

THEMISTIUS' FIRST ORATION

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THE FULL SIGNIFICANCE of the career of Themistius for the history of the fourth century after Christ, and for the development of ancient political theory, is not yet a matter of common knowledge among scholars, in part because the most modern edition of his orations, that of Wilhelm Dindorf, was published as long ago as 1832 and has now become extremely rare.¹ The handsome edition published by the Jesuit scholar Harduin at Paris in 1684 is in fact easier to obtain today.² It is hoped that the lack of an easily accessible text may soon be remedied, since the present writer is preparing a new edition of the text, with English translation and commentary; this edition will embody the studies of the text by the Austrian scholar Heinrich Schenkl, which were left incomplete at his early death

¹*Themistii Orationes ex codice Mediolanensi emendatae a G. Dindorf* (Leipzig, 1832). It was thanks to the generosity of Harold North Fowler that I was able to obtain a copy of this text.

²*Themistii Orationes XXXIII . . .* (Parisiis, In typographia regia, 1684).

some years ago. We can also look forward to a detailed study of Themistius' political ideas which will form a part of the comprehensive study of ancient political theory now being prepared by Professor F. Dvornik of Dumbarton Oaks.

In the meantime, it may be useful to publish a translation of Themistius' first, and very characteristic oration, "On Love of Mankind; or, Constantius" (Περὶ φιλανθρωπίας ἢ Κωνσταντίου), which is in many ways the most characteristic of his political discourses.

When the oration was delivered before the Emperor Constantius, probably in A.D. 350, Themistius was about 33 years old, and had been conducting a school in Constantinople for about five years, having come to the new capital in A.D. 337, when he was about 20 years old.³ Themistius must have realized the supreme importance, for himself, of his initial appearance before the emperor, and he must have selected his theme, and considered his treatment of it, with care. As a pagan man of letters aspiring to the favor of a Christian emperor who ruled an incompletely converted empire, Themistius was in a delicate though not isolated position; not the least reason for the exercise of tact would have been the presence in the emperor's court of both pagans and Christians. Many (though not all) of the political ideas which Themistius developed in orations delivered later in his career (his last discourses were delivered to Theodosius I) appear in this oration to Constantius.

In modern times Themistius' views have been discussed in various aspects by several scholars, including V. Valdenberg,⁴ E. H. Kantorowicz,⁵ and the present writer.⁶ Character-

³On Themistius' life and works, see W. Stegemann, "Themistios," Pauly-Wissowa-Kroll, *Realencyclopädie*, 5A, cols. 1642-1680.

⁴V. Valdenberg, "Discours politiques de Thémistius dans leur rapport avec l'antiquité," *Byzantion* 1 (1924), 557-580.

⁵E. H. Kantorowicz, "Kaiser Friedrich II. und das Königsbild des Hellenismus," *Varia Variorum: Festgabe für Karl Reinhardt* (Münster, 1952), 171; "On Transformations of Apolline Ethics," *Charites: Festschrift Ernst Langlotz* (Bonn, 1957), 267, 270-271.

⁶G. Downey, "Philanthropia in Religion and Statecraft in the Fourth Century after Christ," *Historia*, 4 (1955), 199-208; "Education and Public Problems

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istic extracts from his fifth oration, addressed to the Emperor Jovian (A.D. 363-364), have also been presented by Sir Ernest Barker in his collection of political texts of the period from Constantine the Great to the end of the fourth century.⁷ Pending the appearance of the new edition, the present translation may serve to introduce wider circles to his work.

The text followed is that printed by Dindorf, and the numbers of the pages in Dindorf's edition are given within square brackets. Words or phrases added by the translator to make the meaning clearer are enclosed within square brackets.

Themistius, Oration 1.

ON LOVE OF MANKIND; OR, CONSTANTIUS.

[1] Now for the first time there comes to you, O Emperor, a discourse which is free and sincere in its praise, and cannot of its own accord offer even the smallest statement that it cannot justify in the eyes of philosophy. Wherefore it is needful for it to praise only the things which we admire. In you, it admires one good quality, namely that of your soul, more than all your possessions together. Most admirers see rather, and sing in their discourses, things such as the expanse of the realm, the number of subjects, the invincible regiments of infantry and the troops of cavalry and the abundance of their equipment and the enormous screens of weapons and the dragons on the delicate banners, raised on high on gilded shafts, filled and shaken by the breeze. The more elegant of those speakers come a little nearer to yourself and lay hold of your crown and your

as Seen by Themistius," *Transactions of the American Philological Association*, 86 (1955), 291-307; "Education in the Christian Roman Empire: Christian and Pagan Theories under Constantine and his Successors," *Speculum*, 32 (1957), 56-61; "Themistius and the Defense of Hellenism in the Fourth Century," *Harvard Theological Review*, 50 (1957), 259-274.

