

Literature and Society in the Fourth Century AD

*Performing Paideia, Constructing the Present,
Presenting the Self*

Edited by

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A Living Relic for the Vicar of Rome: Strategies of Visualization in a Civil Case

Sigrid Mratschek*

1 Introduction

The correspondence of Paulinus of Nola provides an insight into how the power of words, through the clash of Christian discourses with classical forms of communication, evolved as a creative and successful mode of exercising authority.¹ According to his biographer Uranius, Paulinus' letter-writing was as effective in exerting influence as the generosity of his alms-giving.² Writing letters of recommendation (*commendationes*), which was among the principal duties of a bishop and Roman patron, here played a major role. In practice, the recommendations definitely attributable to Paulinus show him combining the position of a *nobilis* with that of the ascetic, whose beneficence enjoyed a kind of supernatural authority.³

2 Exordium: A Recommendation blending Function with Spirituality

Epistula 49, Paulinus' most interesting petition from both a juridical and historical point of view, concerns the theft of a stranded ship and of its cargo destined

* Warm thanks are due to all the participants in the Ghent—Bruxelles workshop for their stimulating comments and lively discussions.

1 S.J. Tambiah, "The Magical Power of Words," *Man* 3 (1968), 175–208 on the 'dimension of performativity'. I here cite the letters and poems of Paulinus of Nola in the line-numbering of the second edition of W. von Hartel and M. Kamptner, which has indices and addenda, CSEL 29 and 30 (Wien, 1999), and from P.G. Walsh, trans. and ann., *Letters of St. Paulinus of Nola*, 2 vols. (New York, 1966–1967).

2 Uranius, *Epist. 'De obitu Sancti Paulini'* 9, PL 53: 864: *Alios epistolis, alios sumptibus adiuuabat.*

3 As has been shown by P. Brown, "The Rise and Function of the Holy Man in Late Antiquity," *Journal of Roman Studies* 61 (1971), 80–101, at p. 93. On practices followed in letters of recommendation, see S. Mratschek, *Der Briefwechsel des Paulinus von Nola: Kommunikation und soziale Kontakte zwischen christlichen Intellektuellen* (Göttingen, 2002), pp. 358–388: "Dignam enim interventu vestro causam: Empfehlungsschreiben und Petitionen".

for the imperial granaries. Its aim was to obtain restoration and compensation for the ship-owner, who happened to be Paulinus' friend. The addressee was the *vicarius praefectorum in urbe Roma*, the second highest administrative official of Italy, whose name may have been Macarius.⁴ He was responsible for the diocese of Italia suburbicaria, and represented the highest judicial instance in Central and Southern Italy under the praetorian prefect. Paulinus' request was not, however, an edited version of an official petition that was submitted by the aggrieved party in the court (*urbana sedes*) shared by the urban prefect and the *vicarius urbis*, in the presence of the *praefectus annonae*;⁵ this was a private initiative. The request, filling an entire scroll, reveals how the innovation of adapting the classical letter of recommendation made it possible to develop successful opinion-moulding strategies in the context of a civil lawsuit, or indeed as an alternative to litigation.

Litterae commendaticiae by their nature would establish a complex social relationship involving three participants: the petition's object (here the ship-owner, Secundinianus), its author (Paulinus), and its recipient (the vicar of Rome, Macarius). The interaction involving these three determined the outcome of the recommendation. In this case, Paulinus' letter had been designed specifically with its addressee in mind. It was for Macarius, a 'like-minded Christian' and an educated *vir spectabilis*, that Paulinus wrapped his petition in a miracle-tale, with the aim of persuading the vicar to intervene in the law case. The tale's central theme was therefore not the theft of the ship and its cargo, but the *opera Dei*. The action brought by the ship-owner—the *causa Secundiniani*—took on the character of a revelation granted by the *deus salvator*, a spectacle of divine action that Paulinus invited the vicar of Rome to behold: *vide enim... admirabile... opus* (49.1, p. 390, 17). The ship-owner, a

4 He may not have been named Macarius and may not have been a *vicarius urbis*. The superscriptio 'Macario Paulinus' appears in the Codex Parisinus 2122 ('O') from the late 9th century as an addition by a second hand, see Hartel, ed., CSEL 29, p. 390: *m. 2: Paullini epistula ad Macarium*. Cf. Praefatio XIV and XXIII, P. Fabre, *Essai sur la chronologie de l'œuvre de Saint Paulin de Nole* (Paris, 1948), pp. 5, 86–87 and C. Conybeare, *Paulinus Noster: Self and Symbols in the Letters of Paulinus of Nola* (Oxford, 2000), pp. 161–165. But there is also evidence favouring the view that Macarius was the vicar of Rome. Such claims for damages were indeed the responsibility of the vicar (*vicarius*) of Rome; and as the immediate superior of the provincial governors in Central and Southern Italy he represented the next higher court of appeal. It was a Macarius, moreover, who was documented ten years later in Palladius as an ex-vicar (see note 95). The later characterization of Paulinus (*Epist.* 49.12, p. 400, 2–7) also suggests a high-ranking official.

5 Cf. e.g. Symmachus, *Relationes* 23.4, ed. O. Seeck (Berlin, 1961), p. 297: *libello dato*. See R.H. Barrow, *Prefect and Emperor: The Relationes of Symmachus A.D. 384* (Oxford, 1973), p. 126, n. 6.

Christian himself and a friend of bishop Paulinus,⁶ completed the triangular relationship.

But what were the intentions that underlay this interaction of functionality and spirituality?⁷ In writing his recommendation, Paulinus had two aims: legal redress for the ship-owner and circulating knowledge of the event to the wider public. This is openly avowed right from the outset, in the proemium of his letter to the vicar, which in form and elaboration amounts to an artificial letter, and in length is equal to a *libellus*:⁸ “It is honourable to confess the works of the Lord. This is my reason for writing this letter, because the affairs of Secundinianus, the paterfamilias whom I am introducing to your dear person through this letter, cannot be related without giving glory and praise to the Lord.”⁹ The pragmatic aspect was thus certainly not “of secondary importance”,¹⁰ but in fact, as the text shows, very much bound up with the *praedicatio dei*. Paulinus did not doubt that his narrative of adventure and miraculous intervention (49.15, p. 403), packaged in his letter to the vicar of Rome, would with the latter’s help find an interested public in the higher echelons of Roman society.

3 Narratio: A Shipwreck off Sardinia

The structural model for the *commendatio* is the plea advanced by a barrister for his client, with *exordium* or *prooemium* (introduction), *narratio* (the facts of the

6 Paulinus of Nola, *Epist.* 49.1, p. 390, 20: *vir in Christo fidelis, amicus and frater noster*. 49.14, p. 401, 26: *pastor exigui gregis*.

7 The stimulus for this question comes in part from S. Mussfeldt, “Bleibende Fragen: Zu Adressat und Datierung von Epistel 49 des Paulinus von Nola,” *Hermes* 135 (2007), 206–2015, at pp. 206–207, esp. n. 4—Mussfeldt calls this problem a ‘terra incognita’—and also from the brief outline in the context of the Felix cult by D. Trout, *Paulinus of Nola: Life, Letters and Poems* (Berkeley, 1999), pp. 189–191. For valuable references illuminating the legal background to the affair I am indebted to Boudewijn Sirks (Oxford) and Detlef Liebs (Freiburg im Breisgau); for full documentation of the legal background, see Mratschek, *Der Briefwechsel des Paulinus*, pp. 374–388.

8 In Hartel’s and Kamptner’s *CSEL* edition, *Epist.* 49 takes up 14 printed pages! On calculating the average length of a papyrus roll, approximately equal to that of a *libellus* of Paulinus, see S. Mratschek, “Einblicke in einen Postsack: Zur Struktur und Edition der ‘Natalicia’ des Paulinus von Nola,” *Zeitschrift für Papyrologie und Epigraphik* 114 (1996), 165–172, at pp. 168–169.

9 Paulinus, *Epist.* 49.1, p. 390, 7–10: *Opera domini praedicare honorificum est, quae mihi causa huius epistolae fuit, quia patris familias huius, quem ad unanimitatem tuam prosequor; Secundiniani negotium, ut probabis, non potest sine domini gloria et laude narrari*.

