

HERMARCHUS AND THE EPICUREAN GENEALOGY OF MORALS*

PAUL A. VANDER WAERDT
Duke University

In *De Abstinentia* 1.7–12 Porphyry preserves a long fragment by Hermarchus,¹ Epicurus' long-time companion and his successor as scholar, concerning the origin in human history of justice and homicide law.² This fragment belongs to a work traditionally entitled 'Επιστολικά περὶ Ἐμπεδοκλέους εἴκοσι καὶ δύο, as attested by Diogenes Laertius in his catalogue of Hermarchus' "finest writings" (*Vitae* 10.25), but it seems clear that this entry is a corruption for Πρὸς Ἐμπεδοκλέα,³ and that Ἐπιστολικά represents a separate work.⁴

* Dedicated in admiration and gratitude to my teacher, A. E. Raubitschek, whose interest in Epicureanism dates back over five decades, to his *Epikureische Untersuchungen* (Diss. Wien 1935). I would like to thank Diskin Clay for his thoughtful advice, and Dirk Obbink for his numerous valuable suggestions on earlier versions of this article. I am grateful as well to David Sedley for challenging and detailed discussion of this subject, which helped me greatly in refining both my views and my presentation of them.

¹ This text is fr. 24 in K. Krohn, *Der Epikureer Hermarchos* (Diss. Berlin 1921), who collects the evidence for *Against Empedocles* on pp. 22–32 (frs. 20–39), though his attempt to claim *KD* 31–40 (fr. 28) for Hermarchus is now universally rejected. For Porphyry's attribution of *De Abst.* 1.7–12 to Hermarchus, see below, note 11. I cite this fragment of Hermarchus from the recent text of J. Bouffartigue and M. Patillon, *Porphyre, De l'Abstinence* 1 (Paris 1977), who rightly reject (pp. 16–17) the unnecessary transposition of 1.10 advocated by M. B. Boyd, *CQ* 30 (1936) 188–91. On the text, see J. Bernays, *Theophrastos' Schrift über Frömmigkeit* (Berlin 1866) 7–10, 139–41. Translations: V. Goldschmidt, *La doctrine d'Épicure et le droit* (Paris 1977) 287–97; A. A. Long and D. N. Sedley, *The Hellenistic Philosophers* 1 (Cambridge 1987) 129–32. Epicurus' fragments: H. Usener, *Epicurea* (Leipzig 1887).

² For Hermarchus' life, cf. H. von Arnim, *RE* VIII (1912) 721–22 and Krohn (above, note 1) 1–2. For his responsibilities under the terms of Epicurus' will, cf. Diog. Laert., *Vitae* 10.16–21. Epicurus describes him as τοῦ συγκαταγεγραγκότος [sc. Ἐρμάρχου] ἡμῖν ἐν φιλοσοφίᾳ καὶ καταλελειμένου ἡγεμόνος τῶν συμφιλοσοφούντων ἡμῖν ἕκαστα γίνηται (*Vitae* 10.20).

³ For a full discussion of the evidence, and plausible explanation of the corruption in Diogenes' entry, see D. Obbink, "Hermarchus, *Against Empedocles*," forthcoming in *CQ* N.S. 38 (1988).

⁴ There was certainly an ancient edition of Hermarchus' letters, for Epicurus' death was related by Ἐρμάρχος ἐν Ἐπιστολαῖς (Diog. Laert., *Vitae* 10.15; cf. Cic., *De Fin.* 2.30.96–98), and *P.Herc.* 1044 reports that Philonides (second century B.C.) collected the letters of Epicurus and his early followers, including those of Hermarchus, for the benefit of the "idle youth" of Antioch (new text by

In this article I shall consider an unnoticed problem which throws light on both Epicurean anthropology and the school's early debates with the Stoics: Hermarchus' adaptation of the Stoic doctrine of οἰκείωσις, or the natural kinship among members of the same species, into his genealogy of morals as a possible explanation for the origin of justice and homicide law. Consideration of this problem will clarify the philosophical intention and context of *Against Empedocles*. In this work, Hermarchus seems to have sought to explain man's natural relations with the gods and the great benefits accruing to him from piety and a proper conception of the divine.⁵ Notoriously, Epicurus' theology provoked considerable opposition, including charges of impiety and atheism, and so attempts to answer such charges feature prominently in Epicurean writing on this subject.⁶ Hermarchus' exposition of Epicurean theology, like that of Epicurus before him, takes a decidedly polemical form.⁷ Indeed, Hermarchus won a reputation in antiquity for his irony and polemic, and his *Against Empedocles* even acquired the tag of Ἐριστικά.⁸ His work also prominently influenced later Epicurean writers.⁹ The place of Hermarchus'

I. Gallo, *Frammenti biografici da papiri 2: La biografia dei filosofi*, Testi e Commenti 6 [Rome 1980] fr. 14.3–10). Krohn (above, note 1) 36–39 collects other *testimonia* (frs. 45–57).

⁵ This is demonstrated by Philodemus' citations of *Against Empedocles* in his *De Pietate* (98.27–99.7, 101.7–15, 112.23–7 in Th. Gomperz, *Philodem über Frömmigkeit*, Herculaneische Studien 2 [Leipzig 1866]). On Epicurean theology, see D. Obbink, *Philodemus, De Pietate I* (Diss. Stanford 1986) 133–49, who controverts, successfully in my opinion, the contrary view according to which “in Epicurus' view each person's gods are paradigms of his own ethical goal” (Long and Sedley 1 [above, note 1] 144–49); cf. J. Bollack, *La pensée du plaisir* (Paris 1975) 236–37; Sedley, *CR N.S.* 29 [1979] 82–83). On Epicurean religious practice, see now D. Obbink, “*P.Oxy.* 215 and Epicurean Religious θεωρία,” *Atti del XVII Congresso Internazionale di Papirologia* 2 (Naples 1984) 607–14 and D. Clay, “The Cults of Epicurus,” *CErc* 16 (1986) 11–28.

⁶ See M. Winiarczyk, “Wer galt im Altertum als Atheist?” *Philologus* 128 (1984) 168–79; Obbink 1986 (above, note 5) 104–32.

⁷ Cf. Philod., *De Pietate* col. 20 Obbink (112.1–30), who quotes Hermarchus as developing a criticism that Epicurus made against his opponents in Περὶ Φύσεως 12 (see below, note 10).

⁸ *P.Herc.* 1111 (= fr. 35 Krohn): μάλιστα δ' Ἑρμαρχος ἐν τοῖς λεγομένοις Ἐριστικοῖς ἐκείνην ἐκτίθεται [τὴν γνώμην]. That the reference is to *Against Empedocles* is evident from the parallel quotations earlier in this passage of other Epicurean texts concerned with cultural history.

⁹ Cf. Philod., *De Pietate* 98.27–99.7, 101.7–15, 112.23–27, 142.10–21 (cf. R. Philippson, *Hermes* 56 [1921] 401) and *De Dis* 3 col. 13.20–14.18 (in H. Diels, *Philodemus über die Götter Drittes Buch*, Abhandl. Preuss. Akad. Wiss. philos.-hist. kl. Nr. 4.6 [Berlin 1917] 36–8), Cic., *De Nat. Deorum* 1.93 and the texts from Plutarch and Diogenes of Oenoanda discussed below, note 13. Hermarchus' work on rhetoric significantly influenced later Epicurean discussion (cf. Philod., *Rhet.* 1 col. 7.18–29 p. 21; 2 col. 44.19–49.19 pp. 135–45, col. 21.10–24 p. 215, col. 35.20–25 pp. 263–65 in F. Longo Auricchio, *Philodemi De rhetorica libri primus et secundus*, Ricerche sui Papiri Ercolanensi 3 [Napoli 1977]; her commentary on these passages, *CErc* 15 [1985] 31–61), and D. Clay,

genealogy of morals in the plan of his long work is not explained in our *testimonia*, but Hermarchus is likely to have introduced this account in order to explain how men first came to conceive of the gods as imperishable entities, to worship them and to benefit from piety toward them.¹⁰

Why was Hermarchus so concerned with Empedocles that he entitled his work *Against Empedocles*? The polemical character of his work is not prominent in our text, but this is not surprising since Porphyry, when enumerating his opponents (οἱ τ' ἐκ... τοῦ Ἐπικούρου τὸ πλεῖστον τῆς ἀντιλογίας πρὸς τὴν Πυθαγόρου καὶ Ἐμπεδοκλέους ἀποτεινόμενοι φιλοσοφίαν [1.3.3]), specifically states that he will exclude what is πρὸς τὰ τοῦ Ἐμπεδοκλέους in the Epicurean discussion (1.3.4).¹¹ In arguing that no animal which lacks λόγος has any share in justice (1.12.5–6), however, Hermarchus plainly seeks to refute Empedocles' view that a fellowship exists between men and irrational animals which makes it unjust to slay or sacrifice them,¹² and other objections are recorded in our sources.¹³ But Empedocles seems to be of importance to

Συζήτησις: *Studi...Marcello Gigante* 2 (Naples 1982), 263 has now proposed that Diog. Oen. new fr. 24 (M. F. Smith, *AJP* 99 [1978] 329–31) belongs to a letter from Epicurus to Hermarchus.

