After he rose to the position of Emperor in 362 CE, Julian did not include his former teacher, Themistius, in his strategy for political reform, particularly as it was informed by religious principles, despite the fact that Themistius was one of the leading pagan orators and philosophers of the second half of the fourth century CE. Although Julian filled several offices with pagan officials who were philosophically educated, he seemingly overlooked Themistius. Then again, Themistius didn’t fare for the worse either: as Constantius II’s former panegyrist, he was appointed in 355 to the senate of Constantinople, was its chairman from 357, and from 357 or 358 until the end of 359 was even proconsul of Constantinople, a position he retained under Julian.

Several reasons account for the distance between the former student and his teacher. It may be very important that Themistius, despite his lifelong avowal of paganism, advocated for tolerance of Christianity whereas Julian connected the restoration of the old Hellenic cult with increasing restrictions on Christianity. Beyond that, scholarship has continually emphasized differences in their political theory. What hasn’t been considered however, is that these differences refer back to a difference in their interpretations of Plato. More precisely, that Themistius’ political theory is based on the paradigm of Republic with a few Hellenistic elements (the king is a philosopher, he is god-like, and his main virtue is φιλανθρωπία), whereas Julian used

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1 See Jul. Or. 6.5.257d; 259c. Apparently Julian was Themistius’ student in 348/49 in Constantinople after Julian, along with his half brother Gallus, returned there from the 6 year long expulsion to Macellum in Cappadocia and shortly before Constantius sent him to Nikomedia. (See Daly 1980, 3; Brauch 1993b, 81f.; Vanderspoel 1995, 118; against the assertion that Julian was Themistius’ student, Prato/Fornaro 1984, 47).

2 According to a note in the Suda (Adler 2, 690 – 91) Themistius was named prefect of Constantinople in 362. Generally it is assumed that this is an error and that Themistius only held this office once in 384 under Theodosius. (See Stegemann 1934, 1646; PLRE I 892; as well as Brauch 1993a and b). In a speech in which Themistius justified taking this position, he announced that it had been offered to him some time ago by an emperor who was inclined toward philosophy, but that he had declined it. (Them. Or. 34.14). Based on this reference, some scholars argue this emperor was Julian (e.g. Méridier 1906, 102–03, Daly 1971, 71, Daly 1983). Others believe that Julian did not make any offer to Themistius. (e.g. Bidez 1930, 388 n.10, Stegemann 1934, 1646, Athanassiadi-Fowden 1981, 56).

3 See Dem. Const. 20a2-b2, 23a1-b3.

4 For a general biography see PLRE I 889–894; for his role as proconsul see Daly 1983, 171–189.

5 Regarding Themistius’ lifelong pleas for religious tolerance and pluralism see Daly 1971, 70–76; Vanderspoel 1995, 23–27; and Stenger 2009, 371–377.


the Laws with elements from Iamblichus’ philosophy (the king is only a guardian of the godly laws and needs help from gods, demons and philosophers, and his main virtue is piety, or εὐσεβεία).

This thesis will be demonstrated primarily by using Julian’s Letter to Themistius, supplemented with citations from other works by Themistius and Julian.⁸

1. Themistius and the philosophers’ kingdom of Plato’s Republic

Julian’s Letter to Themistius ostensibly precedes a letter from Themistius to Julian (Jul. Or. 6.1.253c1f.)⁹ after he was appointed as Caesar in Gaul on November 6, 355.¹⁰ In it he supposedly wrote that God had appointed him to this position that Heracles and Dionysos had held before him, both philosophers and kings who had purified the earth and sea from increasing wickedness. Julian should “shake aside every thought of leisure and comfort” and, after he had traded the vita contemplativa in for the vita activa (Jul. Ep. 9.262d), accomplish even bigger things than the lawgivers Solon, Pittacus, and Lycurgus (253c–254a). In the surviving oratories of Themistius,¹¹ Dionysius and Heracles were not mentioned in connection to the Pla-

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⁸ The so-called Risâlat, a translated letter into Arabic from Themistius to Julian, has not been taken into consideration. According to Dvornik 1966, 667–69, Themistius modifies his political views here in response to Julian’s letter. There are serious doubts, however, as to whether this letter is truly from Julian’s time and not from Theodosius’ time (see the Teubner edition Schenkl et al., vol. 3, 1974, 75–80; Penella 2000, 5 n.21 thinks these doubts are “probably hypercritical”). Section 1 and 2 of this article are primarily based on Chapter 4.1.1. of my 2012 Leipzig Habilitation, “Freundschaft im Neuplatonismus. Politisches Denken und Sozialphilosophie von Plotin bis Kaiser Julian.”

