

RECALLING THESEUS

PHILOSTRATUS' PORTRAIT OF HERODES ATTICUS

Philostratus' third-century AD text, the *Lives of the Sophists*, which invents and defines the so-called 'second sophistic', privileges Athens over any other city in the empire and Herodes Atticus over any other sophist. Athens is the centre of sophistic activity; Herodes is the city's most prominent citizen, and both the city and the man combine to create and reinforce each other's significance within this work to the extent that the whole sophistic scene seems to be controlled by Herodes, and Athens itself becomes his domain.¹ There has been a lot of scholarly attention paid to Herodes in recent years, but less to Philostratus' rhetorical presentation of him, since many scholars have long accepted Philostratus as a eulogist or at least an apologist for the great man.² On a superficial level this picture, particularly Philostratus' defensive stance towards Herodes,

¹ See Anderson 1986, 83; Eshleman 2008, 397-9; Eshleman 2012, 128-32; Kemezis 2011. See also Civiletti 2002, 30-31. Kemezis 2014, 212, describes the movement's establishment by an exiled Athenian in Aeschines, its early flourishing in Asia, and Herodes Atticus as the instrument that brings it home to Athens and makes that city its centre. See also Bowie 2015, 241-2. This article focuses on the construction of personal identity and legacy in particular, but will touch on aspects of cultural identity, whether literary or historical, that has been the focus of 'second sophistic' studies. Some of the most important of these studies are: Bowersock 1969 (the political importance of imperial sophists); Bowie 1970 and Swain 1996 (on Greek cultural resistance/acquiescence to Roman power); Gleason 1995, Schmitz 1997, Connolly 2001, Whitmarsh 2001 and 2005 (on the performativity, mutability, and competitive nature of imperial Greek identities). See now also König 2014.

² For example, Tobin 1997, 7: 'Philostratus tries to present the more negative events in Herodes' life... in as positive a light as possible... he could not completely hide unpleasant facts about Herodes' life. Instead, he tried to defend them or minimize them'. Cf. König 2014, 253: 'Herodes Atticus, who is in a sense the great star of Philostratus' work, and repeatedly defended by him'; Papalas 1979, 96. See also Kemezis 2014, 209, for the idea that Philostratus' Herodes is 'the embodiment of everything a sophist should be'. Cf. Kemezis 2011, 8-11.

holds true. Yet, I argue, a closer look reveals that the anecdotal biography is actually a complex mix of praise and blame. Herodes appears as a ‘larger than life’ character, who is ever teetering on the verge of antisocial behaviour at the same time as he dominates sophistic society in Athens.³ The most prominent aspect of Philostratus’ critique involves the refraction of Herodes through a sophistic lens; that is, Philostratus uses the opposing concepts of the tyrant and the king, the ambiguous figure of the hero, and the ‘blameless’ figure of the philosopher (who appears as a foil to highlight Herodes’ excesses) to meditate on Herodes’ place as an elite Greek in both Athens and the Roman empire.⁴ Herodes’ nature is in sharpest relief when he is juxtaposed to Roman emperors and, in this relationship, Herodes comes to resemble Athens’ legendary king, Theseus.

The majority of our evidence for Herodes, however, is monumental, demonstrating his desire to write himself into the landscape on his own terms as prominently and vastly as possible.⁵ Like many of his contemporaries, he combines monumentalization with extensive epigraphic activity, but on a grander scale than his sophistic peers.⁶ A sensitive reading of this material evidence confirms the individuality, ambiguity, and complexity of Philostratus’ rhetorical portrait, but also highlights the influence Philostratus has exerted in shaping Herodes’ memory despite his own best efforts.

³ For a depiction of another of Philostratus’ sophists, Polemo, as having similar social issues, but from the perspective of psychological dysfunction, see Lauwers 2015.

⁴ See VS 481 for Philostratus’ conception of the ‘second sophistic’ and the importance of *epideixis* in character. See also Whitmarsh 2001, 42; 2005, 4-5.

⁵ On Herodes’ monuments, see Tobin 1997 and Galli 2002.

⁶ See Ameling 1983 and Tobin 1997 for catalogues of inscriptions relating to Herodes. See Arafat 1996, 191-2, for the grand scale of Herodes’ benefactions and the notion that this activity is designed to be noticed by his contemporaries.

In this article, I reconsider Philostratus' Herodes by demonstrating how he uses stock rhetorical figures to characterize the Athenian magnate. Secondly, I show how reading Philostratus alongside elements of Herodes' material-culture footprint builds a fascinatingly complex picture of one of the most charismatic and repellent figures of second-century Greece. Finally, I suggest reasons for the ambivalent quality of the portrait of Herodes that emerges from this process. By way of introduction, I will consider one episode during which Philostratus constructs the various aspects of Herodes' character on which I later enlarge.

1. Hero, King, Tyrant, or God? The Isthmus of Corinth

ἤλαυνε μὲν τὴν ἐπὶ Κορίνθου ὁ Ἡρώδης ζυγκαθημένου τοῦ Κτησιδήμου, γενόμενος δὲ κατὰ τὸν Ἴσθμὸν 'Πόσειδον,' εἶπεν, 'βούλομαι μὲν, ζυγχωρήσει δὲ οὐδεὶς'. θαυμάσας οὖν ὁ Κτησίδημος τὸ εἰρημένον ἤρετο αὐτὸν τὴν αἰτίαν τοῦ λόγου. καὶ ὁ Ἡρώδης 'ἐγὼ,' ἔφη, 'πολὺν χρόνον ἀγωνίζομαι σημεῖον ὑπολείπεσθαι τοῖς μετ' ἐμὲ ἀνθρώποις διανοίας δηλούσης ἄνδρα καὶ οὐπω δοκῶ μοι τῆς δόξης ταύτης τυγχάνειν'. ὁ μὲν Κτησίδημος ἐπαίνους διήκει τῶν τε λόγων αὐτοῦ καὶ τῶν ἔργων ὥς οὐκ ἐχόντων ὑπερβολὴν ἑτέρωι, ὁ δὲ Ἡρώδης 'φθαρτὰ,' ἔφη 'λέγεις ταῦτα, καὶ γὰρ ἐστὶ χρόνῳ ἄλωτά, καὶ τοὺς λόγους ἡμῶν τοιχωρυχοῦσιν ἕτεροι ὁ μὲν τὸ μεμφόμενος, ὁ δὲ τό, ἢ δὲ τοῦ Ἴσθμοῦ τομὴ ἔργον ἀθάνατον καὶ ἀπιστούμενον τῇ φύσει, δοκεῖ γάρ μοι τὸ ῥῆξαι τὸν Ἴσθμὸν Ποσειδῶνος δεῖσθαι ἢ ἀνδρός.'

Herodes was driving to Corinth with Ctesidemus sitting by his side; on arriving at the Isthmus, Herodes said: 'Poseidon, I want to do it, but no one will let me!' Amazed at what he had said, Ctesidemus asked him the reason for his remark. So Herodes replied: 'For a long time I have been striving to leave behind to men

that come after me some sign of an intention that reveals me as a man, and I consider that I have not yet achieved this reputation.’ Then Ctesidemus narrated praises of his words and his deeds which no other man could surpass. But Herodes replied: ‘All this that you speak of is perishable and liable to conquest by time, and others will plunder my speeches, criticizing now this, now that. But the cutting of the Isthmus is an immortal achievement and unbelievable by nature, for it seems to me that to cleave through the Isthmus requires Poseidon rather than a mere man.’⁷ (Philostr. VS 552)

This passage reveals three important aspects of Philostratus’ Herodes: his ambition to make a mark on the world that is unique and appropriate to his self-conception; his fear of mortality and loss of control over his reputation which it ensures; his desire for a heroic kind of immortal fame. The language Philostratus assigns to Herodes identifies the metaphorical framework within which we are to locate him: he is striving (ἀγωνίζομαι) to leave behind him a sign (σημεῖον) of a purpose/intention (διανοία) that reveals him as a man (άνήρ); yet, in this case, perhaps άνήρ is best taken as meaning the (great) man that he is.⁸ The word ἀγωνίζομαι signals a contest and, in the context of the passage, suggests that he is striving with himself, future generations, and the past, in that he wants to leave something indelible, remarkable, and unique. From Homer onwards, the word σημεῖον has invoked a funeral monument or tomb marker.⁹ Herodes’ σημεῖον must also be a

⁷ Translations are my own unless otherwise noted.

⁸ In Philostratus’ VA, ό άνήρ is used to refer to the protagonist and seems to be a title of honour, meaning something akin to ‘the great man’, e.g. VA 1.2, 1.5, 1.6, etc.. Here, the accusative άνδρα also recalls that most famous man, the hero Odysseus. See van Dijk 2009 for VA intertexting with the *Odyssey*.

⁹ See Steiner 2001, 254-9. For σημεῖον being equivalent to σήμα see *LSJ* s.v. σημεῖον.

concrete, physical item and not open to misinterpretation, unlike his words, which have brought him contemporary fame, but which can be manipulated by future audiences, with the implied potential consequence of manipulating his memory. At the same time, it suggests a rivalry with the past, since carving the Isthmus places him in competition with all those men who have tried and failed at this task before him.¹⁰ The phrase ‘an immortal task and unbelievable in nature’ (ἔργον ἀθάνατον καὶ ἀπιστούμενον τῇ φύσει) stresses the ‘man-made’ character of the hypothetical canal, but also the enormity of the task. Thus it is fitting Herodes’ words and deeds are praised, two concepts that, when paired, recall both Homer and Thucydides, and which are attributes fitting to the ‘hero’ (ἥρωες) that Herodes’ name (Ἡρώδης) conjures and on which Philostratus plays throughout his anecdotal biography. This notion of altering nature is consistent with the earlier, pre-Troy, questing generation of mythological heroes, who performed a civilizing function on the natural world, and the Isthmus is strongly associated with the Athenian hero-king, Theseus, who supposedly erected a pillar there delineating the boundary between the Peloponnese and Ionia (Strabo 3.5.5; 9.1.6-7; Plu. *Thes.* 25.4).¹¹ Like heroes, however, tyrants too are renowned in literary sources as trying to control and shape the natural world.

By implication, especially if Philostratus is the author of the *Nero* dialogue in the corpus of Lucian,¹² any attempt to cut the Isthmus would also place Herodes in direct rivalry with that emperor, who himself tried to create an Isthmian canal. Needless to say, Nero is a tyrannical

¹⁰ The following royal or tyrannical figures also dreamt of cutting the Isthmus: Periander (Diogenes Laertius 1.99), Demetrius Poliorcetes (Strabo 1.3.11), Julius Caesar (Suet. *Caes.* 44.3; Plu. *Caes.* 58.4), Nero (Philostr. *VS* 551, *Nero* 2, *VA* 4.24), Caligula (Suet. *Cal.* 21). See Tobin 1997, 314, and Whitmarsh 1999, 142 n. 3.

