

Themistius' Plea for Religious Tolerance

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THE ADVENT of Roman emperors in the fourth century who were Christian jeopardized the integrity of the traditional union of religion and politics typified in the cult-lord office throughout antiquity. As chief priest of the state religion, the emperor was constitutionally accountable for the performance of those rites of worship whose dutiful observance guaranteed what the Romans called the *pax deum*. Responsibility for maintaining that cosmic harmony originally constituted the primary function of ancient kingship, and the historical association of throne and altar proved so enduring in classical society that it not only survived, albeit in attenuated rank, the transition from monarchical to republican constitution, but even recovered some measure of its former strength when, in 13 B.C., Augustus had himself elected Pontifex Maximus. It was, of course, precisely this identification of *imperium* and *sacerdotium* in a single person that was compromised, however inadvertently, with the onset of the Constantinian dynasty. To be sure, as A. H. M. Jones has pointed out, “. . . Constantine—or for that matter his Christian successors for two generations—[did not] feel any qualms about holding the pagan title of Pontifex Maximus. It was a traditional part of the imperial titlature, and involved no participation in pagan cult.”¹ Yet, even granted that tenure in the pontifical office was only a matter of form rather than a sign of conviction, the situation of a Christian heading the priestly colleges of established paganism was, to say the least, remarkably incongruous. Moreover, the very fact that in A.D. 382 Gratian abandoned the imperial claim to jurisdiction over the *res sacrae* is evidence of a sense of discomfort, if not incompatibility, with retaining what amounted to a sinecure.

During most of the fourth century, however, there remained the anomaly of a Christian ruling a pagan empire. As a result, the emperor's position as a cult-lord was rendered ambivalent and his policies

¹ A. H. M. Jones, *The Later Roman Empire: 284–602 I* (Oxford 1964) 93.

uncertain to both pagan and Christian subjects.² Yet, while the inherent conflict of jurisdictional claims between *βασιλεία* and *ἐκκλησία* became the dominant issue in religious affairs during the fourth century, contemporary paganism was not entirely unaffected. The pagan political thinker especially found himself in an awkward rôle in the debate over primacy. Confrontation of Church and State as autonomous communities was simply beyond his ken; nothing in the classical tradition envisioned, much less warranted, the divorce of patriotism and worship. Compounding his intellectual discomfort with a movement whose insistence upon the essential dichotomy of the political and religious orders so radically violated the corporate theory of the ancient city was the equivocation of imperial policy toward Christianity itself on the part of the emperors from Constantine to Theodosius. Although officially heading the state cults, each of these rulers (with the exception of Julian, naturally) promoted the foreign religion over the native worship. But even this favoritism varied according to a particular emperor's espousal of the orthodox or heretical cause. If, therefore, the Christians themselves were bedevilled by the complex problems involved in the working out of Church-State spheres of authority compatible with both classical ideology and Biblical theology, how was a pagan to formulate an interpretation of the cult-lord function acceptable to all parties in the "new-old" world of fourth-century civilization?

One pagan thinker of the period who did try to reconcile traditional norms and contemporary demands in this controversial area was Themistius (317–ca.388), a prominent figure in education and government at Constantinople for more than thirty years.³ As a *πολιτικός φιλόσοφος*⁴ whose career included governmental experience

² The equivocal attitude of Constantine toward paganism has been well put by A. H. M. Jones, *Constantine and the Conversion of Europe* (New York 1962) 172: "He warns the Christians against intolerance, but he grants toleration to the pagans in contemptuous language." Yet even official favor could be exasperating, as Hilary of Poitiers ruefully noted: *Atque utinam illud potius, omnipotens Deus . . . , aetati meae et tempori praestitisses, ut hoc confessionis meae in te atque in unigenitum tuum ministerium Neronianis, Decianisve temporibus expressem!* (c. *Constantium* 4, ed. Migne, PL 10 [Paris 1845] 580f).

³ As such, he belonged to that class in late antiquity which R. Pichon (*Études sur l'histoire de la littérature latine dans les Gaules* I [Paris 1906] 79) has described as "an aristocracy . . . of 'mandarins'." For Themistius' life and work see W. Stegemann, "Themistios (2)," *RE* 5A (1934) 1642–80, and W. Schmid and O. Stählin, *Geschichte der griechischen Literatur*⁶ II.2 (Munich 1924) 1004–14.

