

Cicero's Project in On the Nature of the Gods and On Divination

I shall argue that Cicero tells us the point of *DND* in the dialogue's first sentence:

cum multae res in philosophia nequaquam satis adhuc explicatae sint, tum perdifficilis, Brute, quod tu minime ignoras, et perobscura quaestio est de natura deorum, quae et ad cognitionem animi pulcherrima est¹ et ad moderandam religionem necessaria.

While many matters in philosophy have not at all had sufficient treatment yet, inquiry into the nature of the gods—as hardly escapes *you*, Brutus²—is particularly difficult and thoroughly opaque. This inquiry is both most beautiful for the mind to grasp, and necessary for the moderation of religion. (*DND* 1.1)

Cicero tells Brutus and the reader that inquiry into the nature of the gods is attractive in two ways. First comes beauty. Beauty will matter in the end but it is not what Cicero takes up in the rest of his preface.³ Instead he elaborates the second point: *moderation of religion*. Staging a philosophical inquiry into the nature of the gods in the hope of moderating religion is, I shall argue, Cicero's project in *DND* and *Div.*.

¹ Whether with *cognitionem* or the alternative reading *agnitionem*, in recent centuries this phrase has most often been interpreted with *animi* as an objective genitive: “best for the grasp of the soul,” that is, best in order to understand our own souls (see Davies (1723), Mayor (1880), Pease (1955)). But that does not seem to be the use that Cicero makes of the inquiry in *DND* and *Div.*, or of the beauty we encounter in it. I prefer to take *animi* as a subjective genitive, in which I have the support of Walsh (1997): “the noblest of studies for the human mind to grasp.”

² Cicero seems to suggest that Brutus had some marked acquaintance with the question of the nature of the gods. Perhaps this is flattery or refers to Brutus' general philosophical learning (for which see Sedley 1997). Perhaps the Antiochean Brutus' treatise *On the blessed life* included some material on contemplation as imitation of the divine (cf. Tsouni (2012) 137–140). Or perhaps he had ruminated on the sort of Antiochean theology suggested at Boys-Stones (2012) 232–236 or Blank (2012) 272–279.

³ For the crucial role of beauty in Cicero's understanding of *DND* and *Div.*, see Chapter 3 section 3.2.2 and Chapter 6 section 6.3.

That a preface should tell you the point of the work to follow might sound unsurprising. But with Cicero's philosophical works it can be doubted. The doubts stem from a letter to Atticus, who oversaw copying of Cicero's works. In the letter Cicero confessed that he attached to a manuscript of his *On glory* the preface he had already used for Book 3 of the *Academica*. "This happened because I have a volume of prefaces from which I am in the habit of selecting when I have put a work in hand."⁴ (*Letters to Atticus* 16.6.4 = SB 414) The letter suggests that Cicero is careless about his prefaces and that any of them could easily be cut from one work and pasted into another. If so then perhaps the prefaces are rhetorical exercises, standing free from the work to which they are glued.

But there can be no such doubts about the preface to *DND*. It is plain that a large part, if not all, of it was written specifically for a philosophical work on the nature of the gods. For half of it is directly and explicitly concerned with the significance of the question of the gods' nature and the import of philosophers' views in the matter. (*DND* 1.1–5, 1.13–14)

The remainder of the preface takes up the defense of philosophical writing and of Cicero's Academic skepticism in particular (*DND* 1.6–12). Now Cicero *could* have taken *this* passage from a prewritten preface and fitted it into *DND*. But it melds seamlessly with its surroundings. For, Cicero's opening points with which we began (*DND* 1.1), that the question of the nature of the gods is *difficult* and *important*, are also useful to him in this defence of skepticism. In the nature of the gods, he suggests, we find a particularly important question, on which philosophers are particularly prone to disagreement, because it is particularly difficult. This should help us to see why skepticism, the withholding of assent to any dogmatic answer about a question, can be due caution: on the nature of the gods, no one can (yet) be confident of her answer, and a wrong answer would be a disaster. Thus the conceit of Cicero's *quaestio*, his "inquiry."

In the preface to *DND* Cicero presents this inquiry not only as the philosophical investigation about which his characters are to dispute, but also as a *quaestio* in the sense of a session of a court: "on *this* topic (*quo quidem loco*) it seems I should summon all people to judge what of these <philosophical views> is true."⁵ (*DND* 1.13) We the audience are to hear the speakers Cicero brings before the inquiry. The preface concludes that we should see

⁴ *id evenit ob eam rem quod habeo volumen proboemiorum. ex eo eligere soleo cum aliquod σύγγραμμα institui.* Translation from Shackleton Bailey (1967).

⁵ *quo quidem loco convocandi omnes videntur, qui quae sit earum vera iudicent.*

... *quid de religione pietate sanctitate caerimoniis fide iure iurando, quid de templis delubris sacrificiisque sollemnibus, quid de ipsis auspiciis, quibus nos praesumus, existimandum sit (haec enim omnia ad hanc de dis immortalibus quaestionem referenda sunt): profecto eos ipsos, qui se aliquid certi habere arbitrantur, addubitare coget doctissimorum hominum de maxuma re tanta dissensio.*

... what we should reckon about religion, piety, holiness, rites, good faith, and oaths, about temples, shrines, and solemn sacrifices, about the auspices that I myself oversee (for we must relate all these things to our inquiry about the immortal gods); certainly such great disagreement among the most learned, about a matter of the greatest importance, will compel those who judge that they themselves have some certainty, to hesitate. (*DND* 1.14)

Thus even if part of the preface to *DND* were drawn from a roll of prefabricated paragraphs, all of it is fitted to the dialogue it introduces, either directly, or indirectly by recommending that skepticism is an appropriate response to this inquiry in particular. The preface tells us the point of the dialogue and also, as I shall argue, the point of *Div.*

If I am right about Cicero's project, it poses a puzzle. For in Cicero's Rome *religio*, what I have innocently called "religion," was in important respects unlike what we tend to call "religion" today. For example, theological *beliefs* do not seem to have played much part in how a Roman and an augur like Cicero, who "oversaw the auspices," regulated his *religio*.⁶ But on the face of it beliefs are all that a philosophical inquiry could change, or at least all that it could change directly. So what could Cicero mean when he says that his *quaestio* will moderate *religio*? We turn first to that puzzle.

1.1 Action, Belief, and Roman *religio*

Many students of "Roman religion" stress a difference between what they study and the religions we in the west tend to think of today. In the western world the religions that come quickest to mind, like Christianity, Judaism, or Islam, tend to require certain *beliefs*. For example, if you do not believe in God, many Christian authorities would say, you are not, or

⁶ When Cicero wrote *Div.*, he had been a member of the college of augurs for about eight years. For the circumstances of his election, see pp. 190–199 of Linderski (1972). Marcus in the *Laws* claims to be very proud of his position as an augur (2.31). In *Div.*, Cicero has Quintus remind Marcus, and the reader, of this aspect of his own interest in the subject of the dialogue (1.25), and Marcus alludes to debates inside the college of augurs in his own speech (2.70, cf. p. 252 n. 40 below). *Letters to his friends* 3.9.3 gives us a sense of how these debates played out in writing. For the tradition that Cicero wrote his own *On augury*, see p. 75 n. 43 below.

not fully, a Christian. So we tend to think of religions as requiring at least a certain *orthodoxy*. But what we put under the heading “Roman religion” was a set of institutions that do not seem to have required any particular beliefs from their adherents. Instead they required only particular *actions*. So we think of “Roman religion” as requiring not *orthodoxy* but rather what is sometimes called *orthopraxy*.⁷

In this book I use this widely accepted model of “Roman religion” as *orthopractic*. I do so because, as we shall see, I think it is also the model Cicero gives to his characters in *DND* and *Div*.⁸

For my purposes, what do I mean by “Roman religion”? We can get an approximate answer from an early part of Cotta’s skeptical speech in Book 3 of *DND*, where he declares his determination to defend something like “Roman religion.” Cotta is a traditionally minded member of the chief priestly college, the *pontifices*, just as Cicero himself was a member of the chief college of diviners, the augurs. Thus we should expect from Cotta an attempt to sum up what Roman *religio* amounts to, from the point of view of someone in traditional religious authority:

cumque omnis populi Romani religio in sacra et in auspicia divisa sit, tertium adiunctum sit si quid praedictionis causa ex portentis et monstris Sibyllae interpretes haruspices monuerunt, 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.

Although the whole religion (*religio*) of the Roman people is divided into rites and auspices (and a third part is added when the *haruspices* or the interpreters of the Sibylline books have given some predictive warning derived from portents or prodigies), I myself think that none of these religious duties (*religionum*) is ever to be despised, and I have persuaded

⁷ Some textbook examples of this description of Roman religion: Beard, North, and Price (1998) vol.1 pp. x, 48–54, Scheid (2003) 17–20, 30–35. Recently some scholars have asked whether this picture captures all there is to say about Roman religious life. Examples are Ando (2008) 1–20, Scheid (1987). Rüpke (2012) offers a story of “rationalization” of religion in the late Republic, but by this he does not mean in general the sort of philosophical rationalization I attribute to Cicero, but rather “the ordering and systematization of concepts, practices or instruments used to reach particular ends” (p. 2). Boys-Stones (2009) 2–3 similarly sketches the significance of ancient orthopraxy for ancient philosophical approaches to religion.

⁸ Cicero himself was able to entertain other models. Gildenhard (2011, pp. 311–313) points out that in *De domo sua* 2 Cicero implies that if the *pontifices* side with Clodius’ impiety, then they are not the religious authorities after all. Gildenhard says that, “on this premise, it is the philosopher who tells the pontiffs what is and is not holy, and not the pontiffs who decide whether an act of religio has been performed.” (p. 312, emphasis added) This exordium thus goes further than does any voice in *DND* or *Div*.

myself that Romulus, with the institution of the auspices, and Numa, with the rites, laid the foundations of our state which would certainly never have been so great without the greatest propitiation of the immortal gods. (*DND* 3.5)

Let us say that the “Roman religion” of Cicero’s day was roughly what Cotta calls here *religio* (the singular) or *religiones* (the plural). These are the sorts of institutions (like priesthods, temples, or temple buildings and property) or required actions (like sacrifices, prayers, the taking of the auspices, the expiation of prodigies, or the swearing of oaths) that a *pontifex* like Cotta, or an augur like Cicero, might be called on to oversee.⁹ If we open a book on “Roman religion” today we are likely to find more or less this agglomeration of subjects. For Cicero’s idealized but recognizable version of Cotta’s traditional institutions and requirements, we may read his *Laws*. (*Laws* 2.18–69) This loose set of institutions and practices, then, is what I shall generally call “Roman religion” in this book. It is this religion that Cicero’s characters assume to demand actions, but not beliefs, from its practitioners.

