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NEC VANA FIDES. THE INTERTEXTUAL BACKGROUND OF A LAW OF VALENTINIAN III (*NOV. VAL.* 23) AND THE DATE OF THE *VERSVS AD GRATIAM DOMINI**

ABSTRACT

*Late antique laws are rhetorically crafted and often bolstered by expressions of popularized philosophy and theology. This article presents historical evidence that reveals a close link between literary culture and the drafting of laws. It then examines a constitution of Valentinian III against tomb violators (*Nouella Valentiniani *23) as case-study. The rhetorical preamble of this law presents a concise argument for the immortality of the soul. At first sight, the phrase* nec uana fides *which features in this context seems nothing more than a learned, yet merely ornamental, allusion to Virgil (*Aen. *4.12) with no further bearing on the content. This article argues that the passage of* Nouella Valentiniani *23 might in fact be a reminiscence of Prudentius (*Cath. *3.196), who had used the same Virgilian tag to allude to Paul (1 Cor. 15:13–17), thus expressing faith in the immortality of the soul and in the doctrine of resurrection. The author of the Virgilian cento* uersus ad gratiam Domini *(or* Tityrus*) also redeployed the same phrase* nec uana fides *with reference to the immortality of the soul, and the cento's intertextual relationship with Prudentius might contribute to the evidence about its date. This complex net of intertextual references (Virgil, Paul, Prudentius) bestows authority on this legal admonition and justifies an appreciation of the late Roman constitutions as literature.*

Keywords: intertextuality; post-Theodosian *Nouellae*; Virgil; Prudentius; Paul of Tarsus; *uersus ad gratiam Domini*

INTRODUCTION: *NOVELLA VALENTINIANI* 23

On 13 March 447, Valentinian III (nominally with his eastern colleague Theodosius II) issued a law against tomb violators (*Nouella Valentiniani* 23, henceforth referred to as *Nou. Val.* 23). Curses against graverobbers feature prominently in funerary poetry, including many epigrams of Gregory of Nazianzus,[1] and earlier laws by Constantius II, Julian and Theodosius attest that the problem was not new.[2] Changed historical circumstances, however, called for greater severity. During the economic crisis of the

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[1] See R. Lattimore, *Themes in Greek and Latin Epitaphs* (Urbana, 1962), 106–26. Gregory's epigrams against tomb violators (*Anth. Pal.* 8.170–254) are discussed by L. Floridi, 'The epigrams of Gregory of Nazianzus against tomb desecrators and their epigraphic background', *Mnemosyne* 66 (2013), 55–81, at 72–9, with further references.

[2] *Cod. Theod.* 9.17.1–2 (Constantius II), 9.17.3–5 (Julian, on which see A.D. Nock, *Essays on Religion and the Ancient World* [Oxford, 1972], 2.528–30 = 'Review of A. Parrot, *Malédictions e violations de tombes* [Paris, 1939]', *JBL* 60 [1941], 88–95, at 89–91), 9.17.6–7 (Theodosius I).

fifth century, monumental graves, such as those along the Appian Way, provided an easy source of building materials and precious metals. Even clerics were not infrequently involved in spoliating tombs, possibly to embellish their churches or to secure saints' relics. Slaves and lower-class freemen would be tortured and incur capital punishment[3]—so decreed this new law—while upper-class people would be fined half of their assets and be subject to infamy—namely, public shame and the loss of upper-class privileges.[4] Clerics who had been found guilty of tomb violations would lose their clerical status and be deported.

THE CONSTITUTIONS AS LITERATURE

But *Nou. Val*. 23 is interesting not only from historical and juridical points of view. Like many unabridged laws (or 'constitutions') from Late Antiquity, *Nou. Val.* 23 is introduced by an eloquent rhetorical preamble. The introductory sections of late antique constitutions were omitted in the Theodosian and Justinianic Codes; when both the original and the abridgement are extant, the remarkable difference in length suggests that the Codes' editors were obliged to make extensive cuts. These preambles represent important evidence for top-down communication between the emperor and his subjects and between the court and the populace, whether in the capitals or in the provinces. They narrate the events leading to the promulgation of the new law (often an individual petition) and explain the reasons behind the imperial pronouncements. Furthermore, they often convey elements of popular philosophy and theology. Accordingly, the constitutions deserve recognition both as neglected instruments of public rhetoric and political communication and as popular outputs of late antique intellectual life.[5] Thus, rather than discussing historical or juridical problems, this article will take *Nou. Val.* 23 as a case-study for literary appraisal of a late antique constitution: an intertextual discussion of a selected passage—just a few lines in length—will reveal that the drafter of this constitution has a multifaceted poetic background and an intimate acquaintance with typically late antique techniques of literary allusion. This analysis will also yield, as a

