non sint futura posse fieri dicis... neque necesse fuisse Cypselum regnare Corinthi, quamquam id millensimo ante anno Apollinis oraculo editum esset.

You say that things which will not be can also come about... and that it was not necessary that Cypselus reign at Corinth, even though it had been announced a millennium before by the oracle of Apollo.

So Chrysippus says that an event can be foreseen by god but still be contingent, but Marcus (in *Div.* 2.18) says that what is foreseen by god cannot be by chance. So Marcus’ version of chance in *Div.* 2.18 is not compatible with Stoic contingency. So a Stoic will not accept that a contingent event which ‘could have happened otherwise’ is a chance event in Marcus’ sense of ‘chance’.

Furthermore, a Stoic will deny the second conditional premise of Marcus’ argument in 2.18 quoted above: for a Stoic, if an event will certainly happen it might still be by chance because an event that will certainly happen might be obscure to human prediction through causes. Marcus really ought to know this, and indeed it seemed in the immediately preceding section that he was aware that for the Stoics chance is epistemic relative to humans. Admittedly, when he offered the epistemic formulation in 2.14 he did not explicitly include the human element: *relinquitur ut ea fortuita divinari possint quae nulla nec arte nec sapientia provideri possunt*. But that these *fortuita* can be divined, according to the Stoic position he recommended in 2.14 implies that the gods can foresee

them where humans cannot. So Marcus appears in 2.15-18 to flout what he understood in 2.13-14. Even more seriously, Marcus implies that a chance event is one without a cause:

*Qui potest provideri quicquam futurum esse quod neque causam habet ullam
neque notam cur futurum sit? (2.17)*

Who can foresee something that will be which neither has any cause nor mark of why it will be?

For the Stoics, every event has antecedent causes. In the case of chance events those causes are obscure to humans, but they are certainly not obscure to god. Marcus says that chance events are quite without causes and thus concludes that even a god cannot predict future chance events. So because of the notion of chance it involves the final dilemma of the *excursio* is an *ignoratio elenchi* from a Stoic point of view. It introduces as a red herring a notion of chance foreign to the Stoics and concludes from it that there cannot be Stoic divination of chance events. Yet, as we have seen, earlier in the *excursio* he seemed to understand the Stoic notion of chance.

What should we make of this? First, I think it is instructive to compare Alexander's approach to the Stoic definition of chance (*Alex. de Fato* VII 174.1-28, *Mant.*24.179.6-23 Bruns). Alexander contends that the Stoics wished to keep the term τύχη in their lexicon despite their determinism and in order to do so redefined the term in a way incompatible with any acceptable notion of chance.

τί γὰρ ἄλλο ποιοῦσιν οἱ τὴν τύχην καὶ τὸ αὐτόματον ὀριζόμενοι αἰτίαν
ἄδηλον ἀνθρωπίνῳ λογισμῷ, <ἧ> τύχης τι σημαίνόμενον ἴδιον
εἰσάγουσιν τε καὶ νομοθετοῦσιν; (*Alex. de Fato* 174.1-3 Bruns)

For what else do they do who define luck and chance as 'a cause obscure to human reasoning' but introduce some private significance for 'chance' and lay

down new laws <of language>?

Alexander develops this point in various ways, but he seems inclined to just rule the Stoic definition out of court while he supposes that his own is founded on “common and natural conceptions” (κοινᾶς τε καὶ φυσικᾶς ἐννοίαις, *de Fato* 172.16 Bruns).

Marcus lacks a developed alternative like the Aristotelian one which Alexander puts forward, but perhaps we can make best sense of his *ignoratio* about chance if we suppose that he is taking a stand similar to Alexander’s. Marcus just insists on a ‘common sense’ notion of *fors*, *fortuna*, *casus* or *eventus*, whatever we want to call it (2.15). This ‘common sense’ notion regards a chance event as one which might have happened otherwise in the sense that it was not determined beforehand, physically, logically or otherwise. This results in an *ignoratio* so far as the Stoics are concerned but perhaps a non-Stoic audience will accept that we should find fault with the Stoics for just that reason. Second, we should recall that Marcus’ speech was not Cicero’s last word on the Stoic doctrine of fate. That was still to come in *Fat.*, as Marcus himself hints: *apud Stoicos de isto fato multa dicuntur, de quo alias*, “many things are said by the Stoics about that fate of theirs, concerning which, <more> elsewhere” (*Div.* 2.19). So perhaps we are to suppose that the character Marcus has principled reasons for denying Stoic position on fate and chance, but that such reasons would only be elucidated by the homonymous character in *Fat.*

Let us turn now to the second horn of the ultimate dilemma of the *excursio* (2.19-25). In the first horn, Marcus tried to show that if the events predicted by divination (i.e., future chance events on Quintus’ definition) are not determined beforehand, then they cannot be predicted. In the second horn he tries to draw unfavourable consequences from the premise that they *are* determined. Now, since he considers chance events to be those

not determined beforehand he says, as he must:

Aut si negas esse fortunam, et omnia quae fiunt quaeque futura sunt ex omni aeternitate definita dicis esse fataliter, muta definitionem divinationis, quam dicebas praesensionem esse rerum fortuitarum. (2.19)

But if you deny that there is chance, and you say that everything which is happening and will be was decided by fate from all eternity, change your definition of divination, which you said was the foreseeing of chance events.

This sentence presents a famous problem. For Marcus asks Quintus to “change his definition”, yet Marcus has already misquoted Quintus’ definition from 1.9 where divination is defined to be of future *res* which *fortuitae putantur*. The misquotation looks significant. Marcus, in effect, accuses Quintus of saying divination is of events not fated in a world where all events are fated. But what Quintus looks to have said is that divination is of events that are *thought* not to be fated, which is perfectly consistent with those events occurring in a fully fated world. Or so say those who think that Marcus, or Cicero, tends to misapprehend Quintus’ speech, or that Cicero used unmatched sources for the two books of *Div.*²⁷⁸ But I am not much troubled by the misquotation. For one thing, who is to say that Quintus has the carefully worded definition and Marcus the deviant one?²⁷⁹ Perhaps Quintus means *putantur* quite loosely, something like: divination is the prediction of events which (so the Stoics think) are by chance. But let us suppose that the difference is significant. What did Quintus mean by his definition, and what did the Stoic who devised it mean? Neither Quintus (in his Stoic guise) nor the inventor of the definition can have understood *res fortuitae* in the same way as Marcus

²⁷⁸ Denyer (1985) 4; Timpanaro (1999) xciii-xciv; Pease (1920-23) 23, 23n102, and on 1.9 and 2.19.

²⁷⁹ Cf. Balbus in *dND* 2.7: *Praedictiones vero et praesensiones rerum futurarum quid aliud declarant nisi hominibus ea quae sint ostendi monstrari portendi praedici*. Balbus is certainly careless with his formulation *praedictiones et praesensiones rerum futurarum* since he makes no reference to chance.

does. We must suppose that they understood it in a way consistent with Stoic determinism, that is, as events whose causes are obscure to human reasoning.

Let us say that, roughly, Marcus' use of *res futurae fortuitae* means 'future events not fated now' while the Stoic use means 'future events it is beyond us to predict'. When readers accuse Marcus of significant misquotation they suppose that Quintus said divination was of 'future events thought not to be fated now', while Marcus says that it is of 'future events not fated now'. That would be a problematic misquotation because the misquoted definition contradicts determinism where the original definition did not. But Quintus, as a Stoic, must have meant 'future events that we think are beyond us to predict'. If we read Marcus' formulation of the definition in the same way, it would mean 'events that *are* beyond us to predict'. But if we thus understand *fortuitae* in Quintus' sense then on *either* version of the definition, with or without *putantur*, Marcus is guilty of the same *ignoratio* we noted above. Either 'events that are beyond us to predict' or 'events that we think are beyond us to predict' could happen in a fully fated Stoic universe. Marcus' *ignoratio* is that he has radically rejected the Stoic understand of *fortuitae*, not that he has dropped *putantur* from the wording of the definition of divination.

Someone might object to my reading of Quintus' definition on the grounds that it makes *putantur* look tautologous. If a chance event is one obscure to human reasoning, do we need to add that it is thought to be obscure to human reasoning? I would counter that in Quintus' definition of divination *fortuitae* is best understood in the way Marcus offers in 2.13-14, that is, 'absolutely obscure to any human reasoning whatsoever'. If we take *fortuitae* that way it is not tautologous to say 'this is *thought* to be absolutely obscure to human reasoning' because there could be cases where something was thought to be

absolutely obscure, but was not. Presumably there was a time when the timing of the appearances of comets was thought to be quite beyond us to understand or predict—but Halley and the like showed this supposition to be false. We saw in my last chapter that Posidonius, for one, thought roughly this about (at least some) divinatory arts. In Quintus' *ratio a natura* he gives us Posidonius' analysis of the miniature divinatory art on Ceos (1.130). The appearance of the Dog Star on a certain date allowed the Ceans to predict the character of the coming year. Posidonius seems to have thought that he could explain how this prediction worked as an exercise in meteorology rather than as divination of something quite obscure to human reasoning. So he seems to have no trouble thinking that, in principle, some divinatory arts might one day be understood by human scientific reasoning. (Cf. pp. 283-285 above.) That would give him a reason to add *putantur* to the 'chance events' definition of divination.²⁸⁰

Marcus presents two problems for divination in a fated world. These are, first, that the Stoics cannot coherently claim that divination is of any use (2.20-21) and second that divination is, if anything, disadvantageous for mortals in a Stoic world (2.22-25). The former objection turns on divination's role as a way for the gods to give us advice. Augury is a natural source of examples since it purports to give divine endorsement or veto of proposed courses of action. Take the destruction of the Roman fleets in the First Punic War (2.20) that Quintus attributed to a *vitium*, that is, to a contravention of auspices (1.29). Marcus presumes that this means that *had* the auspices been obeyed, the fleets would not have been lost. But, he says, if this conditional is true, then it was not fated

²⁸⁰ This is not to say that Posidonius *was* the author of the *putantur*. I am not aware of evidence that allows us to assign any part of the definition to a specific Stoic. It is traditional in the scholarship to suppose that Marcus' version of the definition stems from Antipater while Posidonius added the *putantur* (Pease (1920-23) 23n102). This is plausible but speculative—if the *putantur* were added to a preexisting definition then another candidate for the addition would be Boethus who like Posidonius developed prognostics (*Div.* 1.13).

that the fleets should be destroyed. On the other hand, if it *was* fated that the fleets should be destroyed, then they would have been destroyed whether or not the auspices had been obeyed. In which case, the auspices gave no useful information about the future (in whatever sense augury gives information about the future) and hence there was no divination. So, either the outcome was fated, or there was divination of it, but not both. Marcus seems to think that this result can be generalized to dispose of divination entirely (*nulla igitur est divinatio*, 2.20). This is a very weak objection and one with which the Stoics had no trouble dealing. Admittedly, it was important to the Stoics that at least some divination could alter our behaviour. In the argument attributed to Chrysippus, Diogenes and Antipater (1.82-84) the gods ought to tell us the future if they can because it makes a difference to us, on the grounds that *erimus enim cautiores si sciemus*, “for we will be more careful if we know [what will happen]”. But Marcus’ argument gets no purchase on fate and divination as the Stoics understand them. The Stoics do not take a view of fate whereby the destruction of the fleets is fated regardless of what happened beforehand. This is clear in general because they hold that *everything* is fated, and in particular because they were not troubled by the Lazy Argument (*Fat.* 28-30). Chrysippus’ claim is not that it was fated that Oedipus would be born to Laius whether or not Laius slept with a woman, but rather that it was fated *both* that Laius would sleep with a woman *and* that Oedipus would be born as a result. According to Chrysippus, even though it was fated that Oedipus was born it is also true that had Laius not slept with a woman then Oedipus would not have been born. This presumably applies to courses of action advised by divination, too. It was fated that the fleets be destroyed because it was fated that the auspices would be contravened, but it is also true that *had* the auspices been

obeyed, they would not have been destroyed. Thus to claim that the auspices gave useful information about the future is consistent with Stoic determinism.