Now when philosophers (ancient or modern) think about the idea of an *action* they tend to conclude that it is complex, and that it requires an agent to have some *beliefs*.¹⁰ “Action” here means something more than a movement of the body. It refers to the actions of *an agent*, the sort of actions for which she is *responsible*. When my leg twitches thanks to some reflex, or when somebody else forces my arm to move, those movements of my body are not my actions. Further, when philosophers try to decide *what* action has been done, the agents’ mental attitudes, like her beliefs and desires, often come into play. When somebody utters a falsehood, whether or not she *lied* depends on whether she *meant* to deceive. If somebody decides not to pay the taxes he owes, it might be tax evasion, or an honest mistake, or a political protest, and our assessment of the morality of his decision will differ accordingly. When we look at actions from this philosophical perspective, the claim that Roman religion is orthopractic and not orthodox might look naïve. For if actions are in part to be

⁹ On priesthods under the republic, see Beard (1990). North (2014) weighs some of the difficulties in treating Roman traditional *religio* as “religion,” and considers the role of Romans like Varro and Cicero in forming the modern notion of “religion.”

¹⁰ To take the three philosophical schools represented in *DND* as examples: for the Stoics on action, see p. 122 n. 15 below. In *Academica* Marcus’ Academic engagement with the Stoic theory of action is at 2.104–109. For the Epicureans, see Lucretius 2.251–293, 4.877–896. Discussions, which focus on issues of freedom, responsibility, and the swerve, include Furley (1967), Purinton (1999), Bobzien (2000), and O’Keefe (2005).

distinguished by what the agent believes, then perhaps doing certain actions requires certain beliefs.

But in fact when we say orthopraxy requires only actions, we use “actions” in a qualified sense: Roman religion required *public* or *outward* actions. That is, it required the right bodily movements and utterances, at the right time, in the right place, in the right dress, and so on. These are aspects of actions that (in principle) other people can observe. So far as religious requirements went, in making such movements a Roman could think what she liked about them. If she dropped a pinch of incense on an ember at the right time and place, she would have succeeded in her relevant *religious* duty whether she thought she was doing it for a god who was identical with, or who simply looked like, the statue in front of her, or for some force of nature whom the statue personified, or for no god at all – and so on. For clarity I shall distinguish two terms from now on. On the one hand, I shall call the outward, observable aspect of an action a “performance.” On the other, I shall call the fully described action, with its agent’s relevant beliefs and desires taken into account, an “action.” Using the terms that way, we may say that the orthopractic Roman religion demanded certain performances, but did not mind what actions those performances were part of.¹¹

My general answer to our puzzle about the moderation of religion will rely on the distinction I have just made between action and performance. In very large part, the participants in Cicero’s inquiry do not hope to change which performances were required at Rome. But just because the traditional religion that he accepted demanded only performances, it does not follow that a private individual like Cicero, or any Roman, was unable to think that such religiously correct performances were made into pious or impious actions by what the agent believed she was doing. If two men burn some incense exactly as a *pontifex* would recommend, one to do honor to a god of whom he has an accurate view, the other with the thought that no god knows what he is doing or would care that he does so, a Roman could think that both men made a religiously correct performance, but that the first man did a pious action while the second did an impious one. Hellenistic philosophy offered a choice of theoretical justifications for such views. While philosophers at large could agree that they all

¹¹ Of course, *among* the motivations of somebody making a religiously correct performance is likely to be precisely the desire to make a religiously correct performance *as such*. Thus in my terms, a religiously correct performance is likely to be part of an action aiming (perhaps among other things) at orthopraxy.

performed rituals as demanded by a priest like Cotta, an adherent of each dogmatic school would add that, because of their differences in theology, *she* herself satisfied the ritual prescription *well* while representatives of the other schools did not.¹² If we ask by what set of values “pious,” “impious,” or “well” are measured, the answer is not the criteria of religious correctness, which in this example we suppose are satisfied by all, but rather the criteria of the ethics and theology recommended respectively by each philosophical school.¹³

We should reflect that in this way *DND* and *Div.* are further *evidence* for the orthopractic view of Roman religion. The characters do not propose to change any points of “outward” Roman religion.¹⁴ It is not that they are unaware that the religious tradition has changed over time and could well change again. The debate between Balbus and Cotta I examine in Chapter 3 is in part premised on past changes. But no character in *DND* or *Div.* proposes further changes of his own. The changes the characters propose are in what *to believe about* the religion. Furthermore, when confronted with one another's *contradictory* views about what to believe about religious orthopraxy, the characters do not accuse one another of failing to adhere to its demands. This is despite the clear implication of the speeches of the characters in *DND*, that each thinks that the others are impious, or superstitious, or both. This behavior itself shows that Cicero imagined such debates would proceed on the assumption that the requirements of the “outward” religion as such did not extend to what participants should believe about the nature of the gods.¹⁵

¹² Beard, North, and Price (1998) vol.1 pp. x, 42–43 point out that for Romans through much of the period of Republic, there was little opportunity for an individual Roman to find fulfillment in a private religious group, as we might find fulfillment by converting to Christianity or Buddhism. *DND* shows us how educated Romans of the Late Republic could adopt philosophical schools (or other schemes of thought, perhaps) and *privately interpret* their *public* religious actions in a way that these too might give them a similar sort of fulfillment.

¹³ Moatti (2015) 181 similarly says that in *Div.* Cicero will not question “Roman religion as an ensemble of practices and rites. He simply criticizes a *mode of belief*. . .” But I cannot agree with her further thought that, for Cicero, the mode of belief in question is one that is “founded on passivity and a philosophy (Stoicism) that is fundamentally incapable of thinking through *religio*.” Rather, the mode of belief in question is rash assent to answers to the Central Question.

¹⁴ Balbus is suspicious of the worship of what he sees as vices (see pp. 147–149). But he does not explicitly propose any changes to such cults at Rome.

¹⁵ Some students of anthropology might think that even to accept the model of orthopraxy and belief that I give here, where beliefs *about* orthopractic religion may render religious actions pious or impious, gives too much weight to the notion of “belief.” For it is sometimes argued that “belief” itself is a culturally contingent notion, conditioned by Abrahamic faiths, not necessarily found elsewhere. Thus you might say that even my model “Christianizes” if not Roman religion, then at least the Romans' experience of their religion. (Feeney 1998 pp. 12–46 gives an introductory

1.2 Theological Facts and Conventional Piety

The last section was a start in solving our puzzle about philosophy and religion. But it remains that Cicero said that his inquiry is *ad moderandam religionem necessaria*, “necessary for the moderation of religion.” (1.1) Yet I should not think that in this sentence he means by “the moderation of religion” reform of the *performances* that Roman religion required. For I have said that no character in the dialogues calls for significant change to those forms. Then what *does* Cicero mean? I shall argue that Cicero thinks philosophical inquiry into the nature of the gods can moderate religious performances by changing the agent’s *beliefs about* those performances, so that she at least has no false beliefs such as would, if she had them, turn the performances into impious or superstitious actions.

In order to get at the importance of this inquiry, in the preface to *DND* Cicero assumes a certain common-sense view of piety and religion, and points out that the fact of the matter about the nature of the gods makes this view either true or false. Thus by holding fixed some theological beliefs and considering alternative sets of theological facts, he furnishes the reader with an example of the importance of the *truth* or *falsity* of theological beliefs in deciding the right or wrong view of religion. I shall examine that argument from his preface in this section. In the next section I will ask how, if we did not hold our beliefs fixed, Cicero thinks philosophical inquiry can change them for the better.

Why would Cicero need to tell us that theological facts matter for religion? Is that not obvious? In fact, for the reasons we have seen, it might not have been obvious to a Roman. For an orthopractic religion might be conceived and justified in many ways. Perhaps, for example, it is a set of ceremonies useful for holding society together, *regardless* of the nature of the gods. Cicero sets out to suggest how, for one plausible understanding of religion and its related virtues, the theological facts *do* matter.

I turn first to the long passage of *DND*’s preface where Cicero presents the importance of the question of the nature of the gods. I shall quote this crucial text in full. Cicero has just said that everybody but Protagoras (who hesitated), Diagoras of Melos, and Theodorus of Cyrene (who both

discussion of such questions in the context of Roman religion.) I answer that in Cicero’s corpus in general, and in the *Academica* in particular, there is a great deal of painstaking discussion of what various philosophers had understood by what we would call “beliefs” (of which Chapter 1 section 1.5 gives a sample). It is these ideas I intend when I speak of “beliefs” about religion, and not necessarily to invoke any modern notion of specifically “religious belief” or “faith.”

declared that there were no gods) has agreed that there are gods. Further, those who believe in the gods have arrived at this most plausible view *duce natura*, "with nature as a guide." (I.2) This is supposed to explain why Cicero will write about the *nature* of the gods: their existence may be assumed, so that their nature is what is at issue.¹⁶ He continues (Roman numerals are mine):

[i] (I.2) . . . *qui vero deos esse dixerunt tanta sunt in varietate et dissensione, ut eorum infinitum sit enumerare sententias.* (I.3) *nam et de figuris deorum et de locis atque sedibus et de actione vitae multa dicuntur, deque is summa philosophorum dissensione certatur; quod vero maxime rem causamque continet, utrum nihil agant nihil moliantur omni curatione et administratione rerum vacent, an contra ab iis et a principio omnia facta et constituta sint et ad infinitum tempus regantur atque moveantur, in primis magna dissensio est, eaque nisi diiudicatur in summo errore necesse est homines atque in maximarum rerum ignoracione versari.*