¹⁰ There is precedent for this suggestion in Epicurus' account of cultural history: in Περὶ Φύσεως 12 he says that "the first men arrived at conceptions of imperishable external entities" (Philod., *De Pietate* 113.23–29, ed. Obbink 1986 [above, note 5] 137), and in book 13 he turned to the correct attitude to be adopted toward the gods (ibid., 124.6–10; see below, note 49).

¹¹ In introducing our text, Porphyry refers to "the followers of Epicurus," but he clearly is drawing specifically on Hermarchus: in the underlined words just quoted he alludes to Hermarchus' title (1.3.3), which shows that *Against Empedocles* was his source for the Epicurean position, and at 1.26.4 he dismisses the attempt, ascribed *inter alios*, to Ἐρμάρχῳ (Bernays; Ἐρμάχῳ codd.) τε τῷ Ἐπικουρείῳ, to present the Pythagoreans as partakers of animal sacrifice (on this tradition see W. Burkert, *Lore and Science in Ancient Pythagoreanism* [Cambridge, Mass. 1972] 180–83), which suggests that Hermarchus' work contained a polemic against Pythagoras (cf. 1.3.3 and next note).

¹² Cf. esp. Sextus, *Adv. Math.* 9.127–28:

οἱ μὲν οὖν περὶ τὸν Πυθαγόραν καὶ τὸν Ἐμπεδοκλέα καὶ τῶν Ἰταλῶν πλεθὺς φασὶ μὴ μόνον ἡμῖν πρὸς ἀλλήλους καὶ πρὸς τοὺς θεοὺς εἶναι τινα κοινωνίαν, ἀλλὰ καὶ πρὸς τὰ ἄλογα τῶν ζώων. ἔν γὰρ ὑπάρχειν πνεῦμα τὸ διὰ παντὸς τοῦ κόσμου διήκον ψυχῆς τρόπον, τὸ καὶ ἐνοῦν ἡμᾶς πρὸς ἐκεῖνα. διόπερ καὶ κτείνοντες αὐτὰ καὶ ταῖς σαρξίν αὐτῶν τρεφόμενοι ἀδικήσομεν τε καὶ ἀσεβήσομεν ὥς συγγενεῖς ἀναιροῦντες.

Sextus goes on to quote Empedocles, frs. 122, 124 in M. R. Wright, *Empedocles: The Extant Fragments* (New Haven 1981); see frs. 118–25, esp. fr. 121 (with Aristotle, *Rhet.* 1373b6–17), and for Sextus' reference to Pythagoras, see the evidence collected by Bouffartigue and Patillon (above, note 1) 96–97 note 6 (esp. Cic., *De Rep.* 3.22). For Pythagoras and Empedocles as possible targets of KD 32, see Goldschmidt (above, note 1) 48–49.

¹³ Plut., *De Def. Orac.* 420d = fr. 29 Krohn (if Empedocles' δαίμονες are evil, they cannot be long-lived and blessed, given the blindness and self-destructive tendencies of vice); Plut., *Adv. Col.* 1123b = fr. 22 Krohn (the Empedoclean

Hermarchus primarily because his main philosophical opponents claimed Empedocles' support for their views. Thus Theophrastus cites frs. 122, 124 Wright to show that there is a natural οἰκειότης between men and animals which makes it unjust to slay or sacrifice them (*De Abst.* 2.21.2–3, 2.27.7), and the Stoics seem to have appealed to these same passages as well.¹⁴ By refuting Empedocles, Hermarchus evidently seeks to undermine his opponents' principal authority, a common argumentative strategy among the Hellenistic philosophers.¹⁵ His purpose is not merely to refute Empedocles, but to re-think Epicurean doctrine in light of his controversy with his contemporary philosophical opponents.

In the main, Hermarchus' text faithfully applies Epicurus' teaching on justice (as preserved in *KD* 31–8) to the problems raised by a genealogy of morals,¹⁶ but there are also clear innovations, obviously stimulated by contemporary controversies.¹⁷ I shall argue that Hermarchus, while he admits that οἰκείωσις might serve as a secondary or contributory factor in the origin of

monsters derided). While neither passage names Hermarchus, his work is by far the most plausible source. Diogenes of Oenoanda's attack on Empedocles' doctrine of metempsychosis (new fr. 2 in M. F. Smith, *AJA* 74 [1970] 58–60 and fr. 34 Chilton; for new frs. 61–62 cf. Smith, *Anatolian Studies* 28 [1978] 57–60) has long been assigned to Hermarchus (fr. 31 Krohn). For discussion see A. Laks and C. Millot in *Études sur l'Épicurisme antique*, Cahiers de Philologie 1 (1976) 330–37 and A. Casanova, "La critica di Diogene d'Enoanda alla metempsychosi empedoclea," *Sileno* 10 (1984) 119–30. But Diogenes continues (after some four lost columns) with an attack on the Stoics (fr. 35 Chilton), and this probably also derives from Hermarchus, given his concern to refute the Stoics' use of Empedocles. No attack on the Stoics by Epicurus is attested, and Hermarchus is the obvious candidate for Diogenes' source.

¹⁴ Sextus, *Adv Math.* 9.128–29 quotes these passages of Empedocles and then criticizes the Stoics (9.131) in such a way as to suggest that they too had quoted them.

¹⁵ Thus, e.g., much of the Hellenistic discussion of Socrates (including the extensive Epicurean polemics: for the evidence see K. Kleve, "Scurra Atticus: The Epicurean View of Socrates," *Συζήτησις* [above, note 9] 227–53) is motivated by the fact that both the Stoics and the Academic skeptics claimed him as their principal authority; see in general A. A. Long, "Socrates in Hellenistic Philosophy," forthcoming in *CQ* N.S. 38 (1988).

¹⁶ See R. Philippson, "Die Rechtsphilosophie der Epikureer," *AGPh* 23 (1910) 289–337, 433–46; M. Gigante, "Filodemo e l'autore dell' *Etica Comparenti*" [1959], *Ricerche Filodemee* 2 (Napoli 1983) 247–59; Goldschmidt (above, note 1) 287–97; Bouffartigue and Patillon (above, note 1) 16; R. Müller, "Konstituierung und Verbindlichkeit der Rechtsnormen bei Epikur," *Συζήτησις* (above, note 9) 153–83, "Zu einem Entwicklungsprinzip der epikureischen Anthropologie," *Philologus* 127 (1983) 187–206; P. A. Vander Waerdt, "The Justice of the Epicurean Wise Man," *CQ* N.S. 37 (1987) 402–22.

¹⁷ Hermarchus plainly was quite involved in debate with his philosophical opponents: apart from his criticism of Empedocles, Theophrastus and the Stoics, discussed herein, he wrote books against Plato and Aristotle (Diog. Laert., *Vitae* 10.25), and engaged in polemic against the Cynics (1.12.2–3; cf. Goldschmidt [above, note 1] 176–79) and the Pythagoreans (see above, note 11).

justice, subordinates this aetiology to Epicurus' basic principle that justice among men arises solely from a prudent calculation of advantage. He thus disarms those elements in the Stoics' doctrine which contradict fundamental Epicurean teachings, even as he enriches them by reflection upon contemporary controversy. If correct, my argument shows Hermarchus to be a far more interesting and independent scholar than the Hermarchus of our surveys of the history of Epicurean philosophy.¹⁸ It also provides our best evidence for the early history of relations between the Epicurean and Stoic schools, concerning which we have hitherto known virtually nothing,¹⁹ and it has important implications for the early history of the Stoic doctrine of οἰκείωσις, itself a notorious scholarly crux.

In isolating the innovations Hermarchus contributed to Epicurean anthropology, we face the difficulty that Epicurus' own treatment of the subject in *Περὶ Φύσεως* 12–13 has largely perished. Later Epicureans, however, clearly were able to draw upon his account,²⁰ and both Hermarchus and Lucretius employ the distinction between the "natural" and "rational" stages of development with which Epicurus explains the origin of language (*Ep. ad Her.* 75):²¹

¹⁸ On tradition and innovation in the Epicurean tradition, see now D. N. Sedley, "Philosophical Allegiance in the Greco-Roman World," *Philosophia Togata*, edd. J. Barnes and M. T. Griffin (Oxford, forthcoming).

¹⁹ The evidence consists mainly of doxographical reports which usually, if perhaps not always, derive from later debate between the schools. Epicurus knew of Zeno (Diog. Laert., *Vitae* 7.5, 9), but there is no explicit evidence of polemic between them; for the possibility that Epicurus' theory of justice is a reply to Zeno's *Republic*, see Vander Waerdt (above, note 16) 404–5. As for Epicurus' immediate followers, Colotes mentions Zeno in his reply to Plato's *Lysis* (W. Cronert, *Kolotes und Menedemos*, Studien zur Palaeographie und Papyruskunde 6 [München 1906] 163–70 at 166, p. 12a2–b6), and Polyaenus was known for being friendly even to Stoics (*P.Herc.* 176, ed. A. Vogliano, *Epicuri et Epicureorum Scripta in Herculanensibus Papyris Servata* [Berlin 1928] 50). But Hermarchus' text provides the only early evidence of serious discussion between the two schools.