⁹ There was already a lively letter exchange between Julian and Themistius in the early 350 s (Jul. Or. 6.6.260a2f.; 12.266d3). According to Stertz 1976, 352 it is unlikely that Julian reacted to Themistius’ panegyric about him with Letter to Themistius since Julian refers twice in this to “your letter” or “the most recent letter” (Jul. Or. 6.1.253c; Them. Or. 10.263b7f.). It is much more likely that it was a response to a congratulatory letter (with inadvertent encomiastic elements).

¹⁰ The fact that Themistius praises Julian for exchanging the philosophers’ study room with the political stage speaks to this date (postulated for example by Bradbury in 1987) (Jul. Or. 6.9.262d). If Julian had already been Caesar for any length of time, this praise would have been inappropriate. Beyond that, if Julian had wanted to defend himself against political inaction at a time later than 355, he would have referenced his successful campaigns and administrative occupation of Gaul, which he accomplished as Caesar, rather than his support to friends and relatives for whom he took on extended travels (Jul. 6.259c–d). The tradition of the letter as being from Emperor Julian is the primary evidence for a date of 361 shortly after Constantius’ death (proposed for example by Bidez 1929, 133–141). Nonetheless the fact that this comes from the most important manuscript of Vossianus Graecus 77, which is a later compilation and does not refer directly to Julian’s edition, could indicate the possibility of error (Bradbury 1987, 242f.).

¹¹ Dionysus as a god of vegetation (Them. Or. 16.211b7f.; Or. 21.248c5 – 7; Or. 30.349a8) and Heracles as a paradigm of virtue, where he roams the entire earth cleansing it of cruelty and wild animals.
tonic philosopher-kings whereas Solon, Pittacus, and Lycurgus, who were counted among the seven wise men, were praised that they didn’t discuss logic, ideas, and astronomy theoretically but rather “enacted laws and taught what must be done and what may not be done, what should be chosen and what should be avoided” and established and stipulated that man as a member of a community is “obligated to care for the laws and the constitution of his native country,” something they had demonstrated practically through their work as emissaries, in the army, or as politicians (Them. Or. 34.3).

Thus, in his letter, Themistius put forth the higher order of the *vita activa* over the *vita contemplativa* and a theory of kingship in which he legitimized the contemporary empire against the backdrop of the Platonic philosopher-kings of the *Republic*. According to Themistius, both the philosopher and the king, the former as theoretician and the latter as practitioner, have the same goal: do something good for humanity; however, the king has the power that the philosopher lacks (Them. Or. 1.9a7-c3). Plato thought that both figures align themselves with same paradigm of the god of the universe, whereby the philosopher has “speech and knowledge” (λόγος και ἐπιστήμη) at his disposal and the king imitates him with “action and deed” (πράγμα καὶ ἔργον) (Or. 2.34b5-c4). Contrary to what Plato suggests, however, philosophers should not be kings, but rather—in the Aristotelian sense—they should stand as advisors by the sides of kings, who should follow their advice (Or. 8.107c2-d3). With reference to the Platonic comparison of the philosopher with a dog, it is the philosopher’s job to differentiate between friend and foe, between the virtuous and the vicious, to curb vice through admonishment and in this way to care for justice and harmony in the state (Virt. 459.24–35).¹² This comparison shows the philosopher as a guard, from whose circle, according to Plato the philosopher-king emerges. Therefore, in the end, according to Themistius the philosopher’s charge is the same as the emperor’s, but through official oration. And conversely, the more the ruler follows philosophical advice, the more he becomes a philosopher. Thus Themistius praises almost every emperor explicitly as a philosopher and as the realization of the Platonic philosopher-king (e.g. Constantius, Or. 2.40a4-b2; cf. 34b7–9).¹³

Consequently, one can say that the Aristotelian dichotomy between advisory philosophy and executive politics is determined by the factual political role of philosopher and king. At the heart of this dichotomy lies the implicit focus on the ideal of the philosopher-kings in Plato’s *Republic*: In the end, the king should act like a philosopher and the philosopher should think like a king.¹⁴ Often his speeches include the call from the *Republic* (Pl. R. 6.486b10–487a5) for a philosophical soul which he applies to the king: he must be young, congenial, have good powers of comprehension.

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¹² Pagination according to Gildemeister/Bücheler 1872.
¹³ To the appropriate places for Jovian, Valens, Gratian, and Theodosius, cf. Colpi 1987, 113.
¹⁴ See Kabiersch 1960, 7; Blumenthal 1990, 114.
sion, a good memory and be the friend of the cardinal virtues of wisdom, justice, fortitude, and moderation (Them. *Or*. 8.104d7 f.; 17.215b9-c2; 34.16.223.17–21).