[ii] *sunt enim philosophi et fuerunt qui omnino nullam habere censerent rerum humanarum procuracionem deos. quorum si vera sententia est, quae potest esse pietas quae sanctitas quae religio? haec enim omnia pure atque caste tribuenda deorum numini ita sunt, si animadvertuntur ab is et si est aliquid a deis immortalibus hominum generi tributum; sin autem dei neque possunt nos iuvare nec volunt nec omnino curant nec quid agamus animadvertunt nec est quod ab is ad hominum vitam permanare possit, quid est quod ullos deis immortalibus cultus honores preces adhibeamus? in specie autem fictae simulationis sicut reliquae virtutes item pietas inesse non potest; cum qua simul sanctitatem et religionem tolli necesse est, quibus sublatis perturbatio vitae sequitur et magna confusio; (I.4) atque haut scio an pietate adversus deos sublata fides etiam et societas generis humani et una excellentissima virtus iustitia tollatur.*

[iii] *sunt autem alii philosophi, et hi quidem magni atque nobiles, qui deorum mente atque ratione omnem mundum administrari et regi censeant, neque vero id solum, sed etiam ab isdem hominum vitae consuli et provideri; nam et fruges et reliqua quae terra pariat et tempestates ac temporum varietates caelique mutationes, quibus omnia quae terra gignat maturata pubescant, a dis immortalibus tribui generi humano putant, multaque quae dicuntur in his libris colligunt, quae talia sunt ut ea ipsa dei immortales ad usum hominum fabricati paene videantur.*

¹⁶ By *duce natura*, Cicero may mean that most philosophers have arrived at theism as a result of their study of natural science. But it seems more likely that Cicero means to agree with the speakers in *DND*, that *human nature* – our psychology, we might say – tends to lead to belief in the gods. Of course, this view is not so plausible today, when we know so many atheists or agnostics. An argument against the view, represented by Cicero here, that ancient intellectual history was overwhelmingly theist, is Whitmarsh (2015).

[i] (1.2) . . . But there is such great disagreement and diversity among those who have said that there *are* gods that it would be an endless task to list their views. (1.3) For they make many claims about the gods' forms, about where they are and their seats and about the life they lead, and these issues are contested as a great controversy among the philosophers. But there is especially great disagreement about the issue which most of all comprises the case and the matter at hand: *whether the gods do nothing, work at nothing, and take no care of, nor govern, affairs, or whether, on the contrary, everything was made and set up by them from the beginning and is ruled and set in motion by them into infinite time.* Unless *this* issue is decided, it is necessary that humanity live in the highest error and in ignorance of the greatest matters.

[ii] For there were and are philosophers who hold that the gods take no care whatsoever of human affairs. If their view is true, what piety (*pietas*) can there be, what holiness (*sanctitas*), what religion (*religio*)? For all these things are to be rendered (*tribuenda*) to the gods' persons with purity and without pollution (*pure atque caste*), on this condition: *if* the gods notice them and *if* something is rendered by the immortal gods *to* the race of humans. But if they neither can help us nor wish to, neither care at all what we do nor notice, if there is nothing which can flow from them through to human life, what reason is there (*quid est quod*) for us to apply to them cult, honors, and prayers? Just as with the other virtues (*virtutes*), there can be no piety in the appearance of invented pretense. Of necessity, holiness and religion are taken away when piety is – and when those are taken away, a troubled life follows, and great disorder. (1.4) Indeed it might be that when piety towards the gods is taken away, then even good faith (*fides*) is taken away, and the community (*societas*) of the human race, and with them the most excellent virtue, justice.

[iii] But there are other philosophers, these being great and noble philosophers, who hold that the whole cosmos is governed and ruled by the mind and reason of the gods, and not only that, but even that the gods care about human life and are provident. For they think that the immortal gods render to the human race crops and the rest of what the earth bears, weather and the variety of the seasons and the changes of the heavens by which ripens and matures everything that the earth brings forth. They talk about many things (which are collected in these volumes) that are such that the immortal gods almost seem to have made those very things for human use. (*DND* 1.2–4)

Cicero does not name any philosophers in this passage. But the obvious representatives of the two positions he describes are in [ii] the Epicureans, who deny the gods' involvement in our lives, and in [iii] the Stoics, who endorse it.

My paragraph [i] is satisfying reading for modern students of ancient Rome (or Greece). For many of us face puzzles about how the Romans

understood the gods they represented in literature, art, or religion, and whom they spoke of as playing a part in history. Did they really think the gods looked like humans? Are the gods on the Capitoline, or Olympus, in heaven, or everywhere? Cicero shows us in *DND* that we are not wrong to be puzzled, since in antiquity, too, people (philosophers if nobody else) asked similar questions. He also shows us some possible answers to these. But Cicero wants to focus on one question in particular: do the gods govern the world and care about human life, or do they not? This, he says, *maxime rem causamque continet*, "most of all comprises the case and the matter at hand." He means, I think, that this is the key question before the inquiry he is about to stage, because it is the key question for humanity's relationship with the divine, and thus, for the moderation of religion. I shall call it:

The Central Question: Do the gods care for us?

By this phrasing I mean to suggest both (a) *can* they and *do* they *act* in our world and our lives, and (b) do they *care about* us, so that they exercise their abilities on our behalf?

In my paragraphs [ii] and [iii] Cicero spells out what is staked on the Central Question. Let us take his explanation step by step. First, in paragraph [ii], we are to consider the Epicurean view that the gods do not notice what we do and would not care if they did, that they can do nothing for us and would do nothing even if they could. If this is true, says Cicero, "what piety can there be, what holiness, what religion?" This is a rhetorical question to which the answer turns out to be "none." Piety, holiness, and religion would be "taken away." We have Cicero's first move: *if the gods do not care at all about us, there can be no piety, holiness, or religion*. Now that is at first sight a baffling claim. Cicero does not say (as a Stoic might) that if the gods *ceased* to care, our familiar world would dissolve altogether. His point is rather that if it turns out that the gods *have never* cared, we would be here, but piety would not. But Roman religion in the sense of outward performance could no doubt go on in such an absence of divine care. Indeed if the Epicureans *were* right, Roman religion in that sense had *already* gone on for many centuries in just such an absence. So it must be that Cicero here does not use "piety," "holiness," or even "religion" in the purely outward sense. He uses them to mean something that *there can be only when the gods care*. What is this?

We see the answer from a careful reading of the following sentences of [ii]. Cicero's next move is to give us another conditional: if the gods notice what we do and if they render us something in return, then piety, holiness,

and religion are *to be rendered* to the gods. Here the language of ethics enters the argument. We have a *reason* and perhaps an *obligation* to give pious religion to the gods *if* the gods notice the gift and themselves give in return. But if, Cicero goes on to say, they do not notice or care or help us, “what reason is there (*quid est quod*) for us to apply to them cult, honors, and prayers?” Again, this is a rhetorical question to which the answer is, “none.” Now these conditionals (if – and only if – the gods care about us then we should render them pious religion) are supposed to explain the original claim that *if the gods do not care at all about us, there can be no piety, holiness, or religion*. So piety, holiness, and religion must be such that we can say of them that there can be (e.g.) piety only when there is a reason *why* there *should* be piety.

Cicero reveals what sort of thing he is talking about: “Just as with the other *virtues*, there can be no piety in the mere appearance of invented pretense.” Now a virtue must have a purpose, and a virtuous action must have a purpose. Suppose I say that my courage led me to do something to no end. If I am right that there was no end, then what led me to do it was not, in fact, courage. Similarly, if there is no benefit in having, or obligation to have, a certain trait of character – no purpose to it, let us say – that trait is not a virtue. So virtues and virtuous actions have the logical features Cicero wants for his argument. There can only *be* a virtue where there is something *to be had* or *to be done*.

There is more evidence for this reading in that piety (*pietas*) and holiness (*sanctitas*) are used as terms for virtues throughout *DND*. Specifically, they are used as for these terms understood roughly as the Stoics do, in opposition to the way that the Epicureans understand them. In Appendix 1 I present the standard Stoic Greek definitions of the virtues of εὐσέβεια, “piety” (defined as “knowledge of the service of the gods”) and ὁσιότης, “holiness” (defined as “justice towards the gods”). I then quote Cicero’s Stoic speaker Balbus, or his Academic Cotta when arguing against the Epicureans, as they give *pietas* and *sanctitas* respectively the same definitions as in the Stoic Greek sources. I think Cicero also has these meanings in mind for *pietas* and *sanctitas* in my paragraphs [i]–[iii] of *DND* 1.2–4.¹⁷

Now knowledge of the service of the gods, and justice towards the gods, have clear purposes. Cicero’s term for the “service” in question is *cultus*. This noun can mean the cultivation of a field, a friend, or a friendship, as well as the cultivation or worship of the gods. It implies a real interaction between the cultivated and the cultivator, where one benefits the other.

¹⁷ For another survey of these terms in *DND*, see Rüpke (2012) 193–194.

Knowledge of this sort of service to the gods has as its purpose getting the human side of such interactions right. So if gods and humans cannot interact or benefit one another, then there can be no such purpose to such knowledge.¹⁸ Thus what we thought was the virtue of piety, knowledge of the service of the gods, is robbed of its assumed purpose and is not a virtue, at least not in the way that we thought. Similarly, justice towards the gods has as its purpose acting justly towards the gods. But that requires that there is some way in which humans could act justly towards the gods. We must be related to them in such a way that we have duties of justice towards them, and we must be able to fulfill those duties. But if we are not in any sort of community with the gods, so that we have no duties of justice to them, and in any case we cannot interact with them, then we cannot act justly towards them. What we thought was the virtue of holiness, justice towards the gods, is robbed of its assumed purpose. Therefore it is not a virtue, at least not in the way that we thought.

If the “piety” and “sanctity” that the Epicureans would take away refer to virtues, what about the trickier case of “religion”? What does that mean and how is it taken away? One possibility is that in this case Cicero uses *religio*, too, for a virtue. We find this use elsewhere in his corpus. In his youthful *On invention* he called *religio* a kind of justice not opposite to but neighboring the vice of superstition. (*On invention* 2.160–165) In the *On the parts of rhetoric* he says that superstition imitates *religio* as rashness (a vice) imitates courage (a virtue) or severity (another vice) imitates justice (another virtue) (*Parts* 81). Thus perhaps Cicero just means that *religio*, in the sense of another virtue by which outward religious practice is thought to be done well, would be taken away.