⁷E. Barker, *From Alexander to Constantine* (Oxford, 1956), 377-380. The chronological limits of the book indicated in the title are not wholly accurate, since Synesius and Themistius are included.

robe and your strong girdle and the gleaming colors of your tunic. Some, again, think that they come into even closer touch with you when they describe your armed dances and the light leaping in full armor and curvettings on horses, [2] and they very properly praise the body which is thus prepared, in the third generation of imperial blood,¹ for the labors it will have to endure.

But these men perhaps do not know that every emperor is able to do only a little, with his hands and with his whole body, toward the preservation of his realm, in comparison with what he can accomplish by the power of his intellect; and the man who is able to perceive that power of intellect is the man who is able to comprehend the true emperor and to admire yourself, not your possessions. The men of whom I spoke experience what they deserve. There is simply something about the soul which makes it more difficult to show itself than the body, and while the eyes of most men see the latter at once, they are incapable of perceiving the former. The things that surround an emperor outwardly, being variegated and pleasing to the eye, cheat the sight of the things that dwell within, just as, I am sure, the outer gates of some holy shrine, ornamented with rich masonry and painting, divert the spectator to themselves and by occupying their attention often prevent them from seeing the temple. But even in that case the sober and pious man makes his way into the sanctuary, while the crowd remains outside, beguiled like cattle by the adornment round about the temple. If what I mean is not yet clear, let us throw more light on our discourse from an example which I believe is even more exalted. In the case of the god, whose works and creations all these things are, is it equally easy to see both him and his works? Or is it for the sake of these latter that nature from the very beginning has given us eyes, so that when we open them we can see the sun and the moon and the other stars and the whole of heaven, while to see God himself is an

¹Themistius refers to Constantius Chlorus and Constantine the Great, grandfather and father of Constantius. See the genealogical table in A. A. Vasiliev, *History of the Byzantine Empire* (Madison, 1952), 727.

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object of yearning only to the man who in due time reaches this object after having passed through those other things?²

But since our discourse has been so successful [3] in reaching such a fitting and very beautiful picture of the subject, let us allow ourselves to be borne along on this and complete the remainder of the theme. Just as, in fact, his deeds reveal the nature of God, so do the emperor's actions make plain his own nature to those who are capable of being guided from deeds to the doer of them. Whither, then, do these deeds take us, and what sort of road do they show us? Not that difficult and dark kind, such as those paths to which most tyrants descend, as though to caverns, but a broad one which preserves its tracks so that they can be seen from afar; not that kind of road that leads finally to some wild and cruel beast, a bear, a boar or a lion, clothed with the name of emperor, but the kind of path that leads to the most peaceable and gentle of all, a heavenly creature which possesses a divine and modest nature, granted by heaven for watchful care over men here on earth.

Before we begin to follow in his footsteps, let us agree on what message concerning him we shall preach in our discourse. All you who are steered by the same helm, if you find in this discourse anything which in the least way cheats you, you must revile it and thrust it from you and cast it away from philosophy, because it does not perform righteous things or things which are consonant with the laws of philosophy. But in every respect in which it gives praise, in all these points it will be telling the truth; and here do not be angry with it and consider that it flatters rather than praises, for nothing is more hostile to truth than flattery, while true praise is testimony to virtue. Every man, in fact, bears witness rightly to that which he knows. Just as the man who understands each of these things is a reliable witness, so are those men who perceive virtue reliable witnesses to it.

²Themistius speaks of the monotheistic supreme being in which many pagans, including Themistius himself, believed at this period. When Themistius uses Greek *theos* in this sense, I have written "God" since this seems to be the only way to represent the conception which Themistius had in mind.

You understand, then, what my discourse comprises, namely the theme that only philosophers are witnesses to virtue. But in addition to my own message, my friends, let it also be understood that it is your words—those that you utter all the time concerning the emperor, in the market-places, in the theatres, [4] in your homes, in the baths, while sailing, while journeying, while at leisure, while at work—all of which the discourse has put together to make our collective gift; and what you hear thoughtfully from us is only that which you say at random to each other. If you tell lies, you will likewise hear lies; but if you tell the truth, we shall give your own back to you. But you do speak the truth; for you would not have said these things had you been lying. Consider my words, then, to see whether you recognize them as your own.