⁴ So described in the extant preface of his now-lost *Philopolis*, an oration delivered under

as well as scholarship, he was convinced of the need to provide emperors from Constantius to Theodosius with an updated version of the basic principles of Hellenism for directing the conduct of their administrations. To this end, then, Themistius delivered in the course of his public life his *λόγοι πολιτικοί*,⁵ a series of orations whose elucidation in contemporary terms of the archetypes of classical political science he reckoned his major contribution (“like some annual tax on work”) to the crown.⁶ Though fastidious in style, they are not fatuous in substance. The premise of these addresses the scholar-official stated in his first appearance before the Emperor Valens: “There is a certain goodwill and relationship between kingship and philosophy, and God has sent both from above onto earth for the same purpose—to take care of and correct man: the one teaching what is good and the other providing what is good.”⁷ Their purpose, therefore, was to urge the ruler of the Empire—which, in Themistius’ conception, “is an all-hallowed and sacred commonwealth which [the emperor], together with God, governs daily and for all seasons in behalf of the human race”⁸—to pattern himself after his divine counterpart, who “pursues a practical and political philosophy, maintaining the whole of nature steadfast and inviolate throughout eternity.”⁹ Accordingly, the special province of the *λόγοι πολιτικοί* was the philosophy of Plato and Aristotle, “who will conduct [the emperor] still walking on earth into the

the Emperor Julian: O. Seeck and H. Schenkl, “Eine verlorene Rede des Themistius,” *RhM* 61 (1906) 557. On Themistius’ political thought see F. Dvornik, *Early Christian and Byzantine Political Philosophy* II (Washington 1966) 622–26, 666–69; J. A. Straub, “Das Herrscherideal des Themistius,” *Vom Herrscherideal in der Spätantike* (Stuttgart 1939) 160–74; R. Laqueur, “Das Kaisertum und die Gesellschaft des Reiches,” in *Probleme der Spätantike* (Stuttgart 1930) 10–15, 27–31; and V. Valdenberg, “Discours politiques de Thémistius dans leur rapport avec l’antiquité,” transl. H. Grégoire, *Byzantion* 1 (1924) 557–80.

⁵ The political orations of Themistius (I through XIX, with the exception of the spurious Or. XII) are contained in vol. I of a projected three-volume critical edition of his extant orations begun by H. Schenkl and to be completed by G. Downey: *Themistii Orationes quae supersunt*, ed. G. Downey, I (BT, Leipzig 1965). The standard single-volume edition of both the *λόγοι πολιτικοί* and *λόγοι ιδιωτικοί* (XX–XXXIV) is *Themistii Orationes*, ed. W. Dindorf with notes of D. Petau and J. Harduin (Leipzig 1832, repr. Hildesheim 1961). The textual recension of both editions is based on the pagination of *Themistii orationes XXXIII*, ed. J. Harduin S.J. (Paris 1684). The translation throughout is that of the writer.

⁶ Them. Or. 11.143b (pp.217.28–218.8 Downey).

⁷ Them. Or. 6.72a–b (pp.106.17–107.2 Downey).

⁸ Them. Or. 13.178b (p.255.17–19 Downey).

⁹ Them. Or. 34 ch.6 (p.449.7–9 Dindorf).

palaces of the kingdom of heaven, describe the arrangement there, and initiate [him] into that world-order there."¹⁰

Philosophy, of course, was a synonym in Themistius' rhetorical vocabulary for the inherited corpus of the classical tradition. This rich heritage constituted not only the peculiar means of a sovereign's education, but also the proper object of his veneration. As such, it was the *res sacrae* of ancient civilization, whose observance was incumbent upon the emperor most particularly. As early as the fifth century B.C. when Pericles in his Funeral Oration consciously identified the legacy of *παιδεία* with loyalty to the *πόλις*, there had already appeared what Henri Marrou has termed "the religion of culture," namely, the "metaphysical exaltation of cultural values" that so prevailed among intellectuals in Hellenistic times.¹¹ The ready availability of this tradition to a mandarin of late antiquity like Themistius made it possible for him to solve the dilemma of a Christian cult-lord in a pagan state by substituting humanism for sectarianism. This effort to put forward secular culture as a viable alternative to conventional belief is most evident in *Or. XX*, the *ἐπιτάφιος λόγος* delivered by Themistius on the occasion of his father's death, wherein he liberally applied the imagery of cult to the worship of culture. Acknowledging that his own entry in "the register of the attendants in the temple" of philosophy was due to his father's efforts, Themistius praised Eugenius as the *προφήτης* of philosophy, whose uniqueness lay in his unusual and invaluable ability to introduce initiands into "the mysteries" of Aristotle particularly and of the other wise men generally.¹² Such a passage is indeed extremely metaphorical, as Louis Méridier has indicated.¹³ But the deference, if not obsequiousness, which Themistius invariably rendered the classical tradition strongly suggests a literal rather than a literary metaphor in his expression. Nor, in fact, were statesmen any less willing than school-men to offer similar homage to culture. Constantius, for example, in his letter appointing Themistius to the Senate of Constantinople, declared him to be "the *προφήτης* of the ancient and wise men and the hierophant of the innermost shrines

¹⁰ Them. *Or.* 9.126d–127a (p.191.17–20 Downey).