But there is another possibility. Perhaps here Cicero uses *religio* in the way that Cotta will use it against Velleius: *religio quae pio cultu deorum continetur*, “*religio* which is comprised by *pious* service to the gods.” (*DND* 1.117) *Religio* in this use means not simply religious performance but rather right religion, religious performance made with the virtue of piety. What Cicero goes on to say in [ii] meshes with this reading. When the gods care and respond to what we do, Cicero says, there is a reason to give “cult, honors, and prayers” to them. “Cult, honors, and prayers” sound like the sort of performances called for by traditional religion. He does not say that if the Epicureans are right we should or would *stop* making those performances. Rather, he says we would have lost our reason to make them and, along with that, the piety we thought we had with which to make

¹⁸ Of course, in those circumstances there can also be no such knowledge.

them well. For piety, being a virtue, is not to be found in “the appearance of invented pretense” (*specie. . . fictae simulationis*¹⁹). This phrase strikes me as carefully written. First, a cult performance is a *species*, an appearance, something observable. On a Stoic view of the world, this could be the appearance of an action pious because it was done for gods who care. But according to the Epicureans nobody has that sort of piety because the gods do *not* care. So at most the outward action is the appearance of a pretense to piety towards gods who care. Further, it is not that somebody who earnestly tries to act piously is pretending, but failing to achieve a possible piety towards such gods. Tradition, and philosophers like the Stoics, have *invented* such a notion of piety in the first place. Thus *religio* in the sense of outward religious actions done virtuously would be taken away along with the virtues of piety and holiness.

An Epicurean might well complain that in this passage Cicero has his thumb on the scales. As we shall see in the next chapter, Epicureans defended their own conception of piety and, like the Stoics, advocated the maintenance of traditional religious practice. They interpreted piety as the virtue whereby one venerates gods who, happily, do not care about humans. So the Epicureans would reject the claim of [ii] that, if the gods do not care about us, then there can be no piety. Thus Cicero does not use a philosophically neutral notion of piety in his preface. This is certainly of a piece with Cicero’s general attitude towards Epicurus and his school. Although in principle Academic skepticism should have made him more neutral, Cicero never leaves much doubt that he thought Epicurus was a bungler. So it is not surprising that rhetorically speaking the Epicureans’ role in the preface is to have only the troubling consequences of their view put on show.

But there is more to be said in defense of Cicero’s use in this preface of ideas of piety, holiness, and religion slanted against the Epicureans. First, it would be reasonable for him to think that piety *as understood by common sense* had to do with behaving correctly in one’s relationship with others who paid attention to what one did, and who gave in return. Aeneas would not be pious in an obvious sense if he were mistaken in thinking that those whom he served cared what he did. So it seems fair of Cicero to suggest that the Epicureans would do away with the *received* notion of religious piety. Indeed, as we shall see in Chapter 2, Epicurus would readily agree to

¹⁹ Cicero and his characters often use this sort of language when attacking Epicurean ethics. See *Academica* 2.140, *On friendship* 26, *On ends* 2.71.

this. This is what I mean when I say that Cicero assumes a certain *traditional* or *common-sense* idea of piety in the preface.

A second point to notice in Cicero's defence is that *he does not say that the Epicureans are wrong*. Admittedly, in paragraph [iii] he makes the consequences of the Stoic position sound more attractive. But immediately after my quoted text he will tell us that the skeptic Carneades came up with many provocative arguments *against* the Stoics. The preface, with its skeptical set-up, is not meant to leave us convinced of Stoic theology. On the contrary: about the facts of the gods' nature it is meant to leave us worried, but open-minded. Thus in this preface, Cicero unblinkingly faces the possibility that the Epicureans are right. If they were, then the received purpose of outward religious practice, and the virtues needed to pursue that purpose, would have either to be abandoned, or radically to be reconceived.²⁰

But Cicero does not think that the consequences of the Epicurean view end there. He tells us in [ii] that in the first place, troubled life and great disorder are *bound* to follow. Then *perhaps* along with piety, holiness, and religion will be taken away good faith, the community of the human race, and justice itself. So at first sight, Cicero seems to think that if Epicureans are right then Roman society – or human society in general – might collapse. Such a thought would be implausible, especially today when wider experience of influential deists and atheists suggests that they are unlikely to cause society's downfall. So you might think that Cicero is up to a rhetorical trick familiar from his speeches in court, where, regardless of the real importance of the case, he tells the jury that the very survival of the Republic is in their hands.²¹ But I think Cicero's point is not, in fact, that society will collapse in the obvious sense. He is not predicting riots.²²

First, notice what Cicero does *not* say here. He does not say that the consequences he points to are a result of *what people believe*. He does not say that if the Romans came to be Epicureans in large numbers then,

²⁰ Graver (2009) 126–128 says that Cicero takes the Epicurean position as “target” in the preface to *DND*. This is a reasonable position, since (as Graver points out) the consequences of Epicureanism are described in such dire terms, and since Marcus sides with Balbus in *DND* 3.95, when Balbus has disagreed with the Epicurean answer to the Central Question. However, I do not agree. First, refuting Epicureanism is certainly not the “*stated* aim of the treatise.” (p. 127, emphasis added) Second, affording the audience free and informed judgment on the Question *is* the stated aim. (*DND* 1.13–14) Third, Cotta's arguments against Balbus are very compelling, and were probably all the more compelling before some of his speech was lost from the MS tradition, so that Marcus' preference in *DND* 3.95 can come as a surprise. This would be strange if the clear goal of the dialogue were to discourage the Epicurean answer to the Central Question.

²¹ E.g. *Pro Roscio Amerina* 153, *Pro Murena* 78–106.

²² Of course, at Rome in the 40s BC, further social collapse would have been a reasonable prediction.

because they no longer believed that gods care about us, they would cease to act in the just and socially cohesive ways that traditional piety motivates. Rather, he refers to *the fact of the matter* about the gods. If, as it happens, the Epicureans are right and the gods do not care about us, then it follows already that piety and perhaps justice are taken away. As Cicero states it, in an Epicurean world there would be no piety, and there might be no society, even if all Romans were Stoics who labored under the delusion that the gods care and who tried to act in Stoically pious, just, and cohesive ways. So I think that Cicero's point here is not about how the Romans' beliefs will lead them to behave if Epicurus is right. Instead, it is about how a theoretician should analyze the ethics of Roman behavior. It helps to notice that the verb I have translated "take away" (*tollere*) is ambiguous between literal removal and refutation by argument. If the Epicureans are right, piety as traditionally understood is refuted, or metaphorically removed from the world, in the sense that it is shown never to have been there.

In examining the wider social consequences of Epicurean theology, Cicero first says that "good faith" (*fides*) might be threatened if Epicurus is correct. This "faith" is of course not the faith of modern religions, a kind of belief. Rather it is the good faith with which one acts *bona fide*. At Rome *fides* could plausibly be said to be backed by religion. It was worshipped as a goddess, Fides, with a temple on the Capitoline (cf. *DND* 2.61, 3.47, 3.88). Good faith was what one showed in fulfilling an oath and what one looked for in an oath-taker. Cicero gives us a discussion of the ethics of taking an oath in *On Duties* (3.102–114). If I take an oath by Jupiter, should I keep it because I am afraid that the god will otherwise get angry? Cicero reminds the reader that good philosophers argue that a god will not be prone to anger:

est enim ius iurandum affirmatio religiosa; quod autem affirmate, quasi deo teste promiseris, id tenendum est. iam enim non ad iram deorum, quae nulla est, sed ad iustitiam et ad fidem pertinet. nam praeclare Ennius:

*O Fides alma apta pinnis et ius iurandum Iovis.
qui ius igitur iurandum violat, is fidem violat, quam in Capitolio vicinam Iovis optimi maximi . . . maiores nostri esse voluerunt.*

. . . for a sworn oath is a religious (*religiosa*) affirmation: and if you have promised something by affirmation with a god as a witness you must hold to it. What is relevant here is not the anger of the gods, which does not exist, but justice and good faith (*fidem*). For what about Ennius' splendid words,

'Oh winged and nurturing Faith, and oath sworn in Jupiter's name!'

Therefore anyone who violates a sworn oath violates Fides, whom our ancestors wished to dwell on the Capitol, as 'neighbor to Jupiter Optimus Maximus' . . . (*On duties* 3.104, translation from Griffin and Atkins (1991), modified)

Such a view of good faith is what Cicero must have in mind in [ii]. When I take an oath in good faith, even an oath in favor of another human, I understand myself to enter into an arrangement with a god whom I have taken as my witness. My good faith leads me to honor the promise in part because a god has witnessed it. But if no god witnesses what we do, then good faith understood in this way is, like piety, a fiction. Perhaps there are other theories about why, if that were so, it would still be desirable to keep our word and to be trustworthy. An Epicurean could say that we keep our word so as to ensure our own peace of mind, and that reflection on divine tranquility is helpful to us in doing so. But by the truth of such Epicurean theology good faith understood as a part of justice in fact overseen by a god would be taken away, because there *is* no divine overseer.

Still more dramatic is Cicero's next claim, that "the community of the human race" (*societas generis humani*) might also be taken away. Perhaps in part this is just a consequence of the loss of good faith: if the desire to act in good faith is not really part of a relationship between ourselves and the gods, then our community is not on the footing that Roman tradition suggested.²³ But perhaps Cicero is driving at a bigger point. We can see this point against some background in his thoughts about *societas* we find in his dialogue the *Laws*.²⁴

In the first book of the *Laws*, there is much discussion of what Marcus calls *societas*, "community."²⁵ Marcus argues that the community of the

²³ Compare Cicero's argument at *Laws* 2.16 that the *opinion* that rational gods look after us or threaten punishment is *useful*: it strengthens oaths or treaties, discourages crime and leaves "citizens' community with one another holy," *sancta*. . . *societas civium inter ipsos*. This argument, that what people *think* about the gods matters, is distinct from the discussion of the consequences of what might be *true* of the gods in the preface to *DND*.