In his philosophy, Themistius argues—following his father and teacher, Eugenius and perhaps referencing Porphyry— for a harmonization of Plato and Aristotle and sees the goal of philosophy in political philosophy; for Plato the “primary content, end point and high point” of all λόγοι is the “approximation of god as far as it is humanly possible (ἡμῶν παντεία κατά τὸ δυνατὸν ἀνθρώπω)" (Or. 2.32d3–6 with b9-c3).16 This is in Middle as well as Neoplatonism the standard formulation of the *summmum bonum*. Plato pursued mathematics, astronomy and metaphysics in order to “bind the human assets with the godly assets and to allow the human πολιτεία to emulate the πολιτεία of the universe to the greatest extent possible (πρὸς τὴν τοῦ παντὸς πολιτείαν ὡς οἶν τε μορφῶσαι τὴν ἀνθρωπίνῃ)" (Or. 34.5.215.12–20). This shows that according to Themistius, the individual’s ὄμοιωσις to god is transferred to politics: The human πολιτεία is the ὄμοιωσις to the cosmic πολιτεία.

According to Themistius, Aristotle differentiates himself from Plato through a larger diversity of interests and level of detail, but all of his work refers to human goodness and is dependent upon it (Them. *Or*. 34.6.215.26–216.3). According to Aristotle, the goal of virtue is not the knowledge (γνώσις), but rather the practice (πράξεις) (Or. 2.31b10-c7, d6–32a4).17 Philosophizing is nothing more than “practicing virtue” (ἐργάζομαι ἄρετήν) (31d5–6). Aristotle taught the subordination of ethics (Or. 34.6.216.3–11) and even cosmotheology to politics: The unmoved mover and all the stars would conduct political philosophy in that they “preserve nature as stable and unscathed for all eternity (ὑμνομένους τὴν ὅλην φύσιν ἀκλίνη καὶ ἀκέραυν δι’ οἰνόν)" (216.13–16). Thus for Themistius the Aristotelian cosmotheology is the model for human governance. For Themistius both Plato and Aristotle see theology, metaphysics, and general theoretical philosophy not as ends in themselves, but to be conducted for the sake of practical and political philosophy.

In Themistius’ “political theology” the emperor is the “flawless, perfect image of god (ἀγαλμα τοῦ Θεοῦ)” in that, like god he is able to do more good than any other humans and imitates god in his domain (Them. *Or*. 1.9b4-c1). The ruler’s ὄμοιωσις to god consists solely in φιλανθρωπία, the virtue to do good for humanity, since he cannot share the other qualities of god such as eternal life and omnipotent powers

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15 In terms of his theoretical philosophy see Schramm 2008, 217–19. Ballériaux 1996 took Eugenius to be a student of Iamblichus (referring to a letter from Julian’s corpus of letters from a student of Iamblichus “to the philosopher Eugenius” Jul. *Ep*. 193 Bidez-Cumont). Indeed unlike with Iamblichus, there is no evidence of Themistius concerning himself with Pythagoreanism or mathematics. Beyond that, Themistius reports of a philosopher from Sicyon who was still a student of Iamblichus, but because he valued the “fatherly patriarchal” (πάτριον καὶ ἀρχαίον) aspects of the Academy and the Lyceum instead of the “new melody” (νέαν φότιν), went to Constantinople because here these were still taught by Themistius (Or. 23.295a8–b5).

16 See Plat. *Tht*. 176b; See also R. 6.500c; 10.613a; *Lg*. 4.716c.

17 See Arist. *NE* 1.1.1095a5; 2.1.1103b27; 3.1105a33-b4, 1105b9–18.
The rule of the emperor should be an image of the cosmic order of god, determined by justice, peace, and goodness (Or. 15.188b5–189a7). In particular, in the stoic sense the emperor expresses the “law animate” (νόμος ἔμυθος) and functions on earth as the “emanation” (ἄπορροή) of god and his φιλανθρωπία (Or. 5.64b4–8). In particular he mitigates the written law if it leads to undue hardship in individual cases (Or. 1.15b3–8). In contrast, the law-abiding subject desires to “live according to the law” and “emulate the king and pay attention to his behavior” (In Met. 12.20.8 f.; 23).