Indeed you sing and praise to each other a certain special virtue of the emperor. Shall I speak the name of this virtue? But I know that you who are present will acclaim this name and snatch it, still half-formed, from my lips. And yet I have said to you only what I have taken from you, and I do not pretend that it is a discovery of my own. Your word, indeed, is a very little one, with not many syllables; but I give it back to you like a coin, adding the power of the name as interest.

As for myself, I consider the benevolent³ emperor to be perfect in the virtue needed for the business in hand, and I believe that nothing is lacking in him to make him worthy of complete praise. Attend, then, to my discourse. Does it seem to you the conduct of a benevolent man to commit injustice and to harm men and conspire against them and to do things of this sort as though he hated them? Or would it be ridiculous to think this? Why, yes; in such affairs it would be necessary for such a man to be just. What then? Should the benevolent man wish to behave intemperately toward mankind, and commit violence against it? Or not at all? How, then, can he prove the name to be true? Here again the name proves his

³Gr. *philanthropon* (accusative). Successive uses of the word are not specifically noted in the translation.

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self-control. When a man loves something and values it highly, would he hand it over to an enemy who was seeking to destroy it, or would he defend it with all his strength and ward off the harm? Which of these is it the more fitting to call the brave man? The man who, while he fights off the wrath of others, himself [5] destroys his children through his own wrath? Or is it rather the role of benevolence not to be overcome by anger? What else, in justice, can mildness and reasonableness and gentleness be called? You see how, when I knock on that little wood, to test it, the whole swarm of the virtues sounds forth in response,⁴ or rather the discourse proceeds on its own way and it does not bar the emperor from going forward more safely. For when he possesses the soul of an emperor, and demonstrates that all good things are bound up in this, then he demonstrates, in addition, what sort of thing this benevolence is. Is he not as far removed from greediness as from cruelty, or as far from arrogance as from savageness? If we speak of intemperance, do we not harm the word itself? For he does not consider that happiness consists of luxurious living, but in doing the fairest deeds, and he guards his soul with reason rather than his body with soldiers, so that he can be attacked by no passion. He will understand, I am sure, that he must first rule himself who wishes to rule others; and that it is shameful, when the athletes at the Olympic games take the greatest care of themselves, by means of diet and exercise, for the champion of the whole world to expose himself unrestrainedly to pleasures. Nevertheless, I find that the thing which has supplied all these qualities to him is his innate love of mankind. The reason for this you may learn from me.

Just as we say that one virtue is the property of man, another that of dogs, and another that of horses, this one, I believe, is characteristic of an emperor, and is imperial before all others; and to it the rest are bound, as though they rose up to a single peak. Moreover, if we scrutinize each of the other virtues carefully, by itself, as though we were turning

⁴Plato, *Theaetetus*, 179 D.

over a coin, [6] we shall find none which bears the imperial character so clearly marked as that which is called courage. This indeed must belong to the emperor, just like all other good qualities. However, if you handle this virtue alone, it does not possess the imperial stamp, but you will see marked upon it rather the character of the soldier or the general; and it is a great glory for a high commander and for a captain to be braver than most men. What then is patience? Or self-control? Are they not, for individuals, healthy conditions of the soul?⁵ I maintain that justness, that celebrated virtue, is the fairest possession for an emperor. What indeed is more divine than a man who is just although it is in his power to do wrong? And moderation is very similar. What, then, is the use of a ruler who is not free? Such is the tyrant, who rules others and at the same time makes himself a slave to his passions. Nevertheless, in the case of all of these, there is one thing which I feel. Each of them, if one considers them individually, is a kind of common adornment of mankind, which only becomes imperial when love of mankind sets its stamp upon it, just as the divine stamp, on being set upon plain gold, which hitherto has exhibited merely the beauty of the gold itself, transforms it into a divine likeness.

Let Homer come to speak to us, and let him say, concerning love of mankind, that it is a fair thing:⁶ "Never did mine eyes behold a thing so beautiful or so royal; for it is like unto a king." The particular type of virtue that belongs to each man is, I believe, useful to him if it dwells in him, and in the same way is a great harm if he does not possess it. What is there of an imperial quality in a farmer being mild, or a cobbler? How does his mildness help the majority of mankind, when his neighbors hardly know him? How can it fail to be ridiculous to attribute love of mankind to a weaver or an artisan, dwelling in a modest little house, [7] who because of his toil and constant labor hardly ever goes out of doors? Such a man

⁵Plato, *Republic*, 444 D; Aristotle, *Nicomachean Ethics*, VII, 7, 4 (1150a, 35).