²⁴ I must be cautious in how I use the *Laws* to interpret *DND*. *Laws* is incomplete as we have it. When Cicero wrote it and whether he completed it is uncertain. How far a skeptic like Cicero endorses what his character says in any dialogue or would wish it to be read into other works is never clear. In that regard the *Laws* is a particular challenge because it contains no obvious acknowledgment of Cicero's skepticism. Indeed it can seem rather dogmatic (see especially *Laws* 1.38), although I agree with the consensus that it is not so (see Görler 1995, Atkins 2013 pp. 177–185). But the *Laws* contains (in Book 2) an idealized version of Roman religious law and (in Book 1) a discussion of the fundamental nature of law. Both are given by Cicero's own character. I think it is fair to use these books as background for the sort of issues Cicero might have in mind in writing the general remarks in the preface to *DND*.

²⁵ *Laws* 1. 16, 22, 27, 28, 35, 42, 49, 60, 62. *societas* is most literally "companionship" or "society." But in translating Stoic political ideas, Cicero seems to use *societas* for the Greek κοινότητα (see

human race is based on our shared law. For him this law is simply our *reason* that (if we all used it rightly) would lead us all in the same way. (*Laws* 1.42) But Marcus thinks that the gods, too, have reason. So he thinks that they, too, are part of our community of the rational. (*Laws* 1.23–25) Now members of this community, he argues, should have a *natural* desire to be just to the other members of the community. By this he means that we do not desire justice for some further goal, like assuring a safe society for our own needs. Rather, we naturally want to be just to others for *their* own sake. If we were to think that this was not a natural desire, but rather that we desire to be just with (e.g.) our *own* Epicurean advantage in mind as a further end, Marcus argues this would undermine not only real justice to other humans, but also justice from us to the gods. (*Laws* 1.43) Now one attraction that rational virtue in this community holds for us is that we can see it perfected in divine nature – we want to show ourselves worthy of what we have in common with the divine. But suppose, as Cicero contemplates in the preface to *DND*, there are no gods in our community, because no gods care about us. That might make it less attractive to be in a community with our fellow human beings where we desire to help others for their own sake and not for our own. For perhaps thinking of gods who are not active parts of the community would lead us to imitate the Epicureans and leave the community, as he suggests the Epicureans in fact did. (*DND* 1.39) Such is the climactic criticism that Cotta will bring against Velleius at the end of *DND* Book 1. (*DND* 1.121–123, see pp. 108–110 below.) Note that this need not mean that the Epicureans literally wall themselves up in their gardens. They might carry on participating in what looks like the old community, but now for selfish reasons, so that their society is not the web of mutual concern that it used to be.

The threat from Epicurean theology that Cicero paints, then, is not that life in Italy might descend into chaos in an obvious, outward sense. Instead it is that society, religion, and their attendant virtues (as those things were conventionally understood) would be hollow fictions if the Epicureans were right. This means that, for a thinking Roman who realized that this was the case, confusion about *why* such apparent goods are good at all would follow. In order to be true, beliefs about such values would have to be refounded, perhaps on Epicurean or similar principles.

Wynne (2012) 368n17). Given Cicero's emphasis on the source of *societas* in *shared* reason, "community" seems apt.

1.3 How Philosophical Inquiry Can Moderate Religion

We have seen that from Cicero's philosophical point of view, it is important that the facts about the gods can vitiate or underwrite accepted beliefs about religion. But it is our beliefs, not how the gods are, that our *philosophizing* can change. So it ought to be that philosophical inquiry moderates religion by changing what we think. How should it change what we think, and why should this amount to moderation for the better?

One way for Cicero's inquiry to moderate religion for the better would be for it to change its audience's views to fit the facts. Cicero does not discuss this sort of moderation of religion in his preface. But, as we shall see in my next two chapters, in the rest of *DND*, his Epicurean and Stoic speakers do so. Velleius the Epicurean holds that the Stoics overwork their god, and "impose an eternal slave-master on our necks, whom we must fear through all the nights and days."²⁶ (*DND* 1.54) By contrast, he says, Epicurus showed how the gods could lead a tranquil life, without work in keeping with their happiness, so that we should have no fear of them. His view of the gods brings it about *ut deos pie coleremus et ut superstitione liberaremur*, "that we give cult to the gods piously," acknowledging their true happiness, "and that we are liberated from superstition," because we do not fear their anger (*DND* 1.45). Meanwhile the Stoic Balbus (who, we may assume, regards Velleius' position as impious) says that Stoic theology leads one to rationalize and reinterpret the traditional, poetic understanding of the gods, which is in some respects a false and distorted understanding. This is, says Balbus, a distinction between religion (*religio*), practiced by those who have done such reinterpretation, and superstition (*superstitio*), practiced by those who have not (*DND* 1.72). He says that the etymology of *superstitio* is that Roman ancestors applied it to people who constantly sacrificed and prayed so that their children might be their survivors (*superstites*). (*DND* 1.72).

Both Epicureans and Stoics, then, are concerned to avoid both *impiety* and *superstition*. For Stoics, right religion is, so to speak, between impiety and superstition. Impious religious practice is done in the belief that the gods care for us *less* than they do, while superstitious practice is done in the belief that the gods care *more* than they do. For the Epicureans, superstition and impiety come together. They say that a view of the gods like the Stoic one will lead to superstitious practice, since a Stoic believes that the gods notice and care about what she does, and impious practice, since for

²⁶ *imposuistis in cervicibus nostris sempiternum dominum, quem dies et noctes timeremus.*

the gods to care about and provide for us is inconsistent with their divine happiness.

Although he does not address it in the preface to *DND*, in the preface to the first book of *Div*. Cicero himself will encapsulate the consequences of reaching the wrong sort of view about the nature of the gods:

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

For error and rashness in assent is vicious in any matter, but it is especially so on that question where we must judge how much credit to give to auspices, to divinity, and to religion. For there is a danger that we shall be involved either in an impious fraud (if we neglect these matters) or in the superstition of an old woman (if we accept them). (*Div*. 1.7)

The dangers here are an *impious fraud* (*impia fraus*) or an old woman's superstition (*anilis superstitio*). I suggest that an impious fraud is what a Roman would be involved in when she practiced religion if the Stoics' answer to the Central Question is true but she had adopted the Epicurean answer. For then she would do the outward actions of a pious person, but fraudulently because she would in fact do them in vicious error about the gods who had done so much for her and who saw what she was doing. Meanwhile, an old woman's superstition is what a Roman would be involved in when he practiced religion if the Epicurean answer to the Central Question is true but he had adopted the Stoic answer. For he would suppose that the gods saw and cared about what he was doing, and that they could affect his life, when they cannot.

In *DND* we have a similar picture of the relationship between piety and superstition from the skeptic Cotta in his reply to Velleius. Velleius has advertised Epicureanism as a liberation from superstition, but Cotta shoots back:

nam superstitione, quod gloriari soletis, facile est liberare, cum sustuleris omnem vim deorum. nisi forte Diagoram aut Theodorum, qui omnino deos esse negabant, censes superstitiosos esse potuisse; ego ne Protagoram quidem, cui neutrum licuerit, nec esse deos nec non esse. horum enim sententiae omnium non modo superstitionem tollunt, in qua inest timor inanis deorum, sed etiam religionem, quae deorum cultu pio continetur.

For liberation from superstition (in which you Epicureans are accustomed to glory) is easy when you have taken away all the power of the gods. Unless perhaps you think that Diagoras or Theodorus, who deny that there are gods at all, could have been superstitious. I don't think even Protagoras

could have been superstitious, who allowed neither claim, neither that there are gods, nor that there are not. For all these mens' views destroy not only superstition, in which there is empty fear of the gods, but also religion, which is comprised by pious cult of the gods. (*DND* 1.117)

Cotta's criticism uses the conceptual map of pious religion between superstition and impiety. Velleius boasts of freeing people from superstition. But Cotta asks if this is to be counted a success when Velleius has done it at the cost of moving people from superstition right through pious religion and out into impiety. By robbing the gods of their power, Epicurus has left a view of them equivalent in its implications for religion to those of thinkers who deny or doubt the gods' existence.

We now see one way in which philosophical inquiry could moderate religion in the sense of outward practice: discovery of the truth. It could give the inquirer and his audience true beliefs (or, hopefully, even knowledge) about the nature of the gods. For example, if the Epicureans were right, then the Romans until Cicero's day had been making religiously correct performances as parts of superstitious and impious actions, because they believed that the gods cared. If philosophical inquiry then discovered the truth, the Romans might drop that superstitious and impious belief and start to do pious religious actions.

But Cicero's radical skepticism means that this cannot be the only kind of moderation he invites us to consider. For he expects that his inquiry will *not* lead to discovery of truths about the gods. He hopes that it will lead to hesitation and suspension of judgment on the matter. If so, how will the inquiry moderate religion?

Before I answer that question, I should address a problem for my skeptical reading of Cicero's preface. For in paragraph [i] Cicero said that unless the issue before his inquiry is decided (*diiudicatur*) humanity will live in error or ignorance (*error, ignoratio*). This might suggest that Cicero would in fact be dissatisfied with a skeptical outcome of the inquiry. For it suggests that he thinks *ignorance* a bad outcome. A skeptic claims to live without knowledge and thus, in a sense, to live in ignorance.

But we find elsewhere in Cicero's philosophical dialogues another sense of ignorance: ignorance not simply as lack of knowledge, but also as false opinion. For example, consider this passage from *On ends* where another Epicurean, Torquatus, says in support of the use of natural science:

omnium autem rerum natura cognita levamur superstitione, liberamur mortis metu, non conturbamur ignoratione rerum, e qua ipsa horribiles existunt saepe formidines.

By knowing the nature of all things we are freed from superstition and liberated from the fear of death. We are not thrown into confusion by ignorance (*ignoratio*) and by the chilling fear that often results from ignorance alone. (*On ends* 1.63, translation from Annas and Woolf (2001))

Again, terrors do not emerge from sheer lack of knowledge. Rather they emerge from the false beliefs that the gods might harm us and that we might suffer after death. So both of these Epicurean speakers use “ignorance” to mean, so to speak, positive ignorance: false beliefs. So I suggest that Cicero, too, uses *ignoratio* in [i] in the sense of positive ignorance. False belief is something that a skeptic would seek to avoid.²⁷ So Cicero as a skeptic could agree with the dogmatic philosophers that ignorance in this sense is undesirable.