10 Erroneously, Mussfeldt, “Bleibende Fragen,” p. 207, n. 4.

case), *argumentatio* (argument) and *peroratio* (conclusion). The essential facts of the legal case were presented only—as in an actual courtroom address—in the *narratio* (§1) and *conclusio* (§15). During the winter, storm and shipwreck had overtaken the ship in question close to sandbanks ('Ad Pulvinos') off the Sardinian coast.¹¹ Since the Republic, Sardinia had been a corn granary of the Roman Empire.¹² In fulfilment of a state commission, Secundinianus had been transporting cereals in a convoy with Sardinian *navicularii*, and could be held liable for the loss of his cargo.¹³ He had had it loaded at Olbia, the grain export harbour on the island's north coast and also the point at which the key trading routes intersected.¹⁴ Civil engineering works undertaken in the Olbia area in 1999, to provide a tunnel route to the harbour, uncovered a fleet of eleven 5th-century Roman trading vessels (none carrying cargo), and the remains of two ships of the Neronian period—an archaeological sensation (fig. 1–3)!¹⁵ Could the merchant flotilla overtaken by this disaster have been the very convoy regarding which our Secundinianus reported to Paulinus, the one that foundered over 1600 years ago either *in* or *near* the harbour at Olbia? Or was this simply another comparable natural disaster?¹⁶ One can only wonder.

Forensic eloquence seeks to adduce evidence not only from the nature of the place where the action occurred, but also from the time at which it

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- 11 Paulinus, *Epist.* 49.1, pp. 390, 24–391, 1: *Ilico, ut mihi retulit* (scil. *Secundinianus*), *in proximo freto exorta tempestas temere de portu solutam multarum navium classem a cursibus destinatis retorsit et fregit in litore. Huius navem in quodam eius insulae loco, quem ad Pulvinos vocant, ne similiter inlideretur, anchoris fundare conati sunt.*
- 12 On Sardinia's fertility and abundant productiveness in cereals in Late Antiquity, see *Expositio mundi* 66, ed. J. Rougé (Paris, 1966), pp. 340–341: *et ipsa ditissima fructibus et iumentis.*
- 13 B. Sirks, *Food for Rome: The Legal Structure of the Transportation and Processing of Supplies for the Imperial Distributions in Rome and Constantinople* (Amsterdam, 1991), p. 158.
- 14 Olbia, the northern port, is more probable as the loading-point than Carales (Cagliari), as it offered a shorter sea route to Rome: see J. Rougé, "Periculum maris et transport d'Etat: La lettre 49 de Paulin," in M. Mazza, ed., *Hestiasis. Studi di tarda antichità offerti a Salvatore Calderone II* (Messina, 1988), pp. 119–136, at p. 125, n. 19, versus F. Foerster and R. Pascual, *El naufragio de Valgius: Extracto comentado de la Epistola no. 49 de San Paulino de Nola* (Barcelona, 1985), p. 9, cf. P. Meloni, *La Sardegna romana* (Sassari, 1987), p. 163.
- 15 R. D'Oriano, "Relikte der Geschichte: Die Ausgrabung des Hafens von Olbia (Sardinien)," and E. Riccardi, "Wracks und mehr aus dem Hafen von Olbia," both in *Skylis. Zeitschrift für Unterwasserarchäologie* 4.2 (2001), 126–135, esp. pp. 129–130; 136–148, esp. pp. 136 and 138 ('Wracks von Handelsschiffen ohne Ladung'). Cf. 'Il restauro dei relitti dell'antica Olbia' (12.3.2002), <http://www.comune.olbia.ss.it/index.php?>
- 16 This seems to refute D'Oriano's hypothesis ("Relikte der Geschichte," pp. 132–133) that meteorological disasters can be ruled out in this area in favour of an act of plunder by the Vandals. Riccardi ("Wracks," p. 138) takes a different view, referring to a 'catastrophic event'.

occurred (*argumenta a loco et a tempore*). The shipwreck occurred in winter, but Paulinus exculpates the ship-owner by attributing responsibility for the winter voyage—risky and not normally permitted—to “pressure from the state authorities” (*vi publica urgente*). This claim is borne out by a law of Honorius, of August 410, which decreed heavy fines for any officials who offered shelter in the harbours of their diocese to grain ships “on the pretext of stormy weather” (*sub praetextatu hiemis*) at times when favourable winds would have enabled them to continue their voyage.¹⁷ There is thus a clear possibility that the shipwreck took place after the promulgation of this edict and during the famine of the winter of 410/11 in Rome.¹⁸ The provisioning shortfall of the years 409/10 caused by Alaric’s repeatedly laying siege to the city,¹⁹ or the breakdown of the African corn supplies in 412/13,²⁰ would have necessitated the replenishment of the imperial granaries before the reopening of the sea lanes in April.²¹ On this basis, Paulinus’ letter of recommendation would have been written in summer 411 or 413.

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- 17 *CTh* 13.5.34, ed. T. Mommsen (1905; repr. Hildesheim, 1990), p. 756 (15.8. 410): *Iudices qui in portibus dioeceseos suae onusta navigia, cum prosperior flatus invitat, sub praetextatu hiemis immorari permiserint, una cum municipibus et corporatis eiusdem loci fortunarum propriarum feriantur dispendiis*. See Sirks, *Food for Rome*, p. 159, ignored by Mußfeldt, “Bleibende Fragen,” pp. 210–211.
- 18 By contrast E. Tengström, *Bread for the People: Studies of the Corn-Supply of Rome during the Late Empire* (Stockholm, 1974), p. 41 argues for the winter 409, when the African priest from Milevis is making his crossing. See also Trout, *Paulinus of Nola*, p. 188, n. 163, and E.T. Hermanowicz, *Possidius of Calama: A study of the North African episcopate at the time of Augustine* (Oxford, 2008), p. 172, n. 51. The *terminus post quem* of the letter is 409, because Paulinus, described in §14 as *pastor exigui gregis*, cannot have been consecrated bishop of Nola earlier.
- 19 See the list of bottlenecks in the Roman food supply chain in L. Cracco Ruggini, *Economia e società nell’Italia annonaria* (Milan, 1961), pp. 171–172, and Walsh, *Letters* 2, p. 358, n. 5 (408–411 A.D.). See also Rougé’s (“Periculum maris,” pp. 135–136) and Meloni’s (*Sardegna romana*, p. 198) dating.
- 20 Africa was in revolt under Heraclianus in 412/13, see Foerster and Pascual’s dating (*El naufragio*, p. 8).
- 21 On the *mare clausum* from November to April and the ‘proscription’ of winter navigation, see Rougé, “Periculum maris,” pp. 121–123, 127–129, and 136, E. de Saint-Denis, “Mare clausum,” *Revue des Études Latines* 25 (1947), 196–212 and Sirks, *Food for Rome*, pp. 42–43.

4 Argumentatio: The Magic of the Divine

As far as *argumenta ad persona* were concerned, the defence rested on shaky ground: the sole survivor of the shipwreck and only witness on whom the shipowner could call was Valgius, a 60-year-old Sardinian seaman, whose sole *raison d'être* was to bail out the bilge-water. Socially despised, and so unimportant (*vilem animam*) that the rest of the crew forgot about him as they abandoned the vessel in the hope of saving themselves. Paulinus uses a rhetorical trick to neutralize this drawback: he compares Valgius' voyage with that of Paul to Rome, placing the recent shipwreck on a par with the Apostle's shipwreck on Malta. As his *tertium comparationis* he cites the *divina opera*, the theme of the recommendation: "Happier was the crew of Paul's ship, which was entrusted to the Apostle . . . But we can glory in the works of God no less in the case of this ship of Secundinianus [with Valgius on board]" (49.11, p. 399, 1–4). Paulinus has woven details from Acts (27) into Valgius' shipwreck—and improved on them. The death threatening the crew in the ship's boat becomes terrible reality for all except Valgius; the leaking cargo vessel passes not 14 but 23 days adrift in the Mediterranean; the loss of the grain is theft, not a deliberate measure to lighten the ship; and the vision promising rescue is announced not by an angel of God, but by God and Jesus in person.