¹¹ H. I. Marrou, *A History of Education in Antiquity*, transl. George Lamb (New York 1964) 144f.

¹² Them. *Or.* 20.234a, 234d–236b (pp.286.5–6, 288.8–299.14 Dindorf).

¹³ L. Méridier, *Le philosophe Thémistios devant l'opinion de ses contemporains* (Rennes 1906) 75.

and temples of philosophy.”¹⁴ Little wonder, then, that Themistius, in an oration especially laudatory of Constantius’ cultural patronage, characterized those who had attended the emperor’s assumption of the consulship at Milan as men “driven forward out of piety (εὐσεβεία).”¹⁵ For the emperor was himself the high priest of “the religion of culture.”

Nowhere, as a matter of fact, does Themistius speak of the emperor as priest in the normal sense. Instead, the service which the monarch renders state and society through his devotion to philosophy represents the fulfillment of the cult-lord capacity of the imperial office. By shifting the context of that royal function from the cultic to the cultural, from the theological to the philosophical, Themistius to a great extent neutralized the anomaly of a Christian emperor in a nominally pagan empire. Without sacrificing the integrity of the historical association of the monarchy with religion, he envisioned a Maecenas-rôle for the emperor that would be inoffensive to Hellenist and Christian alike. For a favorable attitude toward the values of philosophy—by which Themistius really meant, as Glanville Downey has indicated, “an eclectic synthesis of the classical tradition”¹⁶—affected the pietism of a St Jerome as much as it marked the classicism of a Libanius. Moreover, “since philosophy is nothing else than assimilation to God (ὁμοίωσις θεοῦ) to the extent that it is possible for man,”¹⁷ there still survived in Themistius’ scheme a virtual if vague identification of kingship and divinity that would hardly discredit his consensus of culture and politics. Prominent in the litany of special qualities which Themistius ascribed to the emperor, therefore, was the championing of the cause of παιδεία. Constantius was eulogized because “he is a lover of literature (φιλόλογος) no less than a lover of war (φιλοπόλεμος), and considers the friendly gifts of the Muses no less honorable than those of Hephaistus”; in his *Risâlat* to Julian Themistius invested the ideal ruler with a genuine “solicitude for the arts”; Jovian merited commendation for “holding the authority of traditions in no less honor than the command of troops”; Valens,

¹⁴ *Constantii Oratio* 20a (p.23.2–4 ed. Dindorf). A. Alföldi (*A Conflict of Ideas in the Late Roman Empire*, transl. H. Mattingly [Oxford 1952] 115) has termed the letter “a formal confession of faith in the higher culture.”

¹⁵ *Them. Or.* 4.49c (p.70.18 Downey).

¹⁶ G. Downey, “Education and Public Problems as Seen by Themistius,” *TAPA* 86 (1955) 306.

¹⁷ *Them. Or.* 2.32d (p.43.6–7 Downey).

despite his ignorance of Attic Greek, was congratulated because "he was a philosopher in his actions rather than in his words"; and Theodosius, destined in the last years of his reign to proscribe paganism, received the warmest praise as "the heir of the teachings of the divine Plato" because his rule had proved it possible "to see political power and philosophy coinciding in the very same person."¹⁸

In short, Themistius' emphasis on the cultural rather than the religious aspect of the cult-lord function secularized the pontifical rôle traditionally associated with the monarchy. Yet, by having identified the imperial office with the general morality instead of the specific theology of classicism, he kept intact the emperor's authority as cult-lord without antagonizing simultaneously either the pagan or Christian population. Neither segment of fourth-century society could very well have quarreled with Themistius' characterization of the sovereign as the patron of culture, particularly since in that era, as André Piganiol has noted, "the study of the classical texts was also a form of patriotism."¹⁹ For the classical tradition was an inheritance common to both pagan and Christian; if its roots were originally parochial, its ramifications had become historically ecumenical. Consequently, too, the image of the emperor as the official representative of *παιδεία* provided a symbol of unity and continuity in a civilization increasingly torn by sectarian divisions.

Guaranteeing that neutrality in religious affairs on the part of the emperor proved difficult, however. Ironically, the very polarization of society along confessional lines which Themistius had tried to avoid was aggravated, if not instigated, by his former pupil and fellow pagan, the Emperor Julian. Although Themistius had welcomed the accession of Julian to power with a keen anticipation of cultural and political rejuvenation, the ensuing reactionary character of the apostate's régime soon dulled his initial expectations to such an extent that he later even declined that ruler's offer of the urban prefecture of Constantinople.²⁰ Indeed, this disenchantment with a government

¹⁸ Them. Or. 4.54a-b (p.77.17-19 Downey); quoted in M. Bouyges S.J., "Notes sur des traductions arabes: Épitre de Thémistius à Julien sur la Politique," *ArchPhilos* 2.3 (1924) 24 (this is a *résumé étendu* of Louis Cheikho, "Risâlat de Damistiyos, vizir d'Elyân, c'est-à-dire le roi Yoûliyânos, sur la Politique, traduite du syriaque par Ibn Zour 'at," *Al-Machriq* 19 [Beyrouth 1920] 881-89); Or. 5.63c-d (pp. 92.18-93.2 Downey); Or. 9.126b-c (p.191.1-4 Downey); and Or. 34 ch.6 (pp.449.22-450.4 Dindorf).