I think Cicero does not, in the end, endorse the conditional that, unless the question of the gods’ care for us is finally decided, we must live in error and positive ignorance. For he proposes another option: if the case appears undecided, we could withhold assent from any belief, and thereby live without false beliefs. This is the sort of outcome he expects from the inquiry in *DND* 1.14 (quoted p. 52 above). In *Div.* 1.7 he suggests that rash assent leading to error is what leads both to impiety and to superstition. A skeptical version of the moderation of religion, then, would be suspension of judgment on the question of the nature of the gods. If impiety and superstition are false beliefs, then by suspending judgment Cicero, and others led to suspension by the arguments exhibited in *DND* and *Div.*, can avoid both.

This skeptical moderation of religion might look second best. Would it not be preferable to achieve dogmatic but true beliefs, or even knowledge, about the nature of the gods? Cicero would probably accept that in principle such discoveries would be preferable, since in his *Academica* even the most radical skeptic *wishes* to discover the truth. (*Academica* 2.65–66) But Cicero would argue that in the absence of any clear evidence one way or another, suspension of judgment is better than rash assent. It was not just *mistaken* assent about religion that he called an especially foul error in *Div.* 1.7 (p. 69 above), but rather *rash* assent, which might be assent to the truth. Further, even after suspension of judgment one might find oneself with *views* about the gods, views that do not amount to beliefs about what

²⁷ It is possible that with *error* and *ignoratio* Cicero gives respectively Stoic and Epicurean descriptions of false opinion in the matter of the gods. If so, his point in my paragraph [i] of *DND* 1.2–4 (p. 52 above) might be that the dogmatic *parties* to the dispute about the gods’ involvement would say between them that until the dispute is settled people will live either in error or in ignorance. They would omit another option, suspension of judgment.

is true. For as a radical skeptic Cicero would not accept the truth of any claim, but instead he may follow what seems to him for the present plausible (*probabile*) or like the truth (*veri simile*) (see pp. 35–45 above). Thus Cicero himself may moderate his religious actions not only by suspending judgment about the truth of the nature of the gods but also by engaging in carefully balanced inquiry so that their nature *seems* this way or that to him on some basis that seems responsible. He may encourage his readers to form their own free judgments of this sort. In Chapter 6 I shall investigate what, if any, of his “own” judgments he indicates in our dialogues. But despite these weak and ephemeral judgments of what seems like the truth, the crucial aspect of skeptical moderation is that Cicero will not accept as *true* any beliefs about an action that, if he accepted them as true, would leave the action impious or superstitious. Perhaps his resulting action is not pious, or is less pious than it could be, in principle, if he knew the truth. But if knowledge or warranted beliefs about the gods’ true nature are beyond him, he thinks it is better to avoid than to risk impiety and superstition.

I can now sum up the project that, I have argued, Cicero has in mind when he looks for *moderation* of religion from philosophical inquiry into the nature of the gods. *modero*, to “moderate,” means to impose *modi* on something. A *modus* is a measure or a bound.²⁸ Philosophical inquiry may impose two sorts of bound on Roman religion, that is, on Roman religious practice: that it be neither *superstitious* nor *impious*. It will not do this by bringing about any substantial reform of outward religious performance. Rather, it will make each religiously required performance an action neither superstitious nor impious by leading the religious actor to lack the false beliefs about the gods which would make the performance superstitious or impious. The inquiry will achieve this either by discovering the truth about the nature of the gods or, as Cicero expects, by leading us to suspend judgment about the truth of their nature. The Central Question about the gods’ nature for this purpose is whether they care about and intervene in human life. For if a religious agent believes falsely that they do care and intervene then she acts superstitiously, but if she believes falsely that they do not care or intervene then she acts impiously.²⁹

²⁸ See Lewis and Short (1879), *OLD*, *TLL* s.v.

²⁹ Moatti (2015) 180–192 explores in *DND* and *Div.* how Cicero thinks philosophy can save us from superstition, but puts less emphasis on how it can save us from impiety. Santangelo (2013) 34 and 38–47 concentrates on Cicero’s ambition in *Div.* to relieve *religio* of *superstitio*. He gives helpful detail on the meanings of the term *superstitio*.

1.4 Cicero's Project in its Intellectual Context

You might ask: why would Cicero choose precisely *that* project for these dialogues? One answer, it seems to me, is that the various theological teachings of Hellenistic philosophers did indeed suggest to an attentive student that the question of the gods' involvement in our lives was a crucial issue. But as I shall now point out, Cicero's project also responds to a further set of questions we can trace in Cicero's own corpus and in the (often scanty) monuments of the intellectual society of his day.³⁰

"We were strangers and lost in our own city until your books played the role of hosts, leading us home so we could at last recognize ourselves and where we were." (*Academica* 1.9)³¹ So says Marcus to his interlocutor Varro in the first book of Cicero's final draft of the *Academica*. He seems to refer mainly to Varro's *Antiquities human and divine* and to include that huge work's antiquarian investigation of Roman religion: "you have opened up for us . . . the laws governing our rites and priesthods . . . the titles, classes, duties, and origins of everything human and divine."³² (1.9) Marcus' reason for admiring these books is important background for the project of *DND* and *Div*.³³ Let us see why this is so.

³⁰ Rawson (1985) surveys the evidence for the lively intellectual efforts of the first century BC at Rome. Moatti (2015) argues from the whole of this evidence for a general conclusion about the motivations for these efforts in some ways similar to the one I have attributed to Cicero for *DND* and *Div*, namely that, in the face of the long political chaos and series of civil wars through which they lived, people had a sense of bewilderment at, and *loss* of understanding of, their own institutions, of the sort that Cicero tries to repair by importing Greek philosophy. "To defend that tradition [i.e. that from which Rome had gradually emerged], the 'last of the Republicans' had sought, not to refound the state [as Augustus would], but to enable it to endure, to safeguard its stability and conservation, even if that involved finding *new* bases for it" (p. 39, emphasis added).

³¹ Scholarship on Varro has tended to agree with this characterization of the purpose of his antiquarian work. "Religious antiquities, Varro stresses, must be preserved, since they are by common consent threatened by the negligence of the citizenry . . . If the religious edifice on which the *res publica* depended were weakened, would not the whole structure of society begin to collapse? Indeed, much of the work of the Roman antiquarians has been seen rightly, as a literature of crisis trying to place against what the antiquarian sees as a chaotic and dangerous world . . . an idealized picture of the way things were and should be again in order to correct that process of deleterious change." (Tarver (1997) 135).

³² *nam nos in nostra urbe peregrinantis errantisque tamquam hospites tui libri quasi domum deduxerunt, ut possemus aliquando qui et ubi essemus agnoscere. tu . . . sacrorum iura tu sacerdotum, tu sedum regionum locorum tu omnium divinarum humanarumque rerum nomina genera officia causas aperuisti.* Translations from Brittain (2006).

³³ As I suggested above (p. 1), although Marcus describes Varro's remedy as though it helped Romans at large, it is likely that only a small class would read his writing. In practice, Cicero's philosophical efforts were probably similarly for an elite audience, even if in principle they are not intended to be esoteric (cf. p. 255 below). Brunt (1989) concludes that, "It seems *probable* that the theological doubts and contradictions of the philosophic schools had little effect on Roman religious practices, or so far as concerns the mentality of most Romans, on the beliefs associated with them." (p. 198)

The Marcus and Varro of the *Academic books* are, of course, fictionalized characters speaking fictional lines. But the content of the real *Antiquities* was much as Marcus describes it. Most of the work's great length is lost, but hefty reports and quotations survive, primarily in Christian sources. To Varro, Christian sources are hostile sources, at least for the history of religion. But with due care some part of Varro's project and findings seems to be recoverable. Augustine, for example, offers what he takes to be a charitable interpretation of Varro's procedure. The *Antiquities human and divine*, says Augustine, came in two distinct parts, about human and divine matters respectively. This was because Varro intended a work not about the nature of gods and men at large, but about Rome. "Just as the painter is prior to the painting, the builder to the building, so cities are prior to what cities institute."³⁴ For Varro thought Rome, and not the gods, had instituted Rome's religion. Further, he seems to have reconstructed early Roman religion as different in some respects from that of his own day. For their city's first 170 years, he said, Romans worshipped without names or images for the gods.³⁵ Jupiter (or the god later called such) he seems to have regarded as akin to a monotheistic deity, set over the others, "no different from the god of the Jews."³⁶ Later there were changes and additions in which, for example, the temple of Jupiter was built on the Capitoline. Varro expressed some dissatisfaction with what the founders and reformers made: if *he* were founding a religion from scratch, he would make it more in harmony with the principles of nature.³⁷

Varro's researches were, at least in part, intended to recall his contemporaries to forgotten religious lore. Some gods, he said, were falling into disuse, so that he would rescue them, like Aeneas who carried the Penates out of burning Troy.³⁸ To this end he cataloged all the gods he could find

On the other hand, it seems possible that Marcus' diagnosis of alienation and bewilderment in the face of the traditional religion was true for people even beyond those with the leisure and education for intellectual pursuits, even if the philosophical help that he designs for them in *DND* or Book 2 of his *Laws* would not, in practice, reach them. But were Romans at large picking up and considering philosophical ideas in other ways? So far as I know, the evidence does not allow us to answer this question.

³⁴ *sicut prior est . . . pictor quam tabula picta, prior faber quam aedificium, ita priores sunt civitates quam ea, quae a civitatibus instituta sunt . . .* Fr. 5 Cardauns = Augustine, *City of God* 6.4.

³⁵ Fr. 18 Cardauns = Augustine, *City of God* 4.9, 4.31.

³⁶ Fr. 16 Cardauns = Augustine, *De consensu evangelistarum* 1.22.30, cf. fr 17 Cardauns = John Lydus, *De mensibus* 4.53.

³⁷ Fr. 12 Cardauns = Augustine, *City of God* 4.31.