The litigation provides the external framework within which Paulinus interprets the deliverance of the crewman as a miracle (*mirabilia*) and stages it as a drama with a place in the Christian salvation narrative (*caelestis historia*). He has taken his inspiration from the scene of the action and from the genre of adventurous travel tales and seafaring yarns.²² The only survivor, Valgius, was also an eye-witness to the miracle and is the protagonist of the quasi-autobiographical story-telling. He had not realised that he alone had been left behind on the sinking ship. His emergence, like Jonah from the whale, from the depths of the ship's belly places him in—from one point of view—an extreme

22 V. Pöschl lists a large number of such tales in his *Bibliographie zur antiken Bildersprache* (Heidelberg, 1964), pp. 546–548. See also G. Guttilla, "Tre naufragi di contenuto cristiano del IV secolo d.C. (Ambrogio, *de exc. Fratr.* 1, 43–48, Paolino *carm.* 24, 1–308 ed *Epist.* 49)," in G. Luongo, ed., *Anchora vitae: Atti del II Convegno Paoliniano nel XVI centenario del Ritiro di Paolino a Nola* (Napoli and Roma, 1998), pp. 431–461. Mention need be made here only of the baptism after shipwreck of Uranius Satyrus, Ambrosius' brother, as a model (*De exitu Satyri* 44; 47; 50). A further parallel is put forward by Paulinus himself in his *Iter Nolanum*, which includes the shipwreck of Martinianus off Marseilles (*Carm.* 24.95–98, p. 209).

situation, that of utter abandonment. Like *pious Aeneas* finding himself cast up by Juno's gale on the hostile coast of Africa, Valgius "saw a scene of desolation, 'with sea and sky all around him'", (49.2, p. 391, 12–13, cf. Virgil *Aeneis* 3, 193):²³ *vacua omnia, mare undique et caelum undique videt*. Yet that moment in which he experienced total abandonment was also his opportunity. His gaze on high and the ritual of six days of fasting enabled him to behold the divine. Valgius' vision of the *adventus Christi* and his deliverance from mortal peril constitute the dramatic climax.²⁴ The poetic evocation of the scene as a *locus horribilis* leads directly to the key experience: the conversion.

Paulinus has styled Valgius as an *amicus dei*,²⁵ given a new identity by his confrontation with the divine and by the touch of the god. There is a kind of epiphanic fulfillment in the reciprocal gaze of this act, both for the human beholder, who discovers his deepest identity in the presence of the god, and for the god, who receives the appropriate worship from the human.²⁶ For the sailor, the sea voyage and the epiphany have become a *rite de passage* toward conversion, a procedure which turns the Valgius into a Victor (49.2, p. 392, 4–8): "... he is victorious... That is, he triumphed both at sea... over storms and shipwreck, and recently on land... over sin and the devil."²⁷ The new baptismal name symbolizes his transformation and rise to become one of the "friends of God";²⁸ the rebirth (*regeneratio*) of baptism—baptism perhaps by Paulinus at Nola—has created 'from the old man' (Valgius) a 'new man'—Victor.²⁹

The shipwrecked mariner becomes the medium in which Christ's miracles are performed. In the same way as Apollo, god of poetry, tweaks the shepherd Tityrus by the ear, inspiring him to compose in the bucolic mode, here the crewman Valgius, securely sleeping through the height of the storm, is touched

23 Virgil, *Aeneis* 3.193, ed. G.B. Conte (Berlin, 2009), p. 72: *nec amplius ullae adparent terrae, caelum undique et undique pontus*. The epic supplies both image and anadiplosis.

24 Paulinus, *Epist.* 49.2, p. 391, 17–18: ... *misericosors et miserator dominus adire comminus* ...

25 Below, note 28; see P. Brown, *The Making of Late Antiquity* (Cambridge, Mass., 1978), pp. 55–80 and N. Janowitz, *Icons of Power: Ritual Practices in Late Antiquity* (University Park, Pa., 2002), pp. 127–128 on the contrasting modes of approaching divinity.

26 J. Elsner, *Roman Eyes: Visuality and Subjectivity in Art and Text* (Princeton, 2007), p. 24.

27 Paulinus, *Epist.* 49.2, p. 392, 1–4: ... *quod etiam nomen accepit, quo nunc et regeneratione censetur et ab hominibus et ab angelis scribitur; gentilicio enim signo Valgius vocabatur qui nunc Victor a domino dicitur* ...

28 Paulinus, *Epist.* 49.12, p. 400, 23: ... *denique ut novum nomen acciperet sicut amici dei* ...

29 Paulinus, *Epist.* 49.2, p. 392, 8–9: *ut totus in Christo novandus neque in nomine neque in homine veteri permaneret*.

on the ear³⁰ by Christ in whose bosom he reposes. The word and the touch of god confer magical powers on Valgius, and he marvels at the miracle “that his work”, as if by magic, had been performed for him “without any effort” on his part, “by the hands of angels” (*manibus angelicis*).³¹ He needed only to stretch out his hand in order to manoeuvre the ship, fit a foremast or chop down the mainmast: “At only the second impact of the axe—and it was not so much a blow as a light touch, for his was an old man’s hand—the mast leapt so far forward from the blow that it was hurled far from the ship into the sea, where it fell safely.”³² Anything Valgius touched would function of its own accord. On several occasions Valgius “saw” (*saepe vidit*) armed soldiers from the army of heaven on watch on the ship, and performing all the sailors’ duties, under the direction of Christ: “Indeed, none but angels were suitable sailors for that ship, for its rudder was the Helmsman of the universe.”³³

Paulinus has not placed the defence of the ship-owner and his seaman in the centre of his argument. Instead, he focuses on the vision of the divine Helmsman (§2–14), a figure that shimmers elusively, shifting between the radiance of Christ the ruler of the world and the image of Paulinus’ patron saint, Felix, and dispensing magical powers: “the Lord Himself sat at the stern, now with his own shining countenance and gleaming hair, . . . now in the revered appearance of His friend and confessor, my lord and our common patron Felix.”³⁴ A confusing wordplay involving the two figures emphasizes the

30 Paulinus, *Epist.* 49.3, p. 392, 12–13: . . . *vellicata blande auricula suscitavit* (scil. *Valgi dominus salutaris*). Cf. Virgil, *Eclogeae* 6.3–4, ed. with comm. by W. Clausen (Oxford, 1994), p. 16, a proverbial expression (p. 180): . . . *Cynthus aurem / vellit et admonuit* (scil. *Tityrum*).

31 A paradox, note the oxymoron in Paulinus, *Epist.* 49.3, p. 392, 19–20: . . . *stupens laborem sibi sine labore praecerpi* . . . 49.3, p. 392, 13–15: . . . *cum leviter adnitens senex a primo statim conatu suo manibus angelicis res effectas videret*. It is seen by the fishermen too, appearing to them as a *fata morgana* involving armed men. On magic as an act of communication with and participation in the divine sphere see F. Graf, *Magic in the Ancient World*, trans. F. Philip (Cambridge, Mass. and London, 1997), p. 214.

32 Paulinus, *Epist.* 49.2, p. 391, 25–27.

33 Paulinus, *Epist.* 49.3, p. 392, 25–26: *nec sane navem illam nisi angeli nautae decebant, cui gubernaculum erat mundi gubernator*.

34 Paulinus, *Epist.* 49.3, p. 392, 26–27, according to St. John’s Apocalypse 1: 14: *ipse enim dominus nunc suo vultu coruscus . . . et coma fulgidus, nunc confessoris et amici sui, domini mei, communis patroni Felicis ore venerabilis in puppe sedit* . . . On Christ as Helios with an aureole of rays, see the mosaic in the mausoleum of the Julii in the Vatican, c. 300, in M. Wallraff, *Christus Verus Sol: Sonnenverehrung und Christentum in der Spätantike* (Münster, 2001), pp. 158–162, fig. 13. Cf. also the theomorphic ruler image of Nero with aureole of rays on coins and alluding to Phoebus Apollo, e.g. Seneca, *Apocolocyntosis* 4.31–32, ed. and trans. P.T. Eden (Cambridge, 1984), p. 34: *flagrat nitidus fulgore remisso*

exchange of roles, the transformation of Felix, “the Lord’s martyr”, into Christ, “the Lord of that martyr”: *aut domini martyrem aut dominum martyris* (49.3, p. 393, 5).³⁵ Valgius’ report is characterized by bizarre rhetoric: he would throw himself at the feet now of Christ, now of the martyr Felix steering for him.³⁶ The theological conception that Paulinus presents through the action incorporates pagan, syncretist ideas: he assures Macarius that Christ himself was actually present in St. Felix, as he is in all saints.³⁷ The close bond between Valgius and the patron saint of Nola also explains Paulinus’ obligation vis-à-vis his client.