⁶*Iliad*, III, 169-170.

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will suffer, if he be not exceedingly discreet and gentle. But when that man has a placid aspect "to whom all peoples are entrusted and so many cares belong,"⁷ this is the happiness that is common to all. The shipowner or the merchant will not pray that the Chalcidian strait will be calm—for how many are there who either sail it or see it?—but the Hellespont and the Aegean and the Ionian Sea, which all freight-ships sail. And so if the emperor's soul does not seethe, nor do the gusts of anger and rage blow wildly on it and stir it up, easily fanned as they are by small causes, then it is possible for not only merchants and sailors, but for all men as well to sail through life in safety, both the man who embarks on a great ship and the one who goes on a little skiff, the former with its rudder, the latter depending on its oars. But if one wishes to be a passenger without having paid a contribution, even though the voyage is permitted to him, he will find himself without a wind, becalmed and stationary.

It is dangerous, indeed, for a private citizen to be seized easily by anger, but more dangerous in the case of a man in whose power it is to do whatever he wishes when he is angry. For myself, I consider that anger is a brief period of madness, but even so the man who thus becomes mad through weakness is less harmful to those about him than the man who does so with force and vigor. The one might have to do only with himself, but the disease of the other affects other people as well. How many people, indeed, would Polydamas or Glaucus,⁸ when melancholy, beat or slay? Whole tribes and nations, however, would feel the anger of Cambyses.⁹

There are many qualities of the emperor that I admire; but more than all the rest I admire him for having melted the passionate quality of his soul, like iron, and for having rendered

⁷*Iliad*, II, 25, 62.

⁸These two figures in Homer are apparently cited as examples of men who would not normally be subject to fits of melancholy.

⁹Son of Cyrus the Great and king of Persia 529-521 B.C.; he is described by Herodotus as a mad and savage tyrant.

it merciful instead of cruel, or rather serviceable instead of harmful. [8] For it does not allow him to break loose from reason, nor does it allow him, like a horse biting its bridle, to scorn the driver, who, being the only savior of virtue in the soul, dwells throughout life in the man who possesses him. Anger I consider an indulgence more dangerous than sensual pleasure. This latter everyone who is not wholly corrupt will promptly flee because of its great harshness, which plainly fits it only for slaves; and for this reason, perhaps, the commoner sort of insignificant men seem to be superior to this indulgence, while only a very few men can rise wholly above anger. This movement of the soul, in fact, being considered manly and noble, steals in upon many people the more easily under the guise of a virtue.

You may learn from this also that love of mankind is more kingly than all the rest of the band of virtues. The king of all heaven¹⁰ is not called moderate or capable of endurance or brave by mankind. What, indeed, could be alarming to him that he should be in need of courage, or what could be toilsome, that he should overcome it with endurance? What are bodily pleasures to him, that he should not conquer them with self-control? If justice consists of the making of covenants and the maintenance of relations with those who are in agreement with us, how could there be any stain, in this respect, on the life of him who is above all contracts? But as I said, we consider these names unworthy of God, as being trifling and inferior; but when we call him lover of mankind we do him no dishonor. The reason for this is that the mind of man is so made as to consider beneath himself everything that he can find in something which proceeds from himself. Thus our mind ascribes supersubstantial substance and power of higher power and superlatively good goodness to the fount of all things, but does this hesitantly, [9] and takes care over the association of

¹⁰This again is the monotheistic Supreme Being in whom Themistius and his peers believed.

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the words.¹¹ However, even though it feels thus, it does not view [the name of] love of mankind with suspicion, but takes glory in the name as though it had discovered something peculiarly becoming. How then is that man not truly blessed, who is able to share this virtue with God? How then can this ornament fail to be one which is completely suitable to a king, and superior to all the others, when the father of all does not scorn it? How can it fail to be right for us to hate and scorn those men called tyrants, who, although they have it in their power to emulate God, do not wish to do so?