³⁸ Fr. 2a Cardauns = Augustine *City of God* 6.2.

and suggested to which god the Romans should pay cult for which purpose.³⁹ He also tried to revive some neglected interpretations of Roman practice. For example, when the temple of Jupiter was planned, he said, all the gods who had altars on the site agreed by way of augury to have their altars moved, except three. These were Mars (god of war), Juventas (the goddess Youth), and Terminus (god of boundaries), whose primitive altars were still to be found inside the precincts of Jupiter's temple. This signified, said Varro, that Rome would always be martial and young, and that her borders would not yield.⁴⁰

Such is the treatise that Marcus in the *Academica* congratulates for making Romans at home in their own city. Marcus seems to think, then, that the Romans had *lost* something: the full understanding of their own institutions and religion. This resulted, he suggests, in the alienation of Romans from their own institutions, a problem that Marcus thinks the *Antiquities* can help significantly to address by informing Romans about their religion's full meaning. The rules of the religion were not (for the most part) revealed by the gods, but were rather the creation of statesmen.⁴¹ They could not be justified just by appeal to divine command, but they *could* be understood through the history of their design and development. It is that history which the antiquarian could try to recover. The *goal* of Varro's treatise thus understood has much in common with Cicero's own project in *DND* and *Div.* Both works equip, or re-equip, Romans with a helpful understanding of their own religion, an understanding that had been lacking or lost.⁴²

Nor, seemingly, were Cicero and Varro alone in this sort of project. In her summary of intellectual theology at Rome in the Late Republic, Elizabeth Rawson counts (for example) in addition to Cicero five other Roman authors on augury from the first century BC, or two Roman works on aspects of the pontifical college from the same period.⁴³ In some cases little of these authors' work survives. But their number suggests a general concern with historical or theoretical treatment of the religion. In *Div.*,

³⁹ Fr. 3 Cardauns = Augustine, *City of God*, 4.22.

⁴⁰ Fr. 50 Cardauns = Augustine, *City of God* 4.23.

⁴¹ The exception in the pages of *DND* and *Div.* is the Etruscan art of haruspicy, whose original handbook was divulged by the supernatural man-boy Tages – or so says a rather satirical Marcus at *Div.* 2.50.

⁴² A recent co-ordination of the real Varro and Cicero's projects is Rüpke (2012) Chapters 12–13.

⁴³ Rawson (1985) 302–303. It is commonly accepted that Cicero wrote a work, now lost, *On augury*. So far as I know, the positive evidence for the existence of this work are citations by the fourth century AD grammarian Charisius in his *Ars grammatica* (pp. 156, 176 Barwick). Cicero may allude to a plan for such a work at *Letters to his friends* 3.9.3, and perhaps *Div.* 2.76.

Marcus mentions a controversy between the augurs Appius Claudius Pulcher and Gaius Marcellus over whether augury was a real art, or was invented for civic reasons.⁴⁴ Several others contributed books on the topic, the contents of which seem to have been “strongly antiquarian.” (Rawson (1985) 302)

We can glean a little more about another of Cicero's intellectual contemporaries, the “Pythagorean” speculator Nigidius Figulus, who features in Cicero's sketched *Timaetus* (section 1). He wrote works *On the gods* (in at least nineteen books), *On entrails*, *On private augury*, *On dreams*, and he translated a book on lightning strikes, the latter four works being to do with divination.⁴⁵ So it is clear that Nigidius had a close interest in the investigation of religion. He also wrote a work on language, the *Philological notebooks* (*Commentarii grammatici*), in a passage of which he argued for the pejorative connotation of the adjectival suffix *-osus*, quoting an old poem, saying that to be *religiosus* was to have an immoderate and excessive religiosity and thus to be superstitious, a character flaw which might lead one into excessive religious performance. It is plausible to think that, as for Cicero, to avoid such excesses (or perhaps their contrary defects) was part of Nigidius' motivation for his studies.

Thus in *DND* and *Div.* Cicero responded to an intellectual concern of his times at Rome: to rediscover, or simply to find, the right way to understand the performances of the traditional religion. We can see Cicero's approach more clearly if we look at the *Laws* and *Academica* as background.⁴⁶ As we have seen (p. 66 n. 24 above), we should not press too hard to reconcile the *Laws* with other dialogues. Rather, we should use

⁴⁴ *Div.* 2.75, cf. *Laws* 2.32–33.

⁴⁵ “Pythagorean” and physical speculation, Cicero, *Timaetus* 1; *On the gods*, Macrobius, *Saturnalia* 3.4.6; *On entrails*, Gellius, *Noctes Atticae* 16.6.12; *On private augury*, Gellius, *Noctes Atticae* 7.6.10; *On dreams*, brontoscopy, John Lydus, *De ostentis*, 38, 45.

⁴⁶ We can find evidence of the sort of unease about religion that may have motivated the intellectuals in Cicero's works for wider audiences. Even in speeches Cicero can argue against some (notional?) atheists in favor of providence both from Rome's imperial success and from cosmological arguments (*Pro Cluentio* 194); that Sicily had fallen into superstition because of the false belief that the gods were angry with the island and that the Romans should “heal” the Sicilian religion by removing the ground of this belief (*In Verrem* 2.4.113–115); (sarcastically) to the *pontifices* that Clodius, who infiltrated the women-only rites of the Bona Dea, was motivated by *anilis superstitio*, “an old woman's superstition” (cf. *Div.* 1.7, p. 69 above) that the gods wanted him to infiltrate the rites and that he should be told by the *pontifices* to impose some *modus*, limit, on his religion (cf. *DND* 1.1) – presumably, by removing the belief which led to the offending performance (*De domo sua* 105). So Cicero thought that his contemporaries were alive to the idea that one's beliefs about religion might lead one astray, either into wrong performances or into wrong beliefs about those performances, and to be open to intellectual argument about those beliefs. It would follow that intellectual argument could lead one right or astray. See also Gildenhard (2011) part III and the religious material collected from speeches by R. J. Goar (1972).

it as background. But it is very useful background here, since in it Cicero gives us an extended attempt to reconceive (mostly) traditional Roman religion in line with a philosophical theory of politics. We saw that in *Laws* Book 1, Marcus argues that we humans share reason with one another and with the gods, and that this is the basis of our justice towards one another (p. 66 above). A creator god, he says, gave us this reason. (*Laws* 1.24–27) Our shared human nature is also reflected in our shared capacity for superstition, which is cross-cultural even if its expression, like the worship of animals in Egypt, sometimes is not. (*Laws* 1.32) When Cicero comes to his formulation of idealized Roman religious law in the second book of the *Laws*, he aims to give a traditional rather than a new code. Changes to the required performances are few. As it happens, they are often in line with the project of promoting in *DND* virtuous religious actions, since what are rejected are performances which are unusually incompatible with this project: the worship of vices is abandoned (*Laws* 1.28) and collections of money for religious use are banned in part because they lead to superstition (*Laws* 2.40). Meanwhile, the traditional religious performances retained are interpreted in the context of the theory of *Laws* Book 1. For example, Marcus considers whether to retain temple buildings or, like the Persians, to torch such shrines lest the gods be enclosed. He decides to keep the buildings, but on the grounds that they encourage Romans to think of the gods as neighbors, who have houses alongside their own, and therefore as members of their own society.⁴⁷ (*Laws* 1.26–27) A preamble to the religious laws encourages the Romans to see the religion in the light of true gods, whose reality can be apparent through the order of the cosmos and arguments much like Balbus' Stoic position in Book 2 of *DND*. (*Laws* 2.15–16) So in the terms of Book 1 of the *Laws*, Marcus in Book 2 of the *Laws* wants to use the religion to promote Romans' natural, rational capacity for justice towards the gods, and to inhibit their natural capacity for superstition. The *Laws*, then, shows us how a philosophical theology *could* give meaning to traditional Roman religion, and virtue to its practitioners.

Now Marcus' exposition in the *Laws* seems very confident. But of course, given his skepticism, if Cicero had a view about the right way to interpret traditional religion, it was probably not so confident. Sure

⁴⁷ Through such interpretations, Marcus in the *Laws* is sympathetic to the visual metaphors of traditional religious buildings and cult images (cf. *Laws* 1.59). It is tempting to see in this an answer to Varro's apparent admiration of early Roman religion, which he thought was aniconic. (Varro's *Antiquities* frs. 18, 38, and 40 Cardauns.)

enough, in *Academica*, as Marcus talks his way through a catalog of disagreements among dogmatists, we come to the example of natural theology. The Stoics may argue, he says, that the cosmos is a god, that it has a mind, and that it ordered and moves itself. But they will run into Aristotle, who will argue that the order of the cosmos was never created. They may argue that god created everything (besides himself, we assume) and that he did so for our sakes, but they will run into the Peripatetic physicist Strato of Lampsacus, who will argue that nature and not god made everything, freeing god from such labors. "But I don't assent to Strato, or to you either," Marcus sums up, "now one view seems more plausible, now the other."⁴⁸ (*Academica* 2.120–121) So in *Academica*, Marcus claims to suspend judgment on some of the theological claims which underwrote the religious views of the *Laws*: are we really given reason by a creator god, and do the gods really care about us in such a way that we could meaningfully think of them as members of our society? These are puzzles closely related to the Central Question of *DND*.

This background in Cicero's corpus, then, gives us sharper focus on his project in *DND* and *Div*. Varro, the author of the *Antiquities* as portrayed in *Academica* 1, who chose not to write philosophy and instead to gather new data, looked on the state religion as founded by statesmen and changed over a long tradition. He offered his data as a way to recall the Romans to the fullness of their orthopractic tradition, by reminding them of its development and complexity, regrettable though some aspects of the tradition might be from the point of view of natural philosophy. Cicero, by contrast, is much less interested in the history of traditional rules for performance. His approach is to accept the performances as given by tradition, and then to supply from philosophical investigation intellectually rigorous ways to interpret those performances, so that one may render them pious, or at least so that one may avoid the false beliefs about them which would make them impious or superstitious. These interpretations may be entirely new. In Varro's metaphor, Cicero's goal is not necessarily to reconstruct the meaning that the "painter" intended in the "painting" of Roman religion, but rather to arrive at a philosophically grounded interpretation of the picture. In this way Cicero has little room for the distinction between philosophical and civic theology made in Varro's work. He suggests that the right way for the Romans to return from alienation is that the legacy of those who devised the religion, namely its required performances, should indeed be retained, but that it should be

⁴⁸ *nec Stratoni tamen adsentior nec vero tibi; modo hoc modo illud probabilius videtur.*

moderated from without by the philosophical views, or skeptical integrity, of religious agents. Philosophical theology itself yields a civic benefit.⁴⁹

1.5 How the Project Shapes the Dialogues

The last plank in my argument that Cicero pursues the project I have suggested is a brief examination of the dialogues themselves. For it is not just that the preface to *DND* piques the reader's interest with the questions I have examined. Rather, Cicero chooses and shapes the arguments portrayed throughout *DND* and *Div.* in order to pursue the debate on the Central Question.