¹¹ See Philostr. *VS* 551 for offerings made by Herodes at the Isthmus. Herodes’ Marathonian arch intertexts with both Theseus’ Isthmian pillar and Hadrian’s arch in Athens. See Tobin 1997, 243-4 and Gleason 2010, 135-8.

¹² On the text as Philostratean, see Whitmarsh 1999, 143-4.

figure. In the *Nero*, the *Lives of the Sophists*, and *Life of Apollonius of Tyana*, cutting the Isthmus is cast as a great deed of heroic proportions by the men who wish to do it (VS 551, *Nero* 2, VA 4.24);¹³ however, all three works mock this notion. So, for example, when Nero personally abandons the task, Philostratus notes: ‘he went to Corinth believing he had surpassed all the deeds of Heracles (τὰ Ἡρακλέους δοκῶν ὑπερβεβῆσθαι πάντα)’ (*Nero* 3). Nero’s self-belief, like that of Herodes, is raised to a heroic register and Heracles is the one hero who, in some traditions, achieved immortality. It is also in this implication that Philostratus undermines Herodes’ rhetoric, since in the *Nero* the emperor’s attempt to cut the Isthmus boils down to a lot of show, little personal effort, and less effect: he turns a clod of earth with a golden fork and then leaves the task to slaves, eventually calling off the effort entirely (*Nero* 3). This image of the ineffectual Nero wielding a two-pronged fork (δίκελλα) is clearly meant to contrast negatively with Poseidon and his trident and ties into Herodes’ lament that the cutting of the Isthmus is a task fit only for this god, with the effect of mocking Nero and belittling Herodes’ aspirations. The connection between these men is strengthened by Philostratus’ *Apollonius of Tyana* 4.24, in which the same motive given to Herodes at *Lives of the Sophists* 551 – that of wishing to reduce the length of the sea voyage – is attributed also to Nero. Moreover, Herodes’ statement, ‘no one will allow me’, implies permission is withheld by the current emperor as well. Philostratus confirms this, stating: ‘he did not have the courage to ask permission from the emperor (ἐκ βασιλέως), lest he be accused of grasping at an intention (διανοίας...ᾗπτεσθαι), which not even Nero achieved’ (VS 551). Herodes’ great ambition (that purpose or διανοία that reveals him to posterity) is kept in check by those who have power over him and in this particular case he is compared negatively and ironically to Nero. The stress Herodes places on the commemorative potential an Isthmian canal promises recalls the

¹³ On Nero’s ambition, see also Dio Cassius 58.16-9; Suet. *Nero* 19; and Joseph. *BJ* 3.540.

actions of another tyrant in Herodotus' assessment of Xerxes' creation of a canal by Mt Athos: 'he wanted to show his power and to leave something by which to be remembered (μνημόσυνα λιπέσθαι)' (*Hist.* 7.24).¹⁴ Xerxes' actions are invoked as tyrannical by both Herodotus and Dio Chrysostom (*Orations* 3.31-41), who labels the cutting of Athos and the chaining of the Hellespont as examples of tyrannical obsession.¹⁵ So, here Philostratus stresses the tyrannical nature of Herodes' quest for self-commemoration. At the same time, however, he has connected or contrasted Herodes to the legendary Athenian hero-king Theseus, the god Poseidon (albeit demeaningly), and Roman emperors (whose power surpasses his own). Finally, if the comparison with Nero holds, there must also be an implied contrast to Musonius Rufus, the philosophical foil of the emperor in Philostratus' *Nero*.¹⁶ Aligned with a tyrannical emperor and opposed to a philosopher is an odd position for the greatest of imperial sophists to find himself in, but this is not an isolated incident in Philostratus' *Lives*. Indeed, throughout the biography, the relationship between Philostratus' Herodes, Roman emperors, tyranny, and philosophy is essential to understanding his characterization, and it is to this dynamic that I now turn.

2. Sophistic Tyranny, Imperial Democracy

Any scholarship addressing Greek literature in the Roman imperial period must inevitably engage with the complexity, mutability and performativity of contemporary cultural identity, and the tension created by the many possible elite identities (Greek, Roman, local, etc.) available within

¹⁴ See also Diod. Sic. 2.7-15 on Semiramis.

¹⁵ Cf. Whitmarsh 1999, 149.

¹⁶ See Whitmarsh 1999 144-7.

the Roman imperial power structure.¹⁷ Indeed Herodes and his contemporary elite sophists existed in a complex relationship with both their *polis* and Rome. Although a circumscribed autonomy remained within Greek *poleis*, especially for the elite, the wider context of Roman imperial rule ultimately limited their political and personal expression. Although the composition of literature was one method available to shape one's identity both in the present and for posterity, the most common means of creating a lasting identity was to embed oneself in public space by granting benefactions to cities and constructing personalized funerary monuments.¹⁸ Individual statues could be granted by cities and, although the recipient was often required to pay for such honours him-/herself, control over how that honour was expressed was not guaranteed.¹⁹ Nevertheless, the boundaries of personal expression were elastic and, in his building activities and political interactions, we can see Herodes Atticus distinctively rivalling and imitating imperial behaviours.²⁰ This kind of conduct, however, especially with respect to public building, could place one on shaky political ground. Although, theoretically, tyrannies should not have been able to exist within the empire, there are numerous examples of the language of tyranny being applied to prominent citizens; so the perception existed that any individual, who came to dominate a given *polis* fiscally and politically, laid himself open to the potential accusation of tyrannical behaviour,

¹⁷ See the studies listed in n. 1 above and, on Greek culture and Roman power, especially Whitmarsh 1998 and 2001, 2-4.

¹⁸ See Smith 1998, 56-93, especially 70-7, and Gleason 2010 for the incorporation of diverse cultural elements into Roman Greek monuments. See Mitchell 1987, 333-65, for the circumstances and nuances of elite euergetism.

¹⁹ Veyne 1990, 125.

²⁰ See Tobin 1997, especially 291-3, and Gleason 2010 for some examples of this practice. See also Arafat 1996, 191. Kemezis 2014, 213-14, argues that a figure like Herodes could only exist in a provincial centre because Rome was the emperor's city and it would be impossible to mark its cityscape in the same way.

especially from his political rivals.²¹ Herodes' own grandfather had been condemned as a tyrant under Domitian, a circumstance mentioned in the first paragraphs of his Philostratean life (VS 548).

Nigel Kennell has made a case for there being a genuine perception of Herodes as tyrannical among the Athenians.²² He has shown that an inscription (*EM* 13366, *SEG* XXIX 127),²³ recording a letter from Marcus Aurelius to the Athenians, deals with Herodes Atticus and his relationship to the citizenry.²⁴ As Kennell explains, 'Marcus Aurelius' main and indeed probably only motive in sending this letter was to settle suits involving Herodes ... and thus end the stasis that had racked Athens for so long'.²⁵ Plutarch, in his *Praecepta* 815a, warns that political stasis, which he characterizes as marked primarily by 'ambition and contentiousness of the first citizens' (πλεονεξία καὶ φιλονεικία τῶν πρώτων), can lead to devastating forms of intervention by Roman authority and should thus be avoided.²⁶ The stasis referred to here is the conflict between Herodes and the *demos*, which is mentioned by Philostratus and which resulted in the Athenian assembly inviting the then proconsuls, the Quintilii brothers, to a meeting and claiming that they lived under a tyranny (VS 559). Kennell convincingly argues that Marcus Aurelius' letter derives from the aftermath of the resulting trial of Herodes in Sirmium. Moreover, the focus in the emperor's letter on the social advancement of freedmen and their descendants is

²¹ See Kennell 1997, 351-5, for examples. See also Tobin 1997, 285-94, and Dio Chr. *Orationes* 47.

²² Cf. Tobin 1997, 285-94.

²³ See Oliver 1970, 1-40; Jones 1971, 161-83; Follet 1979, 29-43; Ameling 1983, 182-205 no. 189; Tobin 1997, 41-7; Civiletti 2002, 591 n. 98 and 99.

²⁴ Kennell 1997, 346-62, especially 347-9.

²⁵ Kennell 1997, 349.

²⁶ See Hogan (forthcoming) for a discussion of Pausanias' attitude towards stasis with bibliography.

indicative of the Athenian perception that Herodes had tyrannical aspirations over their city. By flooding its institutions with freedmen loyal to him, Herodes increased his political power.²⁷

Nevertheless, imperial Greek authors, such as Dio Chrysostom (*Orations* 47.23-5), Lucian (*Sat.* 26; *Cal.* 13), and Athenaeus (5.54), among others, point out that the line between kingship and tyranny was fine, especially in rhetoric, and two key elements defining both were displays of wealth and lavish building.²⁸ In Philostratus' account, Herodes is criticized in particular for his public building. Indeed, although Herodes was a prolific private as well as public builder, Philostratus mentions only his public benefactions, completely ignoring his private accomplishments, except for statues of the *τρόφιμοι*, for which (Philostratus notes) he is accused of extravagance by the Quintilii (VS 559). This neglect of Herodes' private monumentalization is interesting, given that in imperial times tyrants were also often accused of excessive private construction, such as the emperor Nero and his golden house (Tacit. *Ann.* 15.41-2) or Dio Chrysostom's defence of his own lavish home (*Orations* 47.25). Philostratus' silence may indicate a desire to highlight Herodes' public generosity and to promote ambiguity in the nature of his hold over Athens – is it emperor-like, kingly, or tyrannical? Regardless, given the political reality of the empire, in which local elites strove for influence over their cities, 'tyrant' was a likely label to be applied to any wealthy elite with aspirations to dominance over a given city, particularly since the rhetorical difference between tyranny and kingship was really a matter of perspective (Dio Chr. 47.25).²⁹

²⁷ See Kennell 1997. See Civiletti 2002, 520 nn.102-4, for those prominent Athenians arrayed against Herodes.

²⁸ See also Tobin 1997, 285-94 and Kennell 1997, 353-4.

²⁹ See also Tobin 1997, 291.