I always laugh, indeed, as I think of one of the kings of old times, who set great store by possessing a certain divine power and a superior nature, and compelled men to erect temples to himself, as to a god, and statues, but by no means chose to love men as God does. And yet men give those things to God, and God gives this to men. The man who pursues the honors due him does not imitate God, but the man who pursues virtue does; nor is the man who is deemed worthy of those honors an imitator of God, but the man who, being worthy of them, shares them with others. Therefore the man who is not worthy of it uses force to obtain such honor, but the man who is worthy of it does not wish it. This is so in the first case because the man is impious in this matter, and in the second case because the man here recognizes the beings who are superior to him. Thus it is natural that the emperor who is a lover of mankind is dear to God—indeed men who love the same things are dear to each other—for such an emperor alone knows precisely that God must foster with all his power the man who models his mind on his own. This is what it is to admire him, this is the great song of praise, this is the true gift of honor, this is a fitting dedication to a king, namely to set up, not bronze or silver or gold, but one's own soul made into an image of God. The philosopher wishes this, but, lacking power, he seems much of

¹¹ οὕτως οὖν οὐσίαν τε ὑπερούσιον καὶ ὑπερδύναμον δύναμιν καὶ ὑπεράγαθον ἀγαθότητα προστίθησιν ἢ διάνοια τῇ πάντων πηγῇ, ὀκνοῦσα ὅμως καὶ ταῦτα εἰλαβομένη τὴν κοινωσίαν τῶν ὀνομάτων. Could this be a reference to the disputed terminology involved in the Arian controversy?

the time to limp [10] as he tries to imitate the form. The man who, more than the rest of mortals, is able to accomplish good and chooses to do so, is a pure and complete image of God¹² and is the same thing on earth as he is in heaven, governing, as it were, an allotment of the whole realm, and striving to imitate in part the ruler of the whole.¹³ Then the good master, pleased with this service, promotes him in the realm and assigns him a greater share, which he takes away from those less worthy.

Our discourse, having found a most lovely picture of a surpassing example, is eager to linger over the spectacle. Let us, however, bring it down, even though it is unwilling, from divine to human topics, gently consoling it and showing that it will not in this fashion be at variance with itself but that it will achieve a service which, though it is less impressive, will be the more honorable. In general, then, we must consider how no one, whether he be a ruler or a workman, can achieve a fair accomplishment, in performing his labor, if he hates it and is vexed by it. A groom who does not love horses cannot care for them nor can a herdsman who is not accustomed to cattle care for his herd. A flock which the shepherd dislikes will be an easy prey for wolves, and goats will come to misfortune at the hands of a man who hates them. Likewise whoever pastures human flocks must feel love for this kind of creature.¹⁴ He should care for it with pleasure, loving it like a child, not scorning it as though it were hostile, like an evil shepherd who knows only how to do a great deal of milking and to fill the pails with milk, cutting off its nourishment from the flock under his care, taking no thought for good pasturage, or, if there be such at hand, taking it away from them, making himself coarse and fat, but making his cattle thin and withered.

¹² ἄγαλμα τοῦ θεοῦ. In the second sentence preceding this, Themistius uses the phrase εἰκόνα θεοῦ in speaking of the king's soul. See also *Oration XI*, 143 A. These phrases concerning the "image of God" are so common in pagan literature that they do not necessarily show that Themistius had in mind the Christian teaching (cf. II Cor. iv:4).

¹³This is the conception of imperial power which was also set forth by Eusebius of Caesarea in his *Oration on the Thirtieth Anniversary of Constantine*. Themistius is evidently trying to show that the doctrine belongs to the pagans as well as to the Christians.

¹⁴Compare the description of the Good Shepherd in the Gospel of John, 10.

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Such a man, however, will enjoy his rich living for only a little while, for the herd will quickly perish, [11] and he himself will become a hireling instead of a herdsman, a porter, perhaps, or a charcoal-maker, painfully getting a bare living. The good herdsman, on the contrary, while he will derive much profit from his work, has to give many things in return for it, keeping off wild beasts and looking out for healthy grass. And of course the cattle give a rich return of affection to the herdsman who loves them; dogs love their huntsman, horses love the master who is a friend of horses, and human flocks the king who is a lover of mankind. In no other way can any living thing, indeed, perceive love and be smitten by it, nor can a lover be loved in return, in any other fashion, save by really feeling affection for the man who treats it well, just as it really hates the man who wrongs it. If it is a happy and blessed thing to see people who are our friends, how much more fortunate is it for those whom we see to be our friends? Thus the man who makes it plainly manifest that he bears the title of kingship sees as many friends as he does men. His subjects do not fear him, but fear for him, and this man alone makes no false pretence to kingship. He leads men who wish to follow him, not men who are in terror of him, and his rule is voluntary and not forced. A proof of this is that men seek his rule voluntarily, as though they could not exist without it. No one seeks that which he will fear, but that which he will love. The man who is great through fear merely stands out above others who bow down, and is not really great, while he who rules through love of mankind stands up above men all of whom are upright and exalted. The former adds nothing to himself, to make up his greatness, but cuts it away from his subjects, while the latter, while making all men great, is nevertheless greater than all himself. Neither is that man a lofty creature who, if he does not cut down those around him, cannot rise above them, nor is that man really a king who possesses no free subject. How can such a man differ from the thoughtless rich man who, possessing many slaves, takes pride and boasts