Marcus' second problem for divination in a Stoic fated world is that it would not be a benefit to us. This he illustrates with some examples—the bad ends that met all of the First Triumvirate. Would it have benefited Caesar to know that he would be murdered by his own associates and that his body would lie unattended in front a statue of Pompey? (2.23) In a Stoic world this was ineluctably fated to happen so, says Marcus, surely it would have been a trouble to Caesar to know this. Now, a Stoic might reply that appropriate attitudes to the gods, fate and death would mean that such foreknowledge was not troubling.²⁸¹ But Marcus resourcefully quotes Zeus' grief at Sarpedon's fated death—if Zeus himself can be grieved at a fated death, surely the Stoics are wrong to think that we could bear our own fated misfortunes lightly? (2.25) Now, this argument is not successful either. It depends on the success of the previous argument that aimed to rule out conditional predictions in divination, as Marcus admits (2.23-24). It also ignores all predictions other than those of death and disaster. For these reasons it is not finally persuasive to a general audience, and a Stoic will not be moved Homer's attribution of grief to Zeus. But there is still something compelling about the objection that successful divination might trouble us unduly. Although the Stoics claim that divination will make us *cautiores* not all divinatory predictions seem to work that way. Some of them just foretell that a particular event will happen, and not necessarily a pleasant one. Phalaris' mother learnt in a dream that her son would have *inmanis... crudelitas*, Cyrus that he would reign for thirty years (*Div.* 1.46). Perhaps in some cases such information might

²⁸¹ I take this to be the strongest reading of the Stoic reply that Marcus gives at 2.25: *omnia levius casura rebus divinis procuratis*, "everything that will befall us is easier to bear when we attend to divine matters", although *rebus divinis procuratis* also connotes 'sacred matters rightly propitiated'. According to my reading of Balbus on religion a Stoic will attend to traditional religious rites precisely to express the right attitude to the divine.

allow us to plan well. Cyrus could plan his program in government quite neatly.²⁸² But at other times the news is distressing. One thinks of characters in tragedy who struggle to void outcomes they believe to be fated. We might well agree that it was better for Cicero as he wrote *Div.* to be ignorant of the fate that awaited him less than two years later.²⁸³

As a whole, then, the *excursio* is not compelling; Marcus is right to say that it is fought “lightly armed”. The first horn of the final dilemma is an *ignoratio elenchi* in that it uses an anti-determinist view of chance instead of an epistemic one. I have said that *ignorationes elenchi* should not necessarily lead us to think that Marcus, or Cicero, misunderstood Quintus’ speech in book 1. There are ways in which they can make for an effective reply from a sceptic. But the sceptic must finger as rebarbitatively implausible only those Stoic views that might indeed be rebarbitatively implausible. An epistemic notion of chance does not seem to me to be one such. The second horn is ineffective, too, because the Stoic theory of fate leaves room for contingency and thus for divination to be helpful, but is not ‘fatalism’ because it does not say that certain events are fated while others are not. Most importantly, Marcus has yet to engage at all with Quintus’ particular arguments for divination. For that, and for the main work of Marcus’ refutation of divination, we must look to the next section.

²⁸² Perhaps it is also possible that for the Stoics the gods have a specific responsibility to provide useful divinatory information to great men like Cyrus and that angst the rest of suffer through divination is acceptable collateral damage (cf. the *vir magnus* of *dND* 2.167). My thanks to Charles Brittain for point this out.

²⁸³ Or was he? Julius Obsequens records among the prodigies for 44BC that *turbinis vi simulacrum, quod M. Cicero ante cellam Minerva pridie, quam plebiscito in exilium iret, posuerat, dissipatum membris pronum iacuit, fractis humeris brachiiis capite: dirum ipsi Ciceroni portendit* (Roszbach (1910) 178), “an image which Marcus Cicero had set up in front of the shrine of Minerva the day before he went into exile through a decree of the people was cast prone by the force of a whirlwind, its upper and lower arms and head broken. It portended evil for Cicero himself.” The dire portent seems rather too perfect—it was notorious that Anthony had Cicero’s head and hands cut off and displayed on the *rostra* (Plutarch, *Cicero*, 48.4-49.1).

(A3) The main strategy: 2.26-148

As I said above, Marcus takes on Quintus' inferences from his many *exempla* to the reality of divination by questioning the inferences and not the *exempla*. There are a few cases where Marcus doubts or denies the truth of Quintus' anecdote: he doubts Calchas' conjecture from the sparrows as described by Odysseus in *Il.* 2.299ff (*si crederem, Div.* 2.63); he doubts the stories of *ostenta* attendant on Plato and Midas' boyhood (2.66); he denies that rains of blood or sweat on statues can consist of blood or sweat (2.58); he describes the legends of Romulus and Attus Navius as "fictionalised stories" (*commenticiis fabulis*, 2.80); he doubts the Delphic oracles reported by Herodotus, whom he considers no more reliable than Ennius (2.116). But for the most part he seems to be as committed to the truth of the anecdotes as Quintus is. Now, Marcus never clearly sets out his strategy for showing what is wrong with Quintus' inferences. But we can discern patterns of argument that amount to such a strategy. Against natural divination Marcus employs two sorts of tactic. Quintus claims that all he need do to establish the reality of divination is exhibit pairs of predictions and *eventa*. Marcus (or the reader) is to be impressed by all or some (or even one) of the correlations between these pairs so forcefully that he (or we) concede that there must be *some* connection between them of the sort we are supposing—i.e. that there is divination. Marcus' first tactic is to argue that these apparent correlations are just by chance and that they should *not* convince us that there is any underlying connection between predictions and *eventa*. He argues that the apparent correlations that Quintus can exhibit are statistically insignificant, and hence not really correlations in the sense of evidence for a connection. The second tactic Marcus uses against natural divination is to argue that it is intrinsically implausible that the predictions and outcomes offered by Quintus could be

connected in the way Quintus thinks. These two tactics amount to two complementary criticisms of Quintus' purely empirical strategy. First, Marcus says that in fact the empirical evidence is not statistically sufficient to prove the divinatory connection on its own. Second, he says that rather than being beside the point physical theory can show that divination is *implausible*. In the case of artificial divination, Marcus uses the same two tactics as he uses against natural divination, but adds a third tactic. Part of Quintus' answer to Cotta's *unde oriatur* challenge was to give an ideal history of divinatory arts. Marcus tries to discredit that ideal history.

(A4) The history of the divinatory *artes*.

I will begin by examining Marcus' criticism of Quintus' ideal history of divinatory arts (summarised at 1.24-25). According to Quintus' history, theorems must originally be formulated by *coniectura*, induction of predictions from particular signs. In this sense artificial divination is "founded" (*nititur*) on *coniectura* and can never produce a theorem that is, at bottom, rationally justified by anything better than induction (*coniectura... ultra quam progredi non potest*) (1.24). But its theorems are empirically tested by observation over a very long period, which is reason to think rate highly the probability of the theorems (1.25). Meanwhile, new *coniecturae* are constantly made as new candidate signs are encountered (as Quintus makes explicit in 1.72). For some kinds of artificial divination (e.g. from *ostenta*) *coniectura* is the most common means of prediction. This history is an answer to Cotta's *unde oriatur* that need make no appeal to a causal theory of divination.

Marcus takes on *coniectura* primarily in the section of his speech devoted to the haruspices' responses on *ostenta* (2.49-66). He approaches *ostenta* as claimed miracles, like the birth of a foal to a mule (2.49) or rains of blood (2.58), or as startling events like

the bees on Plato's lips (2.66) or the crowing of the cocks at Lebadia (2.56). These were the sort of events that were officially reported to the senate and required action. Evidently, the haruspices would (at least sometimes) respond to these events by conjecture about the 'meaning' of the remarkable event rather than by the application of theorems—no doubt some of the events in question were unique and as such could not have an established theorem of haruspicy devoted to them (cf. the conjecture of Sulla's haruspex in 1.72). This is not to say for sure that the *coniecturae* about *ostenta* were pure guesses, there may have been some recommended procedures for forming one's conjecture. The haruspex may have looked for similar signs in theorems already on the books. Still, they were at best skilled inductions that lacked empirical confirmation.

Marcus says:

Iam vero coniectura omnis, in qua nititur divinatio, ingeniis hominum in multas aut diversas aut etiam contrarias partis saepe deducitur. Ut enim in causis iudicialibus alia coniectura est accusatoris, alia defensoris et tamen utriusque credibilis, sic in omnibus eis rebus, quae coniectura investigari videntur, anceps reperitur ratio. (1.55)

But now, every *coniectura*—and divination is founded on *coniectura*—is led by people's wits <to conclusions> in many different or even contrary directions. For just as in cases at trial the accuser has one *coniectura*, the defender another, and both *coniecturae* are believable, so in all of those matters that seem right to investigate by *coniectura* we find two-sided rhetoric.

The point must have carried particular weight with an audience used to pleading in court. Induction from limited evidence was just not sufficient to tell the true conclusion apart from other possible inductions—it is quite consistent with the evidence to believe either

that the man seen with the bloody dagger was the murderer or that he was an innocent who found the body and the weapon. Marcus points out new divinatory *coniecturae* from remarkable events have no more certitude than the forensic version. We would surely agree, and probably say that conjecture commands even less confidence in divination than in the courtroom. Now, this point is a score for Marcus against new *coniecturae*. It is also a reminder that this sort of *coniectura* was the ultimate basis of artificial divination. But that reminder does not critically weaken Quintus' general defense of artificial divination. A key strength of Quintus' argument is that he *concedes* that divination must stem from some rather baffling conjectures about livers, lightning and so on, and it is to this basis that he adds *longa observatio*.

Marcus, then, must give us reasons to think that the divinatory arts did not begin the way Quintus suggested. This he does, by rubbishing any and all stories of the early beginnings of the arts, be they Quintus' conjectures about the introduction and testing of theorems, or traditional myths about the founding of the arts, or a mixture of the two. Here Marcus' methods often look 'rhetorical' in that they amount to 'is it really plausible that...?'. This is exactly appropriate in a context where he tries to persuade Quintus (and us) of what happened historically, on the basis of little or no evidence (cf. *de Inv* 1.27).

One tactic is to suggest that a divinatory art was first begun for inappropriate reasons. The clearest case is in Marcus' discussion divination by lots: *tota res est inventa fallaciis aut ad quaestum aut ad superstitionem aut ad errorem* (2.85), "the whole thing was invented by trickery, either with monetary gain in mind, or superstition, or error." Quintus assumes that the inventors of divinatory arts aimed to produce true theorems, and started from some inductive conjecture about a sign. Marcus suggests that the art does not have its roots in conjecture at useful predictive theorems, but was dreamed up in

order to extract money from the gullible, or to promote superstition and error. Now, even supposing that this were right, Quintus might still be able defend the usefulness of the art. In his model it may not matter why the theorems of arts were proposed so long as they were then tested empirically by long observation. But by casting doubt on the origins of the process Marcus calls into question the commitment of diviners by lot to finding usefully predictive theorems at all. He makes a related suggestion about the origin of lightning as a divinatory sign in haruspicy and augury (2.43).

Nonne perspicuum est ex prima admiratione hominum, quod tonitrua iactusque fulminum extimuisent, credidisse ea efficere omnium rerum praepotentem Iovem?

“Surely it’s transparent that, as a result of people’s early wonder, because they had been terrified of thunder and lightning strikes, they [the first haruspices] had believed that Jupiter, mighty in all matters, made these things happen?”

Here the criticism is not that the early lightning diviners were disingenuous like the inventors of the *sortes*. Rather, superstition—fear of the gods—is proposed as their motivation. Now, superstition might lead one to pursue earnestly the ‘real’ predictive power of lightning and to propose and test successful theorems. The problem with an art motivated by superstition is, for a Stoic, more insidious. Superstition is to be excluded from religion (*dND* 2.70-72). Diviners motivated by it are certainly fools and prone to error, especially (one presumes) in matters to do with the divine. As a mechanism for generating successfully predictive theorems Quintus’ ideal history survives these criticisms of its early stages, but Marcus insinuates that the real answer to *unde oriatur* may be somewhat discreditable in ways that undermine the whole process suggested in the history.

Some of the divinatory arts had myths of their origins attached. According to the Etruscans, a being called Tages with the appearance of boy was ploughed up from a field and dictated the basic *disciplina* of haruspicy to a large crowd (2.50). Since then *eam ... crevisse rebus novis cognoscendis et ad eadem illa principia referendis*, “it [the *disciplina*] has grown as new things are learnt and related to those same principles [i.e. what Tages dictated]”. Although Marcus does not say so, this is a history of divination importantly different from Quintus’. The original theorems (*principia*) were not conjectured but ‘revealed’ by the mysterious Tages and thus, it seems, required no empirical testing. New theorems were added to this base by some process of comparison with the existing *principia*—presumably this was the sort of process of *coniectura* described in that the haruspices could call on in their responses on Roman *ostenta*. But although different from his account this myth would not worry Quintus if true—if the original theorems of an *ars* were revealed rather than conjectured, so much the better. On the other hand, there is no mention in the mythical history of *longa observatio*. The new theorems seem to be admitted to the *ars* by comparison with the old not by empirical confirmation. Again, perhaps this would be acceptable where the original theorems were indeed revealed. But Marcus, understandably, thinks the story altogether absurd: *Estne quisquam ita desipiens qui credat exaratum esse deum dicam an hominem?* (2.51), “Is there anyone so mentally deficient that he believes that there was ploughed up—shall I say a god, or a human?” So the theorems of haruspicy were neither confirmed by long observation nor revealed—and the real origin of the discipline is now obscured by an absurd myth. The problem for Quintus here is that the myth is what the haruspices themselves report. *Haec accepimus ab ipsis, haec scripta conservant, hunc fontem habent disciplinae* (2.50), “This is what we hear from them, they keep this in written

records, this is the source of their discipline.”. So one way Marcus undermines Quintus’ ideal history in the case of haruspicy is by pointing to the myth of origin told by its practitioners—*Num ergo opus est ad haec refellenda Carneade?*, he says, “We don’t need Carneades to refute this, do we?” (2.51)

Marcus also denies that the process of *longa observatio* has happened as Quintus claimed. On astrology, where claims of antiquity were especially spectacular (cf. *Div.* 1.36), he says:

Nam quod aiunt quadringenta septuaginta milia annorum in periclitandis experiundisque pueris quicumque essent nati Babylonios possuisse, fallunt; si enim factitatum, non esset desitum. neminem autem habemus auctorem, qui aut fieri dicat aut factum sciat. (2.97)

For in that they [the Chaldeans?] say that the Babylonians had done trials and checks on <the horoscope of> every child born for 470,000 years, they are deceived. For if it had been <the Babylonians’> habit, they would not have ceased from it, but we have no authority who either says that it goes on or knows that it was done.