¹⁹ A. Piganiol, *L'Empire chrétien (325-395)* (Paris 1947) 239.

²⁰ The accession of Julian so whetted Themistius' hopes that, in a proreptic letter to the

actively intent upon a policy of confrontation is particularly evident in the contrast between Themistius' negative reaction to Julian and his eventually positive response to Jovian. Thus, the Christian emperor who repealed his predecessor's restrictive educational law that made theology the loyalty test for philology was warmly congratulated "because [he] restores philosophy, which is not exactly prospering among the people at the present time, to the palace."²¹ Jovian's repudiation of calculated harassment for a policy of non-interference on the part of the government was obviously much more compatible with Themistius' idea of the neutral cult-lord in a pluralistic society. Except for the perfunctory observance of the traditional state ritual, he thought it best for the Empire to dissociate itself from any identification with, much less imposition of, a particular cult or dogma. "For this," as he told Jovian at Antioch, "is the law of philosophy: do not do anything whatsoever for the sake of the conversion of men's souls, but everywhere combine what is profitable with what is acceptable . . ."²²

In the wake of Julian's failure, to be sure, "the spirit of the moment was favorable to 'tolerance'."²³ Jovian's election by the army to the purple—"as if by the blind decree of fortune," Ammianus Marcellinus tersely noted²⁴—was recognized by Themistius as the compromise choice of East and West.²⁵ Accordingly, when, after an initial

new Augustus in December 361, now lost, he declared "that God has placed [Julian] in the same position as Heracles and Dionysus of old, who, being at once philosophers and kings, purged almost the whole earth and sea of the evils that infested them." (Quoted in Julian, "Letter to Themistius" 253c, in *The Works of the Emperor Julian*, transl. W. C. Wright, II [LCL 1949] 203.) The influence of Themistius on Julian is not minimized by J. Bidez: ". . . Themistius is in the number of those who have provided Julian with his erudition and inspired his philosophical zest." (*L'Empereur Julien: Oeuvres complètes* I.2 [Paris 1932] 112).

Although Suidas' report (quoted in Dindorf, *Themistii Orationes* 489) that Themistius served as city prefect of Constantinople under the apostate emperor had been accepted by both Petau (*ibid.* p.634) and Harduin (*ibid.* p.492), neither was aware of *Or.* XXXIV (only discovered and edited by Angelo Mai in 1816), wherein (ch.14 [pp.457.12–459.10 Dindorf]) Themistius enigmatically explained why he turned down the nomination to the urban prefectship extended by Julian.

²¹ Them. *Or.* 5.63c (p.92.15–17 Downey).

²² Them. *Or.* 5.63b (p.92.7–9 Downey).

²³ P. de Labriolle, "Christianisme et paganisme au milieu du IV^e siècle," in J. R. Palanque, G. Bardy, P. de Labriolle, *De la paix constantiniennne à la mort de Théodose* [*Histoire de l'Église*, ed. A. Fliche and V. Martin, III] (Paris 1950) 191–92.

²⁴ Amm.Marc. 25.5.8, transl. J. C. Rolfe, II (LCL 1940) 521.

²⁵ Them. *Or.* 5.66b (p.97.2–4 Downey); cf. Amm.Marc. 25.5.1–7.

reluctance, he agreed to act as the spokesman of the Senate of Constantinople at Jovian's elevation to the consulship, he took as his subject the question of tolerance in times of confusion and stress—a theme suggested no doubt by the new emperor's firm decision to pursue an evenhanded policy in Church-State matters.²⁶ The result was, to quote Ernest Barker, “. . . an oration which has something of the spirit of J. S. Mill's *Essay on Liberty*.”²⁷

The substance of Themistius' plea in *Or. V* for religious tolerance rests on his acknowledgement that the sanctity of liberty requires the sanction of law. This is something that can only be granted and secured by the emperor himself. “But do you want to know the contribution [to the science of kingship] derived from philosophy?” Themistius asked Jovian early in his consular address.