Paulinus stages the deliverance from shipwreck with the help of an *amplificatio*—a rhetorical figure originally from drama³⁸—as a spectacle enacted on the world stage, with God as the director and Valgius the hero. Like a mirage, the unseaworthy grain vessel drifts on the waters, “a ship that seemed endowed with divine powers” (*quasi divina navis*), moved only by the afflatus of the divine.³⁹ After 23 days God bade the storm to cease and showed pity to Valgius, just as he had pity for all those who “drift here and there on the world’s ocean (*mundi pelago*) seeking help”.⁴⁰ This odyssey resembles a total retreat from the world, such as generally precedes any conversion. Valgius was *a terris . . . et ab hominibus exclusus* (49.7, p. 396, 8). However, the topography seems to echo the criss-cross voyagings of Aeneas on the Tyrrhenian Sea; the ship is actually in sight of the Portus lighthouse, near Rome, when it is driven

/ *vultus et adfuso cervix formosa capillo*. See S. Mratschek, “Nero the Imperial Misfit: Philhellenism in a Rich Man’s World,” in M. Dinter and E. Buckley, eds., *A Companion to the Neronian Age* (Malden, MA, 2013), pp. 48–50, 56–59.

- 35 It combines the parallelism of the ideas with a chiasmus of accusative and genitive.
- 36 Paulinus, *Epist.* 49.3, p. 393, 6: *narrat gaudio lacrimans senex se ad ipsius pedes nunc domini, nunc martyris gubernantis sibi solitum procubare . . .*
- 37 Paulinus, *Epist.* 49.4, p. 393, 23–25: *ergo cum et sancti sui confessoris effigie senem nautam fovebat, ipse aderat in sancto suo . . .*
- 38 Defined by D.A. Russell, *‘Longinus’: On the Sublime* (Oxford, 1964, repr. 1982), p. 107: ‘In the most general terms αὔξησις includes all means of making things seem bigger . . . than they are.’ See A. Weische, “Rhetorik und Philosophie in der Antike: *Amplificatio*—*dilatatio* and the Stoics’ advocacy of *brevitas*,” in H. Schanze and J. Kopperschmidt, eds., *Rhetorik und Philosophie* (München, 1989), pp. 23–33.
- 39 Paulinus, *Epist.* 49.8, p. 396, 25–29: *... tam directo otiosus senex inoffensoque navigio praeterivit, ut quasi divina navis et inmisso divinitus spiritu sapiens sua sponte cavenda vitaret . . .* The favourable wind symbolizes the Holy Spirit.
- 40 Paulinus, *Epist.* 49.5, p. 395, 2–4.

by the gales first towards Africa, then back to Sicily before finally beaching on the south-west coast of Bruttium, in the province of Lucania.⁴¹

Strategies of visualization open a window into heaven (49.10, p. 398, 1–2): *Proponamus ergo nobis animo et mente cernamus pulcherrimum divini operis spectaculum . . .* Allusions to Virgil and the Classics served to win the sympathies of the cultured reader. Seafaring metaphors taken from the myth of the fabled *Argo* or that of the arrival of the healing god Asclepius on the Tiber island were trumped and superseded by images taken from the Bible.⁴² Christian intellectuals considered the Church to be the ship built of the wood of the Lord's Cross, which has the cross as its mainmast or is steered by a rudder fashioned from the wood of the Cross. At the time of the first 'shipwreck' that befell the world, Noah's Ark brought rescue; at the second, with Christ at the helm, it is the wood of the Cross that represents salvation.⁴³ Existing allegory and typology thus give Macarius the cue to detect a deeper, religious meaning underlying the miraculous events. Noah's Ark, the ship of the Apostle Paul, and the ship of Jonah: all could be interpreted as archetypes of the Church (*ecclesiae imago*) or as symbols of the Passion and Resurrection of Christ,⁴⁴ and all could

41 With stages such as Africa, Sicily, Campania and Rome: Virgil, *Aeneis*, Book 1: Aeneas is driven by the elements to Africa; B. 2–3: Retrospect on the seaborne wanderings in the eastern Mediterranean (Actium, Buthrothum) and Sicily; B. 5: a storm forces the Aeneads to land in Sicily; B. 6: landing in Cumae, the entrance to the underworld; B. 7: Arrival in Latium; B. 8: Rome. They omit only the wanderings across the eastern Mediterranean, on which the hero reports retrospectively.

42 Paulinus, *Epist.* 49.8, p. 397, 20 and 23: *Argonautarum infelicium puppem; vectricem draconis Epidaurii navem.*

43 Augustine, *De civitate Dei* 15.26, ed. B. Dombart and A. Kalb (Stuttgart, 1993), p. 114, 25–26 on the ark: *procul dubio figura est peregrinantis in hoc saeculo civitatis dei, hoc est ecclesiae, quae fit salva per lignum . . .* The Church itself is a ship on the high seas. In a sermon attributed to Ambrose (*Sermo* 47.2, *PL* 17: 723B), the ship and Christ on the Cross are actually identified with each other. See H. Rahner, *Symbole der Kirche: Die Ekklesiologie der Väter* (Salzburg, 1964), pp. 304–564; also, on the catalogues of ships in Hippolytus, Ambrose and Petrus Chrysologus, pp. 308–313. On Christ as the helmsman and on the comparison of the steering-oar with the Cross, see the sermons of St. John Chrysologus dating from the time of the barbarian invasions (*Sermo* 21.2 on Marc. 4:35–40, ed. A. Olivar, (Corpus Christianorum. Series Latina) 24 (Turnhout, 1982), p. 123) and of Pseudo-John Chrysostomus (*In venerabilem crucem: PG* 50: 817): for current discussion see A. Felber, "Zur altchristlichen "Theologie des Holzes," in P. Scherrer, ed., *Lignum: Holz in der Antike* (Graz, 2011), pp. 121–126.

44 Paulinus, *Epist.* 49.9, p. 397, 26–30: *Sunt nobis nostrae naves . . . Habemus et arcam Noe. Habemus et navem Tharsi navemque Tharsensis. Sed illa, de qua dei fugitivum prophetam ultor et custos cetus exceptit . . .* See also Walsh, *Letters* 2, p. 360, n. 57 and Trout, *Paulinus of Nola*, p. 190, n. 174.

be compared with the ship owned by Secundinianus. Nor was it by chance that a space as loaded with symbolic significance as Rome should be the journey's destination and end-point. Only in Rome, at the central focus of Christianity, has the 'sacred ship' of the Church (and of Secundinianus) finally sailed into port.⁴⁵ The *vicarius praefectorum* is invited to penetrate into that world in an act of imaginative fantasy and to share in witnessing the 'magnificent spectacle' (*pulcherrimum . . . spectaculum*).⁴⁶ Or to forget the hard facts of the case—the impending liability of the ship-owner for the lost cargo—and allow the visual and performative flood of Christian images to take over his mind.

5 Conclusion

5.1 *The Procurator's Crime*

Only in the last chapter (15) is the illusion finally broken. We learn why the ship-owner Secundinianus was unable to deliver the state-owned grain to the *praefectus annonae* in Rome as regulations required. Paulinus explains the submission of his petition to Macarius as follows (49.15, p. 403, 18–28): "I hear that it was the agent of a Christian, our brother Postumianus, who seized and stripped the ship. It had run aground on the Bruttian shore where the estate of the senator is washed by the waves, and the bailiff showed himself greedier than the sea, practising piracy on land without a pirate ship. Even now it lies empty on that shore to bear witness to the loss of its cargo which was vainly preserved on the sea and lost on land." Paulinus is here describing a typical example of the notorious collusion, rife during the period of the barbarian invasions, between brigands active in Southern Italy⁴⁷ and estate managers who protected them.⁴⁸ The crime scene and the villa were close to the foothills of the

45 Paulinus, *Epist.* 49.11, p. 399, 16–17: . . . *quae* (scil. *navis*) *plenam fidei ecclesiae exhibens formam tutos in portum Romanque pervexit.*

46 On conversion as a *spectaculum* on the stage of the *theatrum mundi*, see S. Mratschek, "Visionen des Lebens: Ein *spectaculum* im Theater Christi und auf der Bühne der Welt," *Poetica* 39 (2007), 21–57, at pp. 47–49.

47 The areas most seriously affected, according to *CTh* 9.30.2, ed. T. Mommsen, *Theodosiani libri XVI cum constitutionibus Sirmondianis et leges novellae ad Theodosianum pertinentes* (Berlin, 1905), p. 484 (5.10. 364), were Apulia et Calabria, Bruttium et Lucania, and Samnium. The letter is dated by Meloni, *Sardegna romana*, pp. 198–199, to the period of 'distacco dall'autorità centrale'.

48 Corruption and abuse of power on the part of estate managers of inferior or unfree birth were commonplace, and numerous new laws were introduced to combat the problem. On imperial legislation directed against estate managers ensconced on remote rural

Calabrian Apennines. The fishermen who rescued Valgius from the sea turned out—as in the *Satyricon* of Petronius—to be *latrones*.⁴⁹ Ship and cargo were seized by the procurator. This conflicted with a rescript issued by the Emperor Caracalla, which decreed that stranded ships remained the property of their owners.⁵⁰ Paulinus uses an oxymoron to brand this act of “piracy . . . without a pirate ship” as outrageous. The “sacred ship” is personified and invoked as witness to the crime.