Again, this is a rather ‘rhetorical’ argument about plausibility. It is implausible (Marcus claims) that the Babylonians would ever have lost the habit of testing horoscopes. So, if they ever did so, they ought to do so now, and hence there ought to be good evidence of them doing so. But there is no good evidence that they do so (or ever did so). Therefore, they never did. The argument is a tissue of (at best) probabilities and an *argumentum e silentio*, albeit a principled one. But how else can Marcus argue against Quintus’ proposed history of Babylonian astrology? So far as the Ciceros know there is no good historical evidence about the matter, and all they can do is scrap about plausibility. Now,

as a matter of fact the Babylonians *did* keep some limited astrological records. But certainly not for hundreds of thousands of years, and not for long enough that we should find it remotely plausible that they had any insight into predictive horoscopy of individual lives. So we should agree with Marcus, not Quintus.

Elsewhere, Marcus more theorized objections to *longa observatio*. At 2.47, in arguing against haruspicy he compares the sort of *observatio* possible in the case of prognostics with that possible in divination. Posidonius and Boethus investigated the causal links between prognostic signs and outcomes. Even if they could not get to the causes, at least was possible to observe regularities. But with divination, *Nattae vero statua aut aera legum de caelo tacta quid habent observatum ac vetustum?*, “But what does the statue of Natta have, or the bronze tablets of the laws struck by lightning, that has been observed or is ancient?” (The lightning strikes on Natta’s statue and the law tablets were endorsed by Cicero as a portent of Cataline’s conspiracy in his *De Consulato Suo*, *Div.* 1.9, 2.45-46.) For the prognostic theorem that ‘if herons fly inland vocalizing, a storm is coming’ (*Div.* 1.14) one can objectively mark down when the sign or the outcome have occurred. It is thus possible to observe the relevant facts to test the theorem. But the lightning strike on Natta’s statue was a unique event. What are the pertinent facts about it to which a theorem should be applied, or by which a theorem can be tested, or from which a *coniectura* can be made? The best ways to generalize from it (Marcus suggests that the Nattae were nobles and so danger was to be expected from the noble class, 2.47) seem arbitrary and obscure—*Hoc tam callide Iuppiter cogitavit*, “How cunningly Jupiter thought that up!” says Marcus snidely. So, if we suppose that divinatory signs and outcomes in general need this sort of rather arbitrary interpretation

to be related to theorems the process of building up divinatory arts looks rather unmanageable²⁸⁴.

Marcus chose a rather hard case, a lightning strike on a portrait statue, to illustrate his point. In extispicy or augury it seems that the signs—flights of birds, anatomical features on particular parts of the liver—would be easier mark down objectively. But elsewhere Marcus suggests that even such apparently objective signs suffer from an arbitrary element in that the parameters for isolating them would originally have been arbitrary. On the more objective aspects of the haruspices' brontoscopy, where the direction of the lightning was studied, he says (2.42):

Valet autem in fulguribus observatio diuturna, in ostentis ratio plerumque coniecturaque adhibetur. Quid est igitur, quod observatum sit in fulgure? Caelum in sedecim partes diviserunt Etrusci. Facile id quidem fuit, quattuor, quas nos habemus, duplicare, post idem iterum facere, ut ex eo dicerent, fulmen ex qua parte venissent. Primum id quid interest? Deinde quid significant?

But long-continued observation is effective with lightning, while with prodigies reason for the most part and *coniectura* are used. So what is there that has been observed with lightning? The Etruscans divided the sky into sixteen parts. It was an easy thing to double the quarters we have, and then to do the same again, so that they could say thereby from what direction the bolt came. First, what difference does that [i.e. the direction] make? Next, what does it signify?

²⁸⁴ Denyer (1985) 6-7 criticises Marcus' 'arbitrariness' objections on the grounds that with the Stoic model signs can be arbitrarily connected with their correlated outcomes in the same way that words can be arbitrarily connected to their meanings (he has in mind parts of Marcus' speech—2.34 and 2.65—that I discuss below and above, respectively). It is an important insight that signs and outcomes can be arbitrarily connected in the Stoic model. But I do not think that Marcus misunderstands the point. In the passages I am discussing here, he complains about necessary arbitrariness in deciding which aspects of which events are significant and suggests that it is barrier to the formation of successful divinatory arts. This involves no criticism of the arbitrary relation of signs and outcomes.

These rhetorical questions are not answered. There follows immediately the motivation of lightning divination by terror quoted above. Marcus' point seems to be that the division of the sky adopted by the haruspices is based on the cardinal points and thus, in a sense, is arbitrary. It was chosen before there was any evidence that it was the right way to divide up the sky to find useful divinatory theorems. Perhaps the gods use a system where the sky is divided into sevenths, or pinwheeled nine degrees from the cardinal orientation?²⁸⁵

Marcus' most systematic attack is reserved for the ideal history of augury, of which he offers an ingenious history of his own. It is ingenious because in it Marcus negotiates between his position as an augur and his role as a debunker of Stoic divination. Of course, it would be quite consistent for Marcus to play his conversational role of Academic negative disputer while being personally committed as an augur, or even to the reality of augury (which he is not). But Marcus chooses to signal from time to time his political support for the continuance of state divination even during his negative arguments (e.g. 2.28 on haruspicy). This applies most of all with augury, where those

²⁸⁵ A defender of Quintus' outlook might be able to dispose of this and similar objections by early diviners, using Denyer's metaphor of the divinatory system as a 'language' for communication between gods and people. If the haruspices adopt a certain division of the sky, however arbitrary or even perverse, could not the gods then adapt their signs to that division? If communication is the goal it would make sense to change their 'language' to suit the 'listeners'. (Cf. Denyer (1985) 7 on Marcus' objection that there are local differences in the art of extispicy—Denyer argues that the gods might use a different 'language' to suit each locale, just as people do.) This would be a reasonable reply to Marcus, although I do not strictly agree with Denyer that artificial divination is susceptible to the 'language' analysis in the way that natural divination is because I do not think the signs of artificial divination (e.g. a crow croaking) 'mean' the prediction derived from them (non-naturally or otherwise). (But there are important ways that Denyer is mistaken in rebuking Marcus for making arguments from local differences in divinatory sciences. Most importantly, these arguments do not show that Marcus has misunderstood his target. Denyer thinks that Marcus' arguments are supposed to show that universal divinatory causal laws do not apply and concludes from this that Marcus has misunderstood the non-causal connections that obtain between signs and outcomes in Stoic arts (p. 7). On the contrary, these arguments are supposed to undermine Quintus' ideal history of just such arts. The argument at 2.28 tries to show that extispicy cannot have been developed through *observatio diuturna*, while at 2.80 Marcus uses foreign augury *non tam artificiosa quam superstitiosa* as buttress to his general effort to show the same is true of Roman divination. Second, Denyer's other example, 2.82 on the different interpretations of thunder on the left, is altogether irrelevant to his case. The disagreement about thunder on the left is in response to the contention that there is a *consensus omnium* behind augury, 'at omnes reges populi nationes utuntur auspiciis', 2.81.)

who disobey *religio* and *patrius mos* by contravening the auspices deserve *omni supplicio* (2.71). Augury is maintained *ad opinionem vulgi et ad magnas utilitates rei publicae*, “with regard²⁸⁶ to public opinion and its great benefits for the commonwealth” (2.70). Marcus’ alternative history of the discipline is quite consistent with this outlook. In it there are three periods, of which the second and third are described here:

Non enim sumus ei nos augures, qui avium reliquorumve signorum observatione futura dicamus. Et tamen credo Romulum, qui urbem auspicato condidit, habuisse opinionem esse in providendis rebus augurandi scientiam—errabat enim in multis rebus antiquitas—quam, vel usu iam, vel doctrina, vel vetustate immutatam videmus. retinetur autem et ad opinionem vulgi et ad magnas utilitates rei publicae mos, religio, disciplina, ius augurium, collegi auctoritas.

(2.70)

²⁸⁶ What does *ad* mean in *ad opinionem vulgi*? First, does it mean ‘motivated by public opinion’—i.e. that the force of people’s *existing* beliefs about augury was such that those beliefs were respected? Or does it mean ‘to foster public opinion’—i.e. that augury was maintained in order to have some *effect* on people’s views, to conserve or amplify the views? Second, what *opinio* does Marcus have in mind? Is it an *opinio* that augury is important for the traditional fabric of the Roman polity (the view that he seems to endorse) or is it that augury truly receives information from the gods? Marcus thinks (I will argue) that it is good *for* a participant in Roman religion not to believe that augury is *really* divination. So if he argues that (1) augury *produces* an opinion in the public, and (2) that this opinion is that augury secures communication from the gods, and (3) that augury should be maintained in order to produce that opinion, then his position is potentially distasteful. It recommends cynically fostering false beliefs which Marcus thinks are bad for their believer, at the very least in so far as they produce troubling superstitions (2.149). The position would have to be defended on political lines, that greater good accrues to society and perhaps to members of society through the stability and loyalty induced by belief in divination. It could not be defended on the basis that belief was not important in ancient religion because what Marcus denies is precisely that premise. (Beard (1986) and Rasmussen (2000) defend the historical Cicero against charges of religious hypocrisy on the basis that ancient Romans were not concerned about right religious belief.) Still, I suspect that the *ad* means ‘with the existing opinion in mind’ more than ‘to foster an opinion’. When Cotta in *dND* 1.61 and Marcus in *Div.* 2.28 comment on the political risks of making their negative arguments in a *contio* or in public what seems to worry them most immediately is *invidia*, that is, resentment directed at them for making the argument rather than ill consequences of listeners being persuaded to abandon traditional beliefs. Such anxieties must have been complicated and not wholly to be analysed as top-down, controlling hypocrisy. An American public figure today will not speak against popular religion in public even if she privately disagrees with its tenets, but that does not mean she wants to influence people in favour of the religion for cynical reasons. All of what I have said in this note applies to the *philosophical* views expressed in *dND* and *Div*, not to the politics of the historical Cicero. Mind you, Polybius attributed some of Rome’s success to the ability of the ruling class to maintain *δεισιδαιμονία*, superstition not right religion (6.56.6-12).

For we [i.e. the Roman augural college] are not those augurs whose job is to tell the future by observation of birds or the other signs. And yet I believe that Romulus, who founded the city under auspices, held the opinion that the science of augury lay in foreseeing things (for antiquity erred in many matters), the science we now see changed, whether by use, or by dogma, or by age. But the custom, the discipline and the law of augury, and the authority of the college, were maintained both with regard to public opinion and its great benefits to the commonwealth.

In the second period of augural history (we will look at the first momentarily), Romulus (and presumably the other early *maiores*) believed that augury was successful divination. That is why it was included in the city's institutions. They were mistaken about its success as a divinatory art and this error later became known.²⁸⁷ (We can see that Marcus thinks that the error became known because he says augury was retained other than for its divinatory success.) In the third period of divinatory history, augury was retained for political reasons, not because it was successful divination. There were changes in the *ars*

²⁸⁷ I interpret this passage differently than Jerzy Linderski. He supposes that there were known to Cicero two theories of augury *within the augural college*, (1) that augury is limited to allowing the gods to warn actions by particular magistrates on particular days, and as such did not amount to a means of predicting the future, or (2) that a divine warning amounts to a prediction of disaster if the auspice is contravened, and hence that divination can predict the future. Linderski says that in the passage I quote from 2.70 Marcus criticizes Romulus for taking augural view number (2), that is, for thinking that augury predicts the future. (Linderski (1982) 29-31) He writes, "It is important to remember that here [i.e. in *Div.* 2.70] Cicero speaks as an augur, and not as a sceptical philosopher." (p.30) So Linderski thinks that Marcus prefers one of the two augural views, number (1). I think that Marcus speaks as a sceptical philosopher and says that augury is not divination at all; when he says that Romulus erred in believing that augury lies *in providendis rebus* he just means that Romulus erred in believing that augury was divination. In the following paragraph Marcus says, *Etenim, ut sint auspicia, quae nulla sunt, haec certe quibus utimur, sive tripudio, sive de caelo, simulacra sunt auspicioorum, auspicia nullo modo* (2.71), "Anyhow, suppose that there are auspices—which there are not—the ones which we use, whether the *tripudium*, or in the sky, are certainly counterfeit auspices, and not auspices at all." The clause underlined shows that Marcus rejects the divinatory power of the auspices wholesale; even if the art were properly practiced, there would be no auspices. I think that 2.70 is in the same vein—there is no problem with a Roman augur arguing against the reality of augural divination because it is not the job the augural college to divine anyway. I admire Linderski's careful attention to the augural art and thoughtful attempt to find a dialectic purpose for 2.70 other than straightforward debunking of augury. Mine is a simplistic and uncomfortable reading by comparison with Linderski's. But I think it is the right one.

since the time of Romulus, and these can be chalked up to changes of habit over time or to doctrinal changes in the college, but not, it seems, to an evolving empirical *ars*. This alternative history already goes a long way to dispute Quintus' ideal history in the case of augury. The augurs of the second period were just mistaken about augury's divinatory success; they were not witnesses to the early development of successful theorems, therefore. We know from elsewhere that they were motivated by, for example, superstitious fear of lightning (2.42). Of course, Quintus has given a model where even theorems introduced for superstitious reasons could be proved successful by long observation. But Marcus suggests that in the third period augury's long history was not devoted to improving the success of the art. Augury was retained for reasons wholly other than pursuing successful divination, so unsuccessful theorems may have been allowed to stand.