It says that the emperor is the Law Animate (*νόμος ἐμψυχος*), a godlike law coming from above in the course of time from him who is eternally merciful, an emanation of that [divine] nature, a providence that is closer to earth; it says that he is one who is everywhere looking toward that [which is divine] and who has been disposed in every way toward its imitation (*μίμησις*) . . .²⁸

From this premise concerning the nature of the emperor as law-lord, two forceful conclusions are reached regarding the activity of the cult-lord who would imitate his divine archetype. The first is that it is neither possible nor desirable in the political order to demand a total conformity of faith; the second, correlatively, is that it is imperative

²⁶ When the Constantinopolitan Senate commissioned Themistius to convey the official congratulatory greetings of the city to Jovian on his formal entrance into the imperial office at Antioch, he had hedged. He did compose an appropriate address, but this was delivered by Clearchus to that “unfortunate man.” (Liban. *Ep.* 1430.4–5 [*Libanii Opera*, ed. R. Förster, XI (BT, Leipzig 1922) 469.11–18]). In the meantime, Jovian's rescission of Julian's anti-Christian measures no doubt favorably influenced the reluctant Themistius. Jovian's distaste for any dissension or strife that threatened the equilibrium of the Empire is perhaps best represented in his verbal rebuke to Christian heretics: “I abominate contentiousness; but I love and honor those who exert themselves to promote unanimity.” (Socr. *Hist. eccl.* 3.25, transl. A. C. Zenos in *A Select Library of Nicene and Post-Nicene Fathers of the Christian Church*, 2nd Ser., II [New York 1891] 94).

²⁷ E. Barker, *From Alexander to Constantine: Passages and Documents Illustrating the History of Social and Political Ideas 336 B.C.–A.D. 337* (Oxford 1956) 378. This volume (pp.377–380) includes translations of a few selected passages from *Or. V* that give to some extent at least the gist of Themistius' argument for religious tolerance. A summary of the major points of *Or. V* can be found in N. Q. King, “*Compelle Intrare* and the Plea of the Pagans,” *The Modern Churchman*, n.s.4 no.2 (Jan. 1961) 111–15.

²⁸ Them. *Or.* 5.64b (pp.93.19–94.3 Downey).

to accept, respect and protect the actual diversity of expression in the natural order.

Jovian's legislation concerning religion ("the opening declaration of [his] diligent concern for the affairs of men") especially proved, Themistius believed, that he was not ignorant of the fact that "it is not possible for the emperor to constrain his subjects in every matter, but that there are things which have escaped constraint and are superior to threat and injunction, such as all the virtues and, above all, reverence for the Divine." Political authority, then, possesses neither the warrant nor the means to prescribe a routine of belief and worship that can endure permanently, for "what time has often brought, it has also many times altered." Moreover, the fact that the emperor has provided by law the freedom of each and every citizen to practice his own faith is convincing evidence that he is emulating God himself, "who, since he has created a suitable disposition toward piety as a common feature of human nature, has decreed that the manner of worship be left to the decision of each individual. And the man who applies force takes upon himself an authority which God has given up." Therefore, unlike the arbitrary enactments of a Cheops or a Cambyses, Themistius concluded, "the law of God as well as yours remains unalterable for all time: that the soul of each and every man be set free in regard to what it believes to be the way of paying reverence to God." For the emperor, conscious of the futility of the threat of prosecution and the test of persecution, has come to the realization that "if by chance it should occur that one take away and kill the body, its soul will escape, carrying away in its flight freedom of opinion (*ἐλευθέρα γνώμη*) together with the law, even if it has been constrained in its speech."²⁹

These theoretical objections to the willful use of governmental power to enforce religious uniformity throughout the Empire were not divorced, however, from current political considerations. The evidence of recent history no less than the sentiments of decent morality censured a policy of intolerance insofar as its testimony clearly admitted that any persistent violation of freedom of religion only invited political disunity. Indeed, the controversy over religious issues Themistius accounted at least as dangerous to the security of

²⁹ Them. *Or.* 5.67b–68c (pp.98.18–100.8 Downey). In *Or.* 10.129d–130a (p.197.7–9 Downey) Themistius criticized the treatment of Callisthenes by Alexander the Great, "who did not allow freedom of speech (*παρρησία*)."

Mediterranean civilization as the military threat posed by Sassanid Persia. Consequently, he declared to Jovian, "I consider this law of yours to be no more trivial than your peace treaty with the Persians. Because of the latter, we will not be at war with the barbarians; because of the law [of toleration], we will live free from factions among ourselves."³⁰ Thus, the tragic failure of Julian's two most ambitious campaigns—that against the Christians and that against the Persians—ironically constituted for the pagan orator "the clear and distinct examples [which] time past has put before" an emperor who would avoid the mischief and grief engendered by extremist measures to upset the balance of the established order.³¹

The positive lesson to be learnt by zealots on either side from the abortive aims of a Julian, then, is that diversity transcends adversity. For variety is a universal characteristic of the human condition that cannot be ignored or suppressed.