[3] When, probably in 469, Sidonius Apollinaris caught some coffin-bearers digging a seemingly unoccupied lot in a cemetery near Lyon, where his grandfather was buried, he had them tortured. Sidonius then turned to his bishop, Patiens of Lyon, to apologize for acting without consulting him first, but was praised instead for his mercy as, 'according to the custom of the ancestors, it would have seemed right that men guilty of such carelessness should have been executed' (Sid. Apoll. *Epist*. 3.12.3 *more maiorum reos tantae temeritatis iure caesos uideri*). Thus, Sidonius might attest an application of this law in continuity with earlier legislation.

[4] By the terms 'upper class' and 'lower class', I refer to a distinction between two classes of citizens, which often features in juridical sources and entails two different systems of penalties (usually milder for the better off, and harsher for the poor). The concept of *infamia* can be summarized as the downgrade from the upper to the lower social class. These two groups are often referred to as *honestiores* and *humiliores* respectively, although their denominations are far from consistent. For instance, this constitution calls the former *plebei et nullarum … facultatum*, the latter *splendidiores … uel dignitatibus noti* (*Nou. Val.* 23.4). On this social distinction and its penal repercussions, see P. Riedlberger, *Prolegomena zu den spätantiken Konstitutionen: nebst einer Analyse der erbrechtlichen und verwandten Sanktionen gegen Heterodoxe* (Stuttgart, 2020), 365–72, with further references.

[5] For the preambles of the *Nouellae* of Valentinian III, see M. Bianchi Fossati Vanzetti, *Le novelle di Valentiniano III* (Padua, 1988), 28–41. The relation of rhetoric and political communication in the Theodosian Code and in the post-Theodosian *Nouellae* is discussed by W.E. Voss, *Recht und Rhetorik in den Kaisergesetzen der Spätantike. Eine Untersuchung zum nachklassischen Kauf- und Übereignungsrecht* (Frankfurt, 1982), 72–81.

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by-product, a new dating argument for one of the intertexts to be discussed—namely, Pomponius' Virgilian cento *Tityrus* (or *uersus ad gratiam Domini*).

POETS AND BUREAUCRATS IN THE FOURTH AND FIFTH CENTURIES

It has long been recognized that the talents of poets and rhetors could be employed in the drafting of letters and laws. Indeed, the quaestors (the magistrates in charge of writing imperial letters and new laws)[6] and other top-ranking bureaucrats had often acquired more experience in literature than in jurisprudence by the time they reached these positions. John Lydus, writing at a century's distance, mocked Cyrus of Panopolis—simultaneously prefect of Constantinople and praetorian prefect, and eventually, immediately preceding his sudden fall from grace in 441, consul—for 'knowing nothing but poetry' (μηδὲν παρὰ τὴν ποίησιν ἐπισταμένου).[7] Yet it was far from infrequent that famous poets and rhetors held important administrative functions.

To name only the best-attested ones, Ausonius (quaestor from 375 to 377), despite frequently being regarded as a lukewarm Christian, employs a fascinating religious layering in some of his poems: his *Cupido cruciatus* may well be influenced by early Christian conceptions of martyrdom, not just in the very instrument of Cupid's torture (a cross) but also in the image of the classical heroines exhibiting symbols of their deaths.[8] With his verse panegyrics, the Greek-born Claudian secured Stilicho's patronage and became famously *tribunus et notarius*—and he was just one Latin offshoot of a whole Greek school of 'wandering poets' who climbed the ladder of imperial administration with their excellence in verse composition.[9] But the best-attested poet-bureaucrat of the fifth century is Sidonius Apollinaris: his three verse panegyrics for Avitus, Majorian and Anthemius (*Carm*. 7, 5 and 2, respectively) won him administrative appointments—culminating in the prefecture of Rome in 468–9—and his literary network secured him pardon in times of trouble, such as after the Gallic rebellion against Majorian in 458 (*Epist*. 1.11.15).