Within the *Lives of the Sophists*, the words τύραννος and βασιλεύς are used in very specific ways. Of the eighty-three times βασιλεύς is used, it is applied eight times to the Persian king, once to the king of Bosphorus, twice to Herodes with respect to his eloquence, and all seventy-two other times to a Roman emperor. On the other hand, τύραννος is used once in Philostratus' description of the rhetorical nature of the second sophistic (VS 481), once in an epideictic theme (VS 569), eight times to denote Dionysius of Syracuse (VS 499-500), twice in relation to Critias (VS 501-2), once for Athens' 400 tyrants (VS 498), twice to denote Domitian (VS 488), twice for Heliogabalus (VS 625), once for the charge against Herodes' grandfather (VS 547), and finally once for the similar charge against Herodes (VS 559). So, in the *Lives of the Sophists*, the term τύραννος is far more flexible than βασιλεύς. Where βασιλεύς overwhelmingly denotes the office of emperor and is used predominantly as a straight-forward, if honorific, political designation (as in most imperial Greek literature),³⁰ τύραννος is loaded with moral judgement and applied to 'bad' emperors, classical tyrants, or contemporary prominent provincial elites (who also happen to be part of Herodes' family).³¹ Within this particular text βασιλεύς is essentially used to describe legitimate kingship and τύραννος those who have transgressed or abused their accepted power roles. In the particular rhetorical landscape of this text, whatever kind of 'king' an elite Greek strove to be, he would always be juxtaposed to the established βασιλεύς that was the emperor. At the same time, the phenomenon of the tyrant was always localized and in reality more so than rhetoric, the individual concerned needed to walk a fine line so as not to tread on the toes of Rome in his

³⁰ See Mason 1974, 120-1, for a discussion of the official and literary use of βασιλεύς in reference to the Roman emperor. It is in literary use by the first century AD and begins to appear in inscriptions around the time of Hadrian, but it is not used with formal imperial titles in inscriptions until the time of Gordian III.

³¹ See Mestre and Gómez 2009, 101-04, for how Dio Chrysostom and Lucian use τύραννος and its moral dimension.

ambitions, as Herodes' grandfather had done, since it was ultimately the emperor who decided the validity of and punishment for any such charge.³²

The section of Herodes' life, which describes the charge of tyranny, clarifies the power relationship the *Lives of the Sophists* constructs between legitimate and illegitimate kingship. Philostratus explains: 'when [the Quintilii] were both governing Greece, the Athenians invited them to a meeting of the assembly, and launched speeches (φωνὰς ἀφῆκαν) that they were being tyrannized (τυραννευόμενοι), meaning by Herodes; and finally begged that what they had said (τὰ εἰρημένα) might be passed on to the emperor's ears (τὰ βασιλεία ᾗτα)', (VS 559). There are two elements of interest here. The first is the juxtaposition of βασιλεύς, referring to the emperor, with tyranny, referring to Herodes. Though τύραννος and τυραννέω could be used neutrally for an absolute (usually non-dynastic) ruler, here, in juxtaposition with βασιλεύς, clearly it is signifying abuse of power and illegitimacy.³³ Moreover, Herodes' response, that the Quintilii were plotting against him and were inciting the Athenians to attack him (VS 559), is very much that of a man concerned for his power over the city. In contrast to Herodes' own position, when Philostratus describes the charge of tyranny against Herodes' grandfather, he stresses that the Athenians did not bring it (ὡς Ἀθηναῖοι μὲν οὐκ ἐπήργον, VS 548). The second element of interest is the apparent

³² Kennell 1997, especially 356.

³³ See Parker 1998, 145-72, for the development of the word τύραννος. He notes that the negative associations of the word are most clear in Athenian sources and suggests that this is a development in response to the fact that Athens became democratic so early in its history. See Rosivach 1988, 43-57, for the concept of the tyrant in classical Greece. See Ferrill 1978, 385-98, for a discussion of τύραννος in Herodotus and in wider classical literature in opposition to βασιλεύς. Tobin 1997, 286, notes that, in the archaizing context of Roman Athens, the concept of tyranny would recall classical tyrants, many of whom were known for their artistic patronage and building programs as much as their abuse of power. Cf. Mestre and Gómez 2009, 101-04.

contempt with which Philostratus reports the charge. The phrase φωνὰς ἀφῆκον invokes a picture of the Athenians throwing their words at Herodes, like petty missiles. This scene, however, also highlights the imbalance of power between the *demos* and the sophist, since in the *Lives of the Sophists* no one, at least in Athens, has the verbal weaponry to match Herodes. Philostratus also introduces this episode merely in order to explain the bad blood that existed between Herodes and the Quintilii, which would seem to be a less important aspect of the event than the charge of tyranny itself.³⁴ Philostratus goes on to say that Herodes blamed the Quintilii for the disquiet of the *demos* and for encouraging his political rivals (VS 559). So, Philostratus presents the charge as being politically motivated and his presentation of the Athenians is not particularly sympathetic. He then relates that the men, against whom Herodes brought a counter-charge of conspiracy, escaped Athens to seek refuge and understanding from Marcus Aurelius, who is described as being δημοτικώτερος (VS 560). This word is usually translated as ‘quite/somewhat/unusually democratic’ but in context the straight comparative ‘more democratic’ is also implied and the figure of contrast can only be Herodes or the proconsular court. Since the Quintilii were already ill-disposed towards Herodes, it would be strange for his accusers to find fault with their potential to make a favourable judgement. Accordingly, the comparison must be with Herodes. This characterization of Marcus Aurelius as more democratic than Athens’ leading citizen is striking, especially since Athens was ever the champion of democracy and prided itself on having overthrown or resisted a number of tyrannies in the past.³⁵

³⁴ See Kuhn 2012, 421-58, for the relations between Herodes and the Quintilii and their parallel careers.

³⁵ Parker 1998, 169. Note that the word ‘δημοτικώτερος’ is unusual, but appears in Aristotle and Isocrates in reference to the reforms of Cleisthenes in particular, and always in comparison to tyrants and tyrannical behaviours at Athens. See Aristotle, *Athenian Constitution* 22.1, 27.1, 41.2 and Isocrates, *On the Peace* 8.13, 8.108 and *Areopagiticus* 7.17, 7.23. See also Lysias, *For Polystratus* 13.

In the context of classical tyrannies, on which Philostratus is undoubtedly playing as will become clearer in my discussion of Herodes and Theseus below, this usage of δημοτικώτερος renders Herodes less Athenian and more monarchical than the Roman emperor. This is the rhetorical force of the word, but what Philostratus is suggesting in practice is that Herodes' accusers believed Marcus would be more impartial and open to the notional suffering of the Athenians, to the ideological position of Rome governing for the good of all and not just the wealthy few, and to the argument that Rome's authority ought not to be usurped by a local citizen who had gained too much power. The notion of empire as a democracy is key to Philostratus' presentation of Herodes in the *Lives* and is not an isolated instance, but recurs several times in the literature of the second sophistic, notably in Dio Cassius (52.14.3-5), Aelius Aristides (*To Rome* 60), and most significantly in Philostratus again, but this time in his *Life of Apollonius of Tyana*, in which the hero advises Vespasian against abdication and restoration of democracy.³⁶ Apollonius says:

τὴν δὲ τῶν ἀνθρώπων ἀγέλην οὐκ ἀξιῶ φθείρεσθαι χήτει βουκόλου δικαίου τε καὶ σώφρονος. ὥσπερ γὰρ εἷς ἀρετῇ προὔχων μεθίστησι τὴν δημοκρατίαν ἐς τὸ ἐνὸς ἀνδρὸς τοῦ ἀρίστου ἀρχὴν φαίνεσθαι, οὕτως ἡ ἐνὸς ἀρχὴ πάντα ἐς τὸ ξυμφέρον τοῦ κοινοῦ προορῶσα δῆμός ἐστιν.

³⁶ See Starr 1952, 1-16, for the idea of the empire as a democracy through time; see particularly 13-16 for examples from imperial Greek literature. See Markov 2013 for a summary and evaluation of various scholarly interpretations of Agrippa's and Maecenas' speeches in Dio Cassius 52. Espinosa Ruiz 1987 argues that Dio's Agrippa and Maecenas champion the same political ideal: a combination of δημοκρατία and μοναρχία, where δημοκρατία is equivalent to *libertas*. Kemezis 2014, 126-135 (esp. 130-35), argues that Maecenas' speech in favour of monarchy is about an ideal system rather than an ideal ruler and that Dio is not interested in the monarch's character; rather Maecenas' system is designed to function even with a 'bad' emperor. On Aristides relationship to Rome, see Pernot 2008, especially 188-90 on *To Rome*.

I do not think the human herd should perish for lack of a just and reasonable herdsman. For just as one man of exceptional virtue transforms democracy to make it appear the rule of one man better than the rest, so the rule of one man who is always looking out for the common good is a democracy. (VA 5.35.4)³⁷

Both Philostratus' Apollonius and Dio's Maecenas stress in different ways that classical Athenian-style democracy would be anachronistic and dysfunctional in the changed circumstances of the late republic and early empire. Dio's Maecenas in particular seems to suggest that monarchic democracy should consist of a definite hierarchy that places individuals in their most effective positions according to their particular talents and socio-economic station.³⁸ Nevertheless, the idea that the rule of one virtuous man, who acts for the common good, is like democracy well describes Philostratus' presentation of Marcus Aurelius in the *Lives of the Sophists* and contrasts sharply with his portrait of Herodes, whose efforts at benefaction appear predominantly selfish, in that their primary aim is to increase his own influence over the city and to preserve his own and his family's memory. Philostratus presents Herodes as attempting to dominate Athens in both the artistic and political realms. Yet it is precisely Marcus' association with philosophy and Herodes' lack of this virtue that colours their respective representations and interactions in the *Lives of the Sophists*. It is no accident that, in the *Life of Apollonius*, Philostratus attributes the above words to a philosophical sage.

³⁷ This is a variation on the debate in Herodotus' *Histories* 3.80-3 on the best type of government – monarchy, oligarchy, or democracy – with the conclusion that monarchy is best, if ruled by the best man who has the interests of all at heart. Of course, such a monarchy, especially in the long run, is hard to sustain, a point stressed by Otanes to his fellow Persians in Herodotus. Translation after Jones 2005.

³⁸ See Markov 2013, esp. 226-9.

3. The King of Words

In this section, I will consider Philostratus' juxtaposition of Herodes Atticus and the emperors in more detail. Philostratus sets Herodes up as the greatest of his sophists whilst simultaneously establishing Athens as the centre of sophistic activity. Indeed, the *Lives* characterize Herodes as ruling the sophistic scene.³⁹ He manages with great success within the city itself; when he is removed from it and placed before the emperor, however, his sophistic performances fail. Herodes is labelled ὁ βασιλεύς τῶν λόγων ('the king of words', VS 586) by Hadrian of Tyre and δεσπότην...καὶ Ἑλλήνων γλῶτταν καὶ λόγων βασιλέα ('the master and the tongue of the Greeks and king of words', VS 598) by Rufus of Perinthus, both of whom were his students. This use of βασιλεύς is the only time it does not refer to a genuine king or the emperor of Rome. Accordingly, when referring to Herodes' sophistic activities, it transfers that sense of legitimacy to his artistic rule. In the text, Herodes' negotiation of various situations within the Athenian sophistic scene validates this characterization, while his behaviour before emperors serves to undermine it. I will give two brief examples of the interactions between sophists in Herodes' Athens, which highlight his sophistic rule: one involving Philagrus of Cilicia, who negotiates it poorly, and the other Alexander the Clay Plato, who negotiates it well.⁴⁰ Then I will consider Philostratus' depiction of Herodes' own rhetorical skills, which constructs a more ambiguous picture of the sophist.