²⁰ This text, on which *Ep. ad Her.* 73–77 and *Ep. ad Pyth.* 93–98 are based (see G. Arrighetti, *Epicuro*² [Torino 1973] 689–732 on the relation of *Περὶ Φύσεως* to these epitomes), was widely used by later Epicureans, not only by Hermarchus and Lucretius in their accounts of cultural history, but also by Diogenes of Oenoanda (frs. 10–3 Chilton; for the text of fr. 12 see M. F. Smith, *CQ* N.S. 22 [1972] 160–61), Philod., *De Pietate*, esp. 112.1–23 (for commentary see Obbink 1986 [above, note 5] 202–13), 113.23–29 (cf. Obbink, *ibid.* 136–38), 124.6–10 and Cicero, *De Nat. Deorum* 1.62–64, 117–23; cf. also *P.Herc.* 1428 col. 15.1–8 (ed. A. Henrichs, *CErc* 4 [1974] 25), *P. Herc.* 1111 (= fr. 35 Krohn), Schol. *Ep. ad Her.* 74, Schol. *Ep. ad Pyth.* 96. T. Cole, *Democritus and the Sources of Greek Anthropology*, APA Monograph 25 (Cleveland 1967) 123–27 argues plausibly that Democritus exercised a formative influence on Epicurean anthropology, but his discussion (71–79, 170–73) of the Epicurean position is remarkably unsympathetic.

²¹ See D. N. Sedley, "Epicurus, *On Nature* Book XXVIII," *CErc* 3 (1973) 5–83, esp. pp. 17–19 on the text of *Ep. ad Her.* 75–76 and pp. 17–23 on the Epicurean anthropology of language in general. The assumption that the Epicurean

ἀλλὰ μὴν ὑποληπτέον καὶ τὴν φύσιν πολλὰ καὶ παντοῖα ὑπὸ αὐτῶν τῶν πραγμάτων διδαχθῆναί τε καὶ ἀναγκασθῆναι· τὸν δὲ λογισμὸν τὰ ὑπὸ ταύτης παρεγγυηθέντα ὕστερον ἐξακριβοῦν καὶ προσεξευρίσκειν ἐν μὲν τισὶ θάπτον, ἐν δὲ τισὶ βραδύτερον.

One is to suppose that even nature was educated and constrained in many and various matters by the circumstances themselves; reason later made these precise and added further discoveries to what had been passed on by nature, in some matters more quickly, in others more slowly.

Epicurus considers language as a particular example of this general rule; presumably he intends it to explain the development of human discoveries generally. Later texts confirm this expectation: Lucretius distinguishes two stages in the development of human society (5.1019–25, 5.1143–47),²² and Hermarchus similarly analyzes the genesis of law. In the first stage, “some of the finer natures at that time” (τινὲς τῶν τότε χαριεστάτων [1.10.2; cf. Lucr. 5.1107]), remembering the usefulness for survival of refraining from homicide, reminded the others of the benefit of their common pasturings in order to preserve the community—which contributes to the survival of each—by refraining from mutual slaughter.²³ Only at a later stage do certain men give rational consideration (ἐπιλογισμός), not simply unthinking memory (ἄλογος μνήμη),²⁴ to their advantageous way of life and introduce legislation to secure the community’s preservation (1.10.4–11.2; cf. 1.8.2). In the terms of this orthodox Epicurean analysis, law originates in the remembrance of a naturally advantageous practice—refraining from homicide—later elaborated by reasoning into legislation.

genealogy of morals parallels the origins of language is strengthened by the fact that Lucretius and Diogenes of Oenoanda (frs. 10–3 Chilton) treat the origin of society together with that of language; see Goldschmidt (above, note 1) 166–70 and now J. Pigeaud, *REL* 61 (1983) 122–44. For Epicurus’ departures from Democritus on these questions: G. Vlastos, *AJP* 67 (1946) 51–54 and Cole (above, note 20) 147, 170–72.

²² On Lucretius’ use of the distinction between “natural” and “rational,” ages in the development of human society, see E. Asmis, *Epicurus’ Scientific Method* (Ithaca 1984) 56–60.

²³ The murderous inclinations of most men prior to the establishment of law stem from their inability to recognize what accords with the community’s advantage (cf. Lucr. 5.958–59). Hence the ancient lawgivers had to legislate against homicide (*De Abst.* 1.9.1–4), and to regulate man’s intercourse with animals and hostile men (1.10.1–11.5; cf. Lucr. 5.855–70). Lucretius says that men originally passed their time wandering like wild beasts (5.932) and Colotes contributes the imputation of cannibalism (*ap.* Plut., *Adv. Col.* 1124d). Man’s lack of a communal advantage prior to the establishment of law is a consequence of his lack of any natural social impulse (see below, note 26).

²⁴ On this term, cf. Sedley (above, note 21) 14–7, 27–34 and Asmis (above, note 22) 177–78, 204–6. For the conjunction of ἐπιλογισμός and ἄλογος μνήμη, cf. *PHerc.* 1056 fr. 6, col. 2.6–9 (Arrighetti [above, note 20] 332–33).

It is clear, then, that Hermarchus is applying orthodox Epicurean doctrine to the particular case of the origin of justice and homicide law. But he introduces an important innovation. At the outset of our text, he considers the ancient lawgivers' motives in prohibiting homicide (1.7.1–2):

οἱ δὲ ἀπὸ τοῦ Ἐπικούρου ὥσπερ γενεαλογίαν μακρὰν διεξιόντες φασὶν ὡς οἱ παλαιοὶ νομοθέται, ἀπιδόντες εἰς τὴν τοῦ βίου κοινωνίαν τῶν ἀνθρώπων καὶ τὰς πρὸς ἀλλήλους πράξεις, ἀνόσιον ἐπεφήμισαν τὴν ἀνθρώπου σφαγὴν καὶ ἀτιμίας οὐ τὰς τυχοῦσας προσήψαν, τάχα μὲν καὶ φυσικῆς τινος οἰκειώσεως ὑπαρχούσης τοῖς ἀνθρώποις πρὸς ἀνθρώπους διὰ τὴν ὁμοιότητα τῆς μορφῆς καὶ τῆς ψυχῆς εἰς τὸ μὴ προχεύειν φθεῖρειν τὸ τοιοῦτον ζῶον ὥσπερ ἕτερόν τι τῶν συγκεχωρημένων· οὐ μὴν ἀλλὰ τὴν γε πλείστην αἰτίαν τοῦ δυσχερανθῆναι τοῦτο καὶ ἀνόσιον ἐπιφημισθῆναι τὸ μὴ συμφέρειν εἰς τὴν ὅλην τοῦ βίου σύστασιν ὑπολαβεῖν.

The Epicurean...say that the ancient lawgivers, having examined the social life of human beings and their dealings with one another, pronounced homicide impious and attached special penalties to it, perhaps even²⁵ because a certain natural kinship existed among human beings on account of their likeness in bodily form and soul, which prevented them from killing readily a living creature of this kind like one of those whose slaughter was permitted. But the principal cause of their refusal to put up with homicide and their pronouncing it impious was their conception that it is not useful for the whole structure of life.

Hermarchus does not explain the lawgivers' prohibition of homicide solely in terms of οἰκειώσις, for he states explicitly that the principal cause of this prohibition is that it is disadvantageous for human life. He seems to introduce οἰκειώσις as a secondary or contributory factor only. But it is most surprising for an Epicurean to suggest that οἰκειώσις could have played any role at all in the origin of justice and homicide law, for Epicurus himself, notoriously, denies that man has any natural instinct toward community.²⁶ He never employs the

²⁵ This καὶ could possibly be translated "also," (so Long and Sedley 1 [above, note 1] 129: "another factor"), but the concessive reading here adopted makes better sense of the clause as part of Hermarchus' text.

²⁶ See esp. Epictetus, *Diss.* 2.20.2 (οὐκ ἔστι φυσικὴ κοινωνία τοῖς λογικοῖς πρὸς ἀλλήλους) and generally frs. 523–25, 528 (the difficulty posed by Epictetus, *Diss.* 1.23 [= fr. 525] is only apparent: see J. M. Rist, *CP* 75 [1980] 123 note 17). Demetrius Lacon (second century B.C.), *P.Herc.* 1012 cols. 44.5–46.11 is sometimes taken as evidence that later members of the school rejected Epicurus' view, but mistakenly: Demetrius means *not* "E come mai Epicuro diceva spesso un' assurdità, che l'amore per i figli non è naturale?" (Puglia, *CErc* 10 [1980] 48), but "How was it absurd for Epicurus to say...?" Cf. Philod., *Rhet.* 2 col. 12.6–13 p. 67). Lucretius 5.1019–23, however, may depart from Epicurus as much as Hermarchus does (see below, note 34).

term οἰκείωσις, nor does he use the related term οἰκειότης²⁷ to describe a natural kinship among human beings such as Hermarchus here envisages.²⁸ Hermarchus does not state whose doctrine of οἰκείωσις he draws upon at 1.7.1, but it was common practice among the Hellenistic philosophers to discuss the views of one's opponent without naming him.²⁹ Presumably Hermarchus considers his brief characterization of οἰκείωσις sufficient to call to his reader's mind the whole argumentative background to the theory of οἰκείωσις.