To sum up, there was a close link between letters and government. Yet administrative prose is seldom read with attention to its literary qualities. Indeed, A.H.M. Jones, commenting on the fact that poets were sometimes chosen for governmental and bureaucratic roles, seemed to disregard their ability to contribute to the legislative process altogether,[10] and there have thus far been only timid attempts at establishing a link between poetry and legislation.[11] In fact, the unabridged constitutions are prime

[6] On late antique quaestors and the genesis of laws, see J. Harries, 'The Roman imperial quaestor from Constantine to Theodosius II', *JRS* 78 (1988), 148–72 and Riedlberger (n. 4), 116–18. T. Honoré, *Law in the Crisis of Empire 379–455 AD. The Theodosian Dynasty and its Quaestors* (Oxford, 1998), 270–1 discusses this and a further six laws (in chronological order: *Nou. Val*. 21.1, 22, 21.2, 24, 7.3, 25), tentatively raising the possibility of ascribing them to Firminus (*PLRE* vol. 2, 'Firminus' 2).

[7] Lydus, *Mag*. 12. On Cyrus and his scant extant works, see P.W. van der Horst, 'Cyrus: a forgotten poet', *G&R* 59 (2012), 193–201 and Alan Cameron, *Wandering Poets and Other Essays on Late Greek Literature and Philosophy* (Oxford, 2016), 37–80.

[8] D. Shanzer, '*Argumenta leti* and *ludibria mortis*: ekphrasis, art, attributes, identity, and hagiography in late antique poetry', in V. Zimmerl-Panagl and D. Weber (edd.), *Text und Bild: Tagungsbeiträge* (Vienna, 2010), 57–82, at 78–9.

[9] Cameron (n. 7), 1–35.

[10] A.H.M. Jones, *The Later Roman Empire, 284–602: A Social Economic and Administrative Survey*, 2 vols. (Oxford, 1964), 1.388.

[11] For instance, F. Felgentreu, *Claudians* praefationes*: Bedingungen, Beschreibungen und Wirkungen einer poetischen Kleinform* (Stuttgart, 1999), 104–7 suggests that Claudian's invective against Eutropius might have inspired the phrasing of *Cod. Theod.* 9.40.17.

examples of art prose in public action: a deeper appreciation of their intertextual relations with poetry has much to contribute to our understanding of their political communication.[12]

THE LAW'S PREAMBLE AND THE IMMORTALITY OF THE SOUL

The preamble of the law of Valentinian III against tomb violators displays a 'pocket-sized' argument for the immortality of the soul. The idea that we possess an innate notion that the human soul is immortal is a tenet of both ancient wisdom and the Christian faith, and is also indicated by the very fact that human beings put money and effort into erecting sepulchral monuments—an argument once made by Prudentius in *Cath.* 10.45–64.[13] It is on this preamble (*Nou. Val.* 23.0) that this article will focus: this brief text displays a subtle and multilayered web of intertextual references which in turn reveal a surprising literary awareness in this apparently dry legal admonition.

finis malorum iam nec mortuis datur, in quorum supplicia constructio miserandae sedis eripitur. scimus enim—**nec uana fides est**—solutas membris animas habere sensum et in originem suam spiritum redire caelestem. hoc libris ueteris sapientiae, hoc religionis, quam ueneramur et colimus, declaratur arcanis. et licet occasus necessitatem mens diuina non sentiat, amant tamen animae sedem corporum relictorum et nescio qua sorte rationis occultae sepulcri honore laetantur, cuius tanta permanet cunctis cura temporibus, ut uideamus in hos usus sumptu nimio pretiosa montium metalla transferri operosasque moles censu laborante componi. quod prudentium certe intelligentia recusaret si nihil crederet esse post mortem.