Philagrus makes several mistakes on his visit to Athens.⁴¹ Firstly, he tries to assert his authority over a group of Herodes' students, who roam the city like some kind of sophistic gang (VS 578-9), but is instead treated with disrespect. Secondly, angered by their inability to recognize

³⁹ Cf. Kemezis 2011, 8-10. Kemezis stresses the progression of sophistic culture from Ionia to Herodes' Athens.

⁴⁰ Kemezis 2011, 10-11, notes the contrast between Philagrus' and Alexander's experiences in Athens.

⁴¹ Cf. Kemezis 2011, 3. On this episode, see Eshelman 2012, 7-10; Kemezis 2011, 3-4 and 11; Papalas 1979.

him, he uses a word which Philostratus describes as ἔκφυλος (‘outlandish’); that is, he uses a non-canonical, non-Attic word. This particular error highlights how seriously Philostratus’ sophists take their classical Attic posturing. However, when challenged on his poor choice of vocabulary, Philagrus counters by making a claim to canonicity: he states that the classic from which the ἐκφύλον ῥῆμα comes is actually himself. This marks Philagrus out as someone who, through an inability to control his emotions, steps outside the faux-classical sophistic world and, in the process of tarnishing his contemporary reputation, stakes a claim for future reputation. At the same time, it marks him as an outsider in the city, since ἐκφύλον could also be taken to indicate that he is not from one of the tribes or φυλαί of Athens.⁴²

Following this incident, Philagrus writes demanding an apology from Herodes, who admonishes the visitor instead, saying, ‘it seems to me that you are not performing your *prooemium* well (οὐ καλῶς προοιμιάζεσθαι)’ (VS 579). Philostratus then explains that the true *prooemium* to any speech is winning the goodwill of the intended audience. Philagrus fails to heed Herodes’ advice, and his subsequent performance is hijacked and ruined by Herodes’ pupils, since instead of improvising, he tries to re-perform an old published speech, for which he had previously received great acclaim. This breaks the rules of sophistic performance in Herodes’ Athens, in which improvisation and variation are celebrated, and Philagrus is ridiculed. Philagrus’ failure can be viewed in two ways: firstly, as a simple attempt to hoodwink his audience and falsely inflate his reputation for epideictic oratory; secondly, as a deliberately transgressive act that is intended both to invest his work with greater literary clout and to champion written composition over spoken improvisation. By reproducing a previously successful performance, he treats his earlier epideictic speech as a kind of literature.

⁴² Whitmarsh 2005, 34. Cf. Eshleman 2012, 8-10, on Philagrus as an outsider.

In this episode, Philostratus' sympathies ostensibly lie with Herodes and his students, but it is specifically Philagrus' failure to negotiate Athens' sophistic culture correctly that determines Philostratus' position. There is nothing wrong with his abilities, only with his failure to reveal them in the expected way and his foolish attempts to challenge Herodes' authority.⁴³ Philostratus is critical of Philagrus' epideictic *faux pas* but, at the same time, the act of writing the sophists and their lives essentially creates the canon of the second sophistic and, in the sense of employing written expression to invest one's ideas with authority, Philostratus' practice approaches that of Philagrus more so than that of Herodes.⁴⁴ And yet it is a concern for self-commemoration which also marks Herodes as transgressive and difficult in Philostratus' biography. Indeed the anecdote of Philagrus' visit to Athens approximates Herodes' experiences outside Athens in the empire at large. Philagrus' primary failures are misjudging his audience and his inability to control his emotions before Herodes, Athens' King of Words, a form of failure before mastery that Herodes himself ironically repeats before the emperors Hadrian and Marcus. Philagrus fails in a second speech in Athens when he is overcome by emotion and literally loses the ability to speak (ἐσβέσθη τὸ φθέγμα ὑπὸ τῆς χολῆς, VS 580). Yet, Philostratus notes, Philagrus was later appointed to the

⁴³ For praise of Philagrus' abilities see the beginning of his life at VS 578. Kemezis 2011, 3-4, notes that, as well as the pressure of epideixis, the influence of factions, the centrality of Attic purity, and how the cultural milieu of the second-century functioned, the Phrygian Philagrus' life can be seen as demonstrating the 'ongoing progression' of sophistic mastery from Ionia to Athens that he identifies. Papalas 1979 argues something similar, in that although he sees the quarrel as orchestrated by Herodes and his students, it was done to reduce the influence of the Ephesian Lollianus, who was Philagrus' teacher and who held the municipal chair of rhetoric in Athens. See also Kemezis 2011, 11. Eshleman 2012, 7-10, convincingly represents the episode as a contest over insider and outsider status, and the fluid divide between the two.

⁴⁴ On Philostratus writing the canon of the second sophistic, see Eshleman 2008, 396; 2012, 125-7.

Chair of Rhetoric in Rome, the highest of such chairs and thus indicating the level of respect he attained in that city, but in Herodes' Athens he received only infamy (VS 580).

Alexander the Clay Plato, on the other hand, negotiates Athens and Herodes entirely successfully (VS 571-3), but encounters difficulties in Rome (VS 571).⁴⁵ In Athens, after beginning his declamation before Herodes' arrival, Alexander stops as soon as the great man appears in order to ask him which speech he would like to hear: the same one he is currently performing or a different one. Herodes defers to the audience, who reply that they would like to hear the current theme again. Alexander, understanding the performance constructs of Herodes' Athens, improvises a completely different speech on the same topic by varying his vocabulary and rhythms (VS 572-3). This anecdote shows just how great Herodes' sway over sophistry in Athens is and how democratic he can be in this sphere. It also reveals that Alexander recognizes his subservient position in Athens and that he must acknowledge Herodes' supremacy in order to succeed. Alexander's behaviour in Rome, however, fails to impress the emperor Antoninus. In contrast to his deference to Herodes, half-way through his speech, he demands unceremoniously that the emperor pay more attention to him. The emperor responds, 'I am paying attention (προσέχω)... and I know you well (ξυνήμι σου). You are the one who is ever arranging his hair (τὴν κόμην ἄσκῶν), cleaning his teeth (τοὺς ὀδόντας λαμπρύνων), polishing his nails (τοὺς ὄνυχας ξέων), and always smells of perfume (τοῦ μύρου ἀεὶ πνέων)' (VS 571). The emperor's dismissive focus on Alexander's carefully constructed appearance rather than his rhetorical ability suggests he considers this sophist all show and no substance. The different experiences and behaviours of Philagrus and Alexander in Athens and Rome shed light on Herodes' own oratorical performances,

⁴⁵ On Alexander in Athens, see also Kemezis 2011, 10.

to which I now turn. What is clear is that Athens and the empire at large are not the same fora and what will stand in one will not in the other.

Oddly, within the actual life of Herodes, Philostratus focuses very little on Herodes' own oratory, devoting only one brief section at the very end to a description of his style.⁴⁶ Yet this section paints Herodes as both tyrannical and strongly traditional. Philostratus says Herodes' style was inseparable from Critias' and that he acquainted the Greeks better with that orator, who had previously been overlooked (VS 564).⁴⁷ That Herodes chose to imitate the reportedly obscure Critias is typical of his presentation in the text (although this obscurity is clearly a Philostratean exaggeration). In imitating Critias, rather than Demosthenes, for example, he is demonstrating his own uniqueness, discerning taste, and vast classical knowledge. At the same time, he strengthens the canonical status of Critias by increasing that orator's airplay through *mimesis*. Moreover, Critias himself was a tyrannical figure being a leading member of the Thirty Tyrants and it is for this reason that Philostratus suggests the Greeks neglected him (VS 502). In his life of Critias, Philostratus calls the sophist 'the worst man (κάκιστος) amongst all who are notorious for wrongdoing (ὧν ἐπὶ κακίαι ὄνομα)' (VS 501). Although he labels Critias a tyrant, he condemns him for aiding Sparta and bloodthirstiness, not for overthrowing the democracy, which he stresses was already failing (VS 501). The use of the word προστήκομαι ('to cling to', 'to give oneself up to') to connect Herodes to Critias implies Philostratus may intend it to signify more than simply his oratorical style.⁴⁸ In the sentence following the oratorical comparison of Herodes to Critias, Philostratus notes that all Greece called Herodes one of the Ten (referring to the canon of orators,

⁴⁶ Cf. Kemezis 2014, 208.

⁴⁷ One speech survives, which has been attributed tentatively to Herodes, but which has also been identified as the work of Critias himself. See Wade-Grey 1945, 19-33, and Anderson 1986, 113. Cf. Civiletti 2002, 528 n. 140.

⁴⁸ Cf. Breitenach 2003.

in which Critias was not represented). The mention of this group so close to Critias' name would naturally highlight Critias' membership of that other numbered group – the Thirty – and subtly damn Herodes by association. Philostratus mentions specifically only two speeches of Herodes, both of which are made before emperors far from Athens: one before Hadrian in his youth (VS 565) and the other before Marcus Aurelius in defence of the charge of tyranny (VS 561). In both, the greatest of orators fails and the circumstances of each failed speech bracket the brief section in which Philostratus praises Herodes' skill. This sandwiching of flattery between failures calls into question the sincerity of Philostratus' praise and highlights the significant imperial circumstances of Herodes' sophistic misadventures, to which I now turn.

4. Philosopher-Emperor, Sophist-Tyrant

Philostratus' presentation of Herodes' failure before Marcus juxtaposes the emperor and the tyrant, the philosopher and the sophist. It makes Marcus Aurelius fit the paradigm of Apollonius' 'good shepherd' mentioned above and diminishes Herodes to resemble Philagrus in his excess of emotion and unwise challenge to greater authority. At the trial, the sophist is upset over the chance death of two favoured female servants and takes this out on Marcus, attacking him without any semblance of rhetorical disguise before storming out (VS 560-1). Indeed, Herodes' display of excess emotion, most often in association with death, is a recurring theme in Philostratus' life and at several points opens him to the ridicule of philosophers (VS 556-7).⁴⁹ On this occasion, Herodes slanders (καθίστατο ἐς διαβολὰς) Marcus 'with an aggressive and naked tongue' (ἀπηγκωνισμένη τῇ γλώττῃ καὶ γυμνῇ, VS 561). Marcus, on the other hand, is generous and gentle, and far from becoming angry brings a penalty which he describes as being 'as mild as possible' (κολάσει

⁴⁹ See also Lucian, *Demon.* 24 and 33 with *Cat.* and Mestre and Gómez 2009, who connect Herodes' reputation for excessive grief with his supposed tyranny. See also Gellius 19.12.