Now, the second and third periods of augury do not include an account of its origins—Marcus says that Romulus dealt with a *scientia*, apparently a preexisting *scientia*, of divination. But he alleges that the traditional suggestions for an early, formative period are inconsistent or implausible.²⁸⁸ A philosopher, he says, must offer an account of augury's *inventio*, the process of its discovery (2.80):

Quo modo autem haec aut quando aut a quibus inventa dicemus? Etrusci tamen habent exaratum puerum auctorem disciplinae suae, nos quem? Attumne Navium? At aliquot annis antiquior Romulus et Remus, ambo augures, ut accepimus. An Pisidarum aut Cilicum aut Phrygum ista inventa dicemus? Placet igitur humanitatis expertes habere divinitatis auctores?

²⁸⁸ Cf. the similar traditions at *de Legibus* 2.33, where Marcus argues that augury must have been successful among the Phrygians, Cilicians and so forth.

But how shall we say these things were discovered, and when, and by whom?

The Etruscans, meanwhile, have the boy who was ploughed up as the author of their discipline—who do we have? Attus Navius? But Romulus and Remus, both augurs according to tradition, were a few years older than him. Or shall we say that these things were discoveries of the Pisidians, or the Cilicians, or the Phrygians? So do we hold then that people ignorant of human learning were authorities in divinity?

The result that Marcus draws from all this is shockingly strong, and worded to call to Quintus' mind his reading of *dND*. The myths of Romulus and Attus Navius, *maiores* who lend authority to augury, are touchstones in Cicero's more positive writing on the subject. They appear in *de Legibus* in support of augury (2.33). In *dND* Balbus challenges Cotta: *An Atti Navi lituus ille...contemnendus est?* (*dND* 2.9), "should we despise the staff of Attus Navius?" Cotta bristles: *nec possum Atti Navi, quem commemorabas, lituum contemnere* (*dND* 3.14), "nor can I despise the staff of Attus Navius, which you mentioned". Quintus reminds us of Romulus' augury (2.30) and tells us the whole story of Attus' staff (*Div.* 2.31-34). But Marcus flatly rejects these stories (*commenticiis fabulis*, 2.80) that all the previous speakers have treated as inviolable:

Omitte igitur lituum Romuli, quem in maximo incendio negas potuisse, contemne cotem Atti Navi (2.80).

So get rid of Romulus' staff, which you say could not be burnt in the greatest fire, despise the whetstone of Attus Navius.

Marcus systematically rubbishes Quintus' ideal history in the case of augury, and offers as the reason for its retention that it confers political benefits on the state. This is

consistent with his defence of the practice as an augur, and with his refutation of divination as a sceptical philosopher.

(A5) Statistical arguments: *potest...casus veritatem imitari* (2.48).

I said that Marcus employs two tactics against all divination, and another (the questioning of Quintus' ideal history) against artificial divination specifically. Now that I have surveyed the latter, I will turn to Marcus' two general tactics. The passage that comes closest to summarizing these tactics is 2.46-49. It is here that Marcus deals with Quintus' use of examples of *ostenta* for which Marcus himself is the source. In these cases it is most starkly obvious that Marcus cannot question the truth of the 'evidence', that is, the facts which Quintus cites as signs and outcomes. Instead, Marcus tells us how he will question the stylistic correlation and the divinatory connection between these pairs of facts: Quintus asked not why divinatory predictions happen but whether they happen, *Quasi ego aut fieri concederem aut esset philosophi causam quid cur quidque fieret non quaerere* (2.46), "As if I would either concede that < divination > happens or that it's appropriate for a philosopher not to investigate the cause because of which each thing happens." Marcus first denies that Quintus' proposed correlations by sign and outcome amount to evidence of a connection (he will not concede *that it happens*) and second, by arguing that in any case there could be no divinatory connection of the sort Quintus claims (he will not concede that Quintus can get away with leaving the relevant physical theory unexamined, and will even assert that the relevant theory rules out divination).

Marcus elaborates the chance argument most fully in 2.48-49. The charge that correlations between prediction and outcome are by chance is one that Quintus

considered early on and which he attributes to Carneades (1.23). Quintus recruits the tools of statistical probability to suggest that this is an unreasonable charge:

*Quicquam potest casu esse factum quod omnes habet in se numeros veritatis?
Quattor tali iacti casu Venerium efficiunt; num etiam centum Venerios, si
quadringentos talos ieceris casu futuros putas? (1.23)*

What can be done by chance that has all the detailed properties²⁸⁹ of truth? Four dice thrown make a Venus throw by chance; surely if you throw four hundred dice you don't think that there'll be one hundred Venus throws by chance?

Quintus has a reasonable point. In a Venus throw, four four-sided dice (a *talus* is a 'knucklebone', which has four sides) are thrown so that a different number appears on each die (Pease (1920-23) *ad loc.*) The probability of this outcome (assuming fair and independent dice) is $4!/4^4 = 24/256 = 3/32$. So Venus throws will often happen by chance. But the chance of one hundred consecutive Venus throws is $(3/32)^{100} = 1.57 \times 10^{-103}$. That is a truly negligible chance—it is the equivalent of 339 consecutive coin tosses coming up heads. If one threw one hundred consecutive Venus throws one could reasonably conclude that the dice were loaded. Quintus produces other examples which he says are like this: paint thrown on a board might produce a rough outline of a face, but one would not think Apelles' *Venus of Cos* were the result of such chance; a pig might by chance scratch an A on the turf with his snout but not Ennius' *Andromache*. Quintus, of course, supposes that the apparent successes of divination are in the *Venus* or *Andromache* category—one should conclude that there is a negligible probability that they have occurred by chance. Thus he thinks that they are evidence divination happens, even if we cannot say how or why it happens.

²⁸⁹ There may be a play here on *omnes numeros habere*, meaning 'have all the detailed properties' (cf. Pease (1920-23) *ad loc.* *Off.* 3.14, *Fin.* 3.24, *dND* 2.37) and *numerus* meaning the result of a throw at dice (*OLD* sv. *numerus* 2.e).

In many ways, Quintus makes an argument that is conceptually recognizable from the point of view of modern statistics. He implies that the observable divinatory outcomes are like the rolling of many dice and in that sense he concedes that the divinatory outcomes can be analysed as potentially the outcome of chance. But the statistical probability that they would fall out as they did just by chance is so low that we can be reasonably certain that there is some non-chance bias in the system—that there is divination. On the other hand, Quintus runs the risk of drawing too strong a conclusion from his pig scratching and paint flinging examples: *Sic enim se profecto res habet ut numquam perfecte veritatem casus* (1.24), “Plainly, the fact is that chance never imitates truth perfectly.” Quintus avoids saying explicitly that chance *cannot* imitate truth perfectly, which would be too strong a conclusion. But he comes very close when he says that *profecto* chance never *does* imitate chance. A charitable reading would conclude that Quintus is making a very good bet. ‘Fling paint at a canvas until the end of time, you’ll never reproduce Botticelli’s *Venus*.’ This is an excellent bet, but it does not amount to saying that one *cannot* reproduce the *Venus* by chance. Something similar ought to be Quintus’ point about divination. If you happen on the *Venus* or something like it on an artist’s easel, you would be deeply unreasonable to conclude that the piece was produced by flinging paint randomly. Similarly, the frequency and accuracy of the truth of divinatory predictions ought to defy an attribution to ‘mere chance’ not because they *cannot* be the result of chance but because the world is such that we would be very unreasonable to think that they are. This is why Quintus talks of chance imitating *truth*. The overall truth of the mass of divinatory predictions is improbable in the way that the order of a great work of art is improbable.²⁹⁰ But it is not clear that this charitable

²⁹⁰ It is clear that Quintus’ point in 1.23 is about the mass of predictions rather than individual predictions because the immediate objection Quintus considers in 1.24 is that divinatory predictions are sometimes

reading is the right one. When Quintus says that chance obviously does not imitate truth he might mean that it cannot.

There is another, clear problem with Quintus' statistical argument. What he lacks is any way to show that the deliverances of divination are like the hundred Venus throws rather than the single Venus throw, or like the masterpiece rather than the rough outline of a face. For one thing, he lacks the sort of statistical tools that we have developed to analyse and compare empirical data. For another, he lacks the sort of data that would be amenable to this analysis. His mass of selected anecdotes are quite unsuitable—he would need to present for analysis a large, fair sample of the predictions, successful or not, of at least some kinds of divination. Now, in addition to this sort of correlation between predictions and outcomes *en masse*, Quintus sometimes has another sort of correlation in mind. Perhaps, Cratippus argued, there could be a single instance of divination that excluded the possibility of chance (*satis est ad confirmandam divinationem semel aliquid esse ita divinatum ut nihil fortuito cecidisse videatur* (1.72), “it is enough to make sure of divination that something should once be divined in such a way that we think that it could in no way have fallen out by chance.” Here the match between just one prediction and its outcome would be so good that it seems to be like an artistic masterpiece rather than the outline of a face. Indeed, this is the sort of example that seems most amenable to comparison with the *Venus* or *Andromache* examples and thus to Quintus' statistical argument. But I cannot see any such match among the examples that Quintus gives. It would presumably have to come from natural divination since the predictions of artificial divination will be short and easily borne out by chance. A lengthy, detailed and correct

false, which would be a fruitless objection if Quintus were making a point only about some particularly good predictions.

prediction of some complicated aspect of the future through natural divination would be required, and Quintus gives us none of those.

In his explicit discussion of 1.23, Marcus does not object that Quintus failed to show that divination is like his masterpiece cases (2.48-49). Instead, he takes the uncharitable reading of Quintus' conclusion. *dixisti... centum Venerios non posse casu consistere* (2.48), "you said that one hundred Venus throws cannot coincide by chance". His response, quite rightly, is to insist that they can, or that flung paint *could* produce the Venus. He concludes *Potest igitur, quod modo negabas, veritatem casus imitari* (2.49), "So chance can imitate truth, which you were just now denying." The imperfect of *modo negabas* is significant. With it Marcus refers not only to 1.23 but also to Quintus' whole speech, which depended in general on his empirical, and thus statistical, approach. So in 2.48-49 Marcus insists that *even if* the correlation between predictions and outcomes were statistically like the order of a Botticelli or an Ennius poem, that correlation could still be by chance. This is true. Yet it is a lame argument against Quintus' defence of divination because we would still be wholly unreasonable to attribute the *Venus* to chance.

But elsewhere Marcus takes the next step and attributes divinatory successes to *casus*. That is, he denies that successes of divination are statistically like the masterpiece cases. At the start of his main arguments he accuses Quintus of using witnesses *qui aut casu veri aut malitia falsi fictique esse possunt* (2.27), "who can be either veridical by chance or false and concocted through malice". He suggests that the signs of the Catiline conspiracy Quintus cites from *de Consulatu Suo* might as well have been appropriate by *casu* as by *numine deorum* (2.47). He says that many predictions of the haruspices are wrong (2.52), and thus asks *Quota enim quaeque res evenit praedicta ab istis? Aut, si*

evenit quidpiam, quid afferrī potest cur non casu id evenerit?, “How many things predicted by them actually come out? Or, if something comes out, what can be said to show why it did not come out by chance?” (2.52). In 2.62 he accounts for a remarkably successful prediction of the haruspices with *neque enim tanta est infelicitas haruspicum, ut ne casu quidem umquam fiat quod futurum illi esse dixerint*, “nor is the unluckiness of the haruspices such that what they say will be never happens even by chance” (and cf. 2.75, *deinde fortasse casu*).

For natural divination, Marcus takes on Cratippus’ argument that there is some natural *vis divinandi* in humans (2.109):

Adsumit autem Cratippus hoc modo, ‘sunt autem innumerabiles praesensiones non fortuitae.’ At ego dico nullam—vide quanta sit controversia, iam adsumptione non concessa nulla conclusio est. ‘At impudentes sumus, qui, cum tam perspicuum sit, non concedamus.’ Quid est perspicuum? ‘Multa vera’ inquit ‘evadere.’ Quid quod multo plura falsa? Nonne ipsa varietas, quae est propria fortunae, fortunam esse causam, non naturam esse docet?