This “political theology” has Dio Chrysostom as a model. In his first oration On Kingship, Chrysostom ascribes the earthly kingship to the rule of Zeus: Both are bound together through the “single statute and the single law” (ὑφ᾽ ἑν θεαμῷ καὶ νόμῳ) and “partake in the same πολιτεία” (τῆς αὐτῆς μετέχοντας πολιτείας) (Dio, Or. 1.42–45). In his Bosthenitic Discourse, he appeals to Plato and Homer, calling the cosmos the “best kingship (βασιλεία)” of Zeus, which is governed “in accordance to the law with friendship and unity” and is the “model” (παράδειγμα) for earthly kingship (Or. 36.29–32). Even φιλανθρωπία as a central virtue of the king is predetermined by Dio insofar as the king rules over many people and is loved by them (Or. 1.15; 17–18). According to Themistius, however, φιλανθρωπία is not determined by the number of the king’s subjects, but rather according to his similarity to god. Dion links the stoic theory of κοσμόπολις in which humans are bound to the gods solely through a law of rationality, to the Platonic idea that the summum bonum in ethics and politics is the ὤμοιωσις to god.¹⁸ Themistius takes this Platonic-stoic amalgam but expands it with Aristotelian cosmotheology through which the πολιτεία of the gods can also be interpreted.

2. Julian and the rule of law of the Platonic Laws

In his Letter to Themistius, Julian responds to his former teacher beginning with his privileging of the vita activa over the vita contemplativa. According to Julian, the philosopher could be “through the education of philosophers, even if it’s only three or four, of greater benefit to many people than several kings together” (Jul. Or. 6.11.266a5-b1). In this way almost all philosophical schools harken back to Socrates whereas during Alexander’s victories, virtue increased neither in any polity nor in any individual (10.264c3-d8).

In this sense Julian’s letter corrects Themistius’ interpretation of Aristotle’s Politics 7.3: According to Themistius, Aristotle praises good action (εὐπραγία), specifically the practical life (πρακτικός βίος) and the “architects of good deeds” (καλῶν πράξεων ἄρχιτέκτονας), which he ostensibly identified with kings (Arist. Pol. 7.3. 1325b14–16, 21–23). Julian wrote out the apparently abbreviated citation: “We most correctly use the word ‘act’ of those who are the architects of public affairs

by virtue of their intelligence” (ἐξωτερικῶν πράξεων τοὺς ταῖς διανοίασις ἀρχιτέκτο-

νας), be it the lawgivers, the political philosophers and “all those who act according

to intellect and reason (πάντας ὀπλῶς τοὺς νῷ τε καὶ λόγῳ πράττοντας)” and not

“those who do the work themselves and those who transact the business of politics”

(αὐτουργοὺς καὶ τῶν πολιτικῶν πράξεων ἐργάτας) (Jul. Or. 6.10.263d1–264a1).

With a detailed citation from Plato’s Laws¹⁹ about Cronus’ regime and its inter-

pretation, Julian sums up his Neoplatonic image of kingship (Plat. Lg. 713c5–714a8;

Jul. Or. 6.5.258a4-d7): Since Cronus recognized that no human can master human af-

fairs without hubris and injustice, he established out of philanthropy that no man

should be kings and rulers over people, but rather introduced a “better, god-like

race, the demons.” According to Plato, this myth means that there is no relief from

evil for any city “if a mortal rules instead of a god,” therefore one must “imitate

(μιμεῖσθαι) with all means the way of life that existed at the time of Cronus; and in-

sofar as immortality is in us (ὁσον ἐν ἡμῖν ἄθανασίας ἐνεστι) one ought to be guided

by it in our management of public and private affairs, of our houses and cities, call-

ing the distribution of intellect (νοῦ διανομήν) law (νόμον).

Julian interprets this myth with an eye to the king’s nature and virtue: “Even

when one is by nature (τῇ φύσει) human, he must in his conduct (τῇ προαιρέσει)

be godly and demonic by banning everything mortal and brutish from his soul, ex-

cept what must remain to safeguard the needs of the body” (Jul. Or. 6.5.259a–b2).

Here Julian employs Neoplatonic doctrines, specifically the doctrine of two human

natures, the doctrine of scala virtutum and of summum bonum: man is, as he

shows in his Oration to Helios, a “dual conflicted nature in which soul and body

are compounded into one, the former godly, the latter dark and gloomy” (Jul.

Or. 11.20.142d5–7).²⁰ Through his conduct or moral decision, the προαίρεσις, a

human can turn toward the rational “godly” part of his soul and come to a ὁμοίωσις
to god, if he progresses step by step on the scale of virtues to the highest level of vir-
tue that it is possible for him to achieve. According to Porphyry who was the first to

systematize Plotinus’ scale of virtues, the human who purifies himself in the sense of

cathartic virtue, is one who is a “demonic human or also a good demon” and the pu-

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¹⁹ Julian stated that he had learned the first Laws citation (4.709b7-c1) from Themistius
(Or. 6.5.257d2–258a2). Presumably he also learned the subsequent citation from Themistius, as well.
This can refer to the letter or their correspondence, as well as to the education he enjoyed from
Themistius.