χρησάμενος ὡς οἶόν τε ἐπιεικεῖ) to bear on Herodes' freedmen rather than Herodes himself (VS 561). This reduces some of Herodes' power base without punishing Herodes directly. He also corresponds with Herodes after the trial to allay the Athenian's fears that Marcus holds a grudge and requests Herodes initiate him into the mysteries when he next comes to Athens (VS 562-3). Mentioning Herodes' position as priest of Eleusis is a way for Marcus to legitimate Herodes' prestige in Athens, without promoting his apparent tyrannical tendencies. Philostratus describes this letter as Marcus' *apologia* and calls it both φιλόανθρωπος and ἐρρωμένη ('kindly' and 'powerful'/'formidable', VS 563). Φιλανθρωπία is an imperial virtue and championed by Dio Chrysostom in his kingship *Orations* (e.g. 1.6, 1.18, 1.20).⁵⁰ The participle ἐρρωμένη is odd, however, given Philostratus' stress on the gentleness of Marcus' discourse and disposition. Consequently, perhaps Philostratus intends a pun on the Greek word for 'Rome', Ῥώμη, which also means 'strength' or 'might', and as such he draws attention to the fact that Marcus' philanthropic and philosophical response comes from a position of Roman power. Herodes' correspondence, on the other hand, is described as containing 'not a defence, but an accusation' (οὐκ ἀπολογία...ἀλλ' ἔγκλημα, VS 562). It is significant that this letter comes from Athens, Herodes' sophistic capital, and its contents stress Herodes' inability to play an appropriate imperial role.

Philostratus is regularly seen as excusing or defending Herodes' behaviour in this episode through highlighting the effect of his grief and showing that no ill will existed between Marcus and Herodes. It is, however, Marcus' restraint and philosophic nature that saves their relationship. Additionally, once the reader reached the life of Philagrus, s/he would be struck by how Herodes' belligerent conduct before Marcus' authority mirrors Philagrus' in the face of Herodes' sophistic

⁵⁰ On Dio Chr. *Orations* 1-4, see Whitmarsh 2001, 200-16; 2005, 60-3.

rule. Marcus, however, does not admonish Herodes in the way Herodes did Philagrus; instead he apologizes graciously and gives Herodes his ground or, rather, gently defines Herodes' sphere of influence for him by acknowledging his relative importance within the confines of Athens. The presumptuousness of Herodes' behaviour is emphasized by Marcus' wry command to the complainants in the case, which Philostratus marks as an exemplary philosophical moment: 'Make your defence, Athenians, though Herodes does not allow it' (ἀπολογεῖσθε...ὦ Ἀθηναῖοι, εἰ καὶ μὴ ξυγχωρεῖ Ἡρώδης, VS 561). This one comment highlights Herodes' imagined position over the Athenians and his actual position beneath the emperor. So, despite Philostratus inserting praise of Herodes' oratorical skills and mentioning the compliments of others, when Herodes does actually speak in the *Lives*, he is less the 'King of Words' and more a slave to his own emotions, just as Philagrus appeared to him in Athens. It is damning that Marcus is moved to tears by the rhetoric of Herodes' opponents rather than Herodes himself. In contrast, Marcus is praised by Philostratus as behaving ever in a manner worthy of a philosopher (VS 561). Marcus fails to lose his temper and he defuses the situation in a way that is acceptable to both Herodes and the *demos*, and that restores the correct imperial hierarchy.

This situation between Marcus and Herodes inverts the paradigm of the philosopher and the king mentioned earlier.⁵¹ Normally, the philosopher is the one who wisely counsels or challenges the ruler, whose philosophic virtue or tyrannical nature is revealed in whether or not he follows the sage's advice.⁵² And, it should be a Greek philosopher advising a Roman emperor.⁵³ In

⁵¹ On the relationship between philosophers and rulers with numerous examples, see Flinterman 1995, 162-92. On the ambivalence towards philosophy in the imperial period in general, see Trapp 2007, 1-22.

⁵² See Flinterman 1995, 162. See also Kemezis 2014, 219, who notes that Philostratus' Apollonius was only able to take on tyranny because of a moment of crisis in the empire, which does not exist during the Antonine years that form the backdrop for the *Lives of the Sophists*.

Philostratus' *Life of Apollonius*, the sage's Greekness is as important as his wisdom. This is demonstrated in how he is announced on arrival in India: 'a wise man, a Greek, and a good counsellor [has come]' (σοφός τε καὶ Ἕλλην καὶ ζύμβουλος ἀγαθός, VA 1.28). Elsewhere, Dio (*Orations* 1.8) explains that, for this kind of relationship to be successful, it is essential for the ruler to have a good nature and to be willing to listen. And, at the same time as being an advisor to kings, the philosopher is best revealed through his opposition to tyranny (οἶδα καὶ τὰς τυραννίδας, ὥς ἔστιν ἀρίστη βάσανος ἀνδρῶν φιλοσοφούντων, VA 7.1).⁵⁴

With this in mind, Marcus' meeting with Herodes at the latter's trial becomes laced with a complex set of meanings. Superficially, the roles are clear: Herodes is a Greek intellectual and Marcus is the Roman emperor. Importantly, Herodes is never labelled philosopher by Philostratus (unlike several others including Favorinus and Dio Chrysostom, whom he says were philosophers who were called sophists because of their eloquence, VS 484) and, indeed, his behaviour is corrected or admonished by philosophers on several occasions, including by Peregrinus Proteus (VS 563-4) and a certain Lucius (VS 556-7), who ridicules Herodes' outrageous grief.⁵⁵ In this trial too Marcus is cast in the role of a philosopher trying to correct an errant 'ruler' in Herodes and to

⁵³ Flinterman 1995, 173. See also Crawford 1978, 197; Rawson 1989, 235; Whitmarsh 1998. See König 2014 on the spectrum of interactions between elite Greeks and elite Romans in Philostratus' VS, especially 252-8 on sophists and emperors and the dissonance that creeps into all their interactions. See also Swain 1996, 396-400. Flinterman 2004, argues that, despite superficial similarities, sophists and philosophers saw their roles in relation to emperors as quite separate and that, unlike a philosopher, a sophist would not consider himself an imperial advisor.

⁵⁴ See Philostr. VA 7.1-3 for further examples of philosophers confronting tyrants.

⁵⁵ In this case, it is grief at the death of his wife, Regilla. Regilla's apparent murder once more casts Herodes as tyrannical, since he was accused of having the pregnant Regilla beaten by his freedmen. She subsequently died in premature childbirth. Such an act is also attributed to the tyrannical Nero, Cambyses, and Periander. See Ameling 1986, 507-8; Pomeroy 2007, 121-3.

free the Athenians from his perceived tyranny. Marcus is the most philosophical of the emperors in Philostratus' text but, as shown by Jason König, even he cannot quite manage to engage on an equal level as a Greek *pepaideumenos* nor can he escape the superiority of his station.⁵⁶ Perhaps this is the implication of ἐπρωμένη above. Nevertheless, here a Roman emperor instructs an elite intellectual Greek on how best to govern. This circumstance is particularly striking given that in the life of Theodotus, which follows that of Herodes, Philostratus mentions that Marcus assigned Herodes the task of choosing the inaugural chairs of philosophy at Athens, whilst he himself chose the chair of rhetoric (VS 566-7), a detail which highlights the topsy-turvy nature of Herodes and Marcus' relationship.⁵⁷ Additionally, Marcus' choice, Theodotus, contributed to the speeches against Herodes at his trial. Thus Marcus' interference changes the dynamic, at least symbolically, of the sophistic landscape in Herodes' Athens. Jaap-Jan Flinterman has demonstrated that, in general, sophists would not presume to advise emperors on anything greater than literature and rhetoric.⁵⁸ At his trial, Herodes shows no such restraint, but rather a kind of recklessness before the authority of Marcus that is reminiscent of a philosopher's fearlessness before a tyrant.⁵⁹ Philostratus says that it is his (very unphilosophical) emotions that drive the recklessness, but nevertheless Herodes is willing to face death by speaking his mind (VS 561). Harry Sidebottom argues that sophists and philosophers, particularly in the *Lives of the Sophists*, are delineated not by education or knowledge, but by outward signs such as physical aesthetic (clothes, expression,

⁵⁶ König 2014, 254-5.

⁵⁷ On this episode, see Civiletti 2002, 535 nn. 8-9.

⁵⁸ Flinterman 2004, 376. Cf. Rawson 1989, 253.

⁵⁹ See Flinterman 2004, 361-4.

grooming) and the way they communicate (gestures, tone, style of speaking).⁶⁰ It is in terms of such symbolism that Herodes comes to appear tyrannical and Marcus philosophical in the *Lives of the Sophists*. Philostratus exploits the categories of ‘sophist’ and ‘philosopher’ for their rhetorical potency in various contexts in a similar way to those of ‘tyrant’ and ‘king’. The type of careless audacity and excess emotion shown by Herodes is, however, characteristic of yet another stock rhetorical figure – the hero. Indeed, Herodes’ uncontrollable grief and habit of stepping outside the social norm because of it are two of his most persistent characteristics.⁶¹ Thus in the Sirmium episode both Herodes and Marcus play unexpected and surprising roles, with Marcus assuming less the guise of a judge and more that of a philosophical mentor and Herodes resembling both a ruler, who must be taught how best to rule, and a hero, whose personal expression is not governed by the same rules as society at large.

Herodes’ failure before Hadrian, on the other hand, is used by Philostratus to introduce one of the primary concerns of his sophists: the potential mortality has to affect one’s reputation. Philostratus describes the aborted speech in Pannonia (VS 565) immediately after his praise of Herodes’ rhetorical skills (VS 563-5) and just prior to his description of the sophist’s death and burial (VS 565-6). Philostratus states that ‘words failed [Herodes]’ (λόγου τινός... ἐκπεσεῖν) before Hadrian, comparing this to Demosthenes failing before Philip (VS 565), though Demosthenes still expected acclaim whereas Herodes wished to die. Philostratus explains Herodes’ suicidal impulse in the following way: ‘so overwhelming was his desire to become

⁶⁰ Sidebottom 2009, especially 72-87. See also Lauwers 2013, who concludes the apparent divide between sophistry and philosophy in imperial times was really only a problem from the point of view of someone who claimed to be a philosopher. Bowersock 2002 sees the categories as more of a continuum and the circumstances of the second century as bringing the two categories closer together. See also Brancacci 1986.

⁶¹ On the quality of Herodes’ grief, see Gleason 2010, 156-62.

famous as a rhetor that he assessed the penalty of failure at death (ὥς θανάτου τιμᾶσθαι τὸ σφολῆναι)’ (VS 565). It is striking that Philostratus turns immediately from this statement of wished-for death to Herodes’ eventual actual death. It is impossible for the reader not to connect the two trains of thought and conclude that, for an orator, silence is equivalent to death. Moreover, Philostratus has just connected death with failure. What that failure seems to be is an end to any control one may possess over one’s own reputation and commemoration.