What were the likely legal consequences? As the shipper, Secundinianus was responsible for the delivery of the grain—and this included liability for loss by theft (*furtum*), given his duty of safekeeping (*custodia*).⁵¹ The procurator had interfered in the public grain supply—an offence for which, ever since the Augustan *Lex Julia de annonae*, the emperors had imposed progressively severer penalties.⁵² And yet no one thought of bringing a criminal prosecution against the senator or even the estate manager.⁵³ Was it really such a futile undertaking to prove intent on the procurator’s part—or did no one dare to challenge the power of the senator? In order to have his ship and cargo

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- properties and enjoying unrestricted power (*CTh* 5.7.2, p. 123; 10.12. 409 [408]), formed alliances with *latrones* for personal gain and even leased out their masters’ property (*CTh* 2.30.2, p. 122; 11[?].7. 422). See Rougé, “Periculum maris,” pp. 132–135, and S. Dill, *Roman Society in the last Century of the Western Empire* (New York, 1958), pp. 268–269.
- 49 Rougé, “Periculum maris,” pp. 132–133, unmasks the scene as an ironic allusion to the thieving *piscatores* in the *Satyricon* of Petronius 114.14, ed. K. Mueller (Stuttgart, 1995), p. 123, 23–24.
- 50 *CJ* 11.6.1 (211/17), *CIC*, vol. 2, ed. P. Krüger (1954; repr. Hildesheim, 1989), p. 429: *si quando naufragio navis expulsa fuerit ad litus vel si quando reliquam terram attigerit, ad dominos pertineat . . .* See Sirks, *Food for Rome*, p. 241.
- 51 In a case of this kind Justinian allowed the *actio furti*, cf. *CIC*, vol. 1, ed. T. Mommsen and P. Krüger (1963; repr. Hildesheim, 1988), *Institutiones* 4.1.13 (15)—15 (17), ed. Krüger, p. 44, but a similar position was described as far back as the first century A.D. in Gaius, *Institutiones* 3.203–207, esp. 203, ed. and trans. J. Reinach and M. Ducos (Paris, 1991), pp. 133–134: *Furti autem actio ei competit cuius interest rem salvam esse, licet dominus non sit. Itaque nec domino aliter competit quam si eius intersit rem non perire*. On *custodia* and *locatio conductio*, see M. Kaser, *Das römische Privatrecht*, (Handbuch der Altertumswissenschaft) 3:3.2, 2nd ed. (München, 1971–1975), vol. 2, p. 567.
- 52 Ulpian, *De officio proconsulis* 9 (*Digesta* 48.12.2, *CIC*, vol. 1, ed. Mommsen, p. 858); Papirius Iustus, *De constitutionibus* 1 (*Dig.* 48.12.3, p. 858); Marcian, *Institutiones* 2 (*Dig.* 48.12.1, p. 858; 48.2.13, p. 842); Hermogenian, *Iuris epitome* 1 (*Dig.* 5.1.53, p. 106); see D. Liebs, *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte* 112 (2005), at p. 289, which has a reference to Sirks, *Food for Rome*, pp. 40–41, 157–61.
- 53 Cf. also the disregard of the imperial ban on exports, Liebs, *Savigny-Zeitschrift*, p. 289, n. 5.

restored, the ship-owner, relying on the *actio furti*, had to initiate an action seeking a *rei vindicatio*⁵⁴ and due punishment for the thieves.⁵⁵ This had to be done within two years of the date the cargo was taken on and the bill of lading signed.⁵⁶ The *navicularius* was accordingly forced to move as fast as possible in lodging his complaint with the governor of the province (*corrector Lucaniae et Brittiorum*) in which the offence had been committed. This proved fruitless. The influence of the senator, Postumianus⁵⁷ was so powerful that the provincial governor still did not restore the looted and forsaken ship lying in the shallows to its owner even after the procurator had fled, removing himself from the jurisdiction of the court.

The ship-owner was left with no alternative but to apply for help from a higher magistrate able to compel the provincial governor to pronounce judgement: the accused had, after all, absconded and the position taken by his master, involved in the affair, was unknown. First, however, Secundinianus asked his friend, the bishop of Nola, to compose a recommendation. So even before the legal proceedings proper had begun—or as a better alternative—Paulinus submitted his petition to Macarius.⁵⁸ Perhaps he had some reason to think that he would not receive a favourable answer from the praetorian prefect, or that Macarius, a Christian, would be better disposed. In addition, the Western Empire's highest-ranking *vicarius*, a *vir spectabilis*,⁵⁹ had the authority to handle a complaint of this nature—and was powerful enough to override such

54 On *rei vindicatio*, see T. Mommsen, *Römisches Strafrecht* (Leipzig, 1899), pp. 733–759; cf. O.F. Robinson, *The Criminal Law of Ancient Rome* (Baltimore, 1995), pp. 24–25.

55 Provided that in the case of a shipment commissioned by the state the 'classical' liability categories of private law *locatio conductio* still applied. During this period immediate intervention was possible: see M. Kaser and K. Hackl, *Das römische Zivilprozessrecht*, 2nd ed. (München, 1996), p. 626.

56 *CTh* 13.5.26, p. 753 (23.12. 396): *Constantiniana lex... his ex susceptarum die specierum concluso biennio securitates reportare permisit*. See Sirks, *Food for Rome*, pp. 123–124.

57 On the identity of the senator named Postumianus (*PLRE* 2, p. 901, Postumianus 2, stemma 20), who owned a further estate not far away in Sicily (*CIL* X 8061.4 = *ILCV* 862), see Mratschek, *Der Briefwechsel des Paulinus*, p. 379. His grandson, Rufius Praetextatus Postumianus (*PLRE* 2, p. 901, Postumianus 4), who served two spells as urban prefect, was too young: erroneously, Walsh, *Letters* 2, p. 362, quoted by G. Santaniello, *Paolino di Nola: Le Lettere*, vol. 2 (Napoli, 1992), p. 589, n. 23, and M. Skeb, *Epistulae: Briefe* III (Freiburg i. Br., 1998), p. 1041.

58 Contrary to what L. De Salvo, *Economia private e pubblici servizi nell' impero romano: I corpora naviculariorum* (Messina, 1992), p. 370 evidently assumes, this was not an appeal to the *praefectus annonae* or the *vicarius urbis Romae*.

59 In the *Notitia dignitatum* (*occ.* 19.1; 20.8, etc.; ed. O. Seeck, Berlin, 1876), the vicars of Rome were classed, like the proconsuls, as *virī spectabiles*: cf. W. Enßlin, "vicarius," *RE* 8 A2 (1958), 2015–2053, at pp. 2032–2033.

influence as a senator could exert. It was to Rome, moreover, that the procurator had fled, and in Rome that Postumianus, the senator whose protection he sought, was currently residing. Macarius was not only the highest authority on-site after the urban prefect⁶⁰ but also the supervisor of the governors of the eight suburbicarian provinces,⁶¹ which included Lucania and Bruttium. He therefore was particularly well suited to act as an intermediary in arranging a settlement between the ship-owner and the senator.⁶² Yet further advantages were that he oversaw the *perfectissimi*, among which, since Constantine, the *navicularii* had been numbered,⁶³ and also collaborated closely with the *praefectus annonae*.⁶⁴

5.2 *The Settlement: An Icon of Power in Return for Ship and Cargo*

As in an actual legal hearing, the *conclusio* serves to evoke pity (*miseratio*) for the client and indignation (*indignatio* or *odium*) at the culprit. The strategies of visualization Paulinus uses here construct the bridge that links the magical effect generated by the presence of the Saviour God with the offence against property. By claiming for Secundinianus' ship the status of *Christi munus*, he gains powerful new arguments in support of the petition he submits to Macarius, arguments that transcend the customary separation between the divine and human spheres (49.15, p. 403, 16–28): “You will lay claim on this gift of Christ.⁶⁵ Do not allow the envy of the devil, through the agency of a wicked

60 *Notitia dignitatum* occ. 19. See also A.H.M. Jones, *The Later Roman Empire 284–602* (1964; repr. Oxford, 1973), vol. 2, pp. 481–482.