For this theory he must be drawing either on Theophrastus, who argues from the natural οἰκειότης of all human beings and animals for one another that justice prevents the killing or sacrifice even of irrational animals, or on the Stoics, who derive man's natural instinct for self-preservation, for social relations and for justice from οἰκείωσις. Indeed, in later debate the Stoics' most fundamental objection against the Epicurean teaching on justice is that it abolishes οἰκείωσις.³⁰ In suggesting that the early lawgivers may have prohibited homicide in part because of οἰκείωσις, Hermarchus might appear to be following the Stoics in tracing the establishment of justice to man's natural kinship for his fellow-man.³¹ If this were so, it would represent a radical innovation: Epicurus himself, of course, explains that justice arises solely from a compact of advantage to refrain from mutual harm, and denies that it is ever anything in itself apart from a compact (*KD* 31–3). This doctrine would appear *prima facie* to preclude Hermarchus' proposal that οἰκείωσις contributed to the prohibition of homicide.

Commentators seem not to have faced up to this apparent difficulty. There is no reason to doubt that οἰκείωσις is the correct reading at 1.7.1, and it is quite unlikely, as most scholars hold, that the term is an intrusive gloss by Porphyry.³² None of the scholars who has argued that the term is a gloss explains how to square the hypothesis of an addition by Porphyry with the text of 1.7.1–2. Porphyry's opening sentence is not pure quotation, for it begins οἱ δὲ

²⁷ On the usage of these two terms see C. O. Brink, "Theophrastus and Zeno on Nature in Moral Theory," *Phronesis* 1 (1956) 139–41, and see below, p. 101, for Epicurus' use of οἰκειότης.

²⁸ For Hermarchus' revision of this Stoic doctrine, see below, pp. 98–100.

²⁹ This practice (evident, e.g., in Epicurus' Περὶ Φύσεως) presumably is intended to avoid giving one's opponent undue publicity.

³⁰ Cf. Cic., *De Leg.* 1.42–43, *De Fin.* 3.70–71 and Vander Waerdt (above, note 16) 403–4, 407–11, 420.

³¹ Conversely, Hermarchus' denial of justice to other animals because man has no such οἰκείωσις for them provides a close parallel with the Stoics (see below, note 44 and, for Hermarchus' differences with Theophrastus, below, pp. 95–98).

³² As do A. Grilli, *Il problema della vita contemplativa nel mondo greco* (Milan 1953) 73–74; Cole (above, note 20) 84 note 10 (who agrees that οἰκείωσις may not have appeared in Hermarchus' text, but then argues that he might have recognized "a certain natural sociality in man"); S. G. Pembroke, "Oikeiōsis" in *Problems in Stoicism*, ed. A. A. Long (London 1971) 147 note 108 (who thinks that οἰκείωσις "is probably an addition by Porphyry," but contradicts Cole [note 35 below] by adding that it "can only be taken in its Stoic sense"); A. A. Long and D. N. Sedley, *The Hellenistic Philosophers* 2 (Cambridge forthcoming) 137.

ἀπὸ τοῦ Ἐπικούρου...φασίν.... But there is no indirect discourse after 1.7.2, and 1.7.2 makes no sense unless the reference to οἰκειώσις in 1.7.1 preceded it in the original text. The ἔγωγε of 1.9.3, moreover, shows that Porphyry is quoting, not paraphrasing.³³ Nor is it plausible to suppose that Porphyry altered some related term (e.g. οἰκειότης) to the presumably more familiar οἰκειώσις; he does not do so when quoting Theophrastus in *De Abst.* 2, and such sloppiness is not his practice. Finally, Porphyry is most unlikely to have contributed the substantial elaborations of 1.10 to explain his alleged addition of 1.7.1. So οἰκειώσις almost certainly belongs to Hermarchus himself.³⁴ Nor is it likely that Hermarchus does not use it here in its Stoic sense.³⁵

In general, scholars have failed to see that Hermarchus clarifies his use of οἰκειώσις in 1.10, where he says that the “finer natures” persuaded the others to refrain from the slaughter of those akin to them, ἀπεχόμενοι τοῦ συγγενοῦς (1.10.2). Hermarchus here, as I shall argue, uses τὸ συγγενές as an Epicurean counterpart for οἰκειώσις in attempting to explain how the two causes of the prohibition of homicide are related. Before turning to this passage, however, we must consider the positions first of Theophrastus and then of the early Stoics, reflection upon which seems to have led Hermarchus to modify Epicurean doctrine by proposing οἰκειώσις as a contributory factor in the origin of justice and homicide law.

In two fragments of his *On Piety*, both preserved by Porphyry, Theophrastus argues that all human beings are naturally akin (οἰκειοί τε καὶ συγγενεῖς) to one another as well as to animals, and that in consequence only naturally hostile animals may justly be killed. The first passage (*De Abst.* 2.22.1–3) contains the phrase ὥσπερ γὰρ οἰκειότητος οὐσης ἡμῖν πρὸς τοὺς ἀνθρώπους (2.22.2), which recalls Hermarchus’ formula at 1.7.1 and indeed has been cited as conclusive evidence that Theophrastus influenced the Epicureans directly on this point.³⁶ There is, moreover, a striking similarity between

³³ Krohn’s linguistic argument “is not very serious,” for reasons explained by Boyd (above, note 1), 191.

³⁴ Pigeaud (note 21 above), 138–42, who alone among recent commentators sees οἰκειώσις as Hermarchus’, cites 1.7.1 to support his thesis that *commendarunt* at Lucr. 5.1020 (cf. 860–61) recalls οἰκειώσις (cf., e.g., Cic., *De Fin.* 3.16); if this thesis is correct, these passages from Lucretius provide exact parallels for the interpretation advanced below.

³⁵ So Cole (above, note 20) 84 note 10, who argues that Hermarchus’ usage parallels the bee’s οἰκειώσις for the oak tree (Photius, *Bibl. cod.* 278 529b22–23 = Theophrastus fr. 190 Wimmer); but this parallel is quite inexact, and Hermarchus’ usage, tracing the origin of law to man’s likeness of bodily form and soul, rather parallels Chrysippus’ link between οἰκειώσις and justice (see below).

³⁶ So J. Bouffartigue in *Porphyre, De l’Abstinence* 2 (Paris 1979) 208 note 3, 210 note 6 and D. Obbink, “The Origins of Greek Sacrifice: Theophrastus on Religion and Cultural History,” *Rutgers University Studies in Classical Humanities* 3 (1987) 293 note 76. For commentary on 2.22.1–3 see W. W. Fortenbaugh, *Quellen zur Ethik Theophrasts*, Studien zur antiken Philosophie 12 (Amsterdam 1984) 262–74; on 3.25.1–4, *ibid.*, 274–85, where he wrongly denies that this passage derives from Theophrastus’ *De Pietate* (see *contra* Bernays

Hermarchus' characterization of οἰκείωσις as obtaining among men on account of their likeness in bodily form and soul (διὰ τὴν ὁμοιοτητα τῆς μορφῆς καὶ τῆς ψυχῆς [1.7.1]) and Theophrastus' account of οἰκειότης, or the physical kinship among members of the same species (3.25.1–4).³⁷ Direct influence thus seems plausible if not, strictly speaking, provable. The early Epicureans were concerned to counter Theophrastus' views; and Hermarchus, in preparing his account of the genealogy of morals, could well have consulted Theophrastus' discussion of cultural history in *On Piety*.³⁸

If Hermarchus is indebted to Theophrastus for his characterization of οἰκείωσις, however, he certainly rejects Theophrastus' general position. It is controversial whether the second fragment from *On Piety* extends beyond *De Abst.* 3.25.4, and so whether Porphyry's argument in 3.26 that it is unjust to kill or sacrifice animals with whom one shares οἰκειώσις belongs to Theophrastus or rather is Porphyry's own re-working of Theophrastean themes for his own purposes.³⁹ But Theophrastus' extension of οἰκειότης and therewith justice not only to all human beings, but even to irrational animals (τῶν ἀλόγων ζώων [2.22.2]) is directly contradicted by Hermarchus' claim that animals which lack reason cannot share in law; hence only the option of killing

[above, note 1] 98–100, and M. Patillon in *Porphyre, De l'Abstinence* 2 [Paris 1979] 150–51).

³⁷ After arguing that men are naturally akin either because they are descended from the same ancestors, or because they share the upbringing and customs of the same race, Theophrastus continues as follows (*De Abst.* 3.25.3):

οὕτω δὲ καὶ τοὺς πάντας ἀνθρώπους ἀλλήλοις τίθεμεν [καὶ] συγγενεῖς, καὶ μὴν (καὶ) πᾶσι τοῖς ζώοις· αἱ γὰρ τῶν σωμάτων ἀρχαὶ πεφύκασιν αἱ αὐταί· λέγω δὲ οὐκ ἐπὶ τὰ στοιχεῖα ἀναφέρων τὰ πρῶτα· ἐκ τούτων μὲν γὰρ καὶ τὰ φυτά· ἀλλ' οἷον δέρμα, σάρκας καὶ τὸ τῶν ὑγρῶν τοῖς ζώοις σύμφυτον γένος· πολὺ δὲ μᾶλλον τῷ τὰς ἐν αὐτοῖς ψυχὰς ἀδιαφόρους πεφυκέναι, λέγω δὴ ταῖς ἐπιθυμίαις καὶ ταῖς ὀργαῖς, ἔτι δὲ τοῖς λογισμοῖς καὶ μάλιστα πάντων ταῖς αἰσθήσεσιν. Ἄλλ' ὥσπερ τὰ σώματα, οὕτω καὶ τὰς ψυχὰς τὰ μὲν ἀπηκριβωμένας ἔχει τῶν ζώων, τὰ δὲ ἥττον τοιαύτας, πᾶσί γε μὴν αὐτοῖς αἱ αὐταὶ πεφύκασιν ἀρχαί. Δηλοῖ δὲ ἡ τῶν παθῶν οἰκειότης.