Cratippus takes the following as a premise: ‘But there are innumerable foreseeings which are not by chance.’ But I say there are none. See how great our dispute is; now that the premise is not conceded the conclusion fails. ‘But we are shameless who will not concede when it is so clear.’ What is clear? ‘Many things come out true,’ he says. What about the fact that many more are false? Surely this diversity <of outcome>, which is a property of <things that happen by> chance, shows us that chance and not nature is the cause?

As with haruspicy, Marcus argues that the mass of outcomes of natural divination does not show a strong enough correlation to count as evidence for a divinatory connection.

Now, Cratippus argued that just *one* instance of successful divination was sufficient to show that we have the *vis divinandi*, just as if a man sees just once we can say he has the faculty of sight—Marcus joins Quintus in reporting this aspect of the argument (2.107). But Marcus later argues that there is no one instance that cannot be attributed to chance (2.121). We make *innumerabilia coniectura* from the impressions of the drunk or insane and, like a man who shoots all day, we sometimes hit the mark.

*Quid est tam incertum quam talorum iactus? Tamen nemo est quin saepe iactans
Venerium iaciat aliquando, non numquam etiam iterum ac tertium. Num igitur, ut
inepti, Veneris id impulsu fieri malumus quam casu dicere?* (2.121)

What is so uncertain as dice throws? Yet there is no one who, throwing many times, does not sometimes throw a Venus, and occasionally even twice and thrice in a row. So surely we don't want to say, like the thoughtless, that it happens by the hand of Venus rather than by chance?

In other words, the visions of madmen coupled with conjecture can occasionally produce striking results, but this is no evidence that anything other than a lucky prediction has happened. There is no need to appeal to divine agency, so there is no reason to think that there has been divination.²⁹¹

(A6) Theoretical plausibility arguments.

In addition to denying that Quintus has presented statistical evidence for a significant correlation between divinatory signs and outcomes, Marcus also argues that the various kinds of divination are implausible in that it is theoretically implausible that their signs and outcomes could be connected in the relevant way. It is these arguments

²⁹¹ Cf. also 2.115 on the oracle at Delphi, of whose predictions Marcus says that some are false and some are by chance. He thinks that still others are so obscure and ambiguous as to require interpretation not just by diviners but by grammarians. He implies that such ambiguity increases the chances of a prediction looking true in the end—the oracle to Croesus about destroying a great empire hedged its bets.

that are most vulnerable to Denyer's accusation of a systematic *ignoratio elenchi*. Denyer interprets Quintus' model of divination as 'linguistic'—like utterances, divinatory signs have certain 'meanings' conventionally and arbitrarily attached to them, the 'meanings' being predictions of future events that god wants to communicate to men (Denyer (1985) 4-6). Denyer has the important and correct insight that in Quintus' system signs and outcomes are not causally connected in the way that, say, prognostic signs are connected to their outcomes, where the signs are part of or a close effect of the collections of causes that produce the outcome. Marcus often argues as though divination worked because of causal connections between sign and outcome rather than because the gods ensure that certain signs have certain meanings²⁹², and for Denyer this is a systematic *ignoratio*. Marcus argues that divination modeled *causally* cannot be real when Quintus had argued for divination modeled *linguistically* (p. 6-10); for Denyer Marcus has introduced a red herring and his conclusion is this not relevant to Quintus' position. I hope that what I have said about Marcus' historical and statistical objections already suggest that Denyer is unfair. Marcus understands that Quintus' founds his case on the empirical evidence, which altogether ignores causal connections between signs, because Marcus very often argues against that foundation. Marcus' causal arguments are in addition to many other arguments that take Quintus' basic position seriously.

But still, some of Marcus' arguments dismiss the plausibility of the Stoic causal theory of divination. Some of these arguments involve *ignorationes elenchi*—but others do not. After all, while Quintus may want to steer discussion away from theory, he must think that there *is* some explanation of how divination works. And since he is speaking a Stoic that explanation must be something like the *ratio* he gives at the end of his speech.

²⁹² But Denyer significantly overestimates the number of arguments of this sort that Marcus makes.

He does not think signs and outcomes are causally connected in the prognostic sense. But he does think that god causes artificial signs, and causes outcomes. So he must admit there is *some* explanation of how god causes the signs—how he makes birds move. For natural divination, if he thinks we have some *vis divinandi*, as he does, and that divination predicts things we cannot predict without divine help, then he must think there is *some* explanation of how we get access to divine information in dreams and frenzy. When Marcus suggests that the Stoics cannot give such explanations he makes a serious point against them. Just as Quintus raised the plausibility of his defence of divination when he suggested that there *could* be a Stoic theory of how it works, so Marcus lowers that plausibility when he suggests that there cannot. The *ignorationes* appear when Marcus decides to change the terms of the discussion by ignoring the sophistication of Stoic theories of, say, fate and chance, as we saw in the *excursio*. I have argued that his *ignorationes* are sometimes legitimate because Marcus is entitled sometimes to throw up his hands and dismiss the plausibility of some of Quintus' commitments.

Two simple examples will serve as first illustrations of this sort of argument. First, Marcus raises against the oracle at Delphi the disuse into which it had fallen. Its defenders, he says, account for the decline and say that age with age the *vis* of the place, the *anhelitus* that excited the *mens* of the Pythia (cf. 1.115), has evaporated. Marcus mocks this explanation mercilessly. *De vino aut salsamento putes loqui quae evanescent vetustate. De vi loci agitur, neque solum naturali sed etiam divina; quae quo tandem modo evanuit?*, “You’d think they were talking about wine or salt relishes that evaporate with age. We’re concerned with the power of a place, not just a natural power but a divine one—well then, how does that evaporate?” (2.117) So when, he asks, did the *vis* evaporate? *An postquam homines minus creduli esse coeperunt?*, “Was it after people

began to be less gullible?” (2.117) This is knockabout stuff and strictly speaking beyond the rubric of Quintus’ empirical methods. But it questions the plausibility of a physical explanation of the oracle that Quintus gave despite. Similarly, Marcus doubts that the Sibyl who composed the Books was in a state of frenzy at the time. The poem in the books is carefully and artistically produced and featured acrostics, which Marcus refuses to believe could be achieved in a state of *furor* (2.111). This argument is, indeed, irrelevant to Quintus’ empirical case, and makes questionable assumptions about the abilities of someone in an inspired *furor* and for that matter about the nature of poetic inspiration. Still, the revelation that the Sibylline poems were embellished with acrostics is effective rhetorically in causing one to wonder whether the poems can really be the product of a frenzied prophetic. If not, then the Stoic notion of divinatory frenzy is undermined a little.

Marcus makes his longest argument about causal theory in the case of dreams (2.124-147). He posits that (at least?) one of three things must be true of divinatory dreams—either god brings them about, or interpreters understand them because they are the result of the operation of sympathy, or interpreters have engaged in *longa observatio* and formulated an art of dream interpretation (2.124). The first two options involve speculation about the causal explanations of divinatory dreams. Marcus gives a number of reasons to think that divinatory dreams are not brought by god, for example that they are not clear ‘previews’ of the future (2.124) or that they happen in sleep (2.126). But among these he offers a *ratio* (2.136) of all dreams that makes no reference to the gods (2.136-140). This is very similar to the Stoic account of non-divinatory dreams—when deprived of sensory inputs the soul *agitatur ipse per sese*, stirs itself through itself, so that it seems to hear and say many things (2.139). But Marcus adds that *reliquiae* of the

activities of waking life show up in dreams, and that for this reason sometimes dreams relevant to our lives can occur (cf. Aristotle, *Div. Per Somn* 463a21-30). These can, by chance, sometimes predict the future (2.140-141). What reason to think that these true dreams are sent by god rather than brought about by the nature of our souls? (2.127-128) So Marcus argues that it is just more plausible to think that dreams, even dreams that happen to predict the future, are brought about by our own natures and not caused by god.

Having said that it is implausible that dreams are sent by god, Marcus turns to a possibility consistent with our own natures producing dreams—that our dreaming souls have some sympathetic connection with certain future outcomes and that interpreters can thus make predictions from them. This he rubbishes. One of his tactics is legitimate according to Quintus' rubric—he examines cases in which two interpreters have given different answers about the same dream (2.144). But another is not—he questions whether there could be a sympathetic connection between dreams and treasure, victory and such things that are foretold in dreams (2.142-143). This is in Denyer's terms an *ignoratio* because it proposes a causal connection between sign and outcome before it rejects that causal connection. And certainly, Marcus insinuates that on the Stoic view there must be a direct sympathetic connection between dream and outcome where, in fact, the link from the dreamer's soul to god or to the current causes of the future event that Quintus advocated is much more complex. But Marcus' point is to question the plausibility of the whole machinery of sympathetic connection with our dreaming minds. After all, it *is* more plausible to think that our dreams are without influence from obscure cosmic sympathy and that dream interpreters were sometimes right merely by chance.

As I mentioned above, Marcus also takes on sympathy in the context of haruspicy. He denies that there could be a sympathetic connection between cosmic

nature and haruspicine signs and outcomes (2.33-34). He further argues that it is implausible that god could control the various factors involved in bringing together the right sort of *exta* in the victim of the right immolator. He recalls Quintus' example of Caesar's victim that apparently had no heart (2.36-38, cf. 1.119). Quintus raised this argument to show that quick transformations must be naturally possible. Marcus makes another, and surely more plausible, inference—that the bull's heart was shriveled by disease and not recognizable as a such (2.37). Quintus' competing commitment he regards as absurd:

Urbem philosophiae, mihi crede, proditis dum castella defenditis. Nam dum haruspicinam veram esse vultis physiologiam totam pervertitis. ... Non ergo omnium ortus atque obitus natura conficiet et erit aliquid, quod aut ex nihilo oriatur aut in nihilum subito occidat. Quis hoc physicus dixit umquam? 'Haruspices dicunt.' His igitur quam physicis credendum potius existumas?
(2.37)

Trust me, you've betrayed the city of philosophy while you defend its outworks. For so long as you want haruspicy to be real you overthrow the whole of natural science. [You say that a heart or the head of a liver can suddenly disappear.] So nature won't bring about the beginning and end of each thing, and there'll be something which comes from nothing or suddenly perishes into nothing. What natural scientist ever said that? 'The haruspices say it.' So you reckon that they should be trusted above scientists?

Quintus, in the course of proposing his *ratio* of haruspicy, committed himself to a view about nature that Marcus finds implausible. So Marcus argues for an alternative inference from the evidence of Caesar's sacrifice. To explain the missing hearts or (less

dramatically) missing heads of livers that are among the signs of haruspicy Quintus must suppose that some natural scientific *ratio* of the phenomena is true, and Marcus wants us to believe that this commitment is implausible.²⁹³ Again, he finds risible the notion that the choice of victim, which appears to be a matter of chance, is guided by the gods (*quasi sortem quandam cum deorum voluntate coniunctam*, 2.39). Of course the Stoic theories of divine control and of chance can give a sophisticated account of such a notion. But Marcus' aim is to resist the plausibility of the conclusion rhetorically, not the position behind the conclusion.

Against *ostenta*, Marcus deploys an argument that no *ostenta* happen at all. He thinks that *ostenta* are 'impossible' events contrary to nature. But, he argues, impossible events cannot happen. *Atque hoc contra omnia ostenta valeat numquam, quod fieri non potuerit, esse factum; sin potuerit non esse mirandum* (2.49), "And this is valid against all prodigies: what could not happen has never happened, but if it could happen it is not to be wondered at." A mule giving birth is unusual and thus arouses amazement, but it is not an impossible thing. Marcus therefore recommends that the right reaction to apparently miraculous events is to try to determine their natural causes, not to assign divine agency contrary to normal laws of nature (2.55, 60). He considers some of Quintus' examples of *ostenta*, like the crowing of the cocks at Lebadia (2.56 cf. 1.74) or the gnawing of shields at Lanuvium by mice (2.56 cf. 1.99) and points out that these are entirely natural events.²⁹⁴ Other examples, like rains of blood or sweating statues, he thinks were misreported—statues cannot sweat, so they do not (2.58 cf. 1.98). Now, the

²⁹³ Compare *Acad.* 2.128 where Marcus says that the Stoics are as committed to the belief that the croaking of a crow vetoes an action as they are to the belief that it is day.

²⁹⁴ Denyer (1985) 6 misses the point of Marcus' discussion of the cocks at Lebadia. He thinks that Marcus is unimpressed by the "triviality" of this sign. For Denyer this is an *ignoratio* because trivial signs can have 'meaning' about the future just as well as non-trivial ones. But Marcus' point is not that the sign is "a silly little thing" but rather that cocks crowing, or mice gnawing, is a perfectly natural occurrence and thus, in Marcus' terms, not a prodigy.

