

## Symmachus. Oration III. 376<sup>1</sup>. For His Father.

### Introduction

The remains of this oration might almost be a brief synopsis of themes and *sententiae* from Tacitus' *Histories*, combined with various of that historian's comments in other works, especially the *Agricola*, and some of the letters of Pliny the Younger. Although there has been no civil war, the aftermath of a change in regime, with new advisors and new policies, is clear and remarkably specific. Symmachus is more than usually forthcoming in stating his opinions.<sup>2</sup>

For summaries of senatorial reaction to Valentinian's death and Gratian's first actions and appointments, as well as Symmachus' part in describing these changes, see Matthews 1975: 64–69, Sabbah 1978: 338–339, Humphries 1999: 120–121, Kelly 2013b. Lenski 2002: 232–233 describes reactions, after the deaths of Valentinian and Valens, to the many trials of people accused of witchcraft or sorcery, with Gratian not avoiding criticism of his father but mostly blaming Maximinus, as Symmachus does in this oration, even naming the former PPO (§11). Bruggisser 1987 analyses *Ep.* 1.13 to Ausonius, Symmachus' reaction, early in 376, to Gratian's oration read to the senate. Symmachus employs the phrase *gloria novi saeculi* in that letter, the same claim that appeared on some coins of Valentinian's reign: see *Or.* 3 §§2 and 9 with notes.

1 If anyone wonders why, after my father's impressive oration, I too have undertaken the task of speaking and have offered words of thanksgiving, let him reflect upon what great authors of the favor we have — your kindness in asking, the princes' clemency in granting<sup>3</sup> — and let him cease to wonder that not one man gives thanks for a consulate which he sees so many men have conferred.<sup>4</sup>

2 Or if, patres conscripti, you took such great care to have a correct account of good will, that a unanimous testimonium for one man declare the senate's concord and the loyal character of the candidate, is it not the custom of men and gods that the son, before anyone else, sustain some part of the joyous labor? When would we speak more worthily of the princes' favors, more justly in your presence, more happily about our father? What we undertake is new, but your humanity

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<sup>1</sup> Girardet 2004: 130–133 believes the date was early May 376, while Kelly 2013b: 387–388, in agreement with Coşkun 2002: 197–198 on the date of Symmachus *Ep.* 10.2, thinks it may have taken place in summer. Mause 1994: 33 says it was delivered in April 376. On pp. 33–34 he adds that what is different about this occasion is that the consul does not personally give thanks (Die ungewöhnlichkeit bestand darin, daß der Konsul sich nicht persönlich für das Konsulat bedankte), citing Pabst 159 (the consul thanks the emperor in his presence) and 265–280. But Symmachus does say that his father gave a speech of thanks to the senate for the honor. Although consul designate for 377, Avianus Symmachus died before holding the office. The type of speech represented by *Or.* 4 is, as Symmachus says in §3, *novum*.

<sup>2</sup> As Matthews 1975: 67 wrote, "in effect an openly political speech".

<sup>3</sup> Pabst observes, with references, that in late Latin the virtues of *humanitas* and *clementia* may be used not merely as attributes of persons but in lieu of the persons themselves.

<sup>4</sup> Symmachus applauds Gratian's policy of better relations with the Senate; Ammianus had noted Valentinian's preferment of army men; cf. Symmachus *Ep.* 10.2.3 to Gratian. In general, see Naudé 1984.

is the source of doing what is unusual. You held an election of one who did not seek office<sup>5</sup>; the canvassing of good men procured this consulship of yours: you accepted the duties of a candidate, we of a consul designate.<sup>6</sup>

3 What about your even having invaded just now the boundaries of my role and the whole senate's<sup>7</sup> having celebrated the praises of the princes but a little while ago? But you cannot rob me of everything: the same speech of thanks is owed to you as well. Thus both the honor besought by many and the thanks returned through many have grown greater. Do you wish to know what kind of candidates you were on my father's behalf? You could justly have been his competitors. Is this consulship ours or the senate's? You consider that what we admit was furnished by all was decreed to all.

4 Where are those who wrongly conceived that the daring of a faction<sup>8</sup> was more efficacious than the good will of good men? Obviously rejection<sup>9</sup> shuns virtue and, on the other hand, all bribery is cowardly. What is honorably requested is happily obtained. The times have restored this right to the patrician class:<sup>10</sup> your request is a decision. You now ask for all things more successfully than you once commanded them.