³⁸ On which see Obbink (above, note 36) 272–95. Usener (above, note 1) 101–3 assembles evidence for Epicurus' Πρὸς Θεόφραστον. D. N. Sedley, "The Character of Epicurus' *On Nature*," *Atti del XVII Congresso Internazionale di Papirologia* (Naples 1984) 385–86 plausibly suggests that Epicurus drew upon Theophrastus' Φυσικῶν Δόξαι in Περὶ Φύσεως 14–15 (accepted by G. Leone in her edition of book 14, *CErc* 14 [1984] 34).

³⁹ The controversy is summarized by Fortenbaugh (above, note 34) 275–76. Porphyry goes on to use οἰκείωσις in its Stoic sense at 3.26.7 (ὁ τοίνυν τὴν οἰκείωσιν πεποιτημένος πρὸς τὸ ζῶον, οὗτος καὶ τό τι ζῶον οὐκ ἀδίκησει), clearly referring to the natural οἰκειότης between animals and human beings discussed at 3.25.3: thus he feels free to use the terms interchangeably (see also below, notes 46–47), and the same would apply to Theophrastus if 3.26 is indeed a quotation from him.

them can ensure man's security (1.12.5–6). More generally, as we shall see shortly, Hermarchus does not extend οἰκείωσις even to all human beings, much less to irrational animals. Finally, Hermarchus rejects Theophrastus' distinction between animals which are and are not harmful to man on the ground that almost any species of animal would be harmful if allowed to proliferate to excess (1.11.3).

It is not likely, though, that Theophrastus is Hermarchus' main target. He does use οἰκείωσις rather than οἰκειότης, and οἰκείωσις, after all, originated in the Stoa. I shall argue that Hermarchus is adapting Stoic doctrine to his own utilitarian perspective. The problem of his target in 1.7.1 is complicated by the notorious difficulties involved in reconstructing the early history and development of οἰκείωσις. It was once thought that the Stoics took over this doctrine wholesale from Theophrastus, whose account of οἰκειότης certainly does prefigure some important aspects of the Stoic theory, but since Pohlenz scholars have recognized that the two theories differ fundamentally in origin and orientation.⁴⁰ In particular, Theophrastus does not use οἰκειότης to designate a relation to oneself, which is the central feature of Stoic οἰκείωσις; and he extends οἰκειότης even to irrational animals, which the Stoics certainly do not do with οἰκείωσις. Moreover, Theophrastus provides no parallel for the developmental approach so prominent in the Stoics' theory: starting from the child's first impulses, his self-awareness which leads him to strive for self-preservation, the Stoics explain how this primary οἰκείωσις is transferred from man's physical to his rational self with the gradual maturation of his rational capacity (see Cic., *De Fin.* 3.23–5).⁴¹ At some later stage, it has been thought, quite possibly inspired by Theophrastus, they graft upon this personal οἰκείωσις a theory of

⁴⁰ F. Dirlmeier argued that Theophrastus originated the theory of οἰκείωσις in his "Die οἰκείωσις-Lehre Theophrasts," *Philologus Suppl.* 30 (1937) 1–100, and this view was endorsed by O. Regenbogen in *RE Suppl.* 7 (1940) 1493–96; but M. Pohlenz's systematic refutation in *Grundfragen der stoischen Philosophie* (Göttingen 1940) 1–47 has won general assent. Pembroke (above, note 32) 132–41 conveniently summarizes the controversy.

On οἰκείωσις see recently Pembroke (above, note 32) 114–49; G. B. Kerferd, "The Search for Personal Identity in Stoic Thought," *BRL* 55 (1972–3) 177–96; J. Mingay, "Coniunctio inter Homines Hominum," *Islamic Philosophy and the Classical Tradition*, edd. S. M. Stern et al. (Columbia, S.C. 1973) 261–75; J. M. Rist, "Zeno and Stoic Consistency," *Phronesis* 22 (1977) 167–74; N. P. White, "The Basis of Stoic Ethics," *HSCP* 83 (1979) 143–78; G. Striker, "The Role of *Oikeiôsis* in Stoic Ethics," *OSAP* 1 (1983) 145–67; H. Görgemanns, "*Oikeiôsis* in Arius Didymus," *Rutgers University Studies in Classical Humanities* 1 (1983) 165–89; B. Inwood, "The Two Forms of *Oikeiôsis* in Arius and the Stoa," *ibid.* 190–201; "Hierocles: Theory and Argument in the Second Century A.D.," *OSAP* 2 (1984) 151–83; Long and Sedley 1 (above, note 1) 346–54. The best introduction to the subject remains Pembroke's essay.

⁴¹ See now B. Inwood, *Ethics and Human Action in Early Stoicism* (Oxford 1985) 182–215; M. Frede, "The Stoic Doctrine of the Affections of the Soul," *The Norms of Nature*, edd. M. Schofield and G. Striker (Cambridge 1986) 106–7; J. Brunschwig, "The Cradle Argument in Epicureanism and Stoicism," *ibid.*, 128–44.

social οἰκείωσις, whence they derive justice and the other social virtues.⁴² Since Hermarchus introduces οἰκείωσις to explain the origin of justice and homicide law, his primary target must be this Stoic theory, but he could easily mean to call Theophrastus' position to mind as well.

Let us consider, then, how Hermarchus has integrated οἰκείωσις into the Epicurean genealogy of morals. I shall argue that while Hermarchus does use οἰκείωσις in the Stoics' sense as a natural kinship for our fellow-man, he rejects their use of it as the foundation of justice by restricting this kinship to members of a community who contribute to its survival, thus retaining Epicurus' doctrine that justice arises from a compact of advantage and disarming those elements in the Stoic teaching which contradict fundamental Epicurean principles. Hermarchus, in short, subsumes οἰκείωσις to Epicurus' utilitarian perspective. The fact that he introduces οἰκείωσις needlessly, as a secondary or contributory factor only in the origin of justice and homicide law, suggests that his intention is polemical—to show, that is, that even if οἰκείωσις be accepted (as the Stoics urge), it is to be explained in utilitarian terms. If so, Hermarchus provides our earliest evidence for the controversy over the nature of justice so prominent among later Stoics and Epicureans, and an Epicurean response to the Stoic charge that the Epicurean theory overturns justice by abolishing οἰκείωσις.⁴³

Now there is no reason to doubt that Epicurus himself would have explained the prohibition of homicide, like justice and the other virtues, solely by the calculation of advantage. But Hermarchus clearly was willing to augment or even modify Epicurus' views: he does so on other points, probably under Stoic influence.⁴⁴ and τᾶχᾶ marks 1.7.1 as his own speculation on the lawgivers' motives.⁴⁵ How then does Hermarchus graft οἰκείωσις onto this purely utilitarian position? The answer lies in Hermarchus' account of how the "finer natures" persuaded their fellows to refrain from mutual harm (1.10.2–4):

⁴² See below, pp. 104–6.

⁴³ See above, note 30.

⁴⁴ Epicurus admits the possibility of compact and justice with animals (*KD* 32), at least with self-determining animals (cf. Long and Sedley 2 [above, note 1], 137), and Lucretius explains how human beings are united with them in common advantage (5.860–77, cf. *De Abst.* 3.12), but Hermarchus denies all compact and justice to animals because they lack reason (1.12.5–6; 3.12.1 could represent an Epicurean response to Hermarchus' position); see generally Goldschmidt (above, note 1), 51–56. Chrysippus' claim in his *De Justitia* (*SVF* 3.367 = Diog. Laert., *Vitae* 7.129) that there is no justice on the part of men toward the other animals, because of their lack of likeness, closely parallels Hermarchus' position. In another case, Goldschmidt (above, note 1) 295 note 1 suggests that Hermarchus' thinking on the dangers posed by an excess population of an animal species (1.11.3–5) reflects Chrysippus' *De Justitia* (*SVF* 3.705 = Plut., *De Stoic. Repugn.* 1049a–b). Naturally, Hermarchus would have been responding to Stoics earlier than Chrysippus (see below, note 63), but these parallels provide strong evidence that Hermarchus took Stoic doctrine into account in his anthropology.

⁴⁵ For a parallel, consider Hermarchus' speculations in *De Abst.* 1.9.3–5 on the origin of expiatory purifications.

