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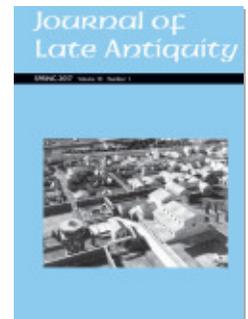
Prosecuting Epicurus in the Emperor Julian's Court: A
Reading of Himerius *Oration 3*

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Journal of Late Antiquity, Volume 10, Number 1, Spring 2017, pp. 221-249
(Article)

Published by Johns Hopkins University Press

DOI: <https://doi.org/10.1353/jla.2017.0007>



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Prosecuting Epicurus in the Emperor Julian's Court: A Reading of Himerius *Oration 3*

Himerius Or. 3 is a declamation in which a nameless prosecutor accuses the philosopher Epicurus of impiety for teaching doctrines that deny the existence of divine providence. This article argues that the declamation deliberately voices Himerius's contemporary religious concerns by reading Epicurus as a personification of Christianity, and Christian sophists in particular. In light of the speech's program of alignment with the emperor Julian's religious and philosophical agenda, as well as Himerius's rivalry with the Christian sophist Prohaeresius, this paper also proposes that Or. 3's delivery was in 362 before the emperor himself.

The Bithynian sophist Himerius (roughly 320–383 CE) is our most distinguished champion of Hellenism in fourth-century Athens.¹ His sixty surviving whole or fragmentary orations offer valuable glimpses of the intellectual culture of the evolving Roman world of Late Antiquity and into the mind of a fervent supporter of the emperor Julian's (361–363 CE) abortive pagan renaissance. Himerius's panegyrics, combined with addresses to his own students, reveal how closely he linked education and culture to traditional religion. His declamations, "imaginary orations" of which six survive in substantial fragments, were also the products of an environment in which rival rhetoricians vied, sometimes violently, to be esteemed the bellwether of Hellenic *paideia*.²

Prior versions of this research were presented at the 2015 Classical Association of the Middle West and South conference in Boulder, CO, and at the 2015 Medieval Studies Congress in Kalamazoo, MI. I thank first and foremost Craig Gibson for his dedication in helping me develop this paper into publishable form. I also thank my anonymous reviewer as well as Noel Lenski for their valuable criticisms and suggestions.

¹ On Himerius's life and works see Eun. *V. Soph.* 14 (ed. Giangrande); Kennedy 1983, 141–49; Barnes 1987; Wintjes 2006, 231–35; Penella 1990, 97–100 and 2007, 1–16; Völker 2003, 1–8; and Platter 2005, 206–8.

² On scholastic life and violence in late antique Athens, see Watts 2000 and 2006, 42–47; DeForest 2011, 315–42.

Yet little has been done to read Himerius's declamations in this context in order to assess how much their author might have been speaking through his characters to his contemporary world. In this paper, I argue that Himerius's *Oration 3*, a prosecution speech against the philosopher Epicurus, may be read as an indirect attack on Christianity, as well as a veiled invective against Christian sophists, particularly Himerius's rival Prohaeresius.³ I will also suggest that the speech was intended to be delivered before the emperor Julian as a means to advance Himerius's career at Prohaeresius's expense.

Oration 3 is one of six declamations transmitted to us in the form of extracts (ἐκλογαί) made by the ninth-century patriarch Photius.⁴ The fragmentary nature of the text precludes a full understanding of the overall argument, but the twenty-two excerpts of *Or. 3* do at least give a clear sense of the speaker's opinion of what constitutes "true philosophy" and traditional piety. This speech is nominally a prosecution of Epicurus for impiety on the grounds that he doctrinally rejects divine providence (πρόνοια); however, it is for the most part a dramatized refutation of Epicurus's own arguments against the existence of providence, as well as a religiously charged denial of his right to teach such doctrines in Athens.

Between Historical Fiction and Contemporary Reality

The work of reading literature between the lines is beset with pitfalls and slippery slopes, and therefore the notion that declamations can be read as reactions to their authors' own times requires some justification. Declamation was the capstone of the rhetorical curriculum that combined the skills inculcated by the preliminary exercises taught by a sophist (προγυμνάσματα).⁵ These deliberative or judicial orations were delivered in the guise of a stock character (say, a miser or parasite) or myth-historical figure (Odysseus or Demosthenes, for example), who had to argue his way through a concocted scenario which, in the case of historical themes, permitted substantial manipulation of the historical record.⁶ Himerius's *Or. 3* is itself a noteworthy example in reenacting a trial that never actually took place.⁷ As a risk-free means to develop one's oratorical prowess, declamations functioned primarily as scholastic exercises, which accounts largely for their neglect by past scholars on the assumption

³ Text at Colonna 1951, 22–28. All translations are my own.

⁴ Phot. *Bibl.* 165. Völker 2003, 35–43 and Penella 2007, 156–62 offer helpful introductions to Himerius's six extant declamations (*Or.* 1–6).

⁵ For overviews of the *progymnasmata*, see Kennedy 1983, 52–73; Webb 2001, 289–316; and Gibson 2014, 128–31.

⁶ Russell 1983, 117.

⁷ On Epicurus's activities in Athens, see Clay 2009, 9–28.

that they were mostly *juvenilia* and therefore inferior in aesthetic and historical value.⁸ Yet not only pupils but also their professors, including Himerius, composed declamations, either as models to study and imitate, or as showpieces for the public or magistrates who organized declamatory competitions.⁹ Such contests even served, in the case of Himerius's rival Prohaeresius, as qualifiers for state-subsidized chairs of rhetoric in cities such as Athens.¹⁰ If declamations were used to assess one's fitness to educate the next generation of cultured elites, then it follows that they were more than entertainment: they advanced moral arguments aimed at persuading their audience and communicating to them the values of Hellenic identity.¹¹ Finally, we should note the importance that sophists consciously ascribed to declamations as integral components of their literary legacies, an importance that their Byzantine posterity recognized.¹²

Past and present scholars have already suggested that defenses of paganism and *paideia* against Christianization are encoded in some of the declamations of Himerius's contemporary Libanius (314 to around 393 CE).¹³ The idea, moreover, that concerns about contemporary political realities may have factored into the composition of Greek declamations under the Roman Empire has been gaining wider acceptance.¹⁴ Himerius has yet to be included in such discussions of contemporary resonance. In contrast to earlier claims that Himerius "preferred to avoid contemporary reality,"¹⁵ Penella has identified Himerius's frequent employment of historical narratives as extended metaphors for contemporary events, observing that they create a "surrealistic world, in which past and present are melded, as in a dream, typical of the Greeks under Rome."¹⁶ When Himerius compares himself to Aristotle and compares Julian to Alexander the Great, he does not escape the present so much as ennoble it.¹⁷ He asserts a belief shared with Julian and other Hellenes

⁸ Clark 1957, 250–51; Crosby and Calder 1960, 199; and Penella 2009, 12–13 and 2014, 122–23.

⁹ On Himerius's own participation in competitions, see Penella 2007, 6. On sophistic performances and competitions in general, see Kennedy 1974; Russell 1983, 74–86; and Whitmarsh 2005, 23–40.

¹⁰ Eun. *V. Soph.* 10.3–5 (ed. Giangrande); Kennedy 1983, 138. On the life of Prohaeresius, see Eun. *V. Soph.* 10 (ed. Giangrande); Kennedy 1983, 138–41; Penella 1990, 80–94; and Watts 2006, 48–78.

¹¹ Webb 2009, 13; Quiroga Puertas 2015, 290. On the public engagement of sophists under the Empire, see Korenjack 2000.

¹² Russell 1983, 74; Penella 2014, 107.

¹³ Markowski (1910) 1970, 169–70; Crosby and Calder 1960, 197–202; Quiroga Puertas 2015, 303.

¹⁴ Bowie 1974, 184; Russell 1983, 108–9; Pernot 2007, 209–34; Whitmarsh 2005, 66–70; Penella 2011, 103–5 and 2014, 125; Quiroga Puertas 2015, 302–3; Tomassi 2015, 247–67.

¹⁵ Barnes 1987, 206.

¹⁶ Penella 2007, 14.

¹⁷ Him. *Or.* 40.7.

in the fundamental Greekness of *Romanitas*.¹⁸ References to the classical past may thus be on closer inspection not an avoidance of, but a more artistically nuanced engagement with that reality. The rules of that engagement were taught in the sophistic classroom. Declamations—and the *progymnasmata* that preceded them—were designed to guide students through the ethical problems of their own day by working them out in a fictional or historical-fictional universe. For a sophist, who was educated through declamation, it would be natural to continue exploring contemporary issues in this way.¹⁹ If any of Himerius’s declamations do address present problems, then what is simile or metaphor in other orations may be expanded into allegory. Yet the self-contained nature of a declamation’s dramatic illusion leaves us no direct clues of authorial intent or time and place of delivery. Was it a teaching model for students, a piece for a public contest of eloquence, or an exhibition for the emperor’s pleasure? Is the text we possess faithful to the speech delivered orally, or is it a later revision?²⁰ Himerius’s intended audience possessed all this information to help it read between the lines. We today, by matching a close reading of the text itself to the historical evidence for its author’s motives and whereabouts, can only speak of probable contexts for its delivery.