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<sup>5</sup> Cf. Claudius Mamertinus *P.L.* 3.15.5, 3.19.3.

<sup>6</sup> In this sentence Symmachus employs the vocabulary of Republican electoral practices: the *comitia centuriata* was the electoral assembly at which curule magistrates were elected. The person running for office is the one who seeks (*petere*), *ambitus* was an unacceptable electoral practice originally equated with bribery of voters but here more generally applied to unseemly zeal in desire to be elected. Even bribery, however, was deemed acceptable, and by a most stringent judge, when practiced by *boni*: cf. Suetonius *Caesar* 19.1.

<sup>7</sup> The word *ordo* without qualifier indicates the senate.

<sup>8</sup> *Factio* was the standard term from the Republic onwards for joint political action by members of the opposition; Sallust's Memmius says it all: *haec inter bonos amicitia, inter malos factio est* (*BJ* 31.15).

<sup>9</sup> A *repulsa* was the word used under the Republic as well as in the fourth century for failure to be elected; cf. *P.L.* 3. 18. 3. Claudius Mamertinus, whose *gratiarum actio* to Julian must have been familiar to Symmachus, described the process of selection differently, acknowledging that it was in the gift of the emperor, yet also states the consequences for having sought (or asked) without having impetrated: *P.L.* 3.18.4.

<sup>10</sup> As he will do again in §7, Symmachus is speaking very loosely of the senate, most members of which were not patrician, a status that had become the gift of the emperor rather than from heredity, and was granted rarely. There is a law of somewhat later date (382) affirming that patricians outrank consulares: *CTh* 6.6.1, cf. 6.5.2. See Jones 1964: 106, 527–528, Heather 1998: 188–191. There was a law of about the same period against assuming a rank that one had not earned: *CTh* 6.5.1. But surely Symmachus is not trying to usurp status on behalf of himself and his fellow senators (cf. Reinhold 1971).

Chastagnol 1970: 312 discusses the differences between the senates of Rome and Constantinople, especially in the minimum rank necessary for any hereditary member of the clarissimate to become a senator. At Constantinople a man had first to become tribune of the people, whereas at Rome the higher office of praetorship was required. Thus, Chastagnol

5 How seldom, *patres conscripti*, has the state obtained such princes, who have the same desires and who make the same decrees as the senate! Once there was a time when no one in that pinnacle of fortune seemed very powerful to himself unless his feelings were different from the senate's. To how many has the people's love often been prejudicial! And the anxiety of a master could not bear to have what he himself did not merit conferred upon anyone. He who in unsure of his own esteem is intolerant of another's.<sup>11</sup> Hence the rapid course of the fates<sup>12</sup> often raised the worst of mortals to the most distinguished offices, evidently with this one opinion in their favor, that they found favor with no one. Not being loved<sup>13</sup> was a new kind of canvassing. Public mores conformed to this inducement of hope offered; thus it came about that good men, who had everything against them, were either overwhelmed by the plots of the wicked or changed by their examples.<sup>14</sup>

6 But now our princes have the same wishes as our leading men.<sup>15</sup> The state has one body and for that reason it is especially vigorous, because the robust soundness of the head looks after the health of the limbs.<sup>16</sup> Your love is the first vote for the consulship;<sup>17</sup> good men gain magistracies because they are chosen not by just one but by all. For the parents of the human race know that the judgments of many men are more accurate and the mind of each man is better observed from close up and that an examination by equals is always sincere; because equal rank, unless it be satisfied with someone's merits, is more adapted to rivalry than to partiality. Consequently we have arrived at the point that from your support, *patres conscripti*, and from your affection one can now perceive whom we shall have as consuls from this body hereafter. Whoever is good has already been designated. Let him renounce the other practices which usually frustrate his hope; let him submit at last to a consular life. Honor<sup>18</sup> has returned to good character, honor which the fates, not to speak of canvassing, used to furnish more often.

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believes, the senate at Constantinople was of lesser rank and the one at Rome was able to assume the status that patricians had once held, compared to plebeians.

<sup>11</sup> Cf. Ammianus 30.8.10, on Valentinian's envy of others.