²⁰ Iamblichus ascertained something similar for the soul: It possesses the trait to “grow together
(συμφυομένη)” with everything and to “assimilate (ὁμοιουμένη)” itself to everything or to separate
and pull back and this as much with the lowest spheres of becoming as well as the highest spheres of
the gods (Myst. 2.2.69.1–7). According to Iamblichus’ psychology, in the soul, the “medium” between
intellect and body, moments of the intellect and the body are effective at the same time, occupying a
dual, changing essence and dual contradictory activities (For a more complete explanation see: Steel
rified human, who occupies the theoretical virtues and whose soul is active in and to the intellect is a “god” (Porphy. Sent. 32.89–93).²¹

According to Julian, Aristotle agrees with this interpretation of the Laws when he argues against the kingship as the best form of government, stating that a king can also have bad progeny and in this case would require “a virtue greater than belongs to human nature (μειζόνοις ἀρετής ἦ κατ’ ἀνθρωπίνην φύσιν)” to not bequeath his kingdom on his children (Jul. Or. 6.7.260d4–261a4 with Arist. Pol. 3.15.1286b22–27). A kingship requires “more than a man is capable of,” namely a “demonic nature” (Jul. Or. 6.7.260c5-d4). Instead of that, one may only cede the kingdom to the law—what Aristotle calls “intellect without ambition (ἀνευ ὀρέξεως νοῦς)”—and not to any man, because even in the best of men the intellect is bound up with appetite (θυμός) and desire (ἐπιθυμία), “the most ferocious animals” (Jul. Or. 6.7.261d2–6 with 261b5-c2 and Arist. Pol. 3.16.1287a28–32).

According to Julian, laws are only just if the lawgiver has purified his intellect and soul (τὸν νοῦν καθαρθεῖς καὶ τὴν ψυχήν) and if he theoretically recognizes the “nature of the state (τὴν τῆς πολιτείας φύσιν)” and the “naturally just (τὸ δίκαιον ὅτι ἐστὶ τῇ φύσει)” and unjust (Jul. Or. 6.8.262a1-b3). The perfection of the entire political system derives from the personal perfection of the lawgiver and his theoretical knowledge of ideas. He is in the position to “carry the knowledge of ideas concerning the correctly composed state and justice from there to here (ἐκείθεν ἐνταῦθα μεταφέρων)” and to determine common laws for all citizens independent of whether they are friend, foe, neighbor or relative (262b3–6).

It is likely that this idea comes from Iamblichus.²² In a letter to Agrippa, he called law the “king of all” and the “good for all in common (κοινὸν ἀγαθὸν)” without which there could be no goodness. The law’s essence dictates what is good and forbids what is bad, extends to all kinds of virtue and pervades the entire public administration and individual way of life (Stob. 4.77.223.14–24).²³ The “official who should oversee the laws (τὸν προϊστάμενον τῶν νόμων ἄρχοντα),” the “preserver and guardian of the laws (σωτήρα καὶ φύλακα τῶν νόμων)” must be “completely purified regarding the highest correctness of the laws (ἐλκυρινῶς ἀποκεκαθαρμένων εἶναι πρός αὐτὴν τὴν ἄκραν τῶν νόμων ὀρθότητα)” and as far as it’s humanly possible, must be “immune from corruption (ἀδιάφθορον),” must not allow himself to be misled by ignorance, deceptions of frauds, and may not give in to violent influence or unjust excuse (223.24–224.7).

²² Julian is the student of Maximos of Ephesos and Priscus, who were themselves students of Aidesios who was a student of Iamblichus. For Julian’s education in this Neoplatonic school see: Bidez 1930, 67–81, Bowersock 1978, 28f., Athanassiadi-Fowden 1981, 30–41, Bouffartigue 1992, 42–45. ²³ For the sources of the individual expressions, particularly the determining pieces see: O’Meara 2003, 99 n.52–54 and Dillon/Polleichtner 2009, 60.
It is likely that by the “preservers and guardians of the laws” Iamblichus was referring to the νομοφύλακες of the Laws upon whom the oversight of the laws and also a partial legislative process is incumbent if existing laws need to be expanded or revised.\textsuperscript{24} The “complete purity regarding the highest correctness of the laws” probably refers to the pure intellectual understanding of intelligible good as it is manifested in the given laws. Proclus, referring to Plato’s explanation of νόμος as νοῦ διανομή, describes the legislative process as becoming a “particular intellect (νοῦς τίς ἐστι μερικός)” (Procl. In R. 1.238.22–25): the intellect through which the transcendental godly intellect is communicated to souls and through which they become “noeric” and perfect (Procl. In Alc. 65.20f.; In Tim. 2.313.3f.). One could thus say that for the Neoplatonists the laws are the transformation of the intelligible idea of good and just in rationally comprehensible, propositional commandments and prohibitions and that in this way the godly intellect actualizes itself in the intellect of humans and the human community.