5. Tyrant, King, Hero: Herodes and Theseus

Philostratus’ description of Herodes’ death and burial reveals some surprising elements, given his presentation of the ill-relations between the Athenian *demos* and the sophist:

Ἐτελεύτα μὲν οὖν ἀμφὶ τὰ ἑξ καὶ ἑβδομήκοντα ξυντακῆς γενόμενος.
ἀποθανόντος δὲ αὐτοῦ ἐν τῷ Μαραθῶνι καὶ ἐπισκήψαντος τοῖς ἀπελευθέροις
ἐκεῖ θάπτειν, Ἀθηναῖοι ταῖς τῶν ἐφήβων χερσὶν ἀρπάσαντες ἐς ἄστὺ ἤνεγκαν
προαπαντῶντες τῷ λέχει πᾶσα ἡλικία δακρύοις ἅμα καὶ ἀνευφημοῦντες, ὅσα
παῖδες χρηστοῦ πατρὸς χηρεύσαντες.

He died at the age of about seventy-six of a wasting sickness. And although he passed away at Marathon and had commanded his freedmen to bury him there, the Athenians, having snatched him away by the hands of the ephebes, bore him into the city, and every age came out to meet the bier with tears and wailing, as would sons who were bereft of a worthy father. (VS 565-6)

Joseph Rife has covered this episode extensively from a rigorously historical perspective.⁶² In what follows, I will approach it from a more textual, literary one. From the above passage we can see that Philostratus' Herodes was only truly accepted in Athens *after* his death and the Athenians' actions take control of his commemoration against his express wishes. Moreover, in its spontaneity, processional nature, the involvement of the entire *demos*, and the use of the verb *προαπαντάω*, this scene recalls the inscription (*IG II² 3606*) found in the village of Bey (near Marathon) which records in epic hexameter Herodes' return from the Sirmium trial as a triumphant entrance greeted by all the people of Athens.⁶³ It is impossible to say whether Philostratus knew this inscription or if its content reflects a genuine occurrence, but if he did, here he perverts Herodes' poem of heroic triumph to stress his mortality.⁶⁴ In keeping with the notion of a tyrannical Herodes, the procession described in the Bey inscription resembles the similar triumphal processions and *ἀπάντησεις* ceremonies for Roman governors or Hellenistic kings, such as Polybius' description of Attalus I's arrival in Athens (*Hist.* 16.25), or the *adventus* ritual for the arrival of an emperor.⁶⁵ Thus it may be that Herodes conceived of and actively promoted himself as kingly after the fashion of the Hellenistic rulers or as on a level with the emperor (at least in Athens), a possibility that only adds to the subversive effect of Philostratus' funeral scene.⁶⁶

⁶² Rife 2008.

⁶³ Ameling 1983, 205-211, number 190; Tobin 1997, 272-5; Skenteri 2005, 86-110. Rife 2008, 100-1, also makes the connection between the Bey inscription and Herodes' funeral, noting that the funeral bears characteristics of an *ἀπάντησις* ceremony. See Rife 2009 for other Philostratean deaths and elite funerary practices.

⁶⁴ See Skenteri 2005, 108-10, for Herodes as the likely author of the poem.

⁶⁵ See also Plb. *Hist.* 30.25-6; Athen. 5.196a – 203e. Skenteri 2005, 95-103, discusses the text and procession of Herodes' poem. See also Kuhn 2012, 449; Robert 1987, 470-4; Rife 2008, 101-2 and 101 n.60.

⁶⁶ Note that Veyne 1990, 125, claims that this kind of procession was usual for benefactors and not just the privilege of kings or governors; however, he cites no primary evidence in support. Cf. Tobin 1997, 275 n. 95. See Pont 2008,

Significantly, Philostratus mentions no such spontaneous welcome for Herodes after the Sirmium trial.

The removal of Herodes' body from Marathon and its transference to Athens calls to mind another monarch from the past, this time Athens' mythic past, in Theseus. Theseus has two homecomings: the first mythic following his triumph over the Minotaur, which was an occasion of mixed joy and sorrow, since the hero's forgetfulness inadvertently led to the death of his father Aegeus (Plut. *Thes.* 22.1-6); the second literal, when on the advice of the Delphic oracle, Cimon found and brought what he claimed to be Theseus' bones back from the island of Scyros (Plu. *Thes.* 36; *Cim.* 8.5-6; Thucyd. 1.98.2).⁶⁷ Plutarch records the event in the following way:

There a coffin was found of a man of extraordinary size, a bronze spear lying by its side, and a sword. When these relics were brought home on his trireme by Cimon, the Athenians were delighted, and received them with splendid processions and sacrifices, as though Theseus himself were returning to the city (ήσθέντες οί Ἀθηναῖοι πομπαῖς τε λαμπραῖς ἐδέξαντο καὶ θυσίαις ὥσπερ αὐτὸν ἐπανερχόμενον εἰς τὸ ἄστυ). And now he lies in the middle of the city, by the present gymnasium (καὶ κεῖται μὲν ἐν μέσῃ τῇ πόλει παρὰ τὸ νῦν γυμνάσιον). (*Thes.* 36.2)

185-211, for the ritual welcomes given to governors, and Robert 1987, 470-4 and Rife 2008, 101 n. 60, for some more literary examples of such communal welcomes.

⁶⁷ Thucydides does not mention Theseus' bones, but he does mention Cimon's expedition to Scyros. Podlecki 1971, 141-3, on Cimon's motivations for retrieving the bones. See also Walker 1995, 55-64, on Cimon and Theseus in general.

One parallel between Theseus' and Herodes' interments in Athens that is not clear from the passages is that Theseus had gone into exile on Scyros (Paus. 1.17.5-6) and, although it is denied by Philostratus, Herodes was rumoured to have been exiled as well for a time to Oricum in Epirus after his trial at Sirmium (VS 562). A kind of exile seems to be alluded to by Marcus Aurelius in his letter to the Athenians through his explanation that his pronouncements are designed to enable Herodes to take his rightful place among them again in the future (EM13366 ll. 87-94). There is a family connection between Cimon, Miltiades, and Herodes, as well as Theseus' own association with Marathon, which was shared by both Cimon, through his father Miltiades, and of course Herodes himself. Significantly, Cimon and Miltiades, of whom Philostratus says Herodes was proud, were both tyrannical figures (VS 546-7). Additionally, Cimon himself died far from Athens and his remains were also repatriated at a later date (Plu. *Cim.* 19.1-4).⁶⁸ Theseus, on the other hand, was connected to Marathon both through his killing of the Marathonian bull (Paus. 1.27.10) and the legend that an apparition of him appeared to the Athenians before the battle of Marathon and charged against the enemy in front of them (Plu. *Thes.* 35.8; Paus. 1.15.3). In Pausanias' version, it is directly following the battle that Cimon goes to Scyros and retrieves Theseus' bones.

Herodes' connection to Marathon was so strong that he wished to be buried there. Yet, like Theseus before him, he was instead interred in Athens, above one of his benefactions to the city; unlike Theseus, however, Herodes is buried extramurally:

ἔθαψαν ἐν τῷ Παναθηναϊκῷ ἐπιγράψαντες αὐτῷ βραχὺ καὶ πολὺ ἐπίγραμμα
τόδε·

Ἀττικοῦ Ἡρώδης Μαραθώνιος, οὗ τάδε πάντα,
κεῖται τῷδε τάφῳ, πάντοθεν εὐδόκιμος

⁶⁸ See Shapiro 1992, 29-49, especially 48-9.

τοσαύτα περὶ Ἡρώδου τοῦ Ἀθηναίου, τὰ μὲν εἰρημένα, τὰ δὲ ἡγνοημένα ἑτέροις.

They buried him in the Panathenaic [stadium], inscribing over him this brief and great epigram:

‘Herodes, son of Atticus, of Marathon, to whom all this belongs,
lies here in this grave, his good fame is everywhere’.

That is all I have to say about Herodes the Athenian; part of it has been told by others, but part was unknown. (VS 566)

Above is one translation of Herodes’ epitaph – the one which I prefer and which is championed by Joseph Rife.⁶⁹ However, there are two ways to read this inscription. If the comma after πάντα is removed, which is how most modern editions print the text, the epitaph reads: ‘Herodes, son of Atticus, of Marathon, of whom all that remains lies in this tomb, his good fame is everywhere’.⁷⁰ In this rendering the οὗ τάδε πάντα connects nicely to the idea of Theseus’ (and Cimon’s) bones returned to Athens. Rife, however, sets forth a good case for keeping the comma, including that the main clause lacks a verb, if κεῖται τῷδε τάφῳ becomes part of the relative clause. He also notes that, although κεῖται τῷδε τάφῳ is unique in surviving Greek poetry, its common substitute ἐνθάδε κεῖται is always in the main clause.⁷¹ If the comma is retained and the οὗ τάδε πάντα is taken to mean ‘to whom all this belongs’, the epitaph becomes more interesting from a rhetorical perspective. If this is what Philostratus intended, the sentiment behind it mocks the very notion that one’s memory can be preserved the way one desires, since it could be read to suggest that the epitaph was intended for the environs of Herodes’ Marathonian estate and Philostratus wants us to

⁶⁹ See Rife 2008, 112-13, on the translation of the epigram.

⁷⁰ This is how it appears in Kayser’s Teubner. See Rife 2008, 112.

⁷¹ Rife 2008, 112.

think that perhaps it too was transferred to Athens along with the body. At the same time, the way Philostratus reports it also plays with Herodes' ambitions whilst still living to dominate Athens.

The inscription identifies Herodes as belonging to Marathon (Μαραθώνιος), which is immediately countered by Philostratus' description of him as Athenian (Ἡρώδου τοῦ Ἀθηναίου). Although Marathon is inextricably linked to Athens, in Philostratus' life of Herodes a tension and opposition is created between the two locales through the Athenian *demos*' hostility to Herodes and Herodes' powerful connection to the deme. Philostratus' re-identification of Herodes in the epitaph is particularly jarring for two reasons: firstly, Herodes' express wish to be buried at Marathon, a task he had entrusted to his freedmen; and, secondly, the prior scene of his corpse being welcomed into the city versus Herodes' poem of triumphant return after Sirmium, which was inscribed at Marathon and which may or may not have been invented, but was surely exaggerated given the tensions in the city before the trial.⁷² The juxtaposition of the *demos* and Herodes' freedmen only strengthens this connection. The phrase οὗ τάδε πάντα ('to whom all this belongs') claims that the dead Herodes owns the stadium but also beyond that and in the context of Philostratus' *Lives* his Athenian surrounds, a notion that ridicules his ambitions while still living and that again highlights his lack of acceptance within the city itself. The second reading, 'of whom all that remains', only enhances the effect since the epitaph has an inherent ambiguity and this second meaning would probably have suggested itself to the educated reader, stressing that far from owning his surrounds, he is rather a pile of entombed bones within them.

⁷² Note that Kuhn 2012, 449, accepts the procession and Herodes' description of it as accurate and as evidence the Athenians took note of Marcus Aurelius' exhortation at the end of his post-Sirmium inscribed letter: 'When their care has been worked out in all matters, is it not possible for the Athenians to love my – and their very own – Herodes (τὸν ἑμὸν καὶ τὸν ἰδιὸν αὐτῶν Ἡρώδη στεργεῖν), since no other major conflict (μεγάλου | ἀντικρούοντος) still hinders their good will (εὐνοίαι)?' (EM13366, ll. 92-4). Translation adapted from Kennell 1997, 361 and Oliver 1970, 32.