<sup>12</sup> Martial 11.91.9–10 describes a similar image although in a very different context: *si tam praecipiti fuerant ventura volatu, / debuerant alia fata venire via*.

<sup>13</sup> The opposite of the way that Claudius Mamertinus describes Julian's dilemma: *P.L.* 3.5.4.

<sup>14</sup> Pabst compares Pliny *Pan.* 44.7. Cf. also Claudius Mamertinus *P.L.* 3.19.3–4 and, in general, much of that oration, comparing the present to the former regime, carefully because of the family connection.

<sup>15</sup> As Pabst notes, *proceres* means *senatores*. The ideal emperor deferred to the senate and was said to have restored its dignity: *P.L.* 12.20.1, 4.35.2, 3.24.5, 2.47.3.

<sup>16</sup> Cf. Cicero *pro Murena* 51, quoting Catilina: *tum enim dixit duo corpora esse rei publicae, unum debile infirmo capite, alterum firmum sine capite; huic, si ita de se meritum esset, caput se vivo non defuturum*.

<sup>17</sup> *Praerogativa*, in elections by the *comitia centuriata*, was the vote of the first century to state its choice; which one went first was determined by lot but only among the 18 centuries representing the highest property classes. That vote was especially influential in determining the outcome of the election.

<sup>18</sup> *Honor* also means office and here Symmachus indicates both.

7 Allow me, patres conscripti, to summon antiquity<sup>19</sup> to the present contest. She will call up tribes defiled by the dregs of freedmen and plebeians, we summon patricians; she will summon supporters<sup>20</sup> of a class, we the princes. Your colleague had as voters the sort of men that antiquity had as candidates. Let us understand the benefits of our era: the unseemly wax tablet is no longer, nor the sorting<sup>21</sup> falsified by troops of clients, the voting urn which could be bought; elections are transacted between the senate and princes: equals make their choice, superiors confirm it. The same thing is pleasing to camp and to curia: who would not regard this as the judgment of the whole world?

8 If these examples are too outmoded and dry, let us examine the following age.<sup>22</sup> Rulers of long ago had learnt to bestow those fasces of yours, and in order not to be forced to a further act of generosity, they protected the treasury with the pretense of honor. Others had the habit of imposing for a short time the long despised burdens of the higher magistrates on the shoulders of private individuals.<sup>23</sup> The consulship has renounced these injuries: the offices themselves have recovered their splendor; the thing which used to be a gift is now a reward. One folium?<sup>24</sup>

9 . . . such things as we receive as individuals, that they redound to everyone, such things as we attain in common, that they fall to the favor of individuals. How great a thing is it, that good character no longer knows how to fear, that he who trusts to his own judgment is not terrified by another's, that the entire senate is not recorded in the category of harmful people, that suspicion alone does not create criminals?<sup>25</sup> Nothing is contrived against those who are absent, because nothing is believed; accusation of no rich man is wished for. Assuredly we are blameless, and it would not yet be permitted to say this, if Rome still had the same men as accusers and judges.<sup>26</sup> How great a thing it is to give thanks on our own behalf! More diligent descendants have

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<sup>19</sup> Symmachus compares late antiquity's general rhetorical opinion of elections in the (late) Republic to the process obtaining at the time of his speech. Claudius Mamertinus *P.L.* 3.19.1–3 presents a detailed critique of Republican electoral practices.

<sup>20</sup> Del Chicca 1981 defends the manuscript reading *favisores*, but changes the punctuation, moving the semicolon from before *favisores* to after it, thus also Pabst. Callu keeps the manuscript reading but does not change the punctuation, and it is this Latin text that is translated here.

<sup>21</sup> Of voting tablets: Cicero *Planc.* 6.14.

<sup>22</sup> Symmachus employs the same phrase in his reflections on military successes Republican and imperial in *Or.* 1.16 (*proximae aetatis exempla*). Claudius Mamertinus *P.L.* 3.19.3 similarly passes from Republican elections to imperial practices.

<sup>23</sup> For example, by appointing a number of suffect consuls. *Privati* are people outside of the imperial family.

<sup>24</sup> The transition from genuine reward to abolition of prosecutions in Rome is missing.

<sup>25</sup> Symmachus alludes to the reign of terror in Rome when Maximinus was *praefectus annonae* (368–370) and *vicarius urbis* (370–371) at Rome; Ammianus offers details in the long first chapter of book 28.