This also explains the fundamental difference between Julian and Themistius even though they both call on Plato: Unlike Themistius, Julian does not determine the king to be the “law animate (νόμος ἐμφύσεως)” that stands above all other laws, corrects existing laws, and decrees new ones. Rather, in the sense of Plato’s Laws, he subordinates the king completely to the law, before which all are equal\textsuperscript{25} with his legitimacy coming from his rationality.\textsuperscript{26} While Themistius speaks factually to the ideal of the philosopher-king from the Republic, Julian pursues the Laws’ second-best constitution\textsuperscript{27} of the rule of law as the model for his politics. Julian thus rejects the role of philosopher-king that Themistius ascribes to him and places the law as the ideal ruler in the center of politics. He asks the philosophers and, through them, the gods for help, willingly subordinating himself to the philosophers as advisers who by virtue of their “godly, demonic nature” are more suited to be νομοφύλακες, or guardians of the godly laws.

In addition, there is a certain tension between the fact that Julian, due in particular to his factual positional power as Caesar and later as the sole Emperor, is


\textsuperscript{25} See Jul. Or. 6.7.261b4f., d1 for the emphasis on the equality of all before the law. In his first, rather conventional panegyric to Constantius, Julian explicitly praises his σωφροσύνη, because he acts toward the people and the officials “like a citizen who obeys the laws, not like a king who controls the laws” (Jul. Or. 1.374c6-d2).

\textsuperscript{26} A similar comparison can be found in Mazza 1986, 86f. and Curta 1995, 206–208, admittedly without reference to Plato’s Laws.

\textsuperscript{27} See Laws 5.739b8-e7. According to this section, the best constitution is the polis of Republic, the third-best is the concrete implementation of the Laws’ constitution. In this sense Julian follows the second-best constitution of the Laws which was established by the wise forefathers and is the most possible to restore. The Neoplatonists distinguish between three levels of political reform: The first two levels is a reform described in the Republic and Laws, and the third level is the “reform” of the individual soul according to the model of the Platonic Letters (see O’Meara 2003, 91–94).
“ranked above” the philosophers (Jul. 6.267d1) and that in a certain sense, he is the only φύλαξ τῶν νόμων (6.261a6) since he, in contrast to the philosophers can politically accomplish the actual observation of the laws. Precisely because of the ruler’s voluntary subordination to the law and his claim of originating from the godly intellect any particular decision achieves a similar validity as that of the Hellenistic god-king since this is not contingent on his birth, but rather is based on the necessity of the godly law and on the advice of philosophers, who interpret the godly law according to their deeper understanding of ideas. In this sense he is the only politically legitimate φύλαξ τῶν νόμων since he preserves the godly law and its reason according to the interpretation of proven experts.

3. Julian and the Platonic “laws” of piety and moderation

Not only the constitutional framework of Julian’s kingship, but also laws he enacted are based on the Laws. It’s often pointed out that the most striking characteristic of Julian’s politics is his religious policy. O’Meara has already pointed to some of the similarities between Julian’s religious policy and Plato’s Laws: old religious traditions take precedence over new ones; local gods are accepted and integrated into the religious system; piety has a political function and is publicly promoted.

Julian’s second Panegyric in Honour of the Emperor Constantius (Or. 3), presumably given in 359 when he is Caesar, documents this eminent meaning of piety quite well. Here, piety (εὐσέβεια) is the emperor’s most important virtue: It is a “sprout of justice (τῆς δικαιοσύνης ἐγκυόνος)” which belongs to the “more godly form of the soul” therefore one may “not depart from the lawful worship of the gods (ἔννομου θεραπείας)” nor condemn the worship of “something higher (κρείττον)” (Jul. 16.70d2–6). Even a commander or king must “serve god like a priest or a prophet with due respect” and not see such a service as unworthy of his person (Jul. 14.68b7–c2). Thus according to Julian, the emperor should not only formally occupy the traditional office of pontifex maximus but should be a practicing priest himself through his personal conduct. Julian did this later as Emperor, which brought him the criticism and derision of his contemporaries (Amm. Marc. 22.14.3).