Previous scholarship on the speech itself lays the foundations for reading it as a deliberate reply to the religious and educational issues addressed by Julian upon his accession. All cast doubt on Browning’s claim in the *Oxford Classical Dictionary* that Himerius is “untouched by philosophy.”²¹ Richtsteig and Völker hold up *Or.* 3 as the most distinctive among the frequent uses of Plato’s writings and thought throughout Himerius’s orations, and along with Penella and Criscuolo see the declamation as fully engaged in the philosophical concerns of Himerius’s contemporaries, particularly in its reaction against Epicurean doctrines to affirm a unified Hellenism.²² Russell treats the declamation’s setting in the lifetime of Epicurus (died 270 BCE), squarely in the Hellenistic period, as an anomaly, since all other historical themes treated in Himerius predate the death of Alexander (323 BCE). He seems to account for this anomaly by identifying the speech as a “thinly disguised philosophical thesis” that would have appealed to intellectuals of Late Antiquity, when philosophy and rhetoric were more intimately joined.²³ Criscuolo describes Himerius’s declamations in general as “a victorious rescue” of Hellenic traditions “against

¹⁸ *Jul. Or.* 4.153a; *Him. Or.* 41.9; Bregman 1997, 349. Here and elsewhere, citations from Julian are drawn from Wright 1913–1923.

¹⁹ Penella 2009, 12–13 and 2014, 126–27; Gunderson 2003, 15; Tomassi 2015, 254–55.

²⁰ Russell 1983, 80–82.

²¹ *OCD*, s.v. “Himerius” 707.

²² Richtsteig 1921, 2, 31; Criscuolo 1994, 165; Völker 2003, 41; Penella 2007, 159.

²³ Russell 1983, 107; Kennedy 1974, 19.

rampant innovation,” which certainly applies to *Or.* 3, in which traditional religion is rescued from destruction at the hands of Epicurus and his “impious innovations.”²⁴ Criscuolo assigns to *Or.* 3 specifically not only the spirit of cultural preservation common to all Greek declamation, but also the possible motive as “rhetorical ‘propaganda’ of the religious principles formulated by the mystical emperor [Julian] in the ‘ecumenical’ epistles.”²⁵ Barnes has also noted the declamation’s echoing of Julian’s documented anti-Epicurean sentiments, and on that basis assigns the declamation a date of 362/3, the period of Julian’s reign.²⁶ Himerius’s motive in crafting so unusually philosophical a declamation, as Barnes suggests, was to align himself with the sensibilities of the emperor Julian, who in his own “pastoral letters” to priests prescribes a catechism of pagan theology as well as a ban on the reading of any Epicurean or Pyrrhonist texts.²⁷ Julian’s tenets of orthodoxy are set out along typically Platonist lines, namely “that the gods exist, that they provide (προνοοῦσι) for this world, and that they work no evil either upon humanity or one another.”²⁸ Both Barnes and Criscuolo note the political expediency of Himerius’s adapting his oratory to match the new emperor’s agenda, especially the need to demonstrate the activity and beneficence of the gods in this world. But did Himerius only go that far? By examining the other factors that brought Himerius to court in 362 and situating the speech’s performance then and there, I argue that Himerius wished to gain Julian’s favor at his rival Prohaeresius’s expense.

Himerius, Prohaeresius, and Julian

The evidence for a bitter rivalry between Himerius and Prohaeresius is substantial, and intense competition between sophists was symptomatic of the scholastic climate of fourth-century Athens in particular.²⁹ Fueling this competition was the aspiration to the city’s imperial chair of rhetoric, which carried with it both a hefty salary and the reputation as the Roman Empire’s standard-bearer of culture and eloquence.³⁰ In 362, the chair was held by the Armenian Prohaeresius, who in 333 had won it in an *ex tempore* declamation contest put on by the proconsul.³¹ Prohaeresius’s lofty stature, charisma,

²⁴ Him. *Or.* 3.13; Criscuolo 1994, 165: “una vittoriosa riscossa contro le dilaganti ‘novità.’”

²⁵ Criscuolo 1994, 165–66: “poiché è possibile solo teoricamente vedere nella *declamatio* la ‘propaganda’ retorica dei principi religiosi formulati dal mistico imperatore nell’epistola ‘ecumenica.’”

²⁶ Barnes 1987, 224.

²⁷ Jul. *Letter to a Priest* 301c–d and *Ep. ad Them.* 255c, 259b; Barnes 1987, 224 n. 80.

²⁸ Jul. *Letter to a Priest* 301a; Cf. Pl. *Resp.* 378b–c.

²⁹ Lib. *Or.* 1.16; Greg. Naz. *Or.* 43.15; DeForest 2011, 317, 337–38.

³⁰ Watts 2006, 33–34.

³¹ Eun. *V. Soph.* 10.3–5 (ed. Giangrande); Kennedy 1983, 138.

and cutthroat recruiting tactics led him to dominate Athenian education and roused the jealousy of all the other sophists in the city, who in 343 conspired to drive him into exile.³² He was soon restored due to the backing of the emperor Constans, who, according to Watts, promoted him due to his reputation as a Christian sophist.³³

Himerius was also educated in Athens, began his teaching career in Constantinople during the 340s, and had returned to Athens by the early 350s, where later sources identify him and Prohaeresius as the city's foremost sophists, and according to the *Suda*, rivals.³⁴ Julian likely received instruction from both when he studied there in 355.³⁵ Our best evidence, though, comes from Prohaeresius's pupil Eunapius, whose quasi-hagiographic account of his teacher all but eclipses the mere three sentences devoted to Himerius in his *Lives of the Philosophers and Sophists*, a disproportion that in itself suggests deliberate bias.³⁶ Although Eunapius says he never met Himerius, he was keenly aware of the hostility between the two teachers. When Julian was inviting pagan intellectuals, including Himerius,³⁷ to constitute his new court at Constantinople beginning in December 361,³⁸ Eunapius writes that Himerius "crossed over to the emperor Julian to declaim (κατ' ἐπίδειξιν), in order that, because of the emperor's annoyance (ἄχθηδόνᾳ) at Prohaeresius, he might be viewed favorably."³⁹ What Eunapius specifically means by ἐπίδειξιν is unclear; but it certainly included an encomium of the city of Constantinople delivered upon Himerius's arrival.⁴⁰ The panegyric, as Barnes and Penella have suggested, may be indirectly attacking Prohaeresius when Himerius describes his own mission as taking him to Constantinople instead of "the Rhine of the

³² Eun. *V. Soph.* 10.3 (ed. Giangrande); Penella 1990, 86.

³³ Watts 2006, 59. Prohaeresius's Christianity has been questioned by some, such as Goulet 2000, 209–17. The pagan Eunapius depicts his teacher as a coreligionist who only "seemed to be a Christian" (*V. Soph.* 10.8.1: ἐδόκει γὰρ εἶναι Χριστιανός).

³⁴ Soz. 6.17.1; Soc. 4.26.2; Suid. I 348.

³⁵ Barnes 1987, 221; Elm 2012, 91.

³⁶ Eun. *V. Soph.* 14.1–2 (ed. Giangrande); Penella 1990, 99–100; Cribiore 2007, 55.

³⁷ Penella 2007, 39, 54 n. 54, 58 n. 61.

³⁸ Amm. 22.2.4; Penella 2007, 34; Caltabiano 2009, 143–47.

³⁹ Eun. *V. Soph.* 14.1 (ed. Giangrande): πρὸς τὸν αὐτοκράτορα διαβὰς Ἰουλιανὸν κατ' ἐπίδειξιν, ὡς, διὰ τὴν ἐς Προαίρεισιον ἀχθηδόνᾳ τοῦ βασιλέως, ἀσμένως ὀφθησόμενος. See Penella 2006b, 85 for discussion of Himerius's activities in Constantinople in 362. The emperor's "annoyance" (ἄχθηδόνᾳ) may, as Penella 1990, 99 suggests, derive from resentment at Prohaeresius's refusal of an exemption from the School Edict (Jer. *Chron.* 242–43), or as McLynn 2014, 131–33 has recently argued, at Prohaeresius's resignation of his teaching post even though the emperor confirmed Prohaeresius's position in Athens in contravention of his edict. On Julian's relationship with Prohaeresius during this period, see Watts 2006, 64–76. On Julian's School Edict, see Banchich 1993; Watts 2006, 68–78; McLynn 2014.

⁴⁰ Him. *Or.* 41. See also Greco 2003 and Penella 2006b.

West and the fabled sea of Ocean.”⁴¹ Prohaeresius had been summoned to Gaul in around 343 by the emperor Constans to serve temporarily as a court orator, making Himerius's choice to move in the opposite direction appear to indicate a wish to align himself with Julian, much as Prohaeresius had done with Constantine's sons.⁴² Yet *Or.* 41, as Penella convincingly argues, was not delivered in Julian's presence, but to an exclusive audience of fellow Mithraic initiates.⁴³ As the speech suggests, Himerius may have used the initiation to boost his spiritual credentials before gaining an audience with the Mithraist emperor and his court, where another ἐπίδειξις could be performed.

Himerius saw in Julian a vehicle for public elevation.⁴⁴ Eunapius implies that Himerius wished to estrange the two men further and to fill that void by means of his own rhetorical display. The fact that Himerius remained abroad even after Julian's death, however, suggests first that he was unsuccessful in persuading the emperor to appoint him to the post that his rival, despite suspending his teaching, must have still legally occupied.⁴⁵ Secondly it suggests that Himerius may have also tried to become Julian's court orator and standard-bearer of his pagan revival. We possess no evidence that he was successful;⁴⁶ nevertheless he may have followed Julian eastward and remained in his court at Antioch, perhaps even accompanying him in the Persian campaign,⁴⁷ until the emperor's death in June 363, after which Eunapius states that Himerius “remained abroad” subsequent to Julian's death.⁴⁸ Eunapius then writes that Himerius “hastened” (ἠπεύγετο) back to Athens after Prohaeresius's death in 366, in which Penella discerns Himerius's eagerness to claim his late rival's imperial chair.⁴⁹ If that were his motive, Himerius's

⁴¹ *Him. Or.* 41.2; Barnes 1987, 208; Penella 1990, 88 n. 19 and 2007, 60 n. 65.