Further, the phrase strengthens the case for this particular epitaph being presented as potentially intended for a Marathonian burial by Philostratus, since much of the area around Marathon indeed did belong to Herodes. As noted by Rife, the phrase οὗ τάδε πάντα is also an allusion to a much-quoted fragment of Antimachus concerning Nemesis, whose cult at Rhamnous was frequented by Herodes and his foster son Polydeukion: ἔστι δέ τις Νέμεσις μεγάλη θεός, ἣ τάδε πάντα | πρὸς μακάρων ἔλαχεν ('There is a great goddess Nemesis, who has obtained all these things from the blessed ones', Strabo 13.1.13), where τάδε πάντα signifies a region.⁷³ This allusion serves to promote Herodes' ties to Marathon and to alienate him further from Athens, especially given the story told by Pausanias (1.33.2-3) of the marble brought to Greece by the Persians intended for a victory monument, which was used instead by Pheidias to carve the cult statue at Rhamnous after Nemesis halted the Persians at Marathon.

With this reading, the words πάντοθεν εὐδόκιμος ('his good fame is everywhere') must be seen as ironic, particularly since Philostratus' text has consistently demonstrated that Herodes' reputation was mixed, being part fame and part infamy (especially within the confines of Athens). Yet, in the end, it is the Athenians who dominate Herodes rather than the other way round. In fact, the whole scenario sees Philostratus granting the *demos* ultimate revenge for Herodes' apparent tyranny: his trusted freedmen, who were detested by the *demos*, prove ineffectual and his final wishes for his burial and commemoration are usurped. Herodes' strongly stated desire for a Marathonian burial and the post-mortem actions of the Athenians admittedly have a semblance of *recusatio imperii* about them. The burial in Athens is an honour that should please its recipient despite his protests and, had Philostratus presented him as beloved at Athens, it would be a valid

⁷³ Rife 2008, 113. See Matthews 1996, 313-21, especially 319. Matthews argues τάδε πάντα in the Antimachus epigram means 'everything here on earth', but also cites Wyss 1936, who thought it referred to a specific region.

interpretation. As it is, the stadium site is not actually in Athens in the sense it is extramural and Herodes' death leaves him incapable of appreciating his belated acceptance and celebration by the *demos*, and once more highlights how unappreciated he was by them in life.

There are further circumstances that make Philostratus' description of Herodes' burial interesting. Firstly, it is strange that, in his earlier description of the Panathenaic stadium, Philostratus fails to describe or even mention Herodes' tomb (VS 550). It is possible he does this purposefully, since a description of the funeral monument and its iconography would give voice to how Herodes himself (or his family) wished him to be remembered and that image might conflict with Philostratus' own construction of Herodes' identity in the text. Alternatively, if the reused sarcophagus discovered in 1904 along with an inscribed altar above the eastern side of the stadium did originally belong to Herodes, perhaps the tomb had already been reused when Philostratus saw it, although this is unlikely.⁷⁴ Herodes died in the late 170s and the burial discovered within the sarcophagus dates from after AD 250.⁷⁵ Philostratus was writing the *Lives* in the late 230s or early 240s, but it is possible the tomb had three inhabitants. The clearest reasons for associating this sarcophagus with Herodes are Philostratus' funeral description and the inscribed altar (*IG* II² 6791), which is dedicated to 'the hero of Marathon' by parties unknown (...| ΕΡΩΙ | ΤΩΙ | ΜΑΡΑΘΩΝΙΩΙ |...) and which was used as spolia built into a wall of the chamber surrounding the

⁷⁴ For the initial excavation of the sarcophagus, see Skias 1905, 257-65.

⁷⁵ See Rife 2008, 104-7 with bibliography. Cf. Tobin 1993, 83-4, who believes that the sarcophagus was unlikely to have originally belonged to Herodes and then been reused, because most examples of its type date to the third century AD. Rife, however, argues on stylistic grounds that the sarcophagus dates to the last quarter of the second century and may have originally been Herodes'. The dating of the final burial is based on a coin of Decius (249-51) that was found in the mouth of the skeleton. See also Galli 2002, 20-1.

reused sarcophagus.⁷⁶ The presence of this altar does not indicate Herodes was definitively buried there, since hero cults did not need to be connected to a tomb; often a locale strongly associated with the ‘hero’ would suffice. Both the dedicator and the dedicatee of the inscription have been obliterated in what must be seen as a form of *damnatio memoriae*,⁷⁷ which in itself is fitting to Herodes’ apparent tyrannical aspirations and the notion that there was animosity towards Herodes on behalf of the Athenians. This animosity is apparent in Philostratus’ *Lives* whilst Herodes is alive, but (according to Philostratus at least) it appears to evaporate upon his death. The vandalized altar belies Philostratus’ version of events or, at least, it shows that the animosity returned at some point following the elaborate funeral. Importantly, the altar was most probably a private dedication since the erasure of ὁ δῆμος in the position of dedicator would be unparalleled,⁷⁸ and so may not be exactly contemporary with Herodes’ burial.

It is also possible Philostratus thought a description of the location of the tomb and its form unnecessary because it was so well known. Yet even were this third option the case, it seems odd to neglect these details in a work that ostensibly celebrates the fame of its subjects and discusses the possible tombs of the work’s secondary focus, Polemo, at some length and in some detail (VS 543-4). Finally, it is possible that Herodes was not buried at the Panathenaic stadium at all and that this tradition was invented by Philostratus. Philostratus is a sophisticated author who has a tendency to fictionalize in order to enhance his narrative purpose and his production of anecdotal history in the *Lives of the Sophists* should not be accepted as completely reliable;⁷⁹ so, this final

⁷⁶ See Rife 2008, 105-6; Ameling 1983, 212-3 no. 193; Tobin 1997, 181-3.

⁷⁷ Rife 2008, 118-20.

⁷⁸ See Rife 2008, 105-6.

⁷⁹ Bowie 1994, 181: ‘There are indeed two works where ‘non-fiction’ is preponderant, the *Gymnasticus* and the *Lives of the Sophists*, both works which give a historical account of two important features of contemporary Greek culture.

option is not beyond the realms of possibility, however unlikely, and the Panathenaic stadium is a nice complement to the gymnasium of Ptolemy where Theseus' bones were supposedly interred (Plu. *Thes.* 36.2). Whatever the case, the passage describing the burial sees Herodes alienated from his beloved Marathon and installed in Athens, which, if it is reminiscent of Theseus' similar return, inverts the notion of exile, in that Herodes, who is labelled Μαραθώνιος in his epitaph, is claimed as Ἀθηναίος by Philostratus, who in this case has the last word. So, Herodes is, in a way, exiled to Athens from Marathon, whereas Theseus' remains are repatriated from their place of exile to Athens. It is significant that when Philostratus denies Herodes' post-Sirmium exile, he places him instead in Cephisia and Marathon. If one follows the Thesean comparison precisely, Marathon becomes Herodes' location of exile and once more a strong opposition is constructed between Marathon and Athens. In fact, all that remains of Herodes is the epigram reported by Philostratus, which given its focus on Marathon may well have been invented by the author as a way of stressing Herodes' eternal displacement. If the epitaph is genuine, it may not have been intended for an Athenian location or, at least, Philostratus' narrative encourages reading it as implying Herodes' displacement.⁸⁰

But... especially in the latter, that account is often thick with anecdotes in which it is hard to know what is drawn from reliable tradition and what from the moulding of Philostratus' imagination'. Swain 1991 argues that the *VS* is as reliable as an account based on oral sources can be. In my opinion, Swain's position denies Philostratus' literary agency. See Schmitz 2009 for the narrator of Philostratus' *VS* as designed to project authority and a sense of non-fiction; see especially 68, for the text as deliberately unstable, sophistic, and bewildering. See Kemezis 2011 for a reading of the *VS* as a literary text with an overall structure and purpose.

⁸⁰ Rife 2008, 112, argues that the epitaph must be genuine, since the οὗ τὰδε πάντα is replicated in a late-second or third century epitaph (*IG* II² 13161), which he claims must have been copied from Philostratus' account. This is certainly possible, but not absolute. Rife 2008, 106-7, also argues that the haste of the unplanned burial may explain the sarcophagus' half-finished state.

Another curious element in Herodes' burial is the location itself. Within Philostratus' text, the Panathenaic stadium is the source of initial tensions between Herodes and the *demos* (VS 548-9) and, consequently, it would seem an odd place for the *demos* to choose for his tomb.⁸¹ According to Philostratus, the stadium's construction emerged from a dispute between Herodes and the citizens of Athens over his father's will. Atticus had bequeathed the sum of a *mina* annually to all Athenian citizens. Herodes balked at this arrangement and offered the Athenians five *minae* as a one-off payment instead. When they came to collect the money, however, Herodes demanded payment for all the debts incurred to his family, so that very few received any money at all and many found themselves in debt anew (VS 549). Philostratus claims this created a ground swell of resentment amongst the Athenians. As he describes it, 'they never stopped hating him (οὐκ ἐπαύσαντο μισοῦντες), not even when he thought he was creating the greatest benefits (τὰ μέγιστα εὐεργετῆν) for them' (VS 549) and the Athenians 'declared the Panathenaic stadium well named, since [Herodes] had built it with money of which all the Athenians were being deprived' (τὸ οὖν στάδιον ἔφασαν εὖ ἐπωνομάσθαι Παναθηναϊκόν, κατεσκευάσθαι γὰρ αὐτὸ ἐξ ὧν ἀπεστεροῦντο Ἀθηναῖοι πάντες, VS 549). Nevertheless, Herodes did not deprive the Athenians because he wished to hoard his money, but rather he wished to use it in a way that would give him a lasting presence in the city. Moreover, his refusal to honour Atticus' will maintained his fiscal control over the city, since the annual grant would certainly have strengthened the average citizen's position whilst simultaneously weakening Herodes'.⁸²

⁸¹ Rife 2008 argues that Herodes' tomb is the long rectangular structure above the east side of the stadium, of which only some foundation blocks remain. Tobin 1997, 177-85, less convincingly, believes this structure was made to hold the Panathenaic ship and that Herodes was buried beneath the race track.

⁸² Cf. Tobin 1997, 27-9, 163-5.