The “Mirror of Princes” of the second Panegyric in Honour of Constantius (Jul. 3.23–33.78b–93d) contains a catalog of virtues which refers back to Dio (Dio Or. 1.15–32). Like Dio, Julian divides the catalog between duties to the gods (ἐπιμέλεια θεῶν) and duties to men (ἐπιμέλεια ἀνθρώπων). In a more narrow sense this means φιλανθρωπία such as proper conduct in war toward the city and rural

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28 O’Meara 2003, 120–123.
29 For the debates surrounding the date see Curta 1995, 196 and Schorn 2008, 245.
30 According to Lib. Or. 18.124 Julian ascribed the same role of piety for human life as the “keel (τρόπις)” is for a ship or the “foundation (θεμέλιος)” for a house.
populations and toward officials and soldiers. The first virtue is piety which means not only piety toward the gods but also piety toward one’s parents whether they are living or already deceased, good will toward one’s brothers, holy awe (αἰδώς) of the gods of kinship and clemency (προφότης) toward foreigners and suppliants (Jul. 28.86a3 – 6).

This expanded definition of piety harks back to a law from Plato’s Laws. The preface to the legislative part in the Laws describes the task of σώφρων, which, through ὀρμοῖος θεῷ (“being like god”) accomplishes εὐδαιμονία. Being σώφρων requires the correct honoring of the gods (θεραπεία θεῶν) in sacrifices and prayers (Lg. 4.716d4-e1)—in a descending order from the Olympic gods and patron gods of cities, to subterranean gods, demons and heroes down to the family gods (717a6-b5)—, then “honoring parents who are still alive” since everything that one has in terms of property, body and soul one has received from them and owes them the oldest and greatest debt, and then the honoring of deceased parents (717d6–718a6). Finally, there is the duty toward offspring, relatives, friends, fellow citizens and the “services to foreigners that the gods demand” (718a7 f.; 5.729b – 730a). Julian replaces the pious respect of children with the good will amongst brothers, perhaps because neither he nor Constantius had children and their different relationships to their brothers (Constantius to Constans and Julian to Gallus) could be a good starting point for a critique of “impious” emperors. In the end the emphasis is on care for foreigners, the so-called φιλοξενία, a counterpoint to the relief for the poor which Christian rulers traditionally practiced.³¹

In his polemical satire Misopogon, in which Emperor Julian engages with the Antiochenes’ rejection of his religious restoration policies and the politically controlled economic activities in Antioch in the winter of 362/363,³² Julian justifies his political activities with two laws from Plato’s Laws: “The great, perfect man in the polis” who has earned the “virtue’s victory prize” is the one who not only doesn’t commit an injustice himself, but rather who also deters others from committing an injustice by reporting their injustices to the rulers and officials (ἀρχοντες) and, together with them, seeks punishment, or he’s the one who not only possesses moderation, prudence and all other virtues, but who can also “share (μεταδίδωναι)” them to others (Jul. 25.353d5 – 354a6; Plat. Lg. 5.730d2-e3). The latter is the teacher of virtue, the former is a kind of “informer” whose actions are morally praiseworthy because he moves to punish the wrongdoer and morally improve him,³³ or averts further injustice and harm from the community.³⁴

³¹ See Kabiersch 1960, 66 – 68.
³³ For more on this idea of punishment which certainly refers to Protagoras cf. Plat. Prt. 324a3-c5 and Saunders 1981, 129 – 141 (esp. 134) and Manuwald 1999, 181f., 206f.; this theory of punishment is also found in Plato. See Grg. 476a – 479e; Lg. 9.854de; 11.933e – 934b.
According to the second law from the *Laws*, the rulers (ἄρχοντες) and the elders must practice “awe (ἀιδώς)” and moderation (σωφροσύνη “so that the masses who look up (ἀποβλέποντα) to them follow (κοιμηταῖ)” (Jul. 354b6-c2; see Plat. *Lg.* 5.729b5-c2). Julian adds to Plato’s named elders the “rulers (ἄρχοντες)” or officials because for him the officials in particular must make their subordinates virtuous through their particular model of virtue. In the Platonic sense, the virtuous individual is the personal model of virtue for those who are not yet virtuous; they have to look to the virtue of the virtuous individual and to imitate him—similar to the way in which particular beautiful things look to the idea of beauty and attain their beauty from there. In a topical manner of speaking “moderation, the σωφροσύνη, is the κόσμος of the soul”, thus its “adornment” or its “organization.” This “organization” refers to the subordination of the non-rational to the rational part of the soul or, as Porphyry stated, “the agreement of the desiring part of the soul in accordance with the deliberation” (Porph. *Sent.* 32.11f.). Like the catalog of virtues of the second *Panegyric in Honor of Constantius*, Julian’s definition of σωφροσύνη begins with piety and implies being law-abiding. This is because σωφροσύνη means “to know that one must be subservient (δουλεύειν) to the gods and the laws” (Jul. *Or.* 12.9.343a3f.).