Consider the fact [Themistius advised Jovian] that even the Author of the Universe takes delight in this diversity. He wants the Syrians to have one form of government, the Greeks another, and the Egyptians still another; nor does he even wish that the Syrians be all alike, but their form of government had been divided into small parts. For no

³⁰ Them. Or. 5.69b (p.101.17–20 Downey). Themistius was quite alone in his commendation of Jovian's settlement with Persia. The historian Ammianus, himself a member of the disastrous expedition into Mesopotamia begun by Julian and ended by Jovian, could scarcely conceal his contempt for Jovian's acceptance of what he thought amounted to terms of unconditional surrender imposed by the Persians (*Res gestae* 25.7.1–13), a peace he bitterly termed *ignobile decretum* (25.7.13). This negative reaction to Jovian's peace with Persia, expressed also in Libanius' *Epitaphios* on Julian (Or. XVIII), is likewise shared by modern historians: cf. A. Piganiol, *op.cit.* (*supra* n.19) 146, and E. Stein, *Histoire du Bas-Empire*, ed. J.-R. Palanque, I (Bruges 1959) 171.

³¹ Them. Or. 5.69c (p.102.3–4 Downey). Themistius seems to have recognized implicitly what his Christian contemporary St Gregory of Nazianzus explicitly perceived, namely, that Julian's reactionary program failed in the end because it went against the *status quo*: "And the wisest of all and the best leader of the community did not even know this, that it was a small thing that was troubled and disturbed by the previous persecutions, our belief not yet having reached the majority and the truth still established in a few men and lacking brilliance. But by this time the word of salvation having spread and become exceedingly influential among us, to attempt to alter and disturb the affairs of the Christians was nothing less than to undermine the Roman Empire and to endanger the whole community." (*Contra Julianum* 1.74, quoted in transl. from W. E. Kaegi, "The Emperor Julian's Assessment of the Significance and Function of History," *ProcPhilSoc* 108.1 [1964] 37.) The Cappadocian Father warmly praised Themistius in two letters (*Epp.* 139 and 140, both of which are quoted in full in Dindorf, *Themistii Orationes* 487–88); in the second letter he calls the pagan scholar-official βασιλεὺς τῶν λόγων.

one tends to assume exactly the very same things as his neighbor: one undertakes this, and another that. Why, then, do we force the impossible?³²

This conviction of the immanence and permanence of multiformity in life was at the root of Themistius' advocacy of the principle of toleration—defined by a modern political analyst as “a refusal to take an absolutist position, which requires a determination to moderate differences and to reconcile opposing interests.”³³ And tolerance, of course, presupposes tension. This correlation Themistius recognized when he approvingly noted that Jovian's liberal effort to safeguard freedom of worship had been accomplished without having simultaneously stifled “the noble strife of religion.”³⁴ This phrase and its underlying thought strongly suggest the Heraclitean paradox that “justice is strife” (*καὶ δίκη ἐστιν ἔρις*),³⁵ for Themistius, like Heraclitus, perceived the equivalence of variety and vigor. “If you allow only a single life-style,” he cautioned Jovian, “then you will insulate the other walks of life, inhibiting thereby the free play of competition.”³⁶ Instead of such repressive conformity, this scholar-official who invariably preferred persuasion to intimidation in the exercise of power believed that in the political as well as the physical order plurality of interests must produce what Heraclitus had envisioned as “a taut attunement, just like that of the bow and the lyre.”³⁷ He was, in effect, applying on the societal level “Heraclitus' original contribution to philosophy . . . [which] consists in the conception of unity in diversity, difference in unity.”³⁸ Accordingly, even a cult-lord whose position was relatively ambiguous was more suitable for insuring harmony than one whose confession was intransigent. Given his preference for caution over passion in this area, it is hardly surprising, then,

³² Them. Or. 5.70a (pp.102.16–103.3 Downey).

³³ Walter Lippmann, “The Forgotten Principle,” quoted in *The Essential Lippmann: A Political Philosophy for Liberal Democracy*, ed. C. Rossiter and J. Lare (New York 1963) 227.

³⁴ Them. Or. 5.68d (p.100.16–17 Downey).

³⁵ Heracl. fr.80, quoted in H. Diels, *Die Fragmente der Vorsokratiker*⁶, ed. W. Kranz, I (Dublin–Zurich 1966) 169; cf. Hes. Op. 24, wherein the Boeotian poet declared “strife is wholesome for men.”

³⁶ Them. Or. 5.79a (p. 101.6–8 Downey).

³⁷ Heracl. fr.51, in Diels, *Vorsokr.* 162.