And an end to evils is no longer given even to the dead, for whose torment the structure of their pitiable abode is torn away. For we know—**and our faith is not vain**—that souls released from their limbs have sensation, and that the celestial spirit returns to its own origin. This is declared by the books of ancient wisdom and by the mysteries of the religion that we venerate and worship. And though the divine spirit does not experience the necessity of death, yet the souls love the abode of the bodies they left behind, and for some secret reason rejoice in the honour of their sepulchre, for which such great concern continues through all times that we see the precious metals of the mountains being transferred at excessive expense to these uses and elaborate constructions being erected to the detriment of one's wealth. And certainly, the intelligence of sensible people would reject this, if it believed there is nothing after death.[14]

Artistic pathos marks this passage, such as in the anaphora *hoc … hoc*, with the chiasmus of ablative nouns and their related genitives *libris ueteris sapientiae*/*religionis … arcanis*. Every concept is expanded and solemnly duplicated. Thus, the souls of the dead not only feel some lingering affection for the resting place of their bodies, but they also 'rejoice in the honour of their sepulchre' (*sepulchri honore laetantur*)—an idea already discussed by Augustine in his *De cura pro mortuis gerenda* (7.9).

The 'excessive expense … to the detriment of one's wealth' (*sumptu nimio*, *censu laborante*: perhaps a faint memory of the old Roman distrust of sumptuary

[12] The essays of I. Gualandri, M. Christol, B. Moroni, A. Canobbio and E. Romano in D. Mantovani (ed.), *Le strutture nascoste della legislazione tardoantica: atti del convegno Redhis (Pavia 17–18 marzo 2016)* (Bari, 2019) provide a valuable starting point for an appreciation of the constitutions as rhetoric.

[13] On which, see the observations of G. O'Daly, *Days Linked by Song: Prudentius'* Cathemerinon (Oxford, 2012), 307–8.

[14] The Latin text is quoted after the edition by P.M. Meyer, *Leges nouellae ad Theodosianum pertinentes* (Berlin, 1905), 114. The translation is by P.R. Coleman-Norton, *Roman State and Christian Church. A Collection of Legal Documents to A.D. 535*, 3 vols. (London, 1966), 2.737 with modifications.

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extravagance?) invested in the construction of funerary monuments is also expressed in a vivid image: the precious metals, which are mined from mountains, contribute to erecting 'elaborate constructions' (*operosasque moles*, forming a chiasm with the noun–participial adjective pair *censu laborante*). These few lines exemplify the late Roman *genus grande*.[15]

PROSE RHYTHM

New constitutions were read publicly in crowded civic gatherings: some sources emphasize the eager expectation and loud reactions of the populace as it listened to the imperial pronouncements.[16] As works of highbrow rhetoric intended for public delivery, the constitutions follow the rules of prose rhythm. Recognizable rhythmic patterns (*clausulae*) mark the ending of each clause, thus providing a structure to the flow of rhetorical speech and serving as a form of punctuation. The predominant rhythmic form of late antique cultivated prose is commonly referred to as *cursus mixtus* because it combines two overlapping systems of *clausulae*. The first, which derived from the Classical period and persisted in rhetorical teaching, is based purely on prosody: among the most frequent prosodical *clausulae* there are the following: cretic–trochee (–⏑– –×), cretic–ditrochee (–⏑– –⏑–×), double cretic (–⏑– –⏑×), cretic–tribrach (–⏑– ⏑⏑×) and first paeon–trochee (–⏑⏑⏑ –×). The second system of *clausulae* is based on patterns of stressed syllables: later in the Middle Ages, it would be formalized as *cursus*. The three most common rhythmical *clausulae* are the *cursus planus* (ó~~ó~), *cursus tardus* (ó~~ó~~) and *cursus uelox* (ó~~~~ó~), while the *cursus trispondaicus* (ó~~~ó~) usually features less frequently.[17] The old and the new coexist, and attention should be paid to both stress patterns and the distribution of quantities.

[15] The grand style was traditionally regarded as appropriate for solemn subjects such as religion, the natural world and human nature, and was associated with the rhetorical task of impressing the listener (*flectere*, as per the classical definition of Cic. *Orat*. 69). Augustine (*Doct. christ*. 4.27) and Macrobius (*Sat*. 5.1) provide the most significant Latin discussions of the theory of styles in this period. More generally, the stylistic opulence of much late Roman prose has undergone a drastic aesthetic reappraisal. E. Norden, *Die antike Kunstprosa vom VI. Jahrhundert v. Chr. bis in die Zeit der Renaissance*, 2 vols. (Stuttgart and Leipzig, 1915), 1.586–656 gave an accurate, if negative, description of its rhetorical features. By contrast, M. Roberts, *The Jeweled Style: Poetry and Poetics in Late Antiquity* (Ithaca, NY, 1989), 62–5 and 122–31 ushered in a more sympathetic appreciation for late antique aesthetics, in part by drawing attention to the interactions between poetry and prose. An appraisal of chancery style in the context of late antique artistic prose remains a *desideratum*.