Stoics would certainly not say that an *ostentum* is the occurrence of an impossible event (Marcus himself points out that Chrysippus would never say this, 2.61). And I doubt that they would say that it is the occurrence of an event contrary to nature, either. For Quintus it would be quite sufficient to say that prodigies are unusual events that grab the attention and direct society to inquire through diviners about the wishes of the gods. Unusual, attention-grabbing events (like spectacular comets, for example) need not be not impossible or contrary to nature. A Stoic could assert both that a mule birth is a prodigy and that its causes are amenable to natural scientific investigation. So this argument from Marcus is another *ignoratio*. He fathers on the Stoics an account of *ostenta* surely foreign to them, and then refutes that account rather than the one the Stoics really hold. In this case a charge of unfairness against Marcus may be justified. But he still has an argument against what must in fact be the Stoic position. If prodigies are just natural, but unusual and attention grabbing, occurrences, what reason is there to distinguish them as signs from the divine? Of course, there might be empirical reason to think so if prodigies regularly lead to successful predictions, but Marcus rejects the empirical evidence. So

Quas autem res tum natura, tum casus affert—non numquam etiam errorem creat similitudo—magna stultitia est earum rerum deos facere effectores, causas rerum non quaerere (2.55)

But events which in some cases nature, in some cases chance, bring about—and the likeness sometimes creates an error too²⁹⁵—it is great stupidity to make the gods the agents of these events and not to look for the events' causes.

²⁹⁵ The meaning of this parenthesis is a rather obscure. I take it that the 'nature' examples are events like cocks crowing and the 'chance' examples are things like the appearance of 'sweat' on statues. The chance events are not contrary to nature in the strong sense ('against the laws of nature' as we would say), but they are not the teleological result of specific natural processes—it is an odd coincidence that condensation formed on the statue to resemble sweat. The 'chance' category is likely to produce the weirder or more startling 'prodigies'. We sometimes get confused and think that an example like a mule birth is in the 'chance' category, when in fact it is natural but unusual (2.49-50).

(B) Marcus' conclusions in *Div.*

I argued in chapter 1 that sections 2.148-150 are the part of Marcus' speech where he steps out of the role of arguing negatively against Quintus' speech and gives us his own conclusions. I also argued in chapter 1 that these conclusions expand on the preference attributed to the young Marcus at the end of *dND*. I will begin by saying something about the end of *dND*. Marcus' preference is between the speech of Balbus and Cotta in books 2 and 3 of *dND*. In chapters 2 and 3 I aimed to describe and interpret some features of those speeches salient to his preference. I will now examine the preference itself.

(B1) Marcus' preference at the end of *dND*.

Marcus' preference is that Balbus' speech seemed to him *ad similitudinem veritatis ... propensior* (*dND* 3.95), "closer to a likeness of the truth", than Cotta's speech. *ad similitudinem veritatis propensior* distinguishes Marcus' attitude to Balbus' speech from the Epicurean Velleius' attitude that Cotta's speech was *verior*, "truer", (3.95). I argued in chapter 3 that Marcus in *dND* is a Clitomachean sceptic and the difference in attitudes in 3.95 captures the difference between the sceptical and dogmatist outlooks. But at first sight there seem to be one too many qualifiers. Balbus was *closer* to a *likeness* of the truth. Why the extra complexity? There is a quick answer here. The *veri simile* is a term of art in Cicero's sceptical writing. As I set out in chapter 3, a Clitomachean sceptic does not take impressions to be true (that is, she does not assent strongly to them). Instead, she might 'approve' or 'follow' impressions that are 'persuasive' or what is 'like the truth' without actually taking these impressions to be true (*Acad.* 2.65-66, 98-104). We might say that the *veri simile* plays for the sceptic a role

functionally similar to the role that the *verum* plays for a dogmatist. So for a sceptic like Marcus to say that Balbus' speech is 'closer to a likeness of the truth' is to say that it is 'closer to meeting my (as it were) 'epistemic' standard for approval'.

But that answer—while true—is a bit too quick for the case in hand. The Clitomachean distinction, and the interpretation of Carneades that follows Clitomachus, is based on a specific passage of the *Lucullus* where Clitomachus' view is given as an answer to the Stoic ἀπραξία argument (*Acad.* 2.98-104). The sceptics argued that according to Stoic epistemology one should not assent to even the most basic and obvious sensory impressions or inferences about daily life. The Stoics naturally couched their ἀπραξία argument in the same terms because this made the Academic position sound most repellently absurd—why should the Sceptic walk towards the door rather than the wall if he does not assent to his normal sensory impressions? Clitomachus' reply also concentrates on the 'approval' of such basic sensory impressions or decisions about (literally) navigating the world. But in Marcus' preference we are not dealing with those sorts of impressions. Balbus' speech is a complex edifice of physical and philosophical inferences which, while it appeals to sensory evidence, also requires the application of the canons of the systematic arts. This throws up a question. Was Clitomachus' outlook on assent and approval meant to be anything more than a counter-point to the Stoic ἀπραξία argument? Did he think that a Sceptic should actually follow his recommendations or did he just try to show that a Sceptic *could* live a practical life while propounding the sorts of views the Academics used against the Stoics? Such questions have been asked before. One way to cash them out is to ask whether Clitomachus (or Carneades) had a 'positive' view about assent and approval or whether he just sketched

the distinction *ad hominem* against the Stoics.²⁹⁶ I mean the question in a different way. Did the Clitomachean outlook extend beyond everyday living to the issue of how an Academic might (or should) hold views on technical issues in natural theology?

It seems that Marcus in *Lucullus* thought the answer to my question was ‘yes’. Later when he discusses physics and describes the process whereby a dogmatist will choose a particular school. How can a dogmatist with Stoic standards be sure that everything a particular school teaches is correct? (*Acad.* 2.114-117) Suppose he picks Stoicism. Marcus runs through many of the tenets of Stoic physics outlined by Balbus—that the cosmos has a soul and is wise, that the heavenly bodies are gods, that some divine intelligence pervades all the parts of the world, etc. (*Acad.* 2.119). The dogmatist will suppose he grasps these facts as securely as he grasps through the senses that it is day. Marcus comments, *Sint ista vera (vides enim iam me fateri aliquid esse veri), comprehendi ea tamen et percipi nego* (*Acad.* 2.119), “Suppose these things are true (you see that I acknowledge now that there is some truth), nevertheless I deny that they are grasped or <cataleptically> apprehended.” Marcus does not deny that there might be a truth of the matter about Stoic theology, but he does not think that a Stoic has a cataleptic grasp of her theological propositions. One reason for this denial, no doubt, is that Marcus thinks that the foundational perceptions upon which Stoic’s concepts and scientific evidence are based are not cataleptic. But Marcus also questions the canons of scientific inference, be they inductive *coniectura* inference or deductive geometrical inference (*Acad.* 2.116-117). But Marcus is not hostile to the sort of project that Stoic theology represents. After all, he insisted that he desires to find the truth (*Acad.* 2.65-66), so if there might be a truth of the matter about Stoic theology he might like to pursue it.

²⁹⁶ Bett (1989) 76-90.

And he says in *Acad.* 2.127, *Nec tamen istas quaestiones physicorum exterminandus puto*, “But I don’t think that we should put an end to physicists’ investigations.” The *contemplatio naturae* is food for the soul, it uplifts and gives us perspective on human affairs (*Acad.* 2.127).

Si vero aliquid occurrit quod veri simile videatur completur animus voluptate. Quaeret igitur et haec vester sapiens et hic noster, sed vester ut adsentiatur credat adfirmet, noster ut vereatur temere opinari praeclareque agi secum putet si in eius modi rebus veri simile quod sit invenerit. (Acad. 2.127-128)

But if something strikes one that seems like the truth, the soul is filled with a most humane pleasure. So your sage investigates these things, and ours does too. But your sage investigates so that he assents and trusts and is sure, our sage²⁹⁷ investigates so that he will be timid about forming opinions rashly, and so that he thinks things are going famously for him if he has found something among things of this sort that is like the truth.

One motivation for a sceptic in investigating physics will be to shore up her sceptical outlook. She will presumably best achieve this goal by the sort of investigation of conflicting views that Marcus himself carries out in this part of *Lucullus* or Sextus makes in *M.* 9 and 10. But the sceptic might also like to reach physical conclusions that are like the truth. For one thing, as we see here, this is pleasurable. For another, as we will see at the end of *Div.*, it can have practical consequences for happy living.

²⁹⁷ The figure of the ‘Academic sage’ is an intriguing one. Marcus certainly talks as though the Academic ‘sage’ is an ideal sceptic that he would try to emulate. If Clitomachus or Carneades really held up such a figure as a model, that would be evidence for the interpretation of them whereby they positively advocated suspension of judgment, rather than raising the possibility only *ad hominem* against dogmatists. But there might be another way of understanding the ‘Academic sage’ here. Perhaps Marcus refers to the *Stoic* sage as the Academics argue she *ought* to be *on Stoic principles*, that is, someone who never opines.

How will a sceptic conduct physical investigations, or assess the findings of other physicists? He is not committed to any canons of observation or inference. This is important—to understand why a particular sceptic favours a particular physical doctrine, you would presumably have to ask him. But Marcus in *Lucullus* also emphasizes how a sceptic will, for all practical purposes, be like anyone else. When the ‘Academic sage’ looks out over water he sees the same thing as a Stoic sage would (*Acad.* 2.105). In this basic sense he can have access to the same visual data as a Stoic sage. He will likely be able to follow arguments for scientific inferences (an Academic like Cicero has plenty of skill at argument). He can also prefer one conclusion to another. When an Academic has looked into the arguments on either side of an issue, he can *ea probare quae simillima veri videantur*, “approve those things which seem most like the truth” (*Div.* 2.150). Provided he never assents to the data or to any conclusions from them as true, but only approves them as like the truth, the Academic can pursue science in much the same way as a dogmatist, although he is also free to pursue it in other ways if he chooses. It must be under such rubric that Marcus found Balbus’ speech *propensior* to a likeness of the truth. *Propendeo* means ‘to tip the balance’ (*TLL* sv. 1)—the metaphor of *propensior* is that Balbus’ speech weighs in more like the truth than Cotta’s, tipping the scales of Marcus’ preference. The metaphor of weighing appeared more than once in *Acad.*, where *momentum* expresses the image (cf. 1.45, 2.130). Marcus finds himself perplexed by the arguments about the mortality of the soul:

Horum aliquid vestro sapienti certum videtur, nostro ne quid maxime quidem probabile sit occurit; ita sunt in plerisque contrarium rationum paria momenta.
(*Acad.* 2.124)

One of these arguments seems certain to your sage, while it doesn't strike our sage that there is even a most persuasive one; thus, on many issues, there are equal weights of argument <on either side>.

The speeches of Balbus and Cotta, evidently, did not strike the young Marcus this way in *dND*. Balbus' speech seemed more like the truth to him. But why? What aspects of it were more like the truth than comparable aspects of Cotta's speech? On the other hand, what was *wrong* with it—if it is only *more* like the truth, it is not like the truth, which suggests that Marcus was struck by at least one feature that seemed to him a flaw.²⁹⁸ Marcus being a sceptic, we need him to tell us the answers to these questions. By the Marcus of *Div.*, the notional author of *dND* and thus a character with insight into and identification with the notional psychology behind the preference he wrote for the young Marcus, we are told some—but not all—of the answers.

(B2) *Div.* 2.148-150.

In 2.148, Marcus tells us straightaway his main point of agreement with Balbus in *dND* and how important that agreement was to the project of *Div.*:

Nam, ut vere loquamur, superstitio fusa per gentis oppressit omnium fere animos atque hominum imbecillitatem occupavit. Quod et in eis libris dictum est qui sunt de natura deorum, et hac disputatione id maxime egimus. Multum enim et nobismet ipsis et nostris profuturi videbamus si funditus sustulissemus.

²⁹⁸ Arcesilaus' answer to the ἀπρᾶξις argument invoked the image of the scales (Plutarch *Adv. Col.* 1122c, Striker (1996b) 103). For Arcesilaus, an impression that sets off an impulse is like a weight in the scales that makes them tip. Arcesilaus thus seems to think of the scales 'digitally'—either they tip one way, or the other (or neither, of course), and the degree of tipping is irrelevant. One could also think of scales as 'analogue'—they tip left and right, but to various degrees. Marcus' model seems to incorporate both elements. His *preference* is digital—either he prefers Balbus, or he prefers Cotta, or neither. But the relative 'weight' of the two speeches is analogue. Although Balbus' speech is 'heavier', it does not tip the scales all the way.

For, to be honest, superstition is spread throughout the nations and weighs down nearly everybody's soul, and takes hold of people's weakness.²⁹⁹ This was said in my books *On the Nature of the Gods* and in this discussion we³⁰⁰ have been concerned with it especially. For we would be seen to benefit ourselves and our countrymen if we could demolish it entirely.