Herodes decides to build the stadium when he is offered the charge of the Panathenaic festival and he inaugurates it at that festival four years later (VS 550). In creating the stadium, Herodes is claiming the Panathenaea as his own, since it was only relatively recently that Hadrian had promoted it to sacred iselastic status.⁸³ In this, there is another connection made between Herodes and Theseus, since Plutarch informs us that the Athenian hero founded this festival (Plut. *Thes.* 24.3). Immediately following the decision to build the stadium, Philostratus mentions Herodes' intervention to change the Athenian ephebes' cloaks from black to white (VS 550).⁸⁴ Although according to an inscription from Eleusis (*IG II²* 2090) this innovation actually dates from 164/5, Philostratus' narrative leads one to believe it is connected with the Panathenaia of 143/4. Herodes' substitution recalls Theseus' failure to do the same with his ship's sails and 'undoes' the mourning for Aegeus (*IG II²* 3606, 19-23) or Copeus (Philostr. VS 550, Hom. *Il.* 15.639) that the black cloaks signified.⁸⁵ Philostratus notes that the black mourning cloaks had been worn in festal processions, an observation highlighting that during Herodes' funeral the ephebes bearing the body would have been clad in the new white cloaks of celebration.

It is possible the comparison of Herodes to Theseus that comes through in the *Lives* is due to a program of association instigated by Herodes himself, rather than a game of literary allusion by Philostratus. It is Herodes in the Bey inscription not Philostratus, after all, who connects the black cloaks to Aegeus rather than Copeus. Either way, the association with Theseus is significant given the political circumstances of the empire. Theseus was considered responsible for the *synoecism* of the Athenians (Paus. 1.22.3) and, although he began as a monarchic figure, he came

⁸³ Boatwright 2000, 100; see also Muñiz Grijalvo 2005, 264.

⁸⁴ Other examples of such changes to mourning dress being made are described in Plu. *Aratus* 53; Paus. 2.3.6; Philostr. *Her.* 740.

⁸⁵ See Skenteri 2005, 99-100, on the two interpretations.

to possess a democratic reputation and his two identities – heroic king and father of democracy – existed contiguously.⁸⁶ Euripides' *Suppliants* 352-3 is the first clear expression of this apparent paradox, when Theseus the king says the following of the *demos*: καὶ γὰρ κατέστησ' αὐτὸν ἐς μοναρχίαν | ἐλευθερώσας τήνδ' ἰσόψηφον πόλιν ('For I put them in charge | when I set this city free, all now with an equal vote'). According to Plutarch's version, Theseus gathered all the people of Attica into the city. The common folk came willingly, but he enticed the nobles by promising to lay down his absolute rule and institute a kind of democracy, in which he would have the power to command in war and be the guardian of laws (*Thes.* 24.1-2). At this point he instituted the Panathenaic festival. Nevertheless, Plutarch later reports that his monarchic democracy failed, since:

Μενεσθεὺς...τούς τε δυνατοὺς συνίστη καὶ παρώξυνε, πάλαι βαρυνομένους τὸν
Θησέα καὶ νομίζοντας ἀρχὴν καὶ βασιλείαν ἀφηρημένον ἐκάστου τῶν κατὰ
δῆμον εὐπατριδῶν εἰς ἓν ἄστυ συνείρξαντα πάντας ὑπηκόοις χρῆσθαι καὶ
δούλοις, τούς τε πολλοὺς διετάραττε καὶ διέβαλλεν, ὥς ὄναρ ἐλευθερίας
ὁρῶντας, ἔργῳ δ' ἀπεστερημένους πατριδῶν καὶ ἱερῶν, ὅπως ἀντὶ πολλῶν καὶ
ἀγαθῶν καὶ νησίῳ βασιλέων πρὸς ἓνα δεσπότην ἔπηλυν καὶ ξένον ἀποβλέπωσι.

Menestheus...united and stirred up the powerful men in Athens. These had long felt oppressed by Theseus and thought that he had robbed each of the country nobles of his royal office, and then shut them all up in a single city, where he treated them as subjects and slaves. The common people he also threw into

⁸⁶ Goušchin 1999, 168-87. See Walker 1995 for the transformation of Theseus from self-centred violent hero to democratic leader and Mills 1997 for Theseus as consistently imagined as representing Athenian core values. See Calame 1990 for the relationship of the Theseus myth to Attic cult.

confusion and misled. They thought they had a vision of liberty, he said, but in reality they had been robbed of their native homes and religions in order that, in the place of many good kings of their own blood, they might look obediently to one master who was an immigrant and an alien (*Thes.* 32.1).⁸⁷

Both Herodes, through his strong ties to Marathon, and Theseus, who came from Troezen and the northern Attic countryside, could be considered as outsiders in Athens.⁸⁸ Moreover, the episode described above closely matches the events surrounding the charge of tyranny brought against Herodes by the Athenians. It is after the people turn against Theseus that he exiles himself and, similarly, it is after the trial at Sirmium that ‘some’ (as Philostratus says) record the exile of Herodes (Plu. *Thes.* 35.3; Philostr. *VS* 562). In Pausanias’ version (1.17.5-6), in contrast, it is Menestheus who establishes the democracy by expelling Theseus and courting the favour of the *demos*. Patrick Hogan has demonstrated that Pausanias presents monarchy as the best form of government and it is Menestheus’ democracy that threatens Athens’ greatness. He suggests Pausanias is drawing a parallel with his own second-century context and cautioning against providing Rome with an excuse to intervene locally through elite disunity, as the Dioscuri did in the struggle between Menestheus and those loyal to Theseus. Pausanias presents Theseus as wronged by the *demos* and then later redeemed.⁸⁹ Philostratus’ narrative of Herodes follows a similar pattern, but is far less certain about the rightful outcome. In Athenian traditions, Theseus

⁸⁷ Translation adapted from Perrin 1914. Cf. Paus. 1.3.3.

⁸⁸ On Theseus’ origins, see Walker 1995, 4.

⁸⁹ See Hogan (forthcoming). Hogan draws parallels between Pausanias’ characterizations of Theseus and Themistocles in a similar way to how I have compared Theseus and Herodes. This author is grateful to Patrick Hogan for providing an advance copy of his article.

manages to be both a heroic king and the embodiment of Athenian democracy.⁹⁰ The strong strain of allusion throughout Philostratus' life of Herodes to Theseus and the concurrent ambivalence towards the protagonist may well be due to either Herodes' own posturing as a figure aiming to restore a Thesean-style monarchy or Philostratus' attempts to present him in this way. On the one hand, a Thesean Herodes could be the champion Athens needs to cast off the shackles of Rome; on the other, such a figure would entail the substitution of one monarchy for another, albeit a potentially 'democratic' one, and if unsuccessful, could bring heavy-handed Roman intervention on the *polis*. Thus in the world of Philostratean rhetoric the contradictory, ambiguous figure of Theseus offers an effective mythical analogue for the enigmatic Herodes. Herodes (Ἡρώδης) can be presented as the hero (ἥρως) of Athens, who challenges the absolute control of the city by Rome; yet at the same time, he must always fail, given Athens' love of democracy and freedom, and the incongruity (even in classical times) of the civic veneration of its legendary king.⁹¹

If this is Philostratus' aim, the life of Herodes is a commentary on the limitations to individual greatness placed on the provincial Greek elite in the Roman empire and it is possible Philostratus sees himself and his own cultural and political liminality in the figure of Herodes. In the *Lives*, Herodes is a heroic figure, but because of his very heroism – his larger than life, domineering, and often antisocial behaviour – he fails to negotiate imperial society entirely successfully and, at the same time, he also exists in tension with the Athenian *demos*, because the empire can brook no King of Athens and a true democracy has no place for supermen.⁹² The kind of imperial democracy alluded to by Philostratus in the *Life of Apollonius* 5.35.4, Aelius Aristides

⁹⁰ See Walker 1995, 144-6, for a discussion of the two parallel traditions.

⁹¹ See Walker 1995, 3.

⁹² Walker 1995, 147.

in *To Rome* 60 or at Dio Cassius 52.14.3-5 is indicative of an acceptance that the advent and persistence of the empire and the emperor signify an absolute end to real political freedom.⁹³ This notion potentially lies beneath the passage from Plutarch quoted above as well (*Thes.* 32.1), in which ‘democratic’ monarchy promises liberty, but ultimately fails to deliver. Sidebottom has argued that ‘philosopher’ and ‘sophist’, especially in Philostratus’ *Lives*, function as ‘supra-polis’ symbolic roles...with enough symbolic capital to operate on a level with Roman power’.⁹⁴ Philostratus’ life of Herodes, however, suggests the opposite. Within the Roman empire, there is no longer any room for the Thesean figure Herodes approximates (unless he be the emperor himself). The incongruity of the heroic, sophistic Herodes could rather be a commentary on the anachronistic and misplaced nature of the ‘second sophistic’ itself – the harking back to the glory days of a city that is now part of another’s empire and the notion that cultural expression can compete with Roman might. Or, perhaps, Philostratus may be suggesting that Herodes does not go far enough and he fails Athens and Greece in limiting his challenges to Roman authority, just as Athens fails him by not accepting his attempts to rule. It is striking that in a passage describing Theseus’ interment, which parallels Philostratus’ account of Herodes’ spontaneous funeral, Plutarch notes that his tomb became a sanctuary for runaway slaves and those who fear men in power (*Plu. Thes.* 36.2). Clearly, protector of the downtrodden is not a quality that emerges from the Herodes of the *Lives of the Sophists*. This failure by the man and the city to be worthy of each other may explain the discrepancy between the epitaph recorded by Philostratus that labels Herodes ‘Marathonian’ and Philostratus’ last words on the matter, *τοσαύτα περὶ Ἡρώδου τοῦ Ἀθηναίου*, which I translated above as ‘that is all I have to say concerning Herodes the Athenian’, but which surely has an undertone of ‘so much for Herodes the Athenian’ (VS 566).

⁹³ Starr 1952, 16.

⁹⁴ Sidebottom 2009, 98.

6. Conclusions

Philostratus' presentation of Herodes is complex, ambivalent, highly rhetorical and allusive. It casts him in the roles of tyrant, king, and hero, and it contrasts him to philosophers. It is far less laced with encomia and apology than is usually allowed. He builds Herodes up, but he also undercuts him in ways that suggest he is not quite equipped to be completely successful within his socio-political context. Philostratus' focus on Herodes, his failures and his triumphs, may be indicative of his desire to negotiate successfully the conflicting elements of his own identity, as politically active Roman citizen and Greek *pepaideumenos*.⁹⁵ At the same time, his treatment of Herodes reveals the limitations to real greatness (i.e. outside the artistic realm) that form the reality of the provincial elite. The figure of the monarchic/democratic Theseus is used by Philostratus as a model, but it is one Herodes cannot emulate because it is a function that now belongs to the emperor alone. Equally, Philostratus' portrait of Herodes elucidates the pointlessness of attempting to control one's reception by posterity. While much of the biography's action is undoubtedly factual, the way Philostratus chooses to present it paints a strongly ambivalent picture. Philostratus and his character subsume or rather over-write the historical Herodes, who ultimately fails to live up to any of the rhetorical roles Philostratus creates for him.

7. Bibliography

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⁹⁵ On Philostratus' life, see Bowie 2009, 19-25.

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