61 *Notitia dignitatum* occ. 1.24; 19; see Enßlin, “vicarius,” p. 2027. While the jurisdiction of the *praefectus annonae* in Late Antiquity did not extend beyond Rome, that of the *vicarius urbis Romae* embraced the lands of Central and Southern Italy and the islands of Corsica, Sicily and Sardinia off whose shores the theft had taken place. See W. Kuhoff, *Studien zur zivilen senatorischen Laufbahn im 4. Jh. n. Chr.* (Frankfurt, 1983), pp. 123 ff. Any appeal against a judgement of the provincial governor—in the event never pronounced, as the accused had absconded—would have been submitted to him, or to the *praefectus praetorio*; see Kaser and Hackl, *Das römische Zivilprozessrecht*, p. 618, §95 1 1.

62 On the role of arbitration in this period see J.D. Harries, “Resolving Disputes: The Frontiers of Law in Late Antiquity,” in R.W. Mathisen, ed., *Law, Society, and Authority in Late Antiquity* (Oxford, 2001), pp. 68–82.

63 The practice of admitting the *navicularii* to the rank of *equites* was endorsed by Julian and Gratian: see *CTh* 13.5.16, p. 751 (6.2. 380) and the reference to this by A. Stoeckle, “*navicularii*,” *RE* 16.2 (1935), 1899–1932, at p. 1930.

64 *CTh* 13.9.5, p. 762 (15.4. 397); see De Salvo, *Economia privata*, p. 564.

65 *Adseres* and *munus* are legal terms. By *munus enim Christi adseres* . . . I mean that Christ had already made the donation to another person. Walsh's translation (*Letters* 2, p. 274) ‘You will be performing the work of Christ’ is misleading.

man, to deprive or to continue to deprive Secundinianus of what God restored to him from the shipwreck.”

Valgius, the eye-witness and sole survivor of the shipwreck, had accompanied the ship's owner in presenting the petition.⁶⁶ At the hearing, as a *vilissima persona* (i.e. as a *humilior*), he stood to face interrogation under torture.⁶⁷ In order to spare him this, Paulinus began by painting a pity-inducing portrait of the victim,⁶⁸ then used the *amplificatio* to upgrade him from ordinary witness to eye-witness and the very medium of the workings of God (*testimonium divinae veritatis*).⁶⁹ At the close of his arguments, Paulinus confronted Macarius—Italy's second highest civil official—with the rhetorical question as to whether there could be any worldly distinction he would rather have than the honour that God had conferred on that old man: “Do those men seem to you happier who are bright with purple, who sip from jewelled cups, who swell within a toga, who are adorned with embroidered tunic?”⁷⁰ The *dei dignitas* of

66 Paulinus, *Epist.* 49.15, p. 403, 28–29: *Haec Secundinianum meum necessitas ad urbem et itinere tereno peregrinari cum suo unico nauta coegit.*

67 This view is taken also by Rougé (“Periculum maris,” p. 132) and De Salvo (*Economia privata*, p. 371), who discuss the question of whether torture was remitted in Valgius' case on the grounds that a sole survivor did not suffice as a witness. However, they base their argument, erroneously, on a public-law case following a shipwreck, in which two or three sailors were interrogated under torture, but the ship-owner spared torture on the grounds of his equestrian status: cf. *CTh* 13.9.2–3, p. 761 (6.2. 380) and Sirks, *Food for Rome*, p. 159. In fact, interrogation under torture was exceedingly rare in civil cases, and even then mostly used on slaves. According to Paulus, *Sententiae* 5.15.6 (*Fontes Iuris Romani Antejustiniani*, Pars 2, ed. S. Riccobono and J. Baviera [Florence, 1968] = *FIRA* 11², p. 403), it was used, exceptionally, in inheritance cases: see Kaser and Hackl, *Das römische Zivilprozessrecht*, p. 367, §53⁴⁹, 605, §92^{63–64}; cf. Jones, *The Later Roman Empire*, vol. 1, p. 519 and P. Garnsey, *Social Status and Legal Privilege in the Roman Empire* (Oxford, 1970), p. 216, n. 1–2, for the only two pieces of documentary evidence of the torturing of *humiles*.

68 Paulinus comments, that Christ (unlike Roman justice) had not hesitated to save the man in spite of his low status, *Epist.* 49.5, p. 394, 5–6: *Denique non illi (scil. deo) hic de calamitate naufragii neque de senio et egestate nauta vilior fuit.* 49.12, p. 400, 7–10: *Quid huic, quaeso, obfuit seni persona sentinatoris et in nautis vilissima, inops habitus et mastruca Sardorum? Nam pellibus sutis vestiebatur, cum illum dominus... adloquio suo beabat... He was a senex (49.1, p. 390, 18; 2–4, p. 391, 11, 33; p. 392, 9; p. 396, 26) and vetus navita (49.13, p. 401, 1), i.e. over 60 years old, unless Paulinus was using the term hyperbolically for men aged 45 to 60. Valgius' habitual clothing corresponded to the ascetic's “hair-shirt”.*

69 Paulinus, *Epist.* 49.14, p. 402, 22–24. Admirably interpreted with all classical and theological allusions in Trout, *Paulinus of Nola*, pp. 190–191; cf. Mratschek, *Der Briefwechsel des Paulinus*, pp. 385–386.

70 Paulinus, *Epist.* 49.12, p. 399, 28–p. 400, 1–3: *Interrogare enim libet, ullane te huius saeculi dignitate quam hac dei dignitate adfici malles, qua senex iste perfunctus est? Beatiorene tibi*

the sheepskin-clad Sardinian, his garment reminiscent of an ascetic's *melota*,⁷¹ stood higher than the *saecularis dignitas* of a politician in triumphal robes and purple. For God had spoken to him and revealed his face.⁷²

The miraculously spared and newly converted shipwrecked sailor thus was presented to the vicar of Rome not as a socially and judicially underprivileged witness obliged to testify in court under threat of torture, but as a guest's gift (*xenium spiritale*) and walking proof of divine truth (*testimonium divinae veritatis*): a "living relic" (*vivum senem*) and an icon of power, as it were.⁷³ And this was precisely what constituted the psychagogic effect of the recommendation—a magic stronger than the governors' power, against which even the vicar would not be proof. *Pastor exigui gregis sed magni pignoris munerator ut xenium spiritale transmisi*, observed the bishop of Nola modestly (49.14, p. 401, 26–27), as he exchanged the petitioner's role for that of the benefactor bestowing valuable cult objects. The strange gift of an actual person was compared with that of the splinters from the wood of the divine Cross and surpasses "lifeless objects". In the solemn ritual of translation, Paulinus also dedicates to Macarius the *caelestis historia* he had composed, with the aim of getting him into a more compliant mood—and of ensuring that it would circulate among the Roman gentry.⁷⁴

videntur qui purpura fulgent, qui gemma libant, toga farciuntur palmataque pinguntur...?

Coloured jewels and tunic with their allusion to luxury and *vanitas* are brought on as an instrument of evaluation, purple as the status symbol of the dominant elite; see M. Bradley, *Colour and Meaning in Ancient Rome* (Cambridge, 2009), ch. 2 and 7.

71 A. Dihle, "Das Gewand des Einsiedlers Antonius," *Jahrbuch für Antike und Christentum* 22 (1979), 22–29.

72 Distribution of the social roles before God was not the same as in Roman society, see Paulinus, *Epist.* 49.12–13, pp. 400–402, esp. 49.14, p. 402, 29–30, p. 403, 1–2: *Quam religiose adspiciendus est hic, quem adloqui dei sermo dignatus est cui se facies divina non texit, cui nunc martyrem suum, nunc semet ipsum Christus ostendit...*

73 Notice the imperative addressed to Macarius (Paulinus, *Epist.* 49.14, p. 402, 22–24): *Considera quanto maior et plenior gratia sit vivum senem vel testimonio divinae veritatis inspicere!* I prefer to replace von Hartel's question-mark with an exclamation mark. See Conybeare, *Paulinus Noster*, p. 31; cf. Janowitz' definition, *Icons of Power*, xxiii: "(icon signs)... establish divine presences in rituals".

74 Paulinus, *Epist.* 49.15, p. 403, 8–10: *Habes, mi frater, xenium meum..., de... caelestis historia suavitate fastidium temperabis.* 49.1 (note 9). Translations of relics had already become a popular practice in Rome by the 5th century. See S. Diefenbach, *Römische Erinnerungsräume: Heiligenmemoria und kollektive Identitäten im Rom des 3. bis 5. Jh. n. Chr.* (Berlin, 2007), pp. 359–410; contrasting, A. Hartmann, *Zwischen Relikt und Reliquie: Objektbezogene Erinnerungspraktiken in antiken Gesellschaften* (Berlin, 2010), p. 263, n. 1300.