that he is better off [12] than all of his servants? The work of a true king, I believe, is not to humble the upright, but to raise those who have fallen, so that, so far as lies in his power, he may be more happy than happy men. The true tyrant does not wish to be more blessed than fortunate men, but more blessed than wretched men, just as, I believe, a jailer who possesses many prisoners, loves them for his own sake, and rejoices because he is more fortunate than those who are in fetters. And it is for this reason, I am sure, that the Persian monarch is far from the title of king. He not only understands that all his subjects are slaves and makes them such, but he even makes slaves of his relatives, of his brother and actually of his son, to whom he is to hand on his rule. The man is really absurd who, thinking that his brother is his slave, likewise thinks that he himself is free.

There is no advantage in having one's crown upright, but one's character prostrate; in having a sceptre of gold, but a soul more worthless than lead; in clothing the body in light and varicolored garments, while exhibiting a soul that is bare of virtue; in shooting, to hit birds, but in counsel, to miss wisdom; or for a man to be trained to sit easily on a horse, but to fall more easily away from justice. The man who loves things that do not belong to him in any way, while he destroys more than he gains, is deceived; he is unjust in his desire, foolish in his purpose, and silly in his hope. We consider, indeed, that the happiness of such a man is more abominable than the offense of Oedipus, to whom, the legend is, his mother bore children who were also his brothers. How is it remarkable, in fact, for a man to degenerate from reason when he has degenerated from nature itself? [13] How does it not follow that a man will resist the weapons of a king when he resists him in every detail in his way of life? In the same way it is impossible for a disciplined man to admire an unbridled one, for a gentle man to admire a harsh one, and for a civilized man to admire one who lives in a manner fitting for wild beasts. There is surely nothing more inimical to virtue than evil, nor is there anything that hates and despises it more. Every bad man, I am sure,

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looks upon a good man as a kind of manifest refutation, when shame is seen in a clearer light alongside the good.

This then is what destroyed him [the Persian king], not Mesopotamia, but the emperor's virtue shining near him.¹⁵ Nor does he understand—and this would be the sole benefit of the juxtaposition—how to turn over the rudder of his mind to the man, now near him, who understands how to steer it, and thus tie his skiff to the great vessel. This would be better, I am sure, than for a man sailing a fragile craft, without tillers or the rest of the gear, to keep up a fight against a great strong trireme which possesses many infantry and many rowers and marines, and a helmsman who has been brought up on rudders from his swaddling clothes. Such a man will conduct a sorry sea-battle, even though for a short time he may, through his lightness, escape being boarded.

But we must recall our discourse and turn it back from the track upon which it began to set out. The king, then, who loves mankind stands in real awe of mankind, for he feels respect especially for those whom he especially loves. This is the reason why he will not easily do a man wrong. And in the same way such a king will especially value the praise that comes to him from men. For every lover, [14] indeed, the thing that is good above all others is to be praised by his darling. And the man who desires to be praised, wishes to be good, for it is thus that he can win love. How much more fitting, by the Graces! is it for the emperor to be called a lover of mankind than a lover of wine or a lover of pleasure or a lover of gold or a lover of silver. Most of them, though they rule men, give their real care to money; and while they desire to be rich, and suppose that they are, they are really poorer than men who are quite well-to-do. Often men sell their clothing, because of poverty, but some rulers sell their good name for money. If it is disgraceful for an athlete to concede the olive-crown in the Olympic games for pay, it is more disgraceful for an emperor to sell the crown of virtue for money. Every rule stands in

¹⁵The reference is to Constantius' victory over Sapor at Singara; see Dindorf's commentary, 499.

need, as though they were its tools, of both honor and punishment, the one to increase virtue, the other to check evil-doing. The guilty and inhuman tyrant, however, surpasses the faults themselves in his punishments of them, while he fails to pay honor to deeds well done. What gift do we know of, coming from him, that is so great as the punishment of removing a man's skin? The prizes awarded by our gentle emperor are more lofty even than his good works, while his punishments are more tolerable than the faults for which they are given. It is more in the real character of love of mankind to do good than to do evil. Philosophy understands better the reason for this; and he [the emperor] seems to be the ruler of rewards, not the ruler of punishment. It is for this reason that from the beginning of time the law has put honors in the hands of kings, but punishments in those of the public executioners, giving the whole task to the executioner, but to the king merely the issuing of the order, since the one thing is fitting and the other necessary.