Διαμνημονεύοντες δέ τινες τῶν τότε χαριεστάτων ὥς αὐτοὶ τε ἀπέχοντο τοῦ κτείνειν διὰ τὸ χρήσιμον πρὸς τὴν σωτηρίαν, τοῖς τε λοιποῖς ἐνεποιοῦν μνήμην τοῦ ἀποβαίνοντος ἐν ταῖς μετ' ἀλλήλων συντροφαῖς, ὅπως ἀπεχόμενοι τοῦ συγγενοῦς διαφυλάττωσι τὴν κοινωνίαν, ἣ συνήργει πρὸς τὴν ἰδίαν ἐκάστου σωτηρίαν. οὐ μόνον δὲ χρήσιμον ἦν τὸ χωρίζεσθαι μηδὲ λυμαντικὸν ποιεῖν μηδὲν τῶν ἐπὶ τὸν αὐτὸν τόπον συνειλεγμένων πρὸς τὸ τῶν ἀλλοφύλων ἐξόρισμα ζῶων, ἀλλὰ καὶ πρὸς ἀνθρώπους τοὺς ἐπὶ βλάβῃ παραγινομένους. μέχρι μὲν οὖν τινος διὰ ταύτην ἀπέιχοντο τοῦ συγγενοῦς, ὅσον ἐβάδιζεν εἰς τὴν αὐτὴν κοινωνίαν τῶν ἀναγκαίων καὶ χρείας τινὰς παρείχετο πρὸς ἐκάτερον τῶν εἰρημένων· ἐλθόντος δὲ ἐπὶ πλέον τοῦ χρόνου καὶ τῆς δι' ἀλλήλων γενέσεως μακρὰν προσηκούσης, ἐξεωσμένων δὲ τῶν ἀλλοφύλων ζῶων καὶ τῆς παρασπάρσεως, ἐπιλογισμὸν ἔλαβον τινες τοῦ συμφέροντος ἐν ταῖς πρὸς ἀλλήλων τροφαῖς, οὐ μόνον ἄλογον μνήμην.

Some of the finer natures at that time, remembering how they themselves refrained from killing on account of its advantageousness for survival, reminded the rest of the benefit accruing to them from their social life, that by refraining [from the slaughter] of those akin to them they preserve the community, which contributes to the individual survival of each. Living apart and doing no harm to those gathered in the same place was advantageous not only with respect to the expulsion of animals of other species, but also with respect to human beings intent on doing them harm. For a certain time, then, they refrained for this reason [from the slaughter] of those akin to them—as many of them as entered into the same sharing of necessities and provided certain services for each of the aforesaid needs. But as time passed, the population expanded considerably through reproduction; animals belonging to other species were expelled, and certain men acquired a rational calculation, not merely irrational memory, of what was advantageous in their social life.

This passage provides Hermarchus' explanation of the factors which first led the early lawgivers to prohibit homicide, and so we may expect it to clarify the relation between the two causes of this prohibition introduced at 1.7.1–2. In 1.10 Hermarchus uses τὸ συγγενές, rather than οἰκειώσις, to refer to the natural kinship among members of the same community who contribute to its preservation. The term τὸ συγγενές does not, to be sure, have exactly the same associations as οἰκειώσις, since Epicurus, notoriously, denies that man has any natural affection for his offspring or fellow-man as such.⁴⁶ But Hermarchus, I

⁴⁶ Cf. above, note 26. Since Hermarchus probably intends his brief characterization of οἰκειώσις to identify a general position which admits of divergent formulations (i.e., those of Theophrastus and of the Stoics), it is hardly surprising that in explaining in 1.10 how the two causes of the prohibition of homicide are related he slides into the closest Epicurean counterpart—to explain the differences between Stoic οἰκειώσις and Epicurean συγγένεια would no doubt give more prominence to his opponents' views than he considers necessary. The view that here τοῦ συγγενοῦς means simply "of their own species" (in contrast

suggest, is employing the closest Epicurean counterpart to explain how man's natural kinship (which the Stoics call οἰκειώσις) led, in utilitarian fashion, to the prohibition of homicide to which he refers at 1.7.1. That τὸ συγγενές has this meaning is evident from two passages of Epicurus, in which Hermarchus could have found warrant for his usage of it as an Epicurean counterpart for οἰκειώσις.⁴⁷ In 1.10, Hermarchus uses τὸ συγγενές to mark off the community's members not only from wild animals (1.10.3), but also from other human beings (mentioned in the previous sentence) who intend it harm; hence the term refers not to a natural kinship among human beings generally, but rather (as 1.10.4 shows) only among those members of the same community who usefully contribute to its preservation.⁴⁸ Hermarchus thus restricts according to utilitarian principles the natural kinship among human beings which he proposes as a possible explanation for the prohibition of homicide.

with τῶν ἀλλοφύλων ζώων), seems to me ruled out by 1.10.3 (ἀνθρώπους τοὺς ἐπὶ βλάβῃ παραγινομένους), where Hermarchus excludes men intent on harm from τὸ συγγενές (see further below). It also turns Hermarchus into a decidedly sloppy thinker: it would have him introduce in 1.7.1 a doctrine his readers would consider contrary to orthodox Epicureanism without explaining in his thematic discussion of 1.10 how he understands this doctrine or its relation to the principal cause of the prohibition of homicide, social advantage.

⁴⁷ (i) *Ep. ad Men.* 129:

ταύτην γὰρ ἀγαθὸν πρῶτον καὶ συγγενικὸν ἔγνωμεν, καὶ ἀπὸ ταύτης καταρχόμεθα πάσης αἰρέσεως καὶ φυγῆς καὶ ἐπὶ ταύτην καταντῶμεν ὡς κανόνι τῷ πάθει πᾶν ἀγαθὸν κρίνοντες...πᾶσα οὖν ἡδονὴ διὰ τὸ φύσιν ἔχειν οἰκειᾶν ἀγαθόν, οὐ πᾶσα μέντοι αἰρετή.

The latter phrase means "because it has a nature akin to ours"; i.e., pleasure is that towards which we naturally incline (cf. *KD* 7); since συγγενικόν describes the same relation, it must too refer to one's natural kinship. This text would obviously provide Hermarchus warrant for using τὸ συγγενές as an Epicurean counterpart for οἰκειώσις (or οἰκειός). (ii) *SV* 61: καλλίστη καὶ ἡ τῶν πλησίων ὄψις, τῆς πρώτης συγγενείας ὁμονοούσης, ἡ πολλὴν εἰς τοῦτο ποιουμένη σπουδὴν. This extract (as καὶ shows) lacks its context, its text is disputed (I follow Bailey, Epicurus: *The Earliest Remains* [Oxford 1926] 114, 385), and the referent of εἰς τοῦτο is obscure (*pace* Bailey, *SV* 61 could as easily be taken from a passage on cultural history as on friendship). But whatever one's views on these points, πρώτη συγγένεια clearly is restricted to our neighbors, just as Hermarchus restricts natural kinship to those members of a community united by common advantage.

The Theophrastean passages preserved by Porphyry provide a close parallel for Hermarchus' usage of συγγένεια to denote a relation of natural kinship: see esp. 3.25.2 (quoted above, note 37) and, just prior to the passage that has been thought to have influenced Hermarchus directly (see above, note 36), 2.22.1: τῆς γὰρ [οἶμαι] φιλίας [καὶ τῆς] περὶ τὸ συγγενές αἰσθήσεως πάντα κατεχούσης, οὐδεὶς οὐθὲν ἐφόνευεν, οἰκεῖα εἶναι νομίζων τὰ λοιπὰ τῶν ζώων.

⁴⁸ I take Hermarchus' ὅσον clause (1.10.4) to explain τοῦ συγγενοῦς; other constructions are possible (e.g., "insofar as"), but the hostile men mentioned in 1.10.3 still preclude reading the term as meaning just "of their own species".

Hermarchus' recognition of a kind of natural kinship among neighbours who contribute to their community's preservation and advantage would seem to represent a revision, inspired by reflection on Stoic οἰκειώσις, of Epicurus' denial that man has any natural social impulse. But Hermarchus might have considered this revision a faithful extension of Epicurus' doctrine that the gods benefit those human beings for whom they have οἰκειότης. Epicurus evidently intended his account of this divine οἰκειότης in *Περὶ Φύσεως* 13 to clarify how the gods benefit and harm human beings,⁴⁹ and *Ep. ad Men.* 124 suggests what he had in mind:

οὐ γάρ προλήψεις εἰσὶν ἀλλ' ὑπολήψεις ψευδεῖς αἱ τῶν πολλῶν ὑπὲρ θεῶν ἀποφάσεις· ἔνθεν αἱ μέγιστα βλαβῶν αἴτιαι τοῖς κακοῖς ἐκ θεῶν ἐπάγονται καὶ ὠφέλεια. ταῖς γὰρ ἰδίαις οἰκειούμενοι διὰ παντὸς ἀρεταῖς τοὺς ὁμοίους ἀποδέχονται, πᾶν τὸ μὴ τοιοῦτον ὡς ἀλλότριον νομίζοντες.

For they are not *prolēpseis* but false suppositions, the assertions of the many about the gods, whence the greatest causes of harm come to evil men from the gods, and the greatest benefits. For they, having always an affinity for their own virtues, receive those who are like them and consider alien all that is not of this kind.