³⁸ F. Copleston S.J., *A History of Philosophy, I: Greece and Rome* (Garden City 1962) 56. Themistius consciously subscribed to the Heraclitean insight, quoting approvingly the dictum of the VI-century Ephesian that “nature is wont to conceal herself” (Or. 5.69b [p. 101.13 Downey]; fr.123, in Diels, *Vorsokr.* 178).

that Themistius, in the peroration of *Or. V*, declared that Constantinople had regained Constantine himself in the person of the mild Jovian.³⁹

“Strictly speaking,” Vladimir Valdenberg has concluded with respect to the idea of religious liberty expressed in *Or. V*, “Themistius has had no predecessors. He exposes that idea with such a clarity, such a vividness, that we will search vainly for anything similar in earlier literature.”⁴⁰ Nor does it appear that he had any emulators among his own pagan contemporaries. As Downey has pointed out, “if Julian attacked Christianity, and Libanius ignored it, Themistius set himself to compete with it by endeavoring to show that, as he conceived it, pagan philosophy offered all the good things that were to be found in Christianity.”⁴¹ Such commitment to honest rivalry, moreover, disallowed any compensatory treatment by the government for the parties involved. Unlike so many of his peers, this “enlightened pagan”⁴² did not regard nostalgia for past achievements as a panacea warranting singular favor. The *φάρμακον* of *παιδεία* (a metaphor occasionally employed by Themistius with reference to the relevance of philosophy to society)⁴³ was for him at least a stimulant and not the sedative that it all too frequently became for many of the literati of the crisis-ridden fourth century. This is particularly evident if one contrasts Themistius’ *Or. V* with the later and much more famous *Relatio* of his fellow pagan and official counterpart in the Latin West, Q. Aurelius Symmachus. At issue in both instances, of course, was the question of the value as well as the validity of governmental interference in religious affairs; however, whereas Themistius took the occasion to advocate tolerance for the sake of social consensus, Symmachus was content to pursue a redress of grievances, resting his case not so much on the intrinsic merits as the putative contributions of the ancient religion. “The sentence ‘*consuetudinis amor magnus est*’ [*Rel. 3.4*] is indeed his leading principle. It may be supplemented by Rufius Albinus’ saying in the *Saturnalia* (III 14.2): *vetustas quidem nobis semper*,

³⁹ Them. *Or.* 5.70d (p.104.4–6 Downey).

⁴⁰ V. Valdenberg, *op.cit.* (*supra* n.4) 579.

⁴¹ G. Downey, “Allusions to Christianity in Themistius’ Orations,” *StudPatr* 5 (1961) 481.

⁴² F. Wilhelm, “Zu Themistios *Or.* 27 (p.400 Dindorf),” *ByzNeugrJb* 6 (1927–28) 459.

⁴³ Cf. Them. *Or.* 21.251d (p.306.10ff Dindorf), 24.303b (p.364.3ff Dindorf), and 26.321a (p.387.14ff Dindorf).

si sapimus, adoranda est."⁴⁴ Thus, instead of the resourcefulness which Themistius invoked as the characteristic strength of the classical tradition in coming to terms with contemporary life, Symmachus' defense of the *mos maiorum* evoked at best a wistfulness for its archaic conventions. As such, the *Relatio*, while certainly "invaluable as the last formal and public protest of the proscribed faith,"⁴⁵ proved more eloquent than cogent in effect. "The well-known plea of the pagan Symmachus," as N. Q. King has observed, "is really only for the remnants of Roman paganism to be allowed to co-exist with Christianity. The old man's thinking does not reach fundamentals."⁴⁶ Admiration of antiquity had become, it seems, addiction to antiquarianism.

In his advocacy of a neutral policy on the part of the imperial government toward both Christians and pagans, then, Themistius counseled a course of moderation unique among his contemporaries. Eschewing both the intransigence and disinterestedness that affected either persuasion on this matter, he sought to persuade the emperors whom he served to base the moral authority of their office epitomized in the cult-lord function on the social tradition of classical culture. Nor was the balanced and reasoned approach which he followed in dealing with this volatile issue—a characteristic of his career as well as his thought that, as one critical study has wryly commented, "reminds one of the pliancy of a Michael Psellus"⁴⁷—mere posturing. The prevalent criticism of Themistius' versatility has been countered by Willy Stegemann's sound observation that "the origin of this adaptability was his intellectual many-sidedness, which did not, however, allow him to lose the uniform line of his aspiration."⁴⁸ Themistius' broadmindedness, so pronounced in the eclecticism of his philosophy, let him correspond with a Gregory of Nazianzus no less

⁴⁴ H. Bloch, "A New Document of the Last Pagan Revival in the West, 393–394 A.D.," *HThR* 38 (1945) 209.

⁴⁵ S. Dill, *Roman Society in the Last Century of the Western Empire*² (London 1910) 30.

⁴⁶ N. Q. King, *op.cit.* (*supra* n.27) 113.

⁴⁷ Schmid/Stählin, *op.cit.* (*supra* n.3) 1008.