<sup>26</sup> Maximinus and his successors; cf. "hostile practices" in sections 10 and 14. See Sabbah 1978: 338–339, Sinnigen 1959: 103, 107–108. See the detailed discussion in Callu 69–71 of the measures introduced to the detriment of senators under Maximinus, including the use of torture.

tempered even the reputation of the previous age. And it cannot be denied that the divine prince endured enemies of his good name none other than we of our welfare.<sup>27</sup> Is it now agreed that the fortunes of the nobility are in accord with the times? The same righteousness purified the imperium and the senate.

10 We congratulate you, young Augustus, that when you became the successor to your father's command you repudiated only the bad judges as if they were the burdens of your inheritance.<sup>28</sup> Those goods did not seem really appropriate to you with †the agents.<sup>29</sup> But at first, deliberation deferred your plan while you tested to see whether unjust and foreign<sup>30</sup> practices would be overcome by the example of the age, or, what was fitting for the best of sons, while you endeavored to make plain that past transgressions belonged to their authors, not to the times.<sup>31</sup> For you knew where ill will inclined, which customarily invents charges against the greatest fortunes, and for that reason you endured lack of restraint<sup>32</sup> for a short time, to make it clear that they were for a long while the authors of public sorrow, who cultivated the art of doing harm even when they knew it was no longer allowed.

11 What then should I admire first, that you performed the duty of a pious son in respect to the deceased,<sup>33</sup> or the part of a parent<sup>34</sup> in respect to us? Under the pretence of others' crimes Maximinus produced confidence in his own.<sup>35</sup> You may estimate what sort of person he was to

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<sup>27</sup> Valentinian I was made *divus* in recognition not because of senatorial approval but from necessity in the face of his son being his successor. Symmachus indicates that the misbehavior of his appointees was detrimental to the emperor's reputation, although he absolves him of direct responsibility.

<sup>28</sup> See Matthews 1975: 63-69.

<sup>29</sup> There is a textual problem. Baehrens suggested *ministris istis* (printed by Callu), Seeck *ministris malorum*. Pabst's apparatus has perhaps *ministris malis* along with both earlier conjectures.

<sup>30</sup> Ammianus 28.1.5 describes Maximinus' background and says he is a descendant of Carpi whom Diocletian moved from Dacia to Pannonia. Szidat 1995 discusses the career of Maximinus as an example of change occurring in imperial administration toward the end of the fourth century.

<sup>31</sup> By times Symmachus means the reign of Valentinian and his role in shaping attitudes and behaviors of those in his administration; Ammianus 30. 9.3 allows that Valentinian chose ministers carefully, although he had already written (30.8.13-14) that he would not dismiss any *iudices* who were found to exhibit bad qualities, nor would he come to the assistance of anyone in distress.

<sup>32</sup> *Impotentia* often means inability to control oneself rather than weakness and thus inability to control others, thus here it more likely refers to Maximinus than to Gratian, the subject of *passus es*; cf. Kelly 2013b: 367 with n. 47.

<sup>33</sup> This seems the best translation of *divum* in this case.

<sup>34</sup> An emperor was thought to represent the *paterfamilias* of his subjects, and one imperial title was *pater patriae*.

<sup>35</sup> It is not usual in the genre to name an opponent, but Maximinus had been executed by the time this speech was delivered; cf. Symmachus *Ep.* 10.2.3. The crimes of others were those of which he accused them.

the rest, when you yourselves, the masters of the world, almost experienced him as a tyrant. For he beset the royal patience with a new kind of arrogance and thought it a loss to his prefecture if anything had been permitted to the imperial power.<sup>36</sup> Meanwhile we waited for the principate to punish such things on its own, and you waited for the senate to make the accusation.

12 Yet I believe that these delays procured good fortune for the judgment of the public's case, that when you were about to undertake the trial of our sorrow, venerable Gratian, you contributed the testimony of your own; although it suits me to affirm this more, that our delegation discussed our complaints so that you too appear to be vindicated among the rest. For before the senate's cause was joined with yours, you thought it satisfied you that he who plotted against the crown had resigned his office on the model of innocent men<sup>37</sup>: after it came to common complaints, you employed severity of a sort that the rest of princes brought to bear only in cases of treason. It was all over, most clement emperor, with your injury, if the nobility had not been offended.