⁴² *Eun. V. Soph.* 10.7.1–4 (ed. Giangrande).

⁴³ Penella 2007, 35. See also Penella 2006b, 85 n. 2–3, 304–5.

⁴⁴ Wintjes 2006, 234.

⁴⁵ Watts 2006, 72–5.

⁴⁶ The *Suda* (Λ 486) claims that Julian chose Libanius as a counterweight to Prohaeresius's prestige, but it has been recently argued by Van Hoof 2013, 403 that even the relationship between Julian and the Antiochene sophist was not as close as the latter's oratory suggests.

⁴⁷ Barnes 1987, 222; Wintjes 2006, 233.

⁴⁸ *Eun. V. Soph.* 14.2 (ed. Giangrande): Ἰουλιανοῦ καταλείποντος τὸ ἀνθρώπινον ἐνδιέτριψε τῇ ἀποδημίῳ. John Tzetzes claims that Himerius served as Julian's *grammateus* (*Chil.* 6.46.322) but his meaning is unclear. See Penella 2007, 2–3. Penella 2006a, 88–90 argues that the only certain activity of Himerius between 363 and his return to Athens in 366 was the delivery (or at least composition) of *Or.* 42 in honor of the late emperor's friend Salutius Secundus. Platter 2005, 206 assigns the delivery of the panegyric to Salutius a date of 366, while entertaining speculations that Himerius spent time in Egypt based on references in his orations.

⁴⁹ *Eun. V. Soph.* 14.2 (ed. Giangrande); Penella 1990, 83; 2007, 6. See Goulet 1980, 60–72 and Barnes 1987, 220–21 for discussion of the precise dates of both Prohaeresius's death and Himerius's return to Athens. Watts (2015a, 138–40 and 2015b, 321–23) argues that Himerius returned in 364 after the proconsul Praetextatus rescinded a ban of exile imposed on him after Julian's death.

ἐπίδειξις may have functioned as a job application for a position currently occupied by a Christian sophist. The Epicurus and Epicureanism of *Or.* 3 as proxies for Prohaeresius and Christianity would have been an impressive way of presenting his case.⁵⁰

But why encode the message in a declamation? Himerius's other orations do little to hide his antipathy to Christianity and support of Julian's brand of radical, hieratic Hellenism.⁵¹ In a farewell address to his students before departing for court, Himerius describes the restoration of blood sacrifice as a "victory of the gods," and his encomium of Constantinople praises Julian for "washing away the darkness" that enshrouded the city before his accession, and for introducing pagan worship to that city for the first time.⁵² These allusions are thinly veiled, but veiled nonetheless, and are typical of Himerius's penchant for metaphors and allegories that permeate his works.⁵³ His orations programmatically blur the line between the Athens of their author's present and that of an idealized, classical past. He does this especially, and notably, in reference to scholastic conflicts in speeches to his students.⁵⁴ In *Or.* 65 he compares himself to Agamemnon addressing his wounded soldiers, lamenting that Achilles, his top student, is absent.⁵⁵ Another speech reminds another student, Severus, not to neglect his studies amidst scholastic conflict, much as "Achilles remembered his lyre amid the battles."⁵⁶ Much as he uses Homeric *exempla* to describe the student violence that Libanius and others called all-out warfare,⁵⁷ so Himerius styles himself as Socrates, while his rival sophists are just that—sophists in the original sense like Gorgias and Prodicus.⁵⁸ Identification with Plato also emphasizes the moral and religious dimension of rhetorical *paideia* that he claimed to offer at its most genuine.⁵⁹ In *Or.* 35, he addresses students who recently defected to him from another sophist's school, comparing them to classical Athenian youths who had not yet tasted "true eloquence and philosophy" until they found Socrates and through him "removed the mist from their soul" and learned "to revere the

⁵⁰ Cf. Crosby and Calder 1960, 200.

⁵¹ Phot. *Bibl.* 165: ἀσεβῆς τὴν θρησκείαν.

⁵² Him. *Or.* 65.3: τὴν θεῶν νίκην ὑμνήσωμεν . . . δοίης θῦσαι πάλιν κατὰ βαρβάρων ὡσπερ καὶ πρόσθεν τὰ νικητήρια. *Or.* 41.8: αὐτὸς τὸν κωλύοντα ζόφον ἀνατείνειν χεῖρας εἰς Ἥλιον ἀρετῆ καθήρας εἰς οὐρανὸν ἀναπέμπειν οἶον ἐκ ταρτάρου τινὸς καὶ ἀλαμπούς βίου δεδώρηται.

⁵³ For an overview of Himerius's frequent uses of metaphor, see Penella 2007, 10–16.

⁵⁴ On Himerius's orations addressing his students, see Penella 2008.

⁵⁵ Him. *Or.* 65.1; Penella 2007, 72; DeForest 2011, 338–39.

⁵⁶ Him. *Or.* 21.1: ἐμέμνητο δὲ ἄρα καὶ παρὰ τὰς μάχας Ἀχιλλεὺς τῆς λύρας. Penella 2008, 131, 134, 141; DeForest 2011, 338–39.

⁵⁷ Lib. *Or.* 1.91; Eun. *V. Soph.* 10.1.5 (ed. Giangrande); Criboire 2007, 91–92.

⁵⁸ Penella 2008, 141.

⁵⁹ On Himerius's use of Plato and Platonism in his oratory, see Richtsteig 1921.

gods.”⁶⁰ It may well have been from the Christian Prohaeresius's school that these students defected.

Epicurus as a Typological Figure

Photius gives us the original title of *Or.* 3 as “Epicurus, arguing that Providence does not exist, is on the defense against a charge of impiety (ἀσεβείας φεύγει γραφήν).”⁶¹ The title suggests that Epicurus is the persona the speaker will portray, but he turns out to assume the role of an anonymous speaker for the prosecution. This is atypical for an historical declamation, especially of the judicial sort, in which the illustration of the speaker's own *ethos* as a means of *captatio benevolentiae* plays an important role.⁶² If the full, original speech did not identify the speaker, it is possible that the audience was intended to view him as Himerius himself, addressing on his own behalf the problems Epicurus symbolized in Himerius's own day.⁶³ As comparative evidence, Libanius's speaker is similarly anonymous in his defense of Socrates in *Declamation* 2, which Calder cites to argue that Libanius intended to represent himself as a defender of the *paideia* that Socrates symbolizes.⁶⁴

The Epicurus of *Or.* 3, as I affirm, should also be read symbolically, not as *paideia*, but its very opposite. In choosing Epicurus as such a typological figure, Himerius continues a long tradition of stigmatizing Epicureanism for its opposition to rhetoric and institutional *paideia* at large. From the very beginning, Epicurus's own rejection of traditional education had been well noted and criticized by Greek and Roman rhetorical theorists.⁶⁵ Cicero, in his prosecution of the patron of Epicurean philosophers, L. Calpurnius Piso, makes Epicurus into an epithet of character assassination as symbolizing the antitype of an educated man, an “Epicurus brought up in a pigsty (*hara*) instead of a school (*schola*).”⁶⁶ Yet the dialogues of Cicero himself show how philosophy behind closed doors looks more fairly on Epicurus than does

⁶⁰ Him. *Or.* 35.8–21: τὰς διατριβὰς τὰς μετὰ Σωκράτους ἀνευρίσκονται . . . ἄγευστοι λόγων ἀληθινῶν καὶ φιλοσοφίας ἐτύγχανον . . . τὴν ἀγλὴν τῆς ψυχῆς ἀφελῶν ἑτέραν σοφίαν εἴληφε, καὶ τιμῶν οἴκον καὶ θεοῦς σεβεῖν. On students defecting to other sophists in Late Antiquity, see Criatore 2007, 191–94.

⁶¹ Επίκουρος πρόνοιαν οὐκ εἶναι λέγων, ἀσεβείας φεύγει γραφήν.

⁶² Russell 1983, 14–15.

⁶³ Russell 1983, 82.

⁶⁴ Crosby and Calder 1960, 198.

⁶⁵ Dion. Hal. *Comp.* 24; Quint. *Inst.* 12.2.24; Suet. *Gram. et rhet.* 8; Diog. Laert. 10.6; Theon *Prog.* 71.

⁶⁶ Cic. *Pis.* 16: *confer nunc, Epicure noster ex hara producte non ex schola, confer, si audes, absentiam tuam cum mea.*

rhetoric in the realm of public display,⁶⁷ and even as philosophy evolved into a dominant and dogmatic Neoplatonism in Late Antiquity, parts of Epicurean doctrine were assimilated.⁶⁸ Himerius himself, in an encomium of the proconsul Hermogenes, suggests that knowledge of materialist doctrines is a mark of a well-rounded education.⁶⁹ Mindful of Cicero's treatments of Epicureanism in distinct contexts, and of Himerius's implication that familiarity with Epicurean doctrine is a positive trait, we may therefore be skeptical as to whether *Or. 3* attacks Epicureanism exclusively. Like the Epicurus of Cicero's *In Pisonem*, the true objects of Himerius's attacks may reside much closer to home in the author's own time, packaged into a typological figure.