Marcus says that in *Div.* his *disputatio* has been especially concerned with something that was said in *dND*. This is that divination has taken hold of almost all mankind, is a bad thing and needs to be uprooted. Now, all three of the major speakers in *dND* look to avoid superstition (Velleius: *dND* 1.45, cf. 1.117, Cotta: 3.52). But, as we saw in chapter 2, the speaker who inveighed against superstition most like Marcus now does was Balbus. Balbus said that from the corruption of old physical views has flowed a multitude of gods who *hominum ... vitam superstitione omni referserunt* (*dND* 2.63), “stuff people's life with every superstition”, the linguistic corruptions have given rise to *falsas opiniones erroresque turbulentos et superstitiones paene aniles* (*dND* 2.70), “false opinions, troubling errors and superstitions almost like those of old women”. Marcus' wording clearly recalls Balbus'.

²⁹⁹ Before the final reminder of Academic principles in 2.150 Marcus does not qualify his personal conclusions in *Div.* with any sceptical modifier. He does not say that his conclusions are *probabilia* or *veri similia* or that he approves them rather than assenting to them. But given his reaffirmations of scepticism at beginning and end of his speech (2.8 and 2.150), and the continuity of Marcus in *Div.* with the Marcus of *dND* and Cicero the author for which I have argued, we should assume that he holds his conclusions in some way appropriate for a Clitomachean sceptic. Remember the dramatic scene—Marcus is addressing his brother, in private. He has no need to hedge his assertions around with sceptical qualifications. Were Balbus to leap out from behind a book rack and accuse him of assenting to his conclusions, Marcus could easily make his sceptical caveats plain.

³⁰⁰ The first person plural of the verbs is ambiguous here: does this mean that Marcus, the ‘author’ of *dND*, has been concerned with superstition in his own *disputatio*, or that Marcus and Quintus together have been addressing an issue raised in *Div.*? Certainly Marcus often accuses divination of amounting to *superstitio*. But we might also think that Cicero the author is close to the surface, so to speak, in this declaration by Marcus the character. The conclusion that Marcus gives here suggests that one project of *Div.* as a whole—that is, once of Cicero's projects in writing the dialogue—has been to show that divination meets Stoic-style criteria for superstition.

Next, Marcus marks off what he means by *superstitio* from what he means by *religio*. He tries to be very clear (*id enim diligenter intellegi volo*) that the removal of superstition would leave *religio* intact.

Nam et maiorum instituta tueri sacris caerimoniisque retinendis sapientis est, et esse praestantem aliquam aeternamque naturam et eam suspiciendam admirandamque hominum generi pulchritudo mundi ordoque rerum caelestium cogit confiteri. Quam ob rem, ut religio propaganda etiam est quae est iuncta cum cognitione naturae, sic superstitionis stirpes omnes eiiciendae. (2.148-149)

For, on the one hand, it is appropriate for the sage to protect the institutions of his ancestors by maintaining the cults and rites. On the other, the beauty of the cosmos and the order of heavenly things compels one to admit that there is some outstanding and eternal nature, a nature which humans should admire and wonder at. For that reason, just as religion which is joined to a grasp of nature should be cultivated, in the same way every shoot of superstition should be uprooted.

Cotta (*dND* 3.5-6) is stridently in favour of maintaining traditional religion, but as we saw in chapter 2 Balbus too would conserve the cults set up by the *maiores* (perhaps with some small exceptions like the cult of Venus Lubentina, *dND* 2.61). But it is Balbus who thinks that right religion is, as Marcus puts it, *iuncta cum cognitione naturae* (I will consider what Marcus means by *natura* momentarily). For Balbus the conjunction of religion and a grasp of nature is achieved by Stoics who allegorize the corrupted aspects of traditional belief about the gods to arrive at the right physical facts—Demeter is the portion of god that pervades earth, and so forth (*dND* 2.71-72). This, I think, is the crucial point on which Marcus in *Div.* agrees with Balbus in *dND*. It goes some way to explain the preference he ‘wrote’ for young Marcus in *dND*. Marcus things that right

religion is that done by people with a some sort of ‘grasp’ of nature. People who lack the sort of preferable ‘beliefs’ implied by a grasp of nature are superstitious and ‘religious’ acts they do will be bound up with superstition.

The cause of superstition that is at the front of his mind, of course, is the belief ‘*est divinatio*’. He points out how constantly troubling a belief in divination will be for the believer. This is evidence that belief in divination *is* superstition, the sort of fear of the gods that quickly leads one into all sorts of *errores turbulentos*, and at the same time illustrates one reason why such superstition is to be avoided. The believer must look for omens *quo te cumque verteris* (2.149), “wherever you turn”, *sive vatem sive tu omen audieris, sive immolaris sive avem aspexeris... si fulserit, si tonuerit ... si ostenti simile natum factumve quippiam*, “whether you hear a prophet or an omen, whether you sacrifice or catch sight of a bird ... if there is lightning, if there is thunder ... if some thing is born or happens that resembles a portent.” It is impossible to live *quieta mente*, “with a peaceful mind” (2.149), nor does sleep offer a refuge, *at ex ipso plurimae curae metusque nascuntur*, “rather even from *it* numerous cares and fears are born” (2.150). Of course, Marcus never says that the *practices* of public divination should be abandoned. The political support for them he offered in the negative part of his speech presumably still stands. What he wants to be rid of is the *belief* that these practices really constitute divination, that is, that they really supply information from the gods. Here, then, is a point of disagreement with Balbus. Marcus is committed to Balbus’ project of natural religion and the eradication of superstition but *by Balbus’ own standards* he thinks that belief in divination is one of the problems to be eradicated.

Why does Marcus think that belief in divination fails to meet the standard of *religio ... iuncta cum cognitione naturae*? Aside from the psychological evidence that it

is a troubling belief which yields fear, Marcus does not say. It must be that he stands behind some or all of the arguments that he gave in the negative part of his speech. We do not know which ones and perhaps this is a tactic on Cicero's part—we can pick the arguments that appeal to us. But Marcus ought to have in mind representatives of at least two types of argument. First, he ought to be persuaded that Quintus' empirical project indeed falls through. It is not hard to believe that Marcus (and Cicero) stand behind a lot of his attacks on Quintus' ideal history and on the statistical success of diviners. Second, Marcus ought to have some reason to think that belief in divination is in conflict with some part of a *cognitio naturae*. Here the arguments about the plausibility of divinatory *rationes* are in view. There are some representative points where Marcus suggests a conflict. Haruspicy “overthrows *physiologia*” (2.37) while on his theory of dreaming and the theory required by divination he says, *Omnium somniorum, Quinte, una ratio est; quae, per deos immortalis, videamus ne nostra superstitione et depravatione superetur* (2.136), “there is one explanation of all dreams, Quintus. Let us see that it is not overcome by our superstition and corruption.” He thinks that the early history of divination introduced superstition into its beliefs, deliberately or not (e.g. 2.81, 83, 85).

There is one theoretical problem with divination that we might guess is central, or at least among the most important, for Marcus. This is that divination is bound up with a Stoic-style view of fate (that word which is *anile sane et plenum superstitionis*, 2.18) and divine foreknowledge (2.18). In *Fat.* 32 we find Marcus putting forward—apparently with approval, though we cannot be sure in *Fat.*—the argument of Carneades that the gods do not have foreknowledge of all things. Marcus in *Fat.* may have been open to the view that the world is physically determined (see his apparent approval of Carneades' compatibilism with regard to causal determinism and human responsibility, *Fat.* 41-45).

But it is possible that he argued against a Stoic-style view of fate whereby a providential, rational god preordains and foreknows everything that will happen. He may have been unconvinced of this on Carneadean grounds, worried that it threatened a Chrysippean compatibilism by introducing the necessity of all future propositions (*Fat.* 13-17) and that it would lead to troubling superstition. If Marcus took a position along those lines in *Fat.* (a big if), then the Marcus of *Div.* may think that divination is implicated in this sort of mistake about nature.³⁰¹

The rejection of belief in divination is the main point of *Div.* 2.148-149 and thus the most emphatic thing we are told in *Div.* about why Marcus in *dND* might have tended

³⁰¹ One of the short fragments of *Fat.* (fr. 2 Yon, Sharples) is the following passage of Servius' comment on *Aeneid* 3.376 *volvitque vices: definitio fati secundum Tullium, qui ait, fatum est conexio rerum per aeternitatem se invicem tenens, quae sub ordine et lege variatur, ita tamen ut ipsa varietas habeat aeternitatem*, "A definition of fate following Cicero, who says, 'fate is a reciprocal interconnection of events through all eternity, which varies according to order and a law but so that the very variation itself has eternity.'" We might compare this with Quintus' definition of fate in *Div.* 1.125: *ordinem seriemque causarum, cum causa causae nexa rem ex se gignat. Ea est ex omni aeternitate fluens veritas sempiterna*. "An order and series of causes, where cause bound to cause produces an event out of itself. It is eternal truth flowing from all eternity." Servius' 'Tullian' definition is similar to Quintus' definition on the surface, especially in the emphasis on eternal order and the interconnection of things. It might, indeed, be compatible with Stoicism (but it is not the same as any other well-known Stoic definitions, *SVF* 2.912-927). But it is technically quite different from Quintus' definition. Quintus says that fate is about the connection of *causes* and gets the Stoics' quirky account of causation just right (a cause is a body producing an incorporeal effect 'at' or 'for' another body, i.e. another cause); he thinks that an important consequence of this is that propositions about the future or the past can be made true now. The 'Tullian' definition is about the connection of *res*, not causes. The 'eternity' involved in it is the eternity of some natural law whereby the world proceeds. This natural law seems to imply physical determinism but not necessarily the involvement of a divine, rational planner. There is no mention of eternal truth. Could it be that this definition really is *secundum Tullium* rather than a Stoic one and that it was found in *Fat.*? A second potential source of corroboration for Cicero as an opponent of Stoic fate is found in *Lucullus*. Marcus says that certain Stoic physical views are not even *probabilia* for him: *nec enim divinationem quam probatis ullam esse arbitror, fatumque illud esse quo omnia contineri dicitis contemno. Ne exaedificatum quidem hunc mundum divino consilio existimo, atque haud scio an ita sit* (*Acad.* 2.126). "For I do not think that there is any divination (you approve divination), and I despise that fate which you say holds together everything. Nor indeed do I reckon that this cosmos was crafted by divine planning, although I don't know if I'm right about that." That Marcus chooses to express reservations about these particular Stoic-sounding physical doctrines is striking given that he deliberately makes room in *dND* for discussions of divination and fate separate from Balbus' and Cotta's conversation. The parallel tempts one to think that *Fat.*, like *Div.*, would see Cicero through Marcus oppose the Stoic view. The probable, but uncertain, rejection of divine *consilium*, probably meaning rational *consilium*, is consistent with what we find in *Div.* 2.148-149. (I have written and translated the quotation from *Acad.* 2.126 as punctuated by Reid (1885). Plasberg puts a semi-colon after *contemno* and a full stop after *existimo*. For *atque* used as I have translated it see Reid (1885) *ad loc.*)

to prefer Balbus, but not wholly to agree with him. But there is another, much more briefly expressed reaction to Balbus and Cotta among Marcus' conclusions to *Div.*. This is his second reason for maintaining religion after superstition has been eradicated (*esse praestantem ... cogit confiteri* quoted above, 2.148). Marcus says the *pulchritudo* of the cosmos and the order of heavens compel him to admit that there is some eternal and outstanding nature. What does he mean? First of all, what does he mean by *pulchritudo*? For one thing, could this translate τὸ καλόν, “the fine”, which has ethical implications far beyond sensible beauty? If so, then Marcus would be signing on to something very close to Stoic theology. But it is unlikely that *pulchritudo* translates τὸ καλόν. Cicero's usual word for τὸ καλόν is *honestum*.³⁰² Balbus in *dND 2* uses *pulcher* and its cognates to describe primarily visual aspects of the cosmos and especially of the heavens.³⁰³ So *pulchritudo* probably refers to the sensible, and especially visual, beauty of the cosmos. Similarly in Greek the Stoics seem to have tended to reserved κάλλος specifically for ‘beauty’ (usually bodily and visual) as opposed to ‘the fine’ in general, although the adjective καλός is used in either the specific or the more general sense.³⁰⁴ Aëtius 1.6 = *SVF* 2.1009 reports that the Stoics held that we get our preconception of the intelligent divine substance pervading all things from the κάλλος of the sensible parts of the world, because are made by a demiurge and not by chance. According to Aëtius the Stoics were disarmingly specific about how the cosmos is beautiful. It is beautiful in shape (spherical), in colour (κυανώδει κέχρωσται, “it has a deep blue colour, blacker than

³⁰² For the Stoic use see *Fin.* 3.27-29 where *honestum* is used to translate the slogan μόνον τὸ καλὸν ἀγαθόν (*SVF* 3.29-45). See also the Ciceronian examples collected in the *TLL* under *honestus* meaning II.a.2.c.γ.II and also Powell (1995c) 299.

³⁰³ *dND* 2.15: [According to Cleanthes, the fourth cause of our preconception of the gods is] *solis lunae siderumque omnium distinctionem, utilitatem, pulchritudinem, ordinem, quarum rerum aspectus ipse satis indicaret non esse ea fortuita*, “the variety, usefulness, beauty and order of the sun and moon and all the stars, the look of which things itself indicates sufficiently that they are not matters of chance.” Cf. 2.17.

