Chapter 13

Authorising Freedom of Speech under Theodosius

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Freedom of speech is so thoroughly enshrined as a core principle of modern democratic discourse that celebrations of or appeals to it are frequently divorced from the text which gives it authority—the Universal Declaration of Human Rights (United Nations General Assembly, Paris 1948), Article 19 ‘Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.’ Of course, there was no such declaration or code in the ancient world, although the strong association between democracy and freedom of speech in classical Athens, identified for example by Socrates in Plato’s Republic, can be seen as a forerunner for modern philosophising about the relationship between State and individual. He says of a democratic city: ‘And so, first, aren’t they free, and doesn’t the city abound in freedom and freedom of speech, and can’t someone there do whatever they want?’ (Rep. 8. 557B).1 The Roman world has directly contributed rather less than the Greek to modern political philosophy about liberties, and certainly has little to say about democracy. However, freedom and freedom of speech were subject to occasional contestation and determination in the Roman Republic and Empire. The concept of freedom of speech seems to have had particular prominence in texts addressed to Theodosius, and it is the ambition of this chapter to consider how competing definitions of libertas dicendi (‘freedom of speech’) in two such texts constructed related but ultimately incompatible images of imperial responsibility and authority.

Although some of the circumstances of Theodosius’ accession to the throne in January 379 are lost to us, what is beyond doubt is that, born of Spanish origin, he became emperor in Sirmium (Sremska Mitrovica, Serbia) and then remained in the East for the next nine years, largely attending to military affairs.2 Our ignorance about the stages and legitimacy of his path to power

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1 ὡκοῦν πρῶτον μὲν δὴ ἐλεύθεροι, καὶ ἐλευθερίας ἤ πόλις μεστή καὶ παρρησίας γίγνεται, καὶ ἐξουσία ἐν αὐτῇ ποιεῖν ὅτι τις βούλεται;
2 Orosius 7.34.2; De Caesaribus 48.1; Theodoret HE 5.5–6; for scholarly controversies about Theodosius’ progress to the throne, see Matthews 1975, 91–2; Burns 1994, 43; Errington 1996; Sivan 1996; McLynn 2005, 93; Kulikowski 2007, 147–50.
is despite the fact that speeches from two of his panegyrists refer to his promotion: speaking in his *Oration* 14 (Thessalonica, spring/summer 379) of Theodosius’ suitability for imperial office, Themistius emphasizes his virtue and strength as better qualifications for office than kinship (182b-183a); addressing him again, in Constantinople in January 381, Themistius briefly mentions two military positions Theodosius had held before his accession, but signals resemblance to God as the key quality of kingship (*Or.* 15.188c); and Pacatus Drepanius, addressing Theodosius in Rome in the summer of 389 (a full decade after his accession), identifies as the virtues which equipped him for the throne his boundless energy, experience and his reluctance to rule (*Pan. Lat.* 11[12]10–11.3). Perhaps Themistius and Pacatus Drepanius were not privy to certain details—such as why Theodosius’ father has been executed in 375, why Theodosius seems immediately to have gone to ground in his family estate in rural Spain, and why he ended that retreat to resume the military career which quickly led to his accession—but it seems more likely that they knew such matters were too delicate for mention in court oratory, and so glossed over them with silences, euphemism, and cleverly managed deflection of attention.

In this climate of cautious talk, it is ironic, therefore, that ‘free speech’ is said to have flourished. In the same address of 381, Themistius vaunts the security that freedom of speech (*parrhēsia*) enjoyed under Theodosius:

> For see, o wisest of men, how I have come here today neither to flatter nor to fawn. It would not be proper for such a man who has already associated with such great emperors, both of recent and of more distant times, to dance attendance and fawn on one whom he knew to be the mildest of them all, the most tolerant and gentlest. When freedom of speech is most secure, then to choose base and unfree speech is absurd; just as one should check a thoroughbred colt when it is skittish, but he who attempts to break one which is naturally tame from the outset, without using its good breeding is absurd. (*Or.* 15. 190a-b, trans. Heather and Moncur).³

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