The raw material for this declamation draws largely from the perennial debate with Epicureanism, both in philosophical and rhetorical venues, over the existence of providence. Rhetorical theorists such as Quintilian and Aelius Theon show a clear anti-Epicurean bias in discussions of this topic.⁷⁰ Likewise, Platonist philosophers such as Plutarch and Plotinus attack Epicureanism on many occasions for doing away with providence and thus eliminating the incentives for piety, politics, education, and virtue as requisites for the good life.⁷¹ In *Or. 3*, Himerius develops this critique in asserting that teaching anti-providential viewpoints is itself a commission of impiety. But does Himerius simply rehash a long tradition of anti-Epicurean invective to show off his knack for philosophical oratory? Epicurean communities had flourished into the third century CE, but had died out by the fourth, giving Himerius no tangible target.⁷² Nor is the only other mention of Epicurus in Himerius's extant writings hostile. He positively praises the proconsul Hermogenes, as we have noted, for the broad scope of his philosophical literacy since he was familiar with "the shared doctrines of Epicurus and Democritus."⁷³ By this he means atomism to the exclusion of hedonism, upon which is the greater focus of attack in the declamation. Yet even a naive perception of Epicurean ethics is preaching to the choir of Hellenic philosophical sensibility at this period, for which there was only one obvious opponent.

The association of Christianity with Epicureanism evidently occurred at a time when both sects were flourishing.⁷⁴ Both were similarly notable for

⁶⁷ On Cicero's engagement with Epicurean doctrines in his philosophical works, see Leonhardt 1999 and Martano 1994.

⁶⁸ Erler 2009, 59–60.

⁶⁹ Him. *Or.* 48.24.

⁷⁰ Quint. *Inst.* 2.16.11–15, 3.5.4–12, 5.7.35; Theon *Prog.* 126–28.

⁷¹ Plut. *De lat. viv.* 1129b; *Adv. Col.* 1111b; Plotinus, *Enn.* 2.9.15.

⁷² Smith 1996, 125; Erler 2009, 60–63.

⁷³ Him. *Or.* 48.24.

⁷⁴ Simpson 1941, 372–79.

their antisocial disposition and their messianic veneration of a mortal man as though a god.⁷⁵ Minucius Felix appeals to Epicureans in promoting Christianity, arguably, by representing the Christians in his dialogue *Octavius* as former Epicureans;⁷⁶ Lactantius, despite his harsh critiques, suggests that Christ was the successor of Epicurus, who through Lucretius had prepared the way to Christianity for the Romans.⁷⁷ Lucian, on the other hand, suggests the common association between the two sects in the mind of pagans through his parody of Alexander the prophet, who condemns Christians and Epicureans collectively as profaners and “atheists.”⁷⁸ To a sophist like Himerius who took every opportunity to assign classical analogues to contemporary people and events, Epicureanism would have been a suitable choice of historical precedent for an organized opposition to traditional Olympian religion. While *Or.* 41, with its unambiguous reference to the nether darkness of Christianity, was delivered among the Mithraic faithful, a polemic against Christianity in a public oration would upset the delicate situation in which Julian found himself at his accession, in which he had to present himself favorably to the many Christian grandees who had warm feelings for Constantius II.⁷⁹ Cloaking a polemic in allegory would be more tactful but also more gratifying to those who could read between the lines.

Analysis of Oration 3

The declamation itself begins with a brief explanatory comment (*προθεωρία*) claiming that “rhetoric also knows how to fashion material from philosophy; for the ability to argue from higher principles is powerful.”⁸⁰ It is a claim that rhetoric and philosophy can work in alliance as philosophical oratory, a claim that could serve as the sophist’s self-invitation into Julian’s intellectual circle.

The next fragment, from the prologue, sets the tone of the declamation as an imaginative effort not only to set the historical record straight by bringing an impious philosopher to justice, but also to demonstrate the contingency of justice upon the very attribute that Epicurus revokes from divinity:

Even if he had not before, Epicurus will surely know now, not through his teaching, but through his standing trial, that providence governs the nature of the universe. For the trial, chastisement, and punishment of the wicked is

⁷⁵ Lucr. 5.49–54; Plin. *HN* 35.2.

⁷⁶ Simpson 1941, 379–81.

⁷⁷ Lact. *Div. Inst.* 7.27; Edwards 1999, 207–8.

⁷⁸ Lucian *Alex.* 17, 25, 38, 61.

⁷⁹ Browning 1975, 123–25.

⁸⁰ Him. *Or.* 3.1: οἶδε ῥητορικὴ καὶ φιλοσοφίας ὕλην ποιήσασθαι: τύραννος γὰρ ἢ τοῦ λέγειν ἄνωθεν δύναιμις.

clear evidence not that nature is borne about randomly and without purpose, but that there is an order, a law, a governance (πολιτείας), and, greatest of all, providence itself.⁸¹

The philosophy supplying the declamation its material, the unified philosophy of Hellenism, asserts that human activity, including government (πολιτεία), is not only mimetic of divine activity, but that the practice of justice (and thus judicial rhetoric) is itself a divine activity working through human agency. Himerius employs this principle elsewhere to demonstrate how rhetoric is a common activity of both gods and men.⁸² In a protreptic address to his students he sees variety in oratorical composition as analogous to the multiformity of nature and of the many manifestations of Helios, whom he elsewhere calls “the great sophist in the sky.”⁸³ As Creation is an epideictic composition of self-praise, so judicial rhetoric in *Or. 3* functions as the Creator’s revenge upon those who deny his justice. This trial is proof of the gods’ activity in this world.

Later in the prologue, Himerius styles Epicurus in the language of a contemporary sophist: “he is right to be hated, both for what he privately teaches (παιδεύει) and publicly fabricates.”⁸⁴ Epicureanism is treated here not only as a philosophy but a rival form of *paideia*. Yet we are presented with a paradox, given Epicurus’s traditional reputation as being anti-*paideia*, and as a subsequent fragment shows, Epicurean *paideia* amounts to the destruction of civilization.⁸⁵ The speaker calls the trial itself paradoxical (παράδοξος) in that it is being judged between a sophist (σοφιστής) and providence, suggesting that the sophistic profession, as we have seen above, is allied as a matter of course to the providential worldview.⁸⁶ When providence is removed from the equation, so also is the basis of *paideia* and oratory: “gone is all virtue, thanks to the eloquence and doctrines of Epicurus (τοῖς Ἐπικούρου λόγοις καὶ δόγμασιν), and gone are courthouses and trials, the rewards of the good and the punishment of their enemies.⁸⁷ Here and elsewhere in the speech, Himerius distinguishes *logoi* from *dogmata* as another means of dealing with Epicurus in terms of a rhetorician as well as a philosopher. In this and Himerius’s

⁸¹ Him. *Or. 3.2*: νῦν μὲν, εἰ καὶ μὴ πρότερον, εἴσεται σαφῶς Ἐπικούρος, ὅτι πρόνοια διοικεῖ τὴν τῶν ὅλων φύσιν, οὐ δογματίζων, ἀλλὰ κρινόμενος. τὸ γὰρ τοὺς πονηροὺς κρίνεσθαι καὶ κολάζεσθαι καὶ δίδοναι δίκην, οὐκ εἰκὴ φερομένης καὶ μάτην φύσεως, ἀλλὰ θεσμοῦ καὶ νόμου καὶ πολιτείας καὶ, τὸ μέγιστον, αὐτῆς τῆς προνοίας λαμπρὸν ὑπάρχει τεκμήριον.

⁸² Cf. Quint. *Inst.* 2.16.11–15.

⁸³ Him. *Or.* 35.43–48; 68.6.

⁸⁴ Him. *Or.* 3.2.

⁸⁵ Diog. Laert. 10.6; Quint. *Inst.* 12.2.24.

⁸⁶ Him. *Or.* 3.3.

⁸⁷ Him. *Or.* 3.4: οἴχεται μὲν ἀρετὴ πᾶσα τοῖς Ἐπικούρου λόγοις καὶ δόγμασιν. οἴχεται δὲ δικαστήρια καὶ κρίσεις καὶ τῶν μὲν ἀγαθῶν αἱ τιμαί, τῶν δὲ ἐναντίων τὸ τίμημα. Cf. Plotinus, *Enn.* 2.9.15.

other orations, Socrates is similarly presented, though positively as the ideal philosophical orator.⁸⁸

The ensuing narrative focuses largely on the contradictory nature of Epicureanism as mingling the typical excesses of hedonism with the moral integrity of “orthodox” philosophy. The paradox that is Epicurean *paideia* “mixes pleasure with toil, fortitude with luxury (τροφῆ), the Academy and harlots, philosophy and drinking, the lifestyle of the temperate and undisciplined youths.”⁸⁹ Epicurus’s insolence defies the harmony of nature and law, and visits insanity upon all classes, infecting the whole of both heaven and earth.⁹⁰ Himerius here prescribes appropriate ethical conduct in an educational institution. Enforcing moral discipline in a group of adolescent students was a perennial struggle for sophists, as Himerius’s orations to his students show.⁹¹ Epicurus’s school, on the other hand, doctrinally encourages bad behavior. It is a veritable anti-*paideia*.