This is one of the most disputed passages in all of Epicurean literature, and my translation deliberately reproduces some of its difficulties, including the ambiguity in the referent of ἔνθεν and in the subject of the last sentence.⁵⁰ The subject of the last sentence could be (i) the gods (Schmid, Sedley), (ii) the good and wise (Barigazzi, Festugière), (iii) people in general (Long and Sedley), or (iv) Epicurus could have left it deliberately ambiguous to sidestep, in this

⁴⁹ Cf. Philod., *De Pietete* 124.1–10, with the restorations of Philippson (above, note 9) 383. *P.Herc.* 1428 col. 12.13–32 (Henrichs [above, note 20] 22–23) provides a close parallel to this text and to *Ep. ad Men.* 124.

⁵⁰ See particularly W. Schmid, "Götter und Menschen in der Theologie Epikurs," *RhM* 94 (1951) 97–156, esp. 105–25; also: Usener (above, note 1) xx–xxi; Bailey (above, note 47) 330–31; A. Barigazzi, *Hermes* 81 (1953) 145–58; A. J. Festugière, *Epicurus and his Gods* (Oxford 1955) 56–63, 68 notes 36–37; R. Stark, *Hermes* 93 (1965) 420–22; Arrighetti (above, note 20) 538–40; D. N. Sedley, *CErc* 4 (1974) 90–92; Long and Sedley 2 (above, note 1) 145. I take ἔνθεν as an ellipse from the previous clause (sc. "from the gods"); Bailey's forced "according to which" (referring to ἀποφάσεις) lacks a good parallel and turns the passage into a statement of false popular belief rather than of doctrine. Αἴτιαι has caused considerable difficulty but should not be excised (so Barigazzi, Arrighetti; Usener emends to βλάβαι τε): it makes excellent sense in context, as its presence in our two parallel passages (see previous note) shows. A. A. Long's emendation αἱ ἐπὶ is paleographically improbable and provides unsatisfactory sense: καὶ ὠφέλεια can hardly be said to stem from the gods "through false suppositions, the assertions of the many". I adopt Von der Muehl's αἱ μέγιστα βλαβῶν αἴτιαι because it produces the best sense with least alteration: loss of the parallel βλάβαι / ὠφέλεια is fully in character with Epicurus' Greek. Gassendi's supplement ὠφέλεια <τοῖς ἀγαθοῖς> is to be understood if not printed.

context, the question of whether his gods play in active role in securing human happiness. I incline to (i), because of the close parallels quoted above, note 49; but (ii) or (iii) would provide an even better parallel for Hermarchus' extension of a relation of natural kinship to human beings united by common advantage.

Fortunately, in spite of these difficulties, Epicurus' general position is not in doubt. The Epicurean gods benefit or harm human beings not through active intervention in their affairs, but through their psychological condition: the many who adopt false suppositions about the gods suffer the psychological torments eloquently described by Lucretius (6.68–79), torments which Epicurean φυσιολογία sets out to cure; the wise who adopt a proper *prolēpsis* about the gods, on the other hand, are united in friendship with them (Philod., *De Dis* 3 col. 1.7–20 Diels). This *prolēpsis* ensures that they have a natural affinity for the divine (*Ep. ad Men.* 124; cf. fr. 361: καὶ τοι τῶν θεῶν κατ' αὐτόν...[sc. Ἐπίκουρον] πᾶσαν κηδεμονίαν ὑπὲρ τῆς σωτηρίας τῶν οἰκείων ἀγαθῶν εἰσφερομένων), and their reward is the security and tranquility which comes from recognition that the gods do not interfere in human affairs apart from men's conceptions of them. Now similarly, Hermarchus may have reasoned, human beings can only attain security by recognizing that they are bound to one another in a relation of natural kinship founded upon mutual advantage. Epicurus says that men who have experienced πληρεστάτη οἰκειότης may live most pleasantly together (*KD* 40; cf. fr. 197 = *P.Herc.* 1418 col. 12, new text in L. Spina, *CErc* 7 [1977] 53), and his own will well exemplifies this sentiment: he rewards the followers who have shown him πᾶσα οἰκειότης by making provision to ensure that they have the necessities of life (Diog. Laert., *Vitae* 10.20). Similarly, he characterizes those of his followers who welcome well-disposed outsiders to his private festivals as "practising what is congenial (οἰ)κείους to their nature" (*P.Herc.* 1232 fr. 8 col. 1.15–17, ed. Clay [above, note 5]). Such passages could well have led Hermarchus to respond to the challenge posed by Stoic οἰκείωσις by extending the natural kinship between the gods and the wise to encompass all human beings united by common advantage. This reasoning would be especially appropriate if our text formed part of Hermarchus' account of how man originally attained a proper conception of the gods (see above, p. 88).

On the foregoing interpretation, Hermarchus does not exploit the possibilities available to him as a result of his acceptance of οἰκείωσις to provide a non-utilitarian basis for Epicurean anthropology. By restricting natural kinship to those who contribute to their community's preservation, Hermarchus rejects those elements in the Stoic doctrine which contradict fundamental Epicurean tenets. Thus he does not use this kinship as the basis for a general prohibition of homicide, but rather restricts this prohibition according to utilitarian principles. In fact, the prohibition against homicide arises solely from the lawgivers' calculation that it is useful for survival; it has no universal sanction (1.8.1; cf. Lucr. 5.1024–7); and any community may kill without quarter those who threaten it (1.11.3–5; 1.12.6). Hermarchus thus rejects the Stoic teaching according to which man is a πολιτικὸν or συναγελαστικὸν ζῷον (*SVF* 3.262, 314; Cic., *De Fin.* 3.62–3; Hierocles col. 9.13–21) who naturally associates with others in a political community not on account of need, but of

οἰκείωσις—*eius autem prima causa coeundi est non tam inbecillitas quam naturalis quaedam hominum quasi congregatio* (Cic., *De Rep.* 1.39). Hermarchus' conjunction of natural kinship with the calculation of advantage rather parallels the Epicurean teaching on friendship, which originates in need but comes to be desirable in itself (SV 23; Diog. Laert., *Vitae* 10.120; Cic., *De Fin.* 1.66–70, 2.82–5; *De Amicitia* 9.32).⁵¹ Similarly, I suggest, he locates the origin of man's natural kinship in his need of others to secure the community's preservation; once established, the prohibition of homicide founded in need may prove desirable or necessary for other reasons.⁵² In fact, Hermarchus seems to locate this change in the transition from the "natural" to the "rational" stage in the development of law, when the lawgivers apply ἐπιλογισμός and introduce legislation (1.10.4–11.1), laying down penalties to ensure that even those ignorant or forgetful of what is advantageous will not act contrary to it.

The Epicurean teaching on law in general conforms to this two-stage analysis. Hermarchus constantly stresses that the many are incapable of calculating the advantageous and so of acting justly; hence law's compulsion is necessary: "if all men were equally able to discern and remember the advantageous, they would have no need of laws" (1.8.4). Now law does, of course, enable the many to share in the benefits of the lawgivers' calculation of the advantageous, but this benefit seems to be derivative from the lawgivers' concern to secure their own self-preservation and security.⁵³ Law thus originates in need, but once established—to introduce a feature of the Epicurean view Hermarchus does not mention⁵⁴—it proves useful in securing the conditions necessary for the way of life of the wise, the life ultimately dedicated to Epicurean *physiologia*.⁵⁵

⁵¹ For this aspect of the Epicurean teaching on friendship, see Rist, "Epicurus on Friendship," (above, note 26) 122–24.

⁵² This inference is strongly supported by Hermarchus' statement that the lawgivers' prohibition of homicide was part of their attempt to civilize the many (1.9.5).

⁵³ They apparently were not motivated by disinterested concern to aid their fellow-man or their "offspring." Their initial purpose, rather, is to secure their own self-preservation by imposing upon the many a practice they themselves had found useful—to refrain from killing those "akin to them," and thus to preserve the community, "which contributes to the individual safety of each" (1.10.2). They first establish law in order to secure their own survival by compelling the many to act in a manner advantageous to the community's preservation. See also below, note 56.

⁵⁴ Hermarchus does not discuss the way of life which his "finer natures" intend to establish, but his account of the institution of law fully accords with Epicurus' doctrine that it serves to safeguard the way of life of the wise.

⁵⁵ Of course, law is not the only measure the lawgivers have to ensure that the many act according to the calculation of advantage. Epicurus fr. 368 (= Epict., *Diss.* 2.20.23) attributes the retention of false beliefs about the gods to early lawgivers who wished to frighten and restrain evildoers among the ignorant many. This historical account is expounded at some length in Philodemus' *De Pietate* cols. 59–65, Obbink 1986 (above, note 5) 183–94, probably from the account of cultural history in Epicurus' Περὶ Φύσεως 12. This account, which closely parallels that of Critias' (or Euripides') Sisyphus (88 B25 D.-K. = Critias

Support for this view emerges from Epicurus' statement that law serves to protect the wise from injury: οἱ νόμοι χάριν τῶν σοφῶν κεῖνται, οὐχ ὅπως μὴ ἀδικῶσιν ἀλλ' ὅπως μὴ ἀδικῶνται (fr. 530).⁵⁶ Since philosophy is impossible in man's earliest, pre-social state, requiring as it does the security and civilized way of life which law provides,⁵⁷ the ancient lawgivers' establishment of law makes philosophy possible in the interim before the arrival of the Golden Age envisaged by Diogenes of Oenoanda (new fr. 21 Smith)—when the life of the gods will pass to men, having been saved by Epicurus' philosophy, "all things will be full of justice and mutual love, and there will come to be no need of defensive walls or laws and all the things we contrive on account of one another."⁵⁸

Hermarchus' treatment of οἰκείωσις helps to clarify the much-disputed early history of this Stoic theory. Orthodox Stoics distinguish two species of οἰκείωσις—man's personal οἰκείωσις for himself from birth, the source of his drive for self-preservation; and his social οἰκείωσις, the source of justice and other-regarding virtue quite generally. The origins and development of this

fr.19 TGrF from Sextus, *Adv. Math.* 9.54), is defended as preserving genuine views of Epicurus by L. Perelli, "Epicuro e la dottrina de Crizia sull'origine della religione," *RFIC* 83 (1953) 29–56.