It is hard to know which Cicero thought were the "main" philosophical views of the gods at Rome in the 40s BC. To us, perhaps, the Epicureans and the Stoics seem the salient contenders. But that might be an accident, the result of their portrayal in *DND* and the survival of Epicurean texts at Herculaneum. Cicero knew a number of Antiocheans, including Varro the author of the *Antiquities* and Brutus the addressee of *DND*, so their theological views, where distinct from the Stoic view, could also have been options for inclusion in *DND* (see p. 50 n. 2). Indeed Cicero reminds the reader of this when Marcus observes that a representative of Antiochus is the only significant omission from the scene.⁵⁰ (*DND* 1.16) Meanwhile, in *Div.* Quintus will reveal that he is most sympathetic to the Peripatetic view of divination. (2.100) The Peripatetic Strato's view was the foil for Stoic theology in the *Academica*, and from the sketch of a dialogue on physics which we call the *Timaeus* it appears that the Peripatetic Cratippus was intended to contribute.⁵¹ In the *Timaeus* Nigidius was also to appear,

⁴⁹ Feeney (1998) 16–17 draws a similar contrast between Varro and Cicero's respective projects. Notice that by characterizing Varro's project as antiquarian rather than philosophical, I do not mean that it was *merely* antiquarian, or that the conclusions Varro reached about early Roman religion were not informed by philosophical knowledge. I am inclined to agree with van Nuffelen (2010) against Moatti (2015) or Momigliano (1984) that Varro hoped to recover some truths about philosophical subjects that informed early Roman religion. In this way his project has something in common with, say, Balbus' treatment of traditional religion in *DND* Book 2. Cicero, by contrast, seeks to bring new philosophical insight to bear from the outside, so that it would be an additional bit of luck, rather than the goal of his project, if it turned out that some of this insight were already encoded in parts of the tradition. Rüpke (2014) contemplates the historicizing nature of Varro's project. Wallace-Hadrill (2008) 231–251 puts these questions into the wider context of his "cultural revolution" in late Republican Rome.

⁵⁰ Cf. Furley (1989). But Balbus' point has to do with Antiochus' claim, explored at length in *On ends* Books 3–5, that the Stoic and Peripatetic theories of value differed only verbally. This is not directly relevant to the subject matter of *DND*. So Balbus' remark is dramatically appropriate, but does not, I think, give us Cicero's reason for omitting an Antiochean character from *DND*.

⁵¹ Cicero seems to find Aristotle's own theology elusive, blurred perhaps by Aristotle's dialogues. See *DND* 1.33, 2.95, but cf. the more familiarly Aristotelian view of *Academica* 2.119.

described as a Pythagorean, and probably to deliver the translated excerpt from Plato's *Timaeus* that makes up the rest of that text. That excerpt contains plenty of theology. So even if there had not been an obvious alternative to Stoic and Epicurean theology in the views of Antiochus, nevertheless Peripatetic, Platonic, and "Pythagorean" theologies were also current for Cicero.⁵² Of the dogmatic options available to him, why did Cicero choose to examine the Epicurean and Stoic views, and only those views, in detail?

If you took the "encyclopedia" view of Cicero's later philosophica (pp. 6–8), you might insist that, since Cicero's dominant aim was to provide a philosophical encyclopedia, Cicero presumably *did* choose the Stoic and Epicurean views just because they struck him as the main views that readers needed to know about.⁵³ But my position is that although Cicero had some thought for an encyclopedia, he was more interested in shaping his dialogues as works each with unity and an aim. My position can make good sense of his choice of the Epicureans and the Stoics. For consider that the Central Question of Cicero's project, as I interpret it, is whether the gods care about us and act in our lives. But the Stoics and Epicureans are *polar* and *rich* opposites on this question.

The two schools are *polar* opposites in that the Stoics hold that god fated every last detail about our world, to include everything about us, and did so for our benefit, while the Epicureans hold that the gods have never had anything to do with us or our world, cannot do anything to or for us, and would not if they could.⁵⁴

Cicero could have got a similar polar contrast from other schools. In particular, we already have seen that in the *Academica* he drew the same contrast but with Aristotle or Strato representing the view that no divine mind created or acts in the world.⁵⁵ But, by opposing the Epicureans in particular to the Stoics, Cicero also achieves a particularly *rich* contrast. Both Stoics and Epicureans see the gods as *like us* in important respects. The Stoics see gods and humans in a community of the rational with duties to one another. The Epicureans see the gods' perfect happiness as

⁵² See Furley (1989) for another discussion of Cicero's omission of Peripatetic views.

⁵³ For example, Brunt (1989) 185 concludes from Cicero's choices that Stoic, Epicurean, and Academic theologies "had the most currency in contemporary Rome." Brunt nevertheless sees some of the polar contrast to be drawn between the Epicureans and Stoics, but characterizes Balbus' Stoic gods as more rationalized, and less personally caring, than I do (pp. 190–191).

⁵⁴ Bénatouïl (2009) shows how thoroughly, and controversially, the Stoics made their god fate every last detail of the world.

⁵⁵ *Academica* 2.121. In *DND* 1.35 Velleius interprets Strato's position as attributing a sort of divinity to nature, but that does not seem to be part of Marcus' interpretation in *Academica* Book 2.

implying precisely that the gods are *not* part of any community with us, and rather that they are above any involvement in the business of the cosmos or of our lives, so that their life of pleasure is assured. Further, both schools think *we should imitate the gods in these respects so far as we can*. For Cicero's Epicureans, our community with one another is regrettable, merely a remedy for our weakness. Thus these two answers to Cicero's question lead to very different visions not merely of right religion, but also of happy and virtuous human life in general. By way of comparison, the Aristotelian god also does not care for us. But Aristotelians do not draw the conclusion that we should *all* seek to imitate god in *that* respect. The choice of exactly the two schools he chooses, then, makes most clear what is at stake in Cicero's Central Question.

Moving to *Div.*, Cicero there includes speeches only for a specific Stoic view of divination (Quintus' speech in Book 1) and Academic arguments targeted at that view of divination in particular (Marcus' speech in Book 2). The Epicureans rejected divination entirely, and thus could have spoken in opposition to the Stoics, or could have been given their own speech and counter-argument. But in *Div.*, unlike in *DND*, Epicurus is summarily dismissed, "babbling about the nature of the gods." (*balbutientem de natura deorum, Div. 1.5*) Why? Cicero does not seem to have rated Epicurean arguments against the Stoics very high: unless Carneades had come along, Marcus says at the end of *Div.*, the Stoics might have been judged "the only philosophers" by Marcus' day. (*sol. . . philosophi, Div. 2.150*) But I suspect there is more to it than that. The Epicurean view of divination was purely *negative*. The positive Epicurean theology and physics on which the negative view rested was covered by *DND* (and would be expanded on in *On fate*, if Cicero got around to it). Now if Cicero's main concern were to be encyclopedic he might still have included the Epicurean arguments and a reply. But if I am right, he left them out because there was no positive and fertile Epicurean view to engage with.⁵⁶ A Stoic argument for divination is therefore picked out as the richest representative of the view that the gods

⁵⁶ The only other school which gets some airing in *Div.* – the Peripatetics, who held that "natural" divination is real but "artificial" divination is not, a view to which Quintus himself in fact subscribes – could have had its own treatment (see *Div. 1.70, 1.113, 2.100*). But as Quintus and Marcus present it, the Peripatetic view is assimilable for dialectical purposes to that part of the Stoic view which argues that natural divination is real. The Peripatetic view is therefore covered efficiently as part of the general positive and rich view that divination is real. Meanwhile, according to Cicero, Panaetius had distinguished himself among Stoics by his doubts about divination at large, and rejection of some aspects of it, but Cicero gives his arguments little space in *Div.* (See *Academica 2.33, Div. 1.6, 1.12, 2.88, 2.97. DL 7.149* says that Panaetius simply denied the reality of divination, but Cicero seems likely to be more accurate in this regard.)

give us helpful information, a view which implies a positive answer to the Central Question of *DND*.

The choice of schools and speakers is not the only element of the structure of the dialogues shaped by the Central Question and its vital role in the moderation of religion. In the chapters ahead, I shall argue that Cicero the author often reminds the reader of the Question at significant junctures. Now, so far as the speakers of *DND* are aware, their topic of discussion is the nature of the gods in general, and neither the Central Question nor religion specifically. (*DND* 1.17) Yet Cicero shapes their conversation so that the Central Question and religion receive emphasis. Both Velleius' speech and Cotta's response to Velleius culminate in drawing the consequences for religion from the Epicurean answer to the Central Question. (*DND* 1.45–56, 1.115–124, see Chapter 2 section 2.3) Cicero has Cotta specifically request that Balbus give us the Stoic arguments that the gods run the world and care about us, that is to say, his answer to the Central Question. (*DND* 2.3) Balbus does so at enormous length. (*DND* 2.73–167) But by a dramatic trick Cicero also emphasizes that part of Balbus' speech that deals with religion, and makes this a key bone of contention in Cotta's response (see below, pp. 113–117). Meanwhile, *Div.* is set in train by a conversation about just these disagreements in *DND*, and features a conclusion that revisits the Central Question. (*Div.* 1.8–11, cf. Chapter 4 section 4.1) In any case, Cicero's choice of divination as a topic for further elaboration is well explained by the Central inquiry. As Quintus points out in opening the conversation of *Div.*, if the gods give us divination, then it follows that they do indeed care for us. (*Div.* 1.10)