[16] Cf., for instance, John Chrys. *Hom. in Gen*. 14.2 in Migne, *PG* 53.112.2 (comparison between the attentive reverence paid by the crowd to the recitation of imperial letters and the contemplation that should be owed to Scripture) and *Auell.* 34.2 (public recitation of an imperial decree followed by the cheering of the crowd). Further testimonies are collected by S. Puliatti, 'Le costituzioni tardoantiche: diffusione e autenticazione', *SDHI* 74 (2008), 99–133, at 111–13.

[17] General works of reference on *cursus mixtus* include: F. Di Capua, *Il ritmo prosaico nelle lettere dei papi e della cancelleria romana dal IV al XIV secolo*, 3 vols. (Rome, 1937–46), 1.146–59; S.M. Oberhelman, 'The history and development of the *cursus mixtus* in Latin literature', *CQ* 38 (1988), 228–42; and S.M. Oberhelman, *Rhetoric and Homiletics in Fourth-Century Christian Literature: Prose Rhythm, Oratorical Style, and Preaching in the Works of Ambrose, Jerome, and Augustine* (Atlanta, 1991), 5–21. On prose rhythm in the constitutions, see Di Capua (this note), 2.67–85 and R.G. Hall and S.M. Oberhelman, 'Rhythmical *clausulae* in the *Codex Theodosianus* and the *Leges nouellae ad Theodosianum pertinentes*', *CQ* 35 (1985), 201–14. The website of Nigel Holmes contains a bibliography of late Latin prose rhythm up to 2013 (https://nigel-holmes.userweb.mwn.de/rhythm/welcome.html). Research on texts written in *cursus mixtus* is now aided by the software Cursor (http://www.riedlberger.de/cursor).

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Francesco Di Capua has provided an excellent rhythmical analysis of this constitution, to which I refer the reader for a comprehensive overview.[18] To his discussion, I would add that, even though *clausulae* are most conspicuous at the end of clauses, they also occur at the beginning or in the middle of sentences. Thus, the passage under observation starts with the solemn poeticism *fi̍nīs mă̍lō̍rūm* (*planus*/spondee–bacchee).[19] Amongst the mid-sentence *clausulae*, *ratiŏnĭs ōccŭ̍ltāe* constitutes a *planus*/cretic–spondee, as does *pe̍rmănēt cŭ̍nctīs*. In short, prose rhythm pervades this constitution and is an essential feature of its rhetorical quality.

AN EPIC MODULATION

This system of *clausulae* dictates that phrases should end with two or four (or, rarely, three) unstressed syllables falling between the final two stressed syllables. Yet there is one sentence that does not scan according to these rules. The phrase *scīmŭs ĕnīm nēc uānă fīdēs* looks like the beginning of a hexameter, with caesura of the second and the fourth feet (– ⏑ ⏑ –|– – ⏑ ⏑ –|). To borrow a term from musical theory, an extra-metric grouping coming from poetry infiltrates the rhythm of prose. This sudden appearance of epic rhythm recalls the stylistic habit of some writers, especially historians, of inserting quasi-hexametrical or fully hexametrical phrases in key passages, such as incipits or when an epic colouring suits some characterizations.[20] In some instances, hexameter-like rhythms underpin allusions to epic poetry.[21] Is this also the case with this phrase?

NEC VANA FIDES: FROM VIRGIL ...

While a search for the hexameter opening *scimus enim* yields no significant results (besides confirming once again that this constitution is deeply imbued with epicizing language),[22] the phrase *nec uana fides* has a fascinating history, starting with Virgil. The whole preamble of *Nou. Val.* 23 is pervaded by Virgilian echoes. After all, Virgil was a cornerstone in the education of the learned elite from which late antique bureaucrats were

[18] Di Capua (n. 17), 2.97–103.

[19] The term 'bacchee' denotes this metrical unit: ⏑ – –. The *clausula* spondee–bacchee is recommended by late antique rhetors and is considered as a metrical variant of the *cursus planus*, alongside cretic–trochee (–⏑– –×). See Di Capua (n. 17), 2.72 and G. Morelli, 'Antiche