⁵⁶ The interpretation of this saying is disputed. J. M. Rist, *Epicurus* (Cambridge 1972) 123 note 8 translates χάριν τῶν σοφῶν "as far as the wise are concerned"; Goldschmidt (above, note 1) 89 note 6, 97 note 1 rejects this rendering (not conclusively, given SV 31), and then attempts to disarm its "immoral" appearance by arguing that, for Hermarchus, the wise "prennent l'initiative des lois, et cela en intérêt de tous"; they are "les auteurs des lois et les bénéficiaires,—mais non plus ni moins que le groupe social tout entier." This unsupported view ignores the basic fact that the wise in contradistinction to the many do not need law in order to act according to what is advantageous (see Vander Waerdt [above, note 16] 410). Since Epicurus denies that man is naturally social (see above, note 26), and since, as I have argued, Hermarchus subsumes οἰκείωσις into his utilitarian perspective, it is hard to imagine what initial motive the lawgivers could have for the establishment of law other than the purely egoistic one of self-preservation. For the Platonic and Aristotelian background, see P. A. Vander Waerdt, "Kingship and Philosophy in Aristotle's Best Regime," *Phronesis* 30 (1985) 249–73, esp. 264–72.

⁵⁷ For man's pre-social state, cf. above, note 23. In his "Lucretius the Epicurean on the History of Man," *Entretiens sur l'antiquité classique* 24 (1978) 1–27 at 15–17, D. J. Furley rightly dismisses as "exaggerated nonsense" the widespread primitivist interpretation of Lucretius which locates man's ideal condition in his brutal pre-social state, where he is *miser* (5.944, 983) and lives in constant fear of wild beasts, who deprive him of *quies* (5.982–87). Furley shows that Epicurus' discoveries supply the moral perspective informing Lucretius' account of the genesis of human society, but fails to consider law's role in making Epicurean *physiologia* possible.

⁵⁸ Since Epicurus denies man any natural sociality, M. F. Smith (*Thirteen New Fragments of Diogenes of Oenoanda*, *Ergänzungsbande zu den Tituli Asiae Minoris*, nr. 6 [Wien 1974] 22–24) seems to me mistaken in denying that φιλαλληλία reflects Stoic influence, and its conjunction with δικαιοσύνη here surely recalls their derivation of justice from οἰκείωσις.

orthodox view are complex and disputed, however, and there is considerable controversy over when and in what form the doctrine of social οἰκείωσις was first advanced.⁵⁹ The chief difficulty in tracing this doctrine to Zeno has been that while he accepted the *principiae naturae* in his controversy with Polemo and so laid the basis at least for personal οἰκείωσις (Cic., *De Fin.* 4.45), there is no explicit evidence that he based this doctrine on man's social relations or developed any theory of social οἰκείωσις.⁶⁰ But Zeno's followers from the time of Chrysippus on made οἰκείωσις the first principle of justice (Porph., *De Abst.* 3.19.2 [τὴν δὲ οἰκείωσιν ἀρχὴν τίθενται δικαιοσύνης οἱ ἀπὸ Ζήνωνος]; cf. Cic., *De Leg.* 1.42–3; Diog. Laert., *Vitae* 7.85–8; Plut., *De Stoic. Rep.* 1038b–e), and so the doctrine of social οἰκείωσις, in some form, dates at least from Chrysippus' day. But later writers found Chrysippus' position unsatisfactory and repeatedly criticize his doctrine of personal οἰκείωσις (see below, note 64) as an incomplete and inadequate basis for justice.⁶¹ These apparent difficulties have lent plausibility to the thesis that post-Chrysippean Stoics grafted Theophrastus' doctrine of οἰκειότης onto Chrysippean personal οἰκείωσις in order to forge a clearer link between man's natural instinct for self-preservation and his social relations.⁶²

Hermarchus' integration of οἰκείωσις into his genealogy of morals shows that the Stoics had developed their theory of social οἰκείωσις well before Chrysippus' accession as scholarch in 232 B.C.⁶³ Hermarchus' characterization

⁵⁹ For the later Stoic doctrine of social οἰκείωσις, see Cic., *De Fin.* 3.62–68; Porph., *De Abst.* 3.19.2; Hierocles cols. 6.22–9.21 (in H. von Arnim, *Hierokles, Ethische Elementarlehre* (Papyrus 9780), Berliner Klassikertexte 4 [Berlin 1906]).

⁶⁰ Görgemanns (above, note 40) 181–87 argues on the basis of semantic considerations that the early Stoics derived personal οἰκείωσις from social relationships designated by οἰκεῖος and related terms, but this thesis is not supported by our extant evidence; see P. A. Vander Waerdt, *AJP* 109 (1988) 263–65.

⁶¹ Consider esp. Plut., *De Soll. Anim.* 962a–b, *De Amore Proles* 495b–c, Anon. Comm. on Plato's *Theaetetus*, cols. 5.36–6.25 (in H. Diels and W. Schubart, *Anonymer Kommentar zu Platons Theaetet* (Papyrus 9782), Berliner Klassikertexte 2 [Berlin 1905]), who draws upon Carneades' famous dilemma about the shipwreck (*ap. Lactant., Div. Inst.* 5.16.9–10; cf. Hecaton *ap. Cic., De Off.* 3.90 with Pembroke [above, note 32] 127–29).

⁶² See Brink (above, note 27) 123–45. The controversy over social οἰκείωσις among later writers certainly suggests that Chrysippus' treatment was not considered satisfactory, and the accounts of such thinkers as Panaetius (Cic., *De Off.* 1.11–12, 53–54; cf. 3.52–53), Antiochus (Cic., *De Fin.* 5.65) and Arius Didymus (*ap. Stob., Ecl.* 119.22–122.7 [Wachsmuth]) have indeed been heavily influenced by the Peripatetic tradition.

⁶³ The date of Hermarchus' composition of *Against Empedocles* is unknown: when he succeeded Epicurus as scholarch in 271 B.C., Zeno was still alive (he died in 262), and since no special contribution to the theory of οἰκείωσις is attested for Cleanthes (scholarch 262–32) or any other early Stoic, it seems probable that Hermarchus' target in 1.7.1 is Zeno. The Zenonian origin of οἰκείωσις has long been disputed, but *De Fin.* 4.45 is clear evidence that he developed personal οἰκείωσις in his controversy with Polemo, and Hermarchus

of οἰκείωσις as obtaining on account of likeness in bodily form and soul (1.7.1) certainly could describe Chrysippean personal οἰκείωσις, and his use of it to explain the origin of justice and of homicide law clearly recalls the Stoic doctrine of social οἰκείωσις.⁶⁴ Since Chrysippus was only a boy when Hermarchus wrote his *Against Empedocles*, the doctrine of social οἰκείωσις cannot (as often thought) be a Chrysippean innovation, but must date from the earliest period in the school's history. If so, Chrysippus' treatment of the subject is likely to have conformed in its essentials to this earlier treatment, which may help to explain some of the apparent difficulties in the derivation of social from personal οἰκείωσις.⁶⁵

The fragmentary remains of Hermarchus' extensive work unfortunately allow only an imperfect knowledge of its contents and intention. But I hope that the foregoing discussion will suffice to establish that Hermarchus' *Against Empedocles* was a work of major importance, one notable for its scope, philosophical penetration, and ingenious reconsideration of Epicurean doctrine in light of contemporary debate.

now provides strong, albeit indirect, evidence that Zeno is responsible for social οἰκείωσις as well.

⁶⁴ See above, pp. 95–96. In the sole account of how Chrysippus links personal to social οἰκείωσις, Plutarch reports that in every book of physics and ethics he wrote that from the moment of birth we have a natural kinship to ourselves, our parts or members, and our own offspring (*De Stoic. Rep.* 1039b–e). Chrysippus probably regards offspring as “parts” of oneself, since one contributes “parts” or “seeds” of one's soul at the conception of an offspring (*SVF* 1.128, 2.749), and (perhaps building upon Aristotle's account of parental φιλία [*EN* 1161b17–29]) he uses this doctrine to show how justice and social οἰκείωσις derive from personal οἰκείωσις; see Inwood 1983 (above, note 40) 196–99.

⁶⁵ Theophrastus may well have influenced later theories of social οἰκείωσις, as Brink proposes, but he is mistaken to deny that social οἰκείωσις originated in the early Stoa. Presumably these early Stoic discussions were not available to later writers who criticized Chrysippus' position (see above, notes 61–62), since the experimentation and variety of views one finds in the later tradition is difficult to explain otherwise.