Through his communication with God, the shipwreck survivor became a “contact relic”,⁷⁵ with Paulinus foremost in veneration. His *affectio* . . . *crudelis* indeed went so far as to almost wear away by incessant fingering—like any other cult object—the ear of Valgius that Christ merely touched; he would even have liked to cut off a part of that one ear, he confessed, “except that such a keepsake would have meant wounding him!”⁷⁶ This grotesque self-criticism on the part of Paulinus amounts to nothing but a subtle hint with regard to possible torture of the witness (allowed in cases of public interest like this). With an eye to the future, he suggested to the vicar of Rome how Valgius should be received: he should scarcely be touched physically, but instead be heard out, and contemplated with awe.⁷⁷ “I am sure that you will seek and desire some means of demonstrating the love you bear for Christ towards this man.”⁷⁸ With these words Paulinus concluded his pleading for the seaman and turned to the cause of his other client: “You must put a great strain on your dutiful devotion and support Valgius’ patron Secundinianus . . . with all the enthusiasm of your faith!” After all, Christ had restored his ship to him almost undamaged.⁷⁹

And Paulinus did not neglect, in conclusion, to make the vicar of Rome aware of his thinking on what the outcome of the case should be: “This is the emergency which has caused my dear Secundinianus to journey to Rome by land in company with his sole sailor. I do not doubt that our brother Postumianus will be stirred by your intervention, and by his own faith and righteousness. This is why we must bring our own moderating influence to bear. You will certainly act without my urging to defend and to excuse with equal effort before that excellent senator and Christian that guilty servant of his. So the pirate’s reward may be the avoidance of punishment, and we shall be content to get back from him the gifts bestowed by God.”⁸⁰

Under a law promulgated in 400 by Honorius, robbery of goods from the *navicularii* carried a penalty amounting to four times the loss concerned, and

75 P. Brown, *The Cult of the Saints: Its Rise and Function in Late Antiquity* (Chicago, 1981), p. 88.

76 Paulinus, *Epist.* 49.14, p. 402, 9–12: *Nam tam adsidue aurem ipsius retractavi, ut paene detriverim. Voluissem quoque vel unius partem auris abscindere, nisi in illo vulneris quae mihi pignoris res fuisset.*

77 Paulinus, *Epist.* 49.14, p. 402, 2–4: *Videre enim mihi videor, qua gratulatione, qua admiratione, qua fide et auditurus de illo et visurus ipsum sis . . .*

78 Paulinus, *Epist.* 49.15, p. 403, 11–12: *Certo autem scio quaesiturum te et desideraturum aliquid, quo circa hunc hominem exerceas* (editio princeps) *caritatem, qua diligis Christum.*

79 Paulinus, *Epist.* 49.15, p. 403, 13–16 (with my own translation): . . . *tu studium piae devotionis intende et patrono huius Secundiniano, cui navem Christus omnipotens pro huius salute servatam iam desperanti reddidit, toto fidei tuae affectu adesto.*

80 Paulinus, *Epist.* 49.15, p. 403, 27—p. 404, 5; see Walsh’s *Commentary*.

thus severer than the standard punishment for theft.⁸¹ This meant that the procurator could expect a punishment for property offence (*furtum* or *rapina*) of twice or four times the real value.⁸² Under the compromise proposal put forward by Paulinus, the action brought against him would be dropped in return for restoration of the ship and its cargo. It was on delivery of the cargo in Portus that the claim of the *navicularii* for financial compensation depended, including the bonus of 2.5 % of the freight value paid for transport in winter.⁸³ However, should the cargo be lost or spoilt, then the ship's owner, who bore the risk for the cargo, would be liable for losses occasioned by theft.⁸⁴ The cost of repairs to the now holed and mastless sailing vessel would likewise be the responsibility of its owner, Secundinianus himself.⁸⁵

6 The Clash of the New *Paideia* with the Old

The rhetorical fusion of the diverse literary genres of forensic rhetoric in the style of the courtroom plea, the poetic visualization of the shipwreck, and

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- 81 *CTh* 13.5.29, p. 754 (24.1. 400) with Kaser, *Privatrecht*, vol. 1, pp. 614, 626–627 and E. Weiss, “Naufragium,” *RE* 16,2 (1935), 1899: *Solidos itaque, quos sublimitas tua eruere valuit ab his qui in navicularios praedas egerunt, volumus naviculariorum commodis reservari. Et ne simpli poena in raptos constituta crescat audacia, in posterum sancimus, ut, quicumque in rapinis fuerit deprehensus, in poenam quadrupli teneatur.* The offence of *rapina* was not the same as expropriation during a disaster (*de incendio ruina naufragio*); see Robinson, *Criminal Law*, p. 35.
- 82 On two- to fourfold compensation in cases of *furtum*, see Mommsen, *Römisches Strafrecht* 4 §8, p. 752; on fourfold for *rapina*, *Römisches Strafrecht* 4 §2³⁻⁴, p. 661, cf. Robinson, *Criminal Law*, p. 30.
- 83 *CTh* 13.9.3.2, p. 761 (6.2. 380): . . . *ut a duarum semis centesimarum, quae ex hibernis oneribus postulatur a vobis, petitio conquiescat.* See Sirks, *Food for Rome*, p. 158. According to *CTh* 13.5.7, p. 749 (1.12. 334), the freight tariffs for the *navicularii Orientis* amounted to one *solidus* per thousand *modii* of the grain carried, and applied throughout the empire; a small percentage (1 to 4 %) of the cargo was added, depending on the length of the delivery journey; see Sirks, *Food for Rome*, pp. 123–125, 148, and P. Herz, *Studien zur römischen Wirtschaftssetzung: Die Lebensmittelversorgung* (Stuttgart, 1988), pp. 256–257.
- 84 Only in cases of *force majeure* could he disclaim liability for compensation. In these cases the *navicularii* would have to bear the loss themselves (*CTh* 13.5.32, p. 755 [19.1. 409] = *CJ* 11.6.6, p. 430); cf. Sirks, *Food for Rome*, pp. 160, n. 44; 158.
- 85 *CTh* 13.5.14.1, p. 751 (11.2. 371) applied only when the ship-owner was a member of the *naviculariorum corpus* of the eastern provinces: . . . (scil. *navigiorum*) *reparationem deinceps per singulos annos isdem naviculariis ex concessa iugorum immunitate curaturis.* In cases of *angaria* he did not profit from tax reductions.

the hagiographic vision of the divine as a “spectacle” played out on the world stage turned this classical recommendation into a hybrid composition imbued with a power of suggestion that surpassed the power of the *vicarius Romae* to whom it was addressed. As Naomi Janowitz explains, “the limits of human access to the supernatural were the limits of human imagination”.⁸⁶ In taking this approach, Paulinus was following the advices (*praecepta*) of rhetoric based on Quintilian’s account (6.2.29–30) of the psychological impact of imagery: In response to the φαντασῖαι or *visiones*, “the images of absent things are presented to the mind in such a way that we seem actually to see them with eyes and have them physically present to us. He who has captured them well (as Paulinus did), will achieve the most powerful emotional effect—is *erat in adfectibus potentissimus*.”⁸⁷

The bishop of Nola has woven his petition into a narrative of miracles and transformed the witness summons for the legal hearing into an act of holy gift-giving. His letter of recommendation thus enables him to build up a complex web of relationships among the disputing parties so that the settlement sought by Paulinus could be achievable before or in place of any formal hearing. Paulinus’ achievement here is that he follows up the emotional appeal to the competent magistrate by using Christian discourses to draw his opponent, Postumianus, into the exchanges between the participants; his father before him, the homonymous praetorian prefect of the East in 383, had been known for the strength of his religious commitment.⁸⁸ Valgus—the contact relic—in this way becomes the medium that acquires magical powers from having had the vision of the divine and so in turn constitutes the link between all four

86 Janowitz, *Icons of Power*, p. xi.

87 Quintilian, *The orator’s education*, ed. and trans. D.A. Russell (Cambridge, Mass., 2001), pp. 58–59: *Quas φαντασῖας Graeci vocant (nos sane visiones appellemus), per quas imagines rerum absentium ita repraesentantur animo ut eas cernere oculis et praesentes habere videamur, has quisquis bene ceperit is erit in adfectibus potentissimus*. On late antique rhetoric echoing Cicero’s and Quintilian’s views, see G.A. Kennedy, *A new History of Classical Rhetoric* (Princeton, N.J., 1996), pp. 273–278.