[15] It is not in the same fashion that the victorious general rewards the preeminent man and punishes the deserter, nor does the driver goad the rebellious horse in the same way that he praises and urges on the tractable one. The very appearance of the king is largely composed of honor, not of punishment. Of such character are the purple and the crown, so that in distributing honors, he shares those which he himself has acquired, while in awarding punishments he gives those things which he in no wise possesses. But just as a reward turns men toward good deeds, while punishment turns them away from wickedness, it is more natural for the ruler to accomplish good than evil. In the one case he merely removes men from evil, while in the other he shares the good with them. Nothing, indeed, so sharpens and helps to increase virtue as a firm hope in its rewards. There is in truth in us, as Plato says,¹⁶ a certain creature that is not a child, but something like a noble

¹⁶I have not been able to find a passage in Plato corresponding to Themistius' ostensible quotation. Themistius may have been quoting from memory, and may have had several passages in mind; or he may have been alluding to *Republic*, 549 E—550 C, changing the phraseology rather freely.

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youth, a zealous lover of preeminence, whom, as he often falls asleep over many things, the expectation of honor wakes and rouses up, planting in him an incentive toward virtue sharper than any gadfly. Moreover, it is perhaps more profitable, in any task, to take thought for worthy men than for the unworthy. Neither does the helmsman of a ship take equal care of both the sailor and the merchant passenger, nor does the physician of the body take the same care of the hair and of the eyes.

If watchful care for good things is better than care for evil things, and if good men stand in need of reward, while evil men require punishment, it is better for the ruler to be more inclined toward the bestowal of honor than toward punishment, since most punishments are not carried out for the sake of assisting wrong-doers—for they take away the soul instead of aiding it—but seem instead to be of advantage only to the rest of mankind. It is because of this, O most wise ruler, that you have removed death from the list of punishments, thinking it a ridiculous remedy which does not aid the sick [16] but is thought to be of advantage to the healthy. Or is this the wisdom of this fine remedy, that it does not cure those to whom it is applied, but is of value only to those to whom it is not applied? To my way of thinking, every cure should be of more value to the man who receives it than to others. It will be of value not only by destroying, but by improving. The highly skilled physician is not the one who cuts off the ailing leg, but the one who attempts to cure and restore it.

Shall I tell you the reason for this opinion? The law of former times, attempting, I believe, to make itself redoubtable, threatened the sword in most cases, and proclaimed the penalty of the same death for transgressions which are sometimes of unequal gravity. The reason was that law cannot maintain itself if it sets out to make subtle distinctions concerning transgressions. The dissimilarities of human affairs, being beyond any distinction, lead into infinity any man who attempts to follow them. Hence, I believe, it seemed best to make one rough declaration concerning all crimes and for all time, so that it might be

possible to be in a sound position with respect to things which had not yet appeared. This alone was left in the power of the lawgiver. And for this reason the law, like a discontented and self-willed man, usually gave the same answers to people who did not ask the same things. In this situation, with the law, under this constraint, making the same pronouncements concerning unlike things, the severe punisher is able to grasp the law's words and to adhere tightly to its pronouncements. Therefore the law often destroys a man whom it would have set free if it had been able to make another statement, thus committing unlawful acts in a kind of lawful fashion. The ruler who loves humanity, however, pardons the letter of the law [17] for its inability to be exact, and himself adds to it that which it cannot accomplish, since, of course, he himself is the law and is above laws. To make such an addition is to take away the savageness of the law. Just as when a thoroughbred dog is irritated and yelping, its master calms and soothes its rage by gently laying hold of it, so the ruler who is a lover of humanity often softens the anger of the law, and if it chances to be attempting to execute a man, he persuades it to punish him by exile; or if it is trying to exile another man, the ruler finds it enough to confiscate some of his property. In the same way it is the role of clement justice, which is sympathetic toward those of like nature to itself, to determine, on the other hand, the general nature of crimes, and to make distinction between error, wrongdoing and misadventure.¹⁷ Wrongdoing is the transgression of a man who desires to act in that way, and makes the choice of calculation. Error is a movement resulting from accident, when some desire or anger has suddenly leaped out before one, though the soul does not entirely give way to the movement. Misadventure, finally, is wholly a kind of mischance and mistake that attaches itself to some one from some source or other. For example, let us make our discourse clearer by concrete examples. It is possible to kill a man either deliberately, or when seized by anger, or by mere chance, for example

¹⁷On this distinction, see Aristotle, *Nicom. Ethics*, V, 8, 7; *Rhetor.*, I, 13, 16. See also Themistius, *Oration IX*, 123 D.