To summarize, the Platonic *Laws* urge Julian to piety in ways that extend not only to the gods, but also to family, relatives, and all people insofar as they are foreign or in need of protection, and beyond that to the didactic duty of those who are virtuous to educate the less virtuous through punishment, instruction and personal example. The role of the officials as mediators of virtue is stressed so that, according to the cited passage from the *Laws*, a hierarchy of virtuous individuals results: the “perfect man of the polis” at the top, then the officials, and finally the mass of subjects. This trichotomy has a distant resemblance to the *Republic*. To imagine the self-subordination of the ruler to the gods, philosophers and the law in Julian’s *Letter to Themistius* means that the virtue of the “perfect man” at the top of the polis is no higher ranked virtue than that of his officials or subjects. It is merely obedience to the gods, philosophers and laws, something he shares with the officials, and together they have the political authority to lead the subjects to obedience.

34 From a pragmatic context the *agentes in rebus*, whose number and activity Julian limited, could be meant (See Lib. *Or.* 18.135–139). For a general overview of the *agentes in rebus* see Jones 1964, 578–582.
35 Julian’s definition of σωφροσύνη (*Or.* 12.9.343a3-c2) also alludes to the contemporary political conditions in Antioch such as the warning that the poor should not incur any harm from the rich, which refers to the exorbitantly high cost of living that Julian attempted to “mitigate” by controlling the price of grain and financing grain imports (41.368c2–369b6), or abstaining from anger refers particularly to the exposure to negative reactions in Antioch to this policy.
4. Conclusion

Julian, unlike Themistius, does not maintain a formal dependence on the Platonic Republic for his image of society which identifies that ideal image with the social and political reality of the actual society in 400 CE. Rather Julian attempts—in alignment with the Neoplatonic reform program—\(^{36}\) to take the “second-best” constitution from the Platonic Laws in order to reform the politics and society of his time. This means a no less ambitious project than the Republic, which is distinguished by the largest possible community sharing all goods (for example the well-known communities of women and children), attitudes and value judgments, and even sentiments.\(^{37}\) Instead of that, in the polis of the Laws both private property and family are allowed. Common laws and education allow a community of many individuals, their attitudes and emotions regarding the common good.

From the point of view of a reform program which is modeled by the Laws, Themistius’ assertion of a nearly realized Republic seems like propaganda and flattery, as Julian’s first reaction to Themistius’ letter shows. He takes Themistius’ comparison of him to Dionysius, Heracles and the ideal of the philosopher-king—with the necessary politeness of the letter—for mere flattery or even lies (Jul. Or. 6.2.254b2 f.). At the same time he takes Themistius’ philosophical arguments seriously and attempts to refute them. In the end he asks him, along with all philosophers, for help with his political challenge (Jul. 6.13.266d5–267a2). His stance toward Themistius can be described as ambivalent at best.

Conversely, Themistius may have felt thoroughly misunderstood. Because his theoretical orientation toward the philosophy kingdom of the Republic, which he freely avoids in favor of an Aristotelian dichotomy between advice giving philosophy and advice following politics is nothing more than a conventional topos of his panegyric. At the same time it might have been his strategy to show the emperor his real challenge with the exposition of his political ideal, in order to offer him his advice or even his critique. According to Themistius’ self understanding the accomplishments and challenges of philosophers include advice, critique and education of the people, as well as of his ruler, and the politically active creation of peace in war and harmony among the people (Virt. 44–47,458–462).\(^{38}\) This is apparently a challenge from the emperor, which the philosopher, even though he has no political power, takes on solely through his speeches and his public example.

In this sense Themistius has the same effect as the “great, perfect man in the polis” cited in Julian’s Misopogon. He is not only himself virtuous, but he is also capable of teaching others about virtue even if it is through the conventions of the panegyric and within the confines of his political position. And Themistius fulfills the

\(^{36}\) See n.204, above.

\(^{37}\) See Lg. 5.739c6-d3.

\(^{38}\) Cited by Gildemeister/Bücheler 1872.
task of philosophy defined by Julian in his *Letter to Themistius* and when he asks for Themistius’ help as a philosopher. However, as we’ve seen even if one accepts this partial agreement, Themistius still diverges from Julian in the theory of kingship and above all the role that piety plays for the king. Thus it is not surprising that Julian sought philosophical advice more from Maximus of Ephesus and Priscus who, in the tradition of Iamblichus, taught the connection between theurgy and philosophy and who supported his preference for divination, sacrifices and other ritual practices. With his balanced and tolerant paganism, Themistius hardly came into consideration as an advisor and educator, even if Julian still valued him as a former teacher. For these reasons Julian could hardly entrust him with a higher office, even if he didn’t revoke the one he already had. Despite their partial agreement the distance between the leading panegyric of the second half of the fourth century CE and the last pagan emperor was seemingly mutual.