88 *PLRE* 1, p. 718, Postumianus 2, cf. Gregory of Nazianzus, *Epist.* 173.3, ed. P. Gally (Griechische Christliche Schriftsteller 53), (Berlin, 1969), pp. 124–125: προτετέλεσθης πρότερον τὴν εὐσέβειαν, εἶθ’ ὑπεδέξω. He had been asked by Gregory of Nazianzus in summer 383 to use his influence to preserve unity among the bishops assembled in Constantinople. See J. Matthews, *Western Aristocracies and the Imperial Court A.D. 364–425*, 3rd ed. (Oxford, 1990), p. 128. He died later in 383 (cf. R. von Haehling, *Die Religionszugehörigkeit der hohen Amtsträger des Römischen Reiches seit Constantins I. Alleinherrschaft bis zum Ende der Theodosianischen Dynastie* [Bonn, 1978], pp. 71–72), and therefore is not the Postumianus with whom we are concerned here (*PLRE* 2, p. 901, Postumianus 2).

parties: the object of the petition (the ship-owner), the author and benefactor (Paulinus), the recipient of petition and relic (the vicar of Rome) and the putative guilty parties (the procurator and his master, Postumianus).⁸⁹

The deployment of Christian metaphor in conjunction with rhetorical strategies and ascriptions creates a new reality transcending both the late antique lawsuit and the pragmatic political world. The sea voyage is transformed into a rite of passage. In place of the ideal statesman, Christ as *mundi gubernator* is at the helm of the world;⁹⁰ Christ 'appears' as the rescuer from peril at sea and as the true owner of the ship. Thus the theft of ship and cargo—gifts bestowed by God—metamorphoses from a punishable civil offence into an act of sacrilege. And thus it is scarcely surprising that the code used by Paulinus styles the inevitable appeal to the vicar of Rome as a *peregrinatio*, a freely undertaken pilgrimage to Rome.⁹¹ Valgius, the indigent victim clad in the ascetic's sheepskin, changes too, into a potent icon and living relic; and the powerful, purple-clad vicar becomes an object of beneficence. That the social role patterns customary in Late Antiquity are upset and inverted by the author is not without consequences for the construction of his own 'self': Paulinus exchanges his role as petitioner, in the *commendatio*, for that of a teacher of asceticism, that of a patron, and that of inventor of the innovative hybrid rhetoric modelled in this very text. He appears as the benefactor of the ship-owner, helping him to regain his ship and his freight consignment, of the sailor Valgius, averting the prospect of torture and giving him a new life through baptism; he appears as benefactor of the *vicarius urbis*, donating a fascinating wondrous tale (*caelestis*

89 'Magic essentially belongs to religion (and, indeed, language)'; see P. Schäfer and H.G. Kippenberg, eds., *Envisioning Magic: A Princeton Seminar and Symposium* (Leiden, 1997), p. xi. According to Apuleius, *De magia (Apologia)* 26 (1), ed. and trans. J. Hammerstaedt (Darmstadt, 2002), p. 102, magic was an *ars . . . dis immortalibus accepta*. People are afraid to attack one whom they acknowledge to be so powerful, cf. Apuleius, *De magia* 26 (6–7), p. 104.

90 Paulinus (*Epist.* 49.3: note 33) is familiar with Cicero, cf. *De re publica* 1.2.2, ed. K. Ziegler (Leipzig, 1969), p. 3: *civitatis gubernatio*; *Pro Sestio* 20.46, ed. W. Peterson (Oxford, 1911), p. 156: *hanc rei publicae navem*. In his speech Cicero (*In Pisonem* 9.20, ed. A.C. Clark [Oxford 1909], p. 262) describes himself as the helmsman of the state (*qui in maximis turbidinis ac fluctibus rei publicae navem gubernassem*). A further reference antedating the Christian symbolism is the *navis* of Horace's *Ode* 1.14 (ed. D.R. Shackleton Bailey [Berlin, 1985], pp. 17–18), the textbook example of the nautical allegory of statesmanship (Quintilian, *Institutio oratoria* 8.6.44, ed. D.A. Russell [Cambridge, Mass., 2003], p. 450).

91 See the expression *itinere terrena peregrinari* (above, n. 66). A further instance of a perilous 'pilgrimage' was the *Iter Nolanum* of Martinianus, whose ship foundered off Marseilles (Paulinus, *Carm.* 24, pp. 206–237).

historia) and a relic; and of the imputed guilty party, remitting all punishment. His conception of Christ, the Good Shepherd, is the model and paradigm for the bishop of Nola, who describes himself as a *pastor exigui gregis*, ‘the pastor of a (relatively) small flock’.

The legal settlement that the bishop hoped to negotiate with the vicar demonstrates that the social status of literature and of education had scarcely changed at all from Cicero to the Christian intellectuals of Late Antiquity.⁹² They, as Claudia Rapp⁹³ was able to demonstrate, did not live as far removed from the world or from classical literary traditions as they would sometimes like us to believe. The letter also serves to highlight the network of personal and social contacts within the educated Christian elite:⁹⁴ it may have included links to other prominent supporters of the ascetic movement—Augustine of Hippo, Rufinus of Aquileia, perhaps also Palladius, who later became bishop of Helenopolis.⁹⁵ But that is another topic.

92 See C.J. Classen, *Recht, Rhetorik, Politik: Untersuchungen zu Ciceros rhetorischer Strategie* (Darmstadt, 1985) and W. Stroh, *Taxis and Taktik: Die advokatische Dispositionskunst in Ciceros Gerichtsreden* (Stuttgart, 1975).

93 C. Rapp, “The Origins of Hagiography and the Literature of Early Monasticism: Purpose and Genre between Tradition and Innovation,” in C. Kelly, R. Flower and M.S. Williams, eds., *Unclassical Traditions*, vol. 1: *Alternatives to the Classical Past in Late Antiquity* (Cambridge, 2010), 119–130, at p. 130, on “Christian hagiographers”.

94 It should be noted that even though a strong case can be made for Macarius, vicar of Rome, as the addressee of the letter, the reconstruction above does not stand or fall based on this identification. The points made would be largely equally valid even if the letter were addressed to some official other than Macarius.

95 On Paulinus’ network connections: Rufinus of Aquileia, after returning to Italy in 379, was in contact with a Macarius, *vir fide, eruditione, nobilitate clarus*, who sought Rufinus’ advice on the astrologers and requested a translation of Origen’s *Peri Archon* (Rufinus, *Apologia adversus Hieronymum* 1.11, ed. M. Simonetti (Corpus Christianorum. Series latina) 20 [Turnhout, 1961], p. 44, Praef. of *Peri Archon*; cf. Gennadius, *De viris illustribus* 28, ed. E.C. Richardson [Leipzig, 1896], p. 72). Palladius (*Historia Lausiaca* 62, ed. C. Butler [1868, repr. Hildesheim 1967], p. 157) refers in about 420 to a Macarius, a former *vicarius* (ἀπὸ βιχαρίας), who gave away all his wealth: ‘Both of these (Macarius as well as Constantius) were . . . notable and learned men who progressed to the highest love of God’, ἄνδρες ἐπίσημοι καὶ λογικώτατοι καὶ εἰς ἄκρον ἐλάσαντες. According to Cornelius (Augustine, *Epist.* 259.1, ed. A. Goldbacher, CSEL 57, [Wien 1911], p. 611, 1–7), Paulinus of Nola wrote a (lost) *epistula consolatoria* to a Macarius on the death of the latter’s wife. This statement could lend weight to the manuscript superscription by corroborating a friendship between Paulinus and a Macarius. See Trout, *Paulinus of Nola*, p. 188, and Mratschek, *Der Briefwechsel des Paulinus*, pp. 152–153, nn. 93–94 and pp. 380–384, contrasting Muffeldt, “Bleibende Fragen,” 213–214.

7 Illustrations

Shipwrecks at Olbia: Remains of a Merchant Fleet sunk in the 5th Century

7.1 *List of Illustrations*

The author would like to thank Dr. Rubens d'Oriano and Eduardo Riccardi (Soprintendenza Archeologica di Olbia, Via Macereta Poltu Quadu, I-07037 Olbia) who have kindly given permission to reproduce these illustrations.



FIGURE 1 Baedeker Sardinien (*Ostfildern*, 2010), p. 235. Photo Soprintendenza Archeologica di Olbia.



FIGURES 2 AND 3 *Eduardo Riccardi, "Wracks und mehr aus dem Hafen von Olbia," Skyllis 4.2 (2001), 137. Photo Eduardo Riccardi, Soprintendenza Archeologica di Olbia.*