⁴⁸ Stegemann, *op.cit.* (*supra* n.3) 1647. A few pages later, however, Stegemann (col.1672), in arguing that "Themistios claimed just as little originality of thought as his great prototype Dio Chrysostom," cites in support the testimony of H. Schenkl ("Die handschriftliche Überlieferung der Reden des Themistius," *WS* 23 [1901] 17), who spoke of Themistius' "poverty of thought." Yet, as a closer reading of Schenkl reveals, the term *Gedankenarmuth* refers only to the immediate sense of Themistius' thought as expressed in *Or.* 10.132d (p.201.21ff Downey), and is in no way a general deprecation by Schenkl of Themistius' intellectual capacity or literary clarity.

than a Libanius and to respect a Jovian as much as a Julian. His avowed preference for religious liberty in an officially neutral Empire did not hurt, to be sure, his standing as a pagan in a predominantly Christian court; but to charge, as some modern authorities have,⁴⁹ that he owed this liberal stance more to political circumspection than honest conviction is simply unwarranted. Besides repudiating Julian's militancy, not only could Themistius twit the Christianity of his own day for its apparently semantic controversy between Athanasians and Arians in the presence of the dour Constantius himself,⁵⁰ but he also felt strongly enough about the dangers of religious dissension to convince Valens to restrain considerably his persecution of orthodox Christians.⁵¹ Even the incipient Caesaropapism of Theodosius, the final threat to institutional Hellenism, did not escape a cautious, though eventually superfluous, rebuke.⁵² At any rate, such concern as Themistius regularly evinced for tolerance hardly suggests a career motivated by expediency or characterized by prevarication.

Themistius' political thought, if not original, was at least perceptive and flexible, and especially in what Chester Starr has termed "the old world of the fourth century,"⁵³ this capacity to accommodate the

⁴⁹ A. Alföldi, *op.cit.* (*supra* n.14) 117, and J. Geffcken, *Der Ausgang des griechisch-römischen Heidentums* (Heidelberg 1920) 168.

⁵⁰ "Thus our mind ascribes supersubstantial substance and power of higher power and superlatively good goodness to the fount of all things, but does this hesitantly, and takes care over the association of words." (Them. Or. 1.8b-c [p.12.11-15 Downey], as transl. in G. Downey, "Themistius' First Oration," *G(R)BS* 1 [1958] 58-59). It appears quite likely that Downey is correct when he suggests (*op.cit.* [*supra* n.41] 484f) that this passage "could be taken as a supercilious allusion to the Arian controversy" or as "a sarcastic reference to the Arian controversy."

⁵¹ Both Soc. *Hist.Eccl.* 4.32, and Sozom. *Hist.Eccl.* 6.36, 37, report that Themistius delivered an appeal for toleration in the presence of Valens at Antioch, where the emperor was harassing orthodoxy. It had been commonly supposed that Or. XII (pp.184-97 Dindorf) was a survival of this address given in Antioch, but R. Förster (*NJbb* 6 [1900] 73-93) has conclusively proved that Or. XII (entitled *ad Valentem de religionibus*) is a counterfeit published by Andreas Dudith, a sixteenth-century teacher at Breslau, in an attempt to strengthen his own plea for religious toleration then. Also cf. Stegemann, *op.cit.* (*supra* n.3) 1660.

⁵² According to Schmid/Stählin, *op.cit.* (*supra* n.3) 1009, the fact that in Or. XV (Jan.381) Themistius emphasized justice as the most imperial of virtues rather than *φιλανθρωπία* (as was his wont—cf. Or. I, VI and XIX) can only be explained as "a reaction to the strongly orthodox Christian religious policy of Theodosius which was put forth in the decrees of January 380 with unmistakable clarity, and [as] the wish for equal treatment of paganism with respect to sects." This view is seconded by Stegemann, *op.cit.* (*supra* n.3) 1661, and Downey, *op.cit.* (*supra* n.5) 91.

⁵³ The title of ch.xvi in C. G. Starr, *Civilization and the Caesars: The Intellectual Revolution in the Roman Empire* (Ithaca 1954) 360.

traditional and topical often proved to be a virtue rather than a shortcoming. Nowhere is this more obvious than in Themistius' plea for religious tolerance. In the end, of course, he failed. But the fault for that failure lies neither in the simplicity of his thought nor in the naïveté of its assumptions so much as in the chemistry of history itself. As Themistius himself admitted in the conclusion of *Or. XXXIV*, his *apologia pro vita sua*, he stood "in a borderland."^{54, 55}

BOWLING GREEN STATE UNIVERSITY
December, 1970

⁵⁴ Them. *Or.* 34 ch.30 (p.471.16–17 Dindorf). Although he was speaking here specifically of his philosophical position, midway between the idealism of Plato and the materialism of Epicurus, that permitted him to participate without scruples in political life, the phrase is nonetheless suggestive of his transitional times as well as of his traditional eclecticism.

⁵⁵ An earlier version of this essay was presented at the Spring 1970 meeting of the Ohio Academy of History in Columbus.