With the next fragment we come to the first objection put into Epicurus’s mouth: “do you demand penalties for my teaching (δόγματος)?” “No,” the prosecutor replies, “for impiety.”⁹² Then follows an elaborate distinction, that the act of teaching itself (δογματίζειν) is not a crime *per se*, and if Epicurus does not use oratory to commit impiety, then his oratory is not liable (οὐ κρίνω τοὺς λόγους). But “if impiety is attached to oratory (τοῖς λόγοις), you will not avoid punishment on account of your oratory (διὰ τοὺς λόγους).”⁹³ From the necessity of this distinction between, on the one hand, teaching (δόγμα) and oratory (οἱ λόγοι) and, on the other hand, impiety, it follows that Himerius understands that rhetorical education has a standardized prescription of both form and substance, that the stylistic models of Attic Greek are simultaneously models of moral, political, and religious values.⁹⁴ In keeping with Cato’s phrase *vir bonus dicendi peritus*, the notion that the formation of an ideal citizen takes precedence to the cultivation of eloquence had been the guiding philosophy of rhetorical education since at least the early Principate.⁹⁵ Quintilian, for instance, required that teachers be assessed for their character before all else (*in primis inspici mores oportebit*).⁹⁶ There is very similar wording in

⁸⁸ Him. *Or.* 3.12; 35.9; 38.4.

⁸⁹ Him. *Or.* 3.6: ποῦ δὲ συμβαίνει καὶ μίγνυται ἡδονὴ πόνοις, καρτηρία τροφῆ, ἀκαδημία καὶ πόρνοι, φιλοσοφία καὶ πότος, σωφρονούντων βίος καὶ ἀκόλαστα μεράκια;

⁹⁰ Him. *Or.* 5–7.

⁹¹ Him. *Or.* 16; 66.

⁹² Him. *Or.* 3.8: δόγματος οὐκ ἀπαιτεῖς δίκας; οὐκ, ἀλλ’ ἀσεβείας.

⁹³ Him. *Or.* 3.8: εἰ δ’ ἀσεβεία τοῖς λόγοις πρόσσεστιν, οὐ διὰ τοὺς λόγους κερδανεῖς τὴν δίκην.

⁹⁴ Kraus 2011, 142.

⁹⁵ Quint. *Inst.* 12.1.1; Watts 2006, 70.

⁹⁶ Quint. *Inst.* 2.2.1.

Julian's School Edict of 362, which he used to bar Christians from teaching rhetoric (*excellere oportet moribus primum*).⁹⁷ In a rescript to that law, Julian diagnoses the impiety not in the style or content of what they teach, for the canon of pagan literature from Homer to Demosthenes, who took the gods as guides of their *paideia*, was universally standardized.⁹⁸ Rather, it is their denial of the *truth* of what they teach that he censures, for it is a failure of honesty.⁹⁹ To Julian and Himerius, true philosophy asserts the existence and providence of the pagan gods, and rhetorical *paideia*, as propaedeutic to the higher mysteries of philosophy, believes the same.¹⁰⁰ It is for this very reason that the Himerian prosecutor condemns Epicurus on the grounds that "he was ashamed of keeping within the original boundaries of philosophy and shrank from walking the same road as former philosophers."¹⁰¹

A subsequent fragment reinforces the absurdity of Epicurean *paideia* through comic allusions: "any young man or woman shows up to the hallowed thinking shop (σεμνὸν . . . φροντιστήριον) of Epicurus; that distinguished meeting place attracts this age group (ταύτην τὴν ἡλικίαν)."¹⁰² The audience's minds are once again directed to the most familiar context where groups of young people would gather, and here reading the declamation as an implicit attack on Prohaeresius becomes most attractive. Eunapius mentions how Prohaeresius's large household of students included many women, though whether they were students is unclear.¹⁰³ More noteworthy is the fragment's description of Epicurus's school as a φροντιστήριον, Aristophanes's word for Socrates's school in the *Clouds*.¹⁰⁴ Himerius had introduced Epicurus in the prologue of the speech as a "wicked sophist" (πονηρὸς σοφιστής).¹⁰⁵ The term "sophist" by this time had lost the negative connotations associated with it by Plato, Aeschines, and others in response to the original sophists of the classical period.¹⁰⁶ Himerius himself wears the title proudly and always uses it positively, even applying it to Plato and Socrates. Hence he requires the qualifier πονηρὸς, not only to paint Epicurus as a symbol of anti-*paideia* but

⁹⁷ *CTb*. 13.3.5.

⁹⁸ *Jul. Ep.* 36.423a.

⁹⁹ *Jul. Ep.* 36.422a.

¹⁰⁰ On the Mysteries as a metaphor for rhetorical *paideia*, see Korenjack 2000, 214–19; in Himerius specifically, *Or.* 10.4; 34.3–20; 35.3–6, 71; 54.3; 61.4; 69.7–9; Penella 2007, 11–12.

¹⁰¹ *Him. Or.* 3.5: ἡσχύνθη τοῖς ἀρχαίοις ἐμμεῖναι φιλοσοφίας ὄροις Ἐπικούρου καὶ τὴν αὐτὴν ὁδὸν ἐλθεῖν τοῖς πρότερον φιλοσοφήσασιν ὥκνησε.

¹⁰² *Him. Or.* 3.10: παρέρχεται τις εἰς τὸ σεμνὸν Ἐπικούρου φροντιστήριον νέος ἢ νέα. ἄγει ταύτην τὴν ἡλικίαν.

¹⁰³ *Eun. V. Soph.* 10.1.7 (ed. Giangrande).

¹⁰⁴ *Ar. Nub.* 94, 142, 181, 1144, 1487.

¹⁰⁵ *Him. Or.* 3.3.

¹⁰⁶ See, for example, Aeschin. *In Tim.* 125, 175; *In Ctes.* 16, 202.

also to redirect the attacks of Old Comedy onto Epicurus instead of Socrates. Attic comedians were part of the rhetorical curriculum and comic vocabulary was often injected into declamations.¹⁰⁷ The Aristophanic allusions in *Or.* 3, however, go beyond piecemeal infusion and suggest a grander design, for later in the speech the speaker asks Epicurus “how, by your Atoms and much babbled-about Void, did you come upon such doctrines?”¹⁰⁸ Here Himerius lampoons Epicurus’s substitution of a purposeless, material universe for one guided by providence by comically invoking Atoms and Void as though they were personal deities, a tactic Aristophanes used in both the *Clouds* and the *Frogs* to ridicule the new intellectuals.¹⁰⁹ Plato’s *Apology* blames Aristophanes for Socrates’s reputation as a corruptor of the youth, whom Himerius replaces with Epicurus as the scapegoat of a contemporary cultural crisis.¹¹⁰ Yet Himerius, as we have seen, does not miss opportunities to blend past and present. Outside of Greek declamation,¹¹¹ φροντιστήριον to authors under the Empire simply and unironically denoted a school or contemplative place.¹¹² To Himerius’s Christian contemporaries (and later Byzantine writers) it could even mean a monastery.¹¹³ Moreover, Himerius appends to φροντιστήριον the ironic adjective σεμνόν, which is frequently associated with the personified Air and Clouds in their eponymous comedy.¹¹⁴ The original denotations of σοφιστής and φροντιστήριον suit a superficial reading of the speech, but this does not prevent the audience from thinking about their contemporary definitions as well, with the resultant effect that past and present are conflated. Himerius may have used the comedic license of declamation to be playful in this and other ways:

What has he chosen (προήρηται) and what has he dared to do? He threatens war and battle against the laws of the whole of nature. Epicurus has unleashed madness upon every age group and has desired impious loves of all who are admired over the rest for their beauty.¹¹⁵

¹⁰⁷ Russell 1983, 109; Völker 2003, 27.

¹⁰⁸ Him. *Or.* 3.14: ἀλλὰ πόθεν, πρὸς τῶν ἀτόμων καὶ τοῦ κενοῦ τοῦ πολυθρυλήτου, αὐτήν τὴν δόξαν ἐξεύρηκας;

¹⁰⁹ Ar. *Nub.* 423–4 and 627; *Ran.* 892–4. Cf. *Thesm.* 13–18.

¹¹⁰ Pl. *Ap.* 19a–c.

¹¹¹ Lib. *Or.* 33.12. Cf. Alciph. 2.38.3.

¹¹² [Lucian] *Nero* 1; Philostr. *V A* 2.5, 3.50, 6.6, 9, *V S* 509; *Imag.* 1.27; Them. *Or.* 13.165b, 175a; Syn. *de regno* 19; Völker 2003, 97 n. 23.

¹¹³ Greg. Naz. *Or.* 4.111; 21.19; *Ep.* 4.3; Cyr. Alex. *In Iob.* 3.48; Suid. Φ 743: φροντιστήριον: διατριβή, ἢ μοναστήριον· ὅπερ Ἀττικοὶ σεμνείον καλοῦσι. See also M 1216; Φ 738.

¹¹⁴ Ar. *Nub.* 265, 291, 315, 364, 570.

¹¹⁵ Him. *Or.* 3.7: ὁ δὲ τί προήρηται καὶ τί τετόλμηκε; πόλεμον ἀπελεῖ καὶ μάχην τοῖς νόμοις ὅλης τῆς φύσεως. ἐμάνη μανίαν καθ’ ἡλικίας ἀπάσης Ἐπικούρου καὶ δυσσεβεῖς ἔρωτας ἠράσθη πάντων ὅσοι τὴν ὥραν ὑπερ τοὺς ἄλλους θαυμάζονται.