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in athletic exercises or in hunting, just as in the tale of the Phrygian Adrastus, a fugitive who had taken refuge with the Lydian king, who, while hunting, aimed at an animal but missed it and instead struck with his spear the son of the man who had given him hospitality.¹⁸

It is the role of love of humanity to study these things carefully, and not to deal out recklessly punishment for what has happened, but to seek an occasion for moderation. If a man supposes that clemency is in itself a good thing, but that wickedness is increased by it, let him point out the evil and show how it has been nourished and has grown to such an extent, and point out what has created so great a condition of vice, [18] or what sort of nurture it enjoyed, when first this tragic state of affairs became manifest, and fire and sword served to affright it.

Our ruler has well demonstrated that wickedness is not nourished¹⁹ by his own love of mankind, but that it is withered by it, and that it rather gives way and yields place more gently when justice stretches out its hand to touch it. These things are not matters of hearsay, but are to be seen; and my discourse takes a strange and unnatural subject in speaking of them.²⁰ It takes upon itself, indeed, to double the tremendous praise which up to this point it has been describing, instead of interweaving another with it, as would be usual. But see how great will be the addition which I shall try to make to this praise. To have accomplished these things at his [the emperor's] time of life is worthy, not only of double, but of manifold praise. Could one say that a temperate old man and a temperate youth are equally to be admired? Or that a mild and gentle man of advanced age and such a man in his prime are within the same category? No wisdom is needed to understand this. But in the case of private citizens, a longer lapse of time shows that they are worthy of more. It is not as marvellous for virtue to

¹⁸The story is told at length by Herodotus, I, 35-45.

¹⁹On the phraseology, cf. Plato, *Republic*, 550 B.

²⁰I.e., it is not right or necessary to speak of them at all,

follow upon age, as for time to alter or to run by, and especially is this true of that part of virtue which, while it is akin to age, is at variance with youth. That steadiness and calm and gentleness should occur in the age which before all others stirs up and disturbs the soul, I should not have supposed happened, not can I easily believe that it will happen. On the contrary, men of this age usually are quick of temper; they dart off and are swept away [19] by their passions like ships without ballast.²¹ The ruler, however, like a man who steers by means of his intelligence, compels the sea of youth to calm itself, and to him alone is that phrase "as gentle as a father"²² fitting, but because of his virtue, not because of his age.

Consider, by the god of friendship,²³ how difficult it is, in the midst of so much good fortune, to preserve fairness. Most men are unable, through weakness, to support good fortune, which is like a burden; but it is more difficult at an age like this, at which men preserve decorum least of all, and only under compulsion.

But let us put a fitting crown to our discourse and offer it as a perfect gift to our ruler. The ruler who loves mankind, then, is he not also especially a lover of his friends? Indeed, though he thinks so much of mankind, he sets greater store by his friends, and even though he loves those who live under him, he will especially love those who live with him, and if he can bear least of all to harm his subjects, he can in no way give pain to his companions. He understands that wealth of neither gold nor silver nor of the prized stones is of such great profit to a ruler as the wealth of true friendship. For the man who must hear many things, see many things, and at the same time take thought for many things, his two ears and his two eyes and his one body, and the one soul which dwells in it, are very little indeed. But if he is rich in friends, he will see far and will hear things that are not near him, and he will know

²¹Plato, *Theaetetus*, 144 A.

²²*Iliad*, XXIV, 770; *Odyssey*, II, 47, 234, etc.

²³Zeus Philios.

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what is far away, like the seers, and he will be present at the same time in many places, like a god. Since he knows this, he clings to each of his friends as though to his own body and his own soul and with his friendship is alone exalted and at the same time secure. With tyrants, such a height is dangerous. When any one thinks he is walking with them on equal terms, they thrust him away and cast him down [20] a steep cliff or into a deep pit. They raise men up, not that they may be exalted, but that they may cast them down from a height. But many of those who fall lay hold of those who thrust them down and bear them down with themselves. Those, however, who touch our ruler's hand know that they have hold of a safe cable,²⁴ and that they will hold it to the end. This, from your comrade philosophy, is the true and honest and pure offering: not one which flows from the tip of the tongue while the soul within speaks the contrary, but such as dwells within and comes forth from the lips as well. From such things as cause a man to falsify his praises philosophy is free. It has no regard whatever for wealth and requires no reward, possessing its own source of honor within itself.

²⁴Plato, *Laws*, 893 B.