13 The guardianship of the state has been well placed, therefore, in your hands: you have restored peace to innocence, the power of harming has been taken from hostile practices. The principate has grown in strength because you rule free men; authorities are allowed as much as the laws. No marriages are joined now with the slaughter of a parent and no wedding song succeeds a funeral and mourning attire is not exchanged for the wedding veil.<sup>38</sup> Will posterity believe<sup>39</sup> that there were once such decisions that consecrated the marriages of his henchmen with a dagger for augur, kindled the torch of thorns from the pyre of the condemned mother, mingled the Fescennine verses with shrieks of grown women?<sup>40</sup>

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<sup>36</sup> At the time of Valentinian's death, Maximinus was PPO Galliarum. The reasons for his removal in office and execution are not recorded, nor what actions he may have taken that Gratian found threatening. Ammianus wrote (28.1.57) *idem Maximinus sub Gratiano intoleranter se efferens, damnatorio iugulatus est ferro*. He may have played a role in the execution of Theodosius the general, but there is no consensus on the matter. See Demandt 1965, Naudé 1987.

<sup>37</sup> Perhaps not what Symmachus intended, but cf. Tacitus *Histories* 1.6: *inauditi atque indefensi tamquam innocentes perierant*. Kelly 2013b: 386 with n. 124 translates *exemplo* as "by the example" and writes that translating it "as a synonym of *more* is acceptable Latin, but does not match Symmachus' usage elsewhere". Kelly believes that a number of resignations took place at about the same time in 376, but probably not until after Valentinian II and his supporters had gotten to Trier. He also observes (2013b: 387) that in this sentence Symmachus reveals that the senate did not formally complain about Maximinus until after he was no longer in office.

<sup>38</sup> This is a reference to the prosecution of Anepsia reported in Ammianus; she was the mother-in-law of Maximinus' son. While most commentators assume that the woman's fate might be ultimately the responsibility of Maximinus through those associated with him, Coşkun 2000: 77 n. 42 observes that the trial and execution took place several years after Maximinus had left Rome.

<sup>39</sup> Imitated by Pacatus *P.L.* 2.12.3 *credetne hoc olim ventura posteritas*. Kelly 2013a: 283 with n. 62 offers a clear parallel with Pliny *Panegyricus* 9.2 *credetne posterit*, and adds Claudius Mamertinus *P.L.* 3.30.1 as another influence on this passage.

<sup>40</sup> See Ammianus 28.1.34–35, 51–56.

14 Why should I speak of accusations not yet entered and already put up for sale and the public auctions of human blood, or of criminals practiced at falsehood and door-keepers masters at suborning, old calumnies new penalties, accusations without an accuser, judgments without justice, trials without justice<sup>41</sup>? The state would have been blessed, best of princes, three and four times over if you would even promise what you have already performed. The condition of things has been reversed: not long ago they alone whom death snatched away from these tribulations attracted envy for their felicity, and those whom life has not preserved for these joys are now considered pitiable.

15 This is that age of ancient Latium celebrated with the cognomen "golden," in which Justice is said to have been an inhabitant of earth and not yet displeased with men's conduct.<sup>42</sup> We are ruled piously and are as it were pledges, like children, of the princes, and there is no other discrimination in judgment among citizens than among sons: he who is worthy of love is preferred and yet whoever is displeasing is not killed; worthlessness is corrected by the profits of virtue.<sup>43</sup> How many will this consulship of yours attract to the finest reward! While you honor some, you instruct others; for those who by nature lack the love of rectitude will follow hope. I would like stern judges now to inquire what stronger correction there is. Once fear labored to make every good man live in a state of anxiety, now honor makes every bad man live in despair. Honor . . . 6 folia?

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<sup>41</sup> Seeck, followed by Pabst, added a second *sine iure* after the first. Callu writes *itemque* as his conjecture. Something is needed to complete a phrase with *sententias*.

<sup>42</sup> See Bruggisser 1987: 147–148, and *Or.* 3.9 with notes, on Symmachus' claims for a return of Justice to earth.

<sup>43</sup> Pacatus will later praise Theodosius for gentle correction by example: *P.L.* 2.13–14.

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