This is the only use of προαιρέω in Himerius's extant corpus, and it may be a pun on Prohaeresius's name, especially given his reputation for wielding great influence over the young and the implication of Prohaeresius in particular with the ethical and physical turmoil of Athenian student life.

The next fragment focuses our attention upon the scene of the crime to emphasize its reality. The prosecutor compares Epicurus to mythical prisoners in Tartarus for their exceptional impieties. Such a comparison is anticipated by Plutarch, who likens Epicurus to the monster Typhon and Plato to the Zeus who imprisons him under Etna.¹¹⁶ Himerius also uses the darkness of Tartarus to allude to Christianity in his encomium of Constantinople possibly delivered around the same time.¹¹⁷ In this fragment Himerius not only assigns Epicurus mythic analogues but has him surpass them in notoriety. For unlike Salmoneus, Ixion, and Tantalus, whose crimes are the stuff of "fables and stagecraft" (μῦθοι καὶ τῆ σκηνῆ) committed in uncivilized, "barbarian" lands (ἐν βαρβάροις), Epicurus surpasses them all for committing sacrilege not only in the real world but in Athens, "the supreme capital of piety" (τὸ μέγιστον . . . τῆς εὐσβεβείας κεφάλαιον).¹¹⁸ Throughout his oratory, Himerius is highly sensitive to place, and shows particular fondness for Athens in order to stress his belonging there despite his foreign birth.¹¹⁹ Along with Rome it was also a chief stronghold of pagan religion. Himerius sees the Athenian *politeia* as most closely modeled on that of gods, as in *Or.* 41 he emphasizes Constantinople's Athenian heritage that made it "truly an imitation of some heaven."¹²⁰ In *Or.* 3, the effect of emphasizing the setting is to persuade the audience that unlike the sinners from myth, the Epicurean menace is real, and its reality is emphasized by contrasting it with the unreality of tragic performances (τῆ σκηνῆ). The dramatic illusion of the declamation is thereby reinforced to assimilate the past to the present. And by situating the mythic sinners in "barbarian" and primitive lands where their inhuman deeds fit the context, Epicurus's barbaric practices in Athens appear all the more incongruous. He and all who profess his teachings simply do not belong.

Comparison to mythological figures brings us to the next excerpt, which shifts to a sharp contrast: "Do you not think Socrates at all worth imitating?"¹²¹ The irony hinted at with the earlier references to the *Clouds* is now brought to full attention, and thus the question asked of Epicurus begs another whose answer, if given in the original speech, is now lost: how can we *not* compare

¹¹⁶ Plut. *Adv. Col.* 1119c.

¹¹⁷ Him. *Or.* 41.8.

¹¹⁸ Him. *Or.* 3.11.

¹¹⁹ Penella 2007, 1.

¹²⁰ Him. *Or.* 41.11.

¹²¹ Him. *Or.* 3.12: οὐδὲν ὁ Σωκράτης σοὶ δοκεῖ πρὸς μίμησιν;

both philosophers being put on trial in Athens for impiety? Epicurus is here tried for luring the youth into a den of debauchery and for innovating beyond the boundaries of true philosophy, while the Socrates of both Plato and Xenophon is charged with corrupting the young and innovating beyond the civic theology.¹²² Christians too, such as Justin Martyr, had claimed Socrates as one of their own for his belief in the *Logos*, Christ and true God, for which he was executed by pagans for theological innovation (καινὰ εἰσφέρειν δαίμονια).¹²³ In this fragment of *Or.* 3, I suggest, it becomes clearer that the declamation is a deliberate inversion of the trial of Socrates by directing a prosecution, similarly influenced by Aristophanic comedy, against a more deserving target of Socrates's accusers. Himerius thus reclaims Socrates for Hellenism both by contrasting his saintliness with the Epicurean lifestyle and by assimilating him to the Platonic ideal of the philosophical orator whom Himerius boldly embodies in *Or.* 3. He contrasts Socrates elsewhere in his oratory with the villainous sophists of Plato's dialogues, while maintaining that Socrates himself was "an extraordinary lover of eloquence,"¹²⁴ and as we have discussed above, functioned as an analogue for Himerius himself.¹²⁵

In the next excerpt the prosecutor parrots Epicurus's objections that he had not committed any of the conventional acts of impiety. Himerius answers these objections by accusing Epicurus of engineering a new, more monstrous species of sacrilege:¹²⁶

"And what sacrilege," he says, "have I committed for which I am accountable?" It is you, Epicurus, who tell me of the greater charge (τὸ μείζον ἔγκλημα), that you not only commit sacrilege, but even new kinds of sacrilege (καινά). Wherefore you are doubly accountable (διχόθεν ὑπεύθυνος). You did not overturn altars? No, but by doing away with providence, on account of which we dedicated altars (ἰδρυσάμεθα), you have demonstrated that they stand in vain. You did not perform a novel sacrifice (θυσίαν καινήν)? No, you have done away with (ἀνήρηκας) all of them entirely.¹²⁷

Here we may begin to untangle the chief interpretive difficulty of assigning this declamation an implicit anti-Christian agenda: the fact that Hellenism

¹²² Pl. *Ap.* 24b–c; Xen. *Ap.* 10–12.

¹²³ Justin, *Apol.* 1.5.3; 2.10.5.

¹²⁴ Him. *Or.* 38.4.

¹²⁵ Penella 2008, 141.

¹²⁶ Him. *Or.* 3.13.

¹²⁷ Him. *Or.* 3.13, καὶ τί, φησὶ, τῶν ὑπευθύνων ἠσέβησα; αὐτό μοι λέγεις, Ἐπίκουρε, τὸ μείζον ἔγκλημα, ὅτι μὴ δυσσεβεῖς μόνον, ἀλλ' ὅτι καὶ καινά. ὅθεν διχόθεν ὑπεύθυνος. βωμοὺς οὐκ ἀνέτρεψας; ἀλλὰ μάτην ἐστῶτας ἔδειξας, πρόνοιαν ἀνελὼν, δι' ἣν βωμοὺς ἰδρυσάμεθα. θυσίαν καινήν οὐκ ἔθυσας; ἀλλὰ πάσας ἀθρόως ἀνήρηκας.

and Christianity both shared a belief in divine providence. But by connecting providence to traditional practices of blood sacrifice, Himerius gives it a uniquely pagan quality that opposes Christian attitudes. Christians (and many philosophical Hellenists such as Porphyry) subscribed to the novel idea of internal, spiritual sacrifice as superior to the sacrifice of other living things, which they found highly repugnant.¹²⁸ But radical Hellenes such as Julian, who followed the theurgical doctrines of Iamblichus, philosophically justified animal sacrifice as necessary to true piety and the establishment of mystical union with the divine.¹²⁹ Though likely not a practicing theurgist, as an initiate into Mithraic rites that function for Julian as a theurgic medium, Himerius takes a radical pagan position.¹³⁰ That he endorses the practice of specifically blood sacrifices is confirmed in another oration, *Or.* 65. Before departing for Constantinople after Julian's accession, he hymns the "victory of the gods," and in anticipation of the re-legalization of sacrifices, prays that Athena–Nike "grant that we may sacrifice once again, as we have in the past, as a celebration of victory (τὰ νικητήρια) over the barbarians."¹³¹ The *Niketeria* has been identified with the ancient Athenian Skira festival that celebrated Athena's victory over Poseidon in the contest over the patronship of the city, a festival that included animal sacrifice.¹³²

Himerius uses the perfect tense to describe Epicurus's summary elimination of sacrifices (ἀνήρηκας). His audience had until recently been legally forbidden from publicly practicing many traditional rituals.¹³³ By implicitly condemning Christians for impiety through their invalidation of altars and elimination of blood sacrifice, Himerius is also challenging the legislation of Julian's predecessor, Constantius II (337–361). In fact, we may map onto this declamation the chronology of Constantius's anti-pagan legislation, which spanned Himerius's career hitherto. In 341, Constantius initiated a ban on blood sacrifices and in 346 began closing pagan temples.¹³⁴ In 353, after defeating the pagan usurper Magnentius, he repealed nocturnal sacrifices and in 356 he reaffirmed the death penalty for all blood sacrifices.¹³⁵ Upon his visit to Rome in 357 he had the Altar of Victory removed from the Curia Julia and shortly thereafter prohibited divination and astrology as capital crimes.¹³⁶ Yet

¹²⁸ Bradbury 1995, 341–42.

¹²⁹ Bregman 1999, 339–40.

¹³⁰ Völker 2003, 7–8.

¹³¹ *Him. Or.* 65.3; Penella 2007, 94 n. 72.

¹³² *Procl. In Ti.* 173; Robertson 1996, 45.

¹³³ *Lib. Or.* 30.7; Van Nuffelen 2014, 302–3.

¹³⁴ *CTh.* 16.10.2 and 16.10.4.

¹³⁵ *CTh.* 16.10.5 and 16.10.6.

¹³⁶ *CTh.* 9.16.4.

just as Epicurus could claim not to have destroyed any religious iconography, so another law of 346 was enacted to protect pagan shrines for their historical and aesthetic value.¹³⁷ Both Ammianus and Symmachus attest to Constantius's admiration for the architecture of Rome; yet without the rites within these temples, they "stand to no purpose (μάτην)."¹³⁸

Himerius uses very careful wording when placing "the greater accusation" (τὸ μείζον ἔγκλημα) in Epicurus's mouth, and the reason he is "doubly accountable" (διχόθεν ὑπεύθυνος) becomes clear. He claims not to have taken any physical action against religious objects nor perverted any rituals, but his rejection of the validity of either of these things is the root cause for their destruction and perversion. That he is doubly accountable suggests that such things have actually, not potentially, happened as a result of his doctrines, as suggested by the aorist tense of the phrase "on account of which we dedicated altars" (δι' ἣν βωμοὺς ἰδρυσάμεθα), as though altars were no longer being erected in the present.¹³⁹ I suggest that Himerius refers to *his* present, where the destruction of pagan altars and temples was a real concern.¹⁴⁰ When Julian came to power, he exiled bishops for having desecrated pagan altars and shrines under his predecessors, while reactionary zealots allegedly murdered (and martyred) Christian priests on similar grounds of accusation.¹⁴¹ *Or.* 3 fits the context of such a vengeful pagan reaction by condemning not the perpetrators of desecration but those whose doctrines encourage it. Himerius suggests that one installed as a steward of *paideia* who holds such doctrines is especially pernicious. Prohaeresius armed many future bishops, such as Gregory of Nazianzus, with the eloquence to spread Christianity and denounce paganism. As a firm believer in the interconnectedness of *hiera* and *logoi*, Himerius holds the teacher accountable for the impieties of his students.¹⁴²

Epicurus is also "doubly accountable" because he caused not only conventional impieties, but new forms of them (καινά). As Himerius says later in this fragment: "let not Epicurus escape punishment because he did not act recklessly against the gods in same way as his predecessors."¹⁴³ Epicurus is held accountable for innovation (καινοτομία) of religious dogma, something which radical pagan Hellenes like Julian and Iamblichus took pains to avoid.¹⁴⁴ Thus

¹³⁷ *CTh.* 9.16.5.

¹³⁸ *Amm.* 16.10.13; *Symm. Rel.* 3.7.

¹³⁹ Reading a gnomic aorist is also possible.

¹⁴⁰ *Jul. Gal.* 205e; *Mis.* 346b, 361b.

¹⁴¹ *Soz.* 5.15.5; *Theod. HE* 3.3.

¹⁴² Cf. *Lib. Or.* 62.8. Bowersock 1978, 63.

¹⁴³ *Him. Or.* 3.2: μηδὲ ῥυέσθω τῆς τιμωρίας Ἐπίκουρος ὅτι μὴ κατὰ τοὺς πρότερον κατὰ θεῶν ἔθρασύνατο.

¹⁴⁴ *Iambl. Myst.* 3.26, 7.5; *VP* 30.176; *In Nich. ar.* 5.

in conducting a Neoplatonic allegorization of the Olympian gods, Julian must assure his readers of his orthodoxy:

I avoid innovation (καινοτομίαν) in all things, so to speak, and particularly in matters concerning the gods, thinking that the original customs of our fathers (πατρίους) ought to be maintained, since it is evident that the gods gave them to us.¹⁴⁵

Innovation in theology was a common accusation against Christianity at this time. Julian accused the Christians of departing from the tradition of the Jews, particularly in the Christians' ban on sacrifices,¹⁴⁶ while Libanius styled Christ as a god who "recently and banefully came romping in" (τοῦ νεωστὶ κακῶς εἰσχωμάσαντος).¹⁴⁷ Himerius's accusation of theological novelty fits this context of reactionary Hellenism.¹⁴⁸

The equation of doctrinal and physical desecration of religious objects is developed further in subsequent fragments:

Why do you plunder Providence from Delphi (συλᾶς . . . τὴν πρόνοιαν), as though from heaven? Yet nevertheless Parnassus trembled and shook at the Persians, and the mountain peaks were discharged in place of arrows, and the Persians fell, using the rocks as tombs. But although Epicurus has dared to argue these things against the goddess (λέγειν κατὰ τῆς θεοῦ), do the mountains not tremble at him, nor Hymettus shake at him too, nor thunder and lightning wipe him out along with his academy? I understand the strategy of the gods. They are keeping him for your votes, so that an Attic court would render the same verdict as the Pythian. . . . So if he dared to write (γράψαι) only so much as would eliminate the images of providence (τὰ τῆς προνοίας ἀγάλματα), he ought to have paid the penalty for impiety. But if he sins against that very providence, whose images (ἀγάλματα) are heaven and earth and the natures of the elements, shall we spare him on the grounds that he meditated some reasonable action?¹⁴⁹

¹⁴⁵ Jul. *Ep.* 20.453b: φεύγω τὴν καινοτομίαν ἐν ἅπασιν μὲν, ὡς ἔπος εἰπεῖν, ἰδίᾳ δὲ ἐν τοῖς πρὸς τοὺς θεοὺς, οἰόμενος χρῆναι τοὺς πατρίους ἐξ ἀρχῆς φυλάττεσθαι νόμους, οὓς ὅτι μὲν ἔδοσαν οἱ θεοί, φανερόν. See also Jul. *Or.* 4.147b, 149b.

¹⁴⁶ Jul. *Gal.* 306a.

¹⁴⁷ Lib. *Or.* 13.12.

¹⁴⁸ Crisuolo 1994, 166 n. 47.

¹⁴⁹ Him. *Or.* 3.15–16: τί συλᾶς ἐκ Δελφῶν, ὡς ἐξ οὐρανοῦ, τὴν πρόνοιαν; Ἄλλ' ὅμως ἐκινεῖτο μὲν Παρνασσὸς καὶ κατὰ Περσῶν ἐκραδαίνετο, κορυφαὶ δὲ ὄρων ἀντὶ βελῶν ἐτοξεύοντο, Πέρσαι δὲ ἔπιπτον, τάφοις ταῖς πέτραις χρησάμενοι. Ἐπικούρου δὲ ταῦτα λέγειν κατὰ τῆς θεοῦ τολμήσαντος, οὐκ ὄρη σείεται, οὐχ Ἵμητὸς συγκραδαίνεται, οὐ πρηστήρες οὐδὲ σκηπτοὶ αὐτῇ τοῦτον ἀκαδημίᾳ συναφανίζουσι; Συνίημι τὸ στρατήγημα τῶν θεῶν. ὑμετέρας ψήφοις τοῦτον ἐτήρησαν, ἵνα Ἀττικὸν δικαστήριον ἴσα Πυθίῳ βουλευέσθαι. . . . εἰ μὲν οὖν γράψαι τοσοῦτον μόνον ἐτόλμησεν, ὅσον καθαιρεῖν τὰ τῆς προνοίας ἀγάλματα, ἔδει δίδοναι δίκην ὡς ἀσεβήσαντα. εἰ δὲ εἰς αὐτὴν ἐκείνην ἀσεβεῖ, ἧς οὐρανὸς καὶ γῆ καὶ στοιχείων φύσεις ἀγάλματα, ὡς μέτριόν τι δρᾶσαι διανοηθέντος φεισόμεθα;

Himerius underscores the criminality of removing the statues of the gods as a matter of policy, and by suggesting that *agalmata* are symbols of divine presence in this world, aligns himself with the radical pagan Hellenism of Julian and Iamblichus.¹⁵⁰ The claim that Epicurus encourages a ban on images through his writings (γράψαι) may allude to contemporary Christian invective and even the legislation of Christian emperors. Yet the phrase “images of providence” is puzzling. In Greek mythology, Pronoia was an Oceanid nymph, her status as goddess of forethought suggested only by her name and the fact that she was the wife of Prometheus.¹⁵¹ There is no evidence, however, that she received any independent cult worship.¹⁵² *Pronoia* was much more popularly used as an epithet for Athena, and I propose that Athena is the goddess whose statues Himerius references in *Or.* 3. Himerius indirectly refers to Athena elsewhere in his orations through her epithet Νίκη. In what appears to be a reference to Julian's accession and pagan restoration, *Or.* 65 prays to Νίκη, “daughter of Zeus,” in celebration of a victory over the barbarians (κατὰ βαρβάρων – by which he means Christians) and of the ability to legally sacrifice once again (θῦσαι πάλιν).¹⁵³ Nike was not born of Zeus, but of the Titan Pallas and the River Styx.¹⁵⁴ To Himerius, to whom the small temple on the Acropolis was in plain view, Athena and Nike were one. *Pronoia* was also an epithet for Athena in classical Greece, and her role as goddess of forethought was later allegorized by Neoplatonists. Her cosmological function as the providential aspect of the godhead became the Neoplatonic interpretation of the myth of Athena springing fully formed from the head of Zeus.¹⁵⁵ She had a special significance for Julian, who declared Athena–Pronoia as his guardian deity in the manifesto he sent to Athens in 361 when on the warpath against Constantius.¹⁵⁶ Himerius likely heard or read that manifesto, and connecting philosophy to traditional cult worship as he does in *Or.* 3 would be in line with Julian's religious program and thus strongly appeal to the emperor. He personifies Atoms and Void in mockery of Epicurus precisely because he conceives of providence as a personal deity, Pallas Athena.¹⁵⁷ By conflating the removal of physical statues of Athena–*Pronoia* with the rejection of her as a metaphysical principle, Himerius makes a sin against philosophy equal to one against religion. Epicurus is being prosecuted for the same atheism of which

¹⁵⁰ Jul. *Letter to a Priest* 293b, 294b.

¹⁵¹ Hes. *Theog.* 261.

¹⁵² Völker 2003, 99 n. 41 claims that *Pronoia* had been worshipped independently in Athens, but his only evidence is from coinage that personify Ἰπρόνοια/*Providentia* as imperial cult virtues.

¹⁵³ Him. *Or.* 56.3; Penella 2007, 94 n. 72.

¹⁵⁴ Hes. *Theog.* 383–4; Apollod. *Bibl.* 1.2.4.

¹⁵⁵ Jul. *Or.* 4.149b; Bregman 1999, 342–3; Edmonds 2004, 288.

¹⁵⁶ Jul. *Ep. ad Ath.* 275b. Cf. *Or.* 7.230a–234a; Athanassiadi 1981, 176–77.

¹⁵⁷ Him. *Or.* 3.14.

Christians were accused, for denying the divinity, if not the existence, of the Olympian gods.

The accusation of plundering *Pronoia* from Delphi also supports her identity with Athena, since a temple of Athena Προνοία was located there “in front of the temple” of Apollo, as the epithet, later changed to Πρόνοια, suggests.¹⁵⁸ Although Epicurus never destroyed any pagan images, Himerius uses the verb συλλάω to virtually equate his doctrinal rejection of the goddess with physically pillaging her temple, suggesting that his oratory against the goddess (λέγειν κατὰ τῆς θεοῦ) has incited that very behavior.¹⁵⁹ Implicitly comparing Epicurus to the *barbaroi* we have seen as a byword for Christians (*Or.* 65.3), Himerius recounts the episode from Herodotus when the Persians were overwhelmed by thunderbolts and avalanches on their approach to Athena’s temple,¹⁶⁰ but he ponders why Epicurus and his “academy” did not meet the same fate. The answer is, as we have seen, that by a “divine stratagem” the gods have deferred to the Attic court system the dispensation of justice in their stead.¹⁶¹ Epicurus reprises the journey of Orestes from the Delphic oracle to the Athenian Areopagus, but because of his denial of, rather than appeal to, divine aid, the Athena he denies casts her vote against him.

The declamation’s final fragments (the peroration is lost) focus in detail on Epicurus’s next objection, that because the wicked prosper while the wise suffer, providence does not exist, “on the grounds that she does not parcel out justice in a fitting manner.”¹⁶² The prosecutor handles the case in conventional Platonic ways, arguing that The Good is found within the self rather than in external things like wealth and fame. Epicurus errs in his perception of The Good by possessing the values of a moneygrubber (χρηματιστοῦ) and of one “who pursues civic offices (τὰς ἐν πόλει τιμάς).”¹⁶³ Here Himerius connects Epicurean *paideia* with the pursuit of wealth and power. Yet Epicurus’s recommendation to withdraw from political life and live unnoticed (λάθε βιώσας) was well known among Himerius’s contemporaries.¹⁶⁴ The contemporary parallels of Christians usurping government posts, as well as chairs of rhetoric such as Prohaeresius possessed, is a tempting solution to this contradiction. Both Libanius and Julian paint similar pictures of the regime of Constantius

¹⁵⁸ Dem. *Or.* 25.34; Diod. Sic. 11.14; Parth. *Amat. narr.* 25; Paus. 10.8.6; Wright 1913–1923, 407 n. 4.

¹⁵⁹ Cf. Hdt. 6.101.3.

¹⁶⁰ Hdt. 8.37.3.

¹⁶¹ Völker 2003, 99 n. 44.

¹⁶² Him. *Or.* 3.17–19: τί οὖν ἐγκαλεῖς προνοία ὡς μὴ μεριζούση κατ’ ἀξίαν τὸ δίκαιον;

¹⁶³ Himerius elsewhere uses τιμαί to specifically mean civic offices (*Or.* 4.22, 48.20).

¹⁶⁴ Jul. *Ep. ad Them.* 255c, 259b; Them. *Or.* 26.324.

II, in which pagan intellectuals were replaced by bishops and eunuchs, and Christianity and Luxury were complementary to one another.¹⁶⁵

In the final group of arguments, Himerius wholly divorces Epicurus from the rest of philosophy, much as he was the only pagan philosopher whom the poet Dante excluded by name from the Elysian tranquility of Limbo:

Anaxagoras let sheep graze all over his land, legislating by deed what kind of agriculture suits the wiser sort, while Democritus willingly let his body suffer disease so that his better part might be healthy.¹⁶⁶

These examples show the true quality of a σοφός, whose scorn of the external, material world (which for Epicurus is all there is) enriches the “immortal treasury” of his soul (θησαυρὸς ἀθάνατος).¹⁶⁷ The speech of Alcibiades in Plato's *Symposium* invokes a similar contrast between Socrates's satyr-like exterior and the golden *agalмата* of the gods within (a theme Himerius takes up elsewhere).¹⁶⁸ The declamation had already drawn the contradistinction with Socrates, but here the prosecutor adds ironic insult to injury by contrasting Epicurus's depraved hedonism with the immaterialism of his fellow materialists. Anaxagoras, who was actually convicted of impiety, nevertheless neglected moneymaking enterprises. With *Or.* 3's dialogue with Plato's *Apology* now established, we recall how Socrates also dissociates himself from Anaxagoras, and here Himerius does the same for the opposite effect.¹⁶⁹ Democritus, on the other hand, a fellow atomist, resisted the interference of the outside world by any means necessary.¹⁷⁰ By isolating Epicurus in a class by himself, Himerius completes the transformation of Epicurus into the archetype of anti-philosophy, anti-religion, and anti-*paideia*.

Conclusion

I conclude by considering one of this declamation's most salient qualities—its thematic eccentricity. This is the only extant declamation taking Epicurus as its topic. Only one other, now lost and of unknown authorship, is briefly mentioned by the fifth-century Athenian philosopher Syrianus, in which Epicurus is subjected to a public scrutiny (δοκιμασία) upon election as torchbearer

¹⁶⁵ Lib. *Or.* 62.8–11; Jul. *Caes.* 336a.

¹⁶⁶ Him. *Or.* 3.18: Ἀναξαγόρας γῆν ἀνήκε τὴν ἑαυτοῦ πᾶσαν μηλόβοτον, ἔργῳ νομοθετῶν, τίς γεωργία τοῖς σοφωτέροις, ἀρμόττουσα. ἐκὼν δὲ ἐνόσει σῶμα Δημόκριτος, ἵνα ὑγιαίνῃ τὰ κρείττονα.

¹⁶⁷ Him. *Or.* 3.20.

¹⁶⁸ Pl. *Symp.* 215a–b; Him. *Or.* 38.5.

¹⁶⁹ Pl. *Ap.* 26d.

¹⁷⁰ Plut. *De cur.* 12.

of the Eleusinian Mysteries.¹⁷¹ We may assume its verdict is consistent with that of Himerius, who, by condemning the transgressor of the “bounds of philosophy,” himself transgressed the historical bounds of Greek declamation as a literary genre. Though in the form of a prosecution speech, *Or.* 3 becomes a defense of pagan Hellenism, for it extends just beyond the traditional chronological boundaries of historical declamation and up to the time of Epicurus, the original threat to Hellenism’s existence. Himerius *innovates* Greek declamation by straying beyond the lower limit of its historical subject material, the death of Alexander the Great in 323 BCE, to reveal the source of innovation, the innovator *par excellence* who planted his Garden in Athens in around 300.¹⁷² The poet Dante, writing a millennium later, had a host of Christian heresiarchs available to call by name in the sixth circle of the Hell but instead chose Epicurus as the typological figure to represent all subsequent aberrations from orthodoxy.¹⁷³ Himerius curiously makes the same move for a similar purpose, to represent Epicurus as the forerunner of the Christian corruption of Hellenism.

Having completed our analysis, we return to the question of how much of Himerius’s contemporary world we should read into *Or.* 3’s recreation of the classical past. If delivered in the newly established court of the emperor Julian in 362, what Russell calls a “thinly disguised” philosophical thesis likely had more concrete objectives than a simple defense of “true philosophy.” Eunapius’s account suggests that Himerius traveled to Julian’s court with the aim of displacing Prohaeresius as the empire’s premier sophist by impressing the new pagan emperor with an oratorical display (ἐπίδειξιν). A dramatized attack on Epicurus would be a creative way of alerting Julian to the fact that a believer in impious doctrines, a “wicked sophist” and abolisher of traditional worship, was corrupting the youth in Athens in the fourth century CE, just as his atheistic predecessor in the fourth century BCE had done. *Or.* 3 presents a philosophy of education in line with Julian’s School Edict of summer 362, and the influence of that declamation on that legislation, while unprovable, is a tempting notion.

Despite the temptation, we must acknowledge that we have no direct evidence of when and where *Or.* 3 was performed, and we cannot confidently make claims about its specific aims beyond what Himerius wrote in its preliminary comment, that it is a demonstration of how rhetoric may give form to philosophical substance.¹⁷⁴ Yet it fashions that material into an uncompro-

¹⁷¹ Syrianus 165.

¹⁷² Russell 1983, 107.

¹⁷³ Dante *Inf.* 9.128–34, 10.13–14; Erler 2009, 64; Mazzeo 1958, 119.

¹⁷⁴ Him. *Or.* 3.1.

misgiving prescription of Hellenic orthodoxy that would have resonated with an audience living at a time when religious allegiances shifted back and forth in the imperial government, allegiances that powerfully impacted educational institutions and, as Himerius and other pagan sophists believed, the soul of *paideia*. Calder argued that Libanius used declamation to make Socrates a symbol of that *paideia* under threat by Christianity. In *Or. 3* Himerius makes Epicurus a symbol of anti-*paideia*, of the impending conquest of Hellenism by barbarism.

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