³⁰⁴ See *SVF* 1.62, 2.346, 1009, 1151, 1163, 3.141, 244, 278, 395-397, 471, 472, 545, 594, 619, 650-653, 716, 717, 721, 722.

porphyry but with a gleaming quality”), in size (it contains everything born from it (?)), and in the distribution of stars into constellations (as described by Aratus). Now this sort of beauty is perfectly accessible to the sceptic. Like a sceptic who looks out over the water and sees what the Stoic sage sees (*Acad.* 2.105) Marcus can see the beauty of the cosmos that impresses the Stoics and others. Indeed, it was a trope in antiquity that to see the divine design in the world one had only to star-gaze.³⁰⁵ (Cicero must have had a some interest in the heavens himself—he translated Aratus’ *Phainomena*, which seems to bore readers not interested in the constellations.) So Marcus could be impressed by the sort of beauty that Balbus, through Cleanthes, says will help to give us our concept of the divine (*dND* 2.15) and which, through Chrysippus, he says ought to convince us that a rational divine designer of the cosmos indeed exists (*dND* 2.16-19). To see the *ordo* of heavenly matters would take a little more work. One would have to learn to recognize the constellations and the regularities of heavenly movements. But a little astronomical reading and casual observation of the sky on the few nights would serve well enough. So the empirical data that Marcus is convinced by are easy to see. In what sense do they ‘compel’ him to admit the ‘eternal nature’? This is less clear. It could be that Marcus feels an affective compulsion of wonder, or is impressed by the fact that these observations meet some common sense notion of the divine that he finds in himself. These would be relatively un-theorized types of compulsion. Alternatively, perhaps Marcus approves some of the Stoic arguments that such beauty and order cannot be the result of chance.

³⁰⁵ E.g. *Philebus* 28de. Pease (1941), ‘Caeli enarrant’, has other illustrations of the trope. The article reproduces Pease’s remarkable presidential address to the APA on St. Stephen’s Day 1940. Pease called for classicists to reassert the value of teleology over blind chance in reaction to “an age of confusion” (p. 200), presumably a reference to the situation in Europe. Characteristically he did this by cataloguing instances of teleological thinking and writing in antiquity.

Can we say anything about the theological view that Marcus endorses? We need to tread very carefully here. What he says looks quite Stoic at first glance, but in fact he never uses the words *deus* or *divinus* in 2.148-150. Here are the ‘theological’ views which he approves:

1. There is some eternal and outstanding Nature. (I will use a capital ‘N’ when I mention this Nature.)
2. This Nature is connected to the beauty and order of the cosmos such that the beauty and order count as compelling evidence for the existence of the Nature.
3. Humans should wonder at and admire Nature.
4. Right religion is joined with a grasp of nature.
5. There is no divination.

We have seen that Balbus would disagree with 5.. But he would agree with 1.-4.. That is why Marcus’ view looks Stoic. But in fact what Marcus says falls a long way short of Balbus’ theology. First, he never says that Nature is god, or a god. It is possible that he does not think it *is* a god, and that he holds some set of views about god or the gods that he does not mention here. But that is unlikely since, as I will discuss momentarily, he regards Nature as in some senses divine. So let us suppose this Nature is the most divine thing in Marcus’ ‘theology’. It sounds Stoic in that the Stoics identify god with (alongside many other things) a nature (e.g. *dND* 2.23-30). The whole cosmos has a nature, which is god. Marcus admits that there is a Nature of which 2. is true, which is probably to say that Nature is the nature of the cosmos. But in fact that does not mean that he agrees with the Stoics about the nature of the cosmos, because Cotta too talks about the nature of the cosmos. Cotta *opposes* what nature might produce to what god might produce: *Sed non omnia, Balbe, quae cursus certos et constantis habent, ea deo*

potius tribuenda sunt quam naturae (dND 3.24). “But, Balbus, not everything that has a sure and regular course is to be attributed to god rather than to nature.” The crucial difference for Cotta is that the Stoic god brings things about by *rational* design while nature is not rational (dND 3.19-26). Marcus is silent on the key issue of the rationality or otherwise of the Nature of the cosmos. He may think that it is rational. It may also be that his silence is pregnant (compare the doubt about divine *consilium* expressed by the Marcus of *Lucullus* at *Acad.* 2.126). If in *Fat.* Cicero was going to have Marcus reject a Stoic notion of providentially planned fate then perhaps the lack of (explicit) rationality in the Nature of *Div.* is significant. If Nature indeed plays the role of god for Marcus, then it is Nature that cannot or is not obliged to supply us with divinatory information, and that would be consistent with a lack of rationality. Now, if that were Marcus’ view, we should not underestimate the importance of this difference from Balbus. On my interpretation, some of the Stoic justification of properly understood traditional religious practice depends on the rationality of the divine (in particular, their justification of prayer, cf. pp. 131-135). If we try to justify prayer by conceiving of it as interaction with the divine then the notion seems to be rendered incoherent if there is no divinity capable of ‘listening’ with understanding in some sense, however abstract. A non-rational deity would not be capable of listening with any more understanding than a dog. So if Marcus thinks that Nature is not rational then his religion joined to an understanding of Nature must justify prayer, and traditional religion in general, as an appropriate gesture towards the admirable divine rather than as interaction with a god who understands. Now, if that justification of religion is weak, perhaps that is reason to incline to the view that Marcus *does* think that Nature is rational. The texts are entirely compatible with that view; my claim is only that such clues as there are point away from it.

However that may be, Marcus *does* think that Nature is divine in some ways. He calls it *aeterna* and *praestans*. Cotta explicitly denied that nature could be eternal (*dND* 3.29-31) while Balbus called it eternal (*dND* 2.21) and often connects the eternity of the heavenly order with god (lesser Stoic gods consumed in the conflagration might not be eternal, but their great god is). Velleius, too, defines a god as eternal (*dND* 1.45). Both the Stoic and the Epicurean think that part of our *common sense* notion of divinity is that god is eternal. So we might call eternity a commonsense attribute of god for the dogmatists in *dND*, and one which Cotta tries to deny to the cosmic nature. So by calling Nature eternal Marcus in *Div.* gives it some large measure of divinity and indicates another point of agreement with Balbus. Balbus also calls the cosmos *praestans*, outstanding, and argues that what is most outstanding must be better and more outstanding than man, and thus rational (*dND* 2.16, 2.18, 2.29-30). Marcus does not say that Nature is *more* outstanding than man—it is just outstanding. But he does say in 3. that humans should wonder at it and admire it which suggests that it is in some way superior to humans, and perhaps *prae-stans* has some intrinsically comparative sense. But of course Marcus is not committed to the Stoic view that what is better than man must be rational, or even that it must be *ethically* better than man. He could just mean that Nature has some sort of great value and that it should arouse our wonder. Perhaps this value is just its ability to produce the cosmos; modern atheists can claim a sense of wonder at the universe. So that he calls Nature *praestans* and wonderful does not tell us whether or not Marcus thinks it is rational. But for Marcus, who is reacting to *dND*, to call Nature *praestans* is to give it a further measure of divinity, albeit not so a great a measure as is conveyed by *aeterna*. Finally, Marcus says in 4. that a grasp of ‘nature’ is involved in right religion. If Nature is the nature of the cosmos then I presume it is

Nature that must be grasped. Marcus probably means by this something like what Balbus said about right religion at *dND* 2.71-72. A grasp of nature will be a philosophical and natural scientific understanding of it, although of course for Marcus this understanding will be approved and not assented to and will involve the open-minded assessment of all the evidence and arguments. If so, then Marcus thinks that right religion is carried out by people who understand Nature and understand that Nature is the proper object of right religious gestures, gestures of admiration and wonder. To say that is to characterize Nature as divine in an important sense. In this way, too, Marcus agrees with Balbus.

For the reasons I gave in chapter 1, I think that Marcus' conclusions at the end of *Div.*, alongside the preference of young Marcus at the end of *dND*, constitute a stance on his material that Cicero, the author, depicted to the reader by the dramatic conceit of *propria persona* characters. This stance is that in order to be right religion Roman religious practice must be joined with a grasp of Nature, which is admirable and eternal and produces a beautiful and orderly cosmos. 'Religious' beliefs that are not joined to a grasp of nature—that conflict with what one can plausibly approve about nature—are superstitious, troubling and to be eradicated. It is for these reasons (at least) that young Marcus' prefers Balbus' speech in *dND*. One superstitious belief to be eradicated is the belief in divination. That is an important difference from Balbus' view and to get the difference across Cicero reserved in-depth discussion of divination for a second dialogue that was to be read together with the first. (In *Fat.* Cicero may well have added a supplementary stance on fate and perhaps on other matters too.) This is a *philosophical* stance that Cicero as the *author* of these dialogues constructs for himself. Philosophers evidently believed that what one believed about the gods and religion was important for one's wellbeing and it is as a philosophical author that Cicero takes the stance that he does.

APPENDIX

Part 1: Stoic Religious Terminology in Greek:

Σοφία:

Sextus, *M.9.123* (=SVF 2.1017) σοφία, ἐπιστήμη οὔσα θείων τε καὶ ἀνθρωπείων πραγμάτων...

Ὀσιότης:

Sextus, *M.9.123* (=SVF 2.1017) ἡ ὀσιότης, δικαιοσύνη τις οὔσα πρὸς θεούς...

Stobaeus, 2.68.8 (=SVF 3.660) Τὴν γὰρ ὀσιότητα ὑπογράφεσθαι δικαιοσύνην πρὸς θεούς.

Andronicus, *On Passions* 22.13 (=SVF.3.273) ὀσιότης δὲ ἐπιστήμη παρεχομένη πιστοῦς καὶ τηροῦντας τὰ πρὸς τὸ θεῖον δίκαια.

Ἐυσέβεια:

Sextus, *M.9.123* (=SVF 2.1017) ἔστι γὰρ εὐσέβεια ἐπιστήμη θεῶν θεραπείας.

DL 7.119 (=SVF 3.608) εἶναί τε τὴν εὐσέβειαν ἐπιστήμην θεῶν θεραπείας.

Andronicus, *On Passions* 22.13 (=SVF 3.273) εὐσέβεια δὲ ἐπιστήμη θεῶν θεραπείας.

Stobaeus 20.60.9 (=SVF 3.264) εὐσέβειαν δὲ ἐπιστήμην θεῶν θεραπείας.

Δεισιδαιμονία:

Stobaeus 2.92 (=SVF 3.408) δεισιδαιμονία δὲ φόβος θεῶν ἢ δαιμόνων.

Andronicus *On Passions* 3 (=SVF 3.409) Δεισιδαιμονία δὲ φόβος τοῦ δαιμονίου. [ἢ ὑπερέκπτωσις τῆς πρὸς θεοῦ τιμῆς. –*secl.* Von Arnim.]

Clement *Strom.* 2.450 (=SVF 3.411) ἡ γοῦν δεισιδαιμονία πάθος, φόβος δαιμόνων οὔσα.. (NB Clement's Christian commitments lead him to call the pagan gods 'daimones'.)

Stobaeus 2.90.7 (=SVF 3.394) ὑπὸ δὲ τὸν φόβον ὄκνοι καὶ ἀγωνίαι καὶ ἔκπληξις καὶ αἰσχύναι καὶ θόρυβοι καὶ δεισιδαιμονίαι καὶ δέος καὶ δείματα·

Part 2: Latin Religious Terminology in dND.

Religio and superstitio.

Balbus:

et si conferre volumus nostra cum externis, ceteris rebus aut pares aut etiam inferiores reperiemur, religione, id est cultu deorum, multo superiores. (2.8)

videtisne igitur ut a physicis rebus bene atque utiliter inventis tracta ratio sit ad commenticios et fictos deos. Quae res genuit falsas opiniones erroresque turbulentos et superstitiones paene aniles. (2.70)

cf. Cotta vs. Velleius:

horum enim sententiae omnium non modo superstitionem tollunt, in qua inest timor inanis deorum, sed etiam religionem, quae deorum cultu pio continetur. (1.117)

Pietas and Sanctitas (nb. as defined by Cotta speaking against Velleius 1.116).

est enim pietas iustitia adversum deos; cum quibus quid potest nobis esse iuris, cum homini nulla cum deo sit communitas?

sanctitas autem est scientia colendorum deorum; qui quam ob rem colendi sint, non intellego nullo nec accepto ab his nec sperato bono.

Cf. Balbus: , *cultus autem deorum est optumus idemque castissimus** atque sanctissimus plenissimusque pietatis...

(**castus*=ἀγνός? DL says that sages are ἀγνοί, 7.119.)

Part 3: Summary of Balbus' religious terminology.

Virtues:

pietas = όσιότης Justice towards the gods. ('holiness')

sanctitas = ευσέβεια Science of the cult of the gods. ('piety')

Activities:

cultus deorum = θεῶν θεραπεία Cult of the gods. ('cult')

religio Virtuous cult of the gods. ('religion')

Passion:

Superstitio = δεισιδαιμονία Fear of the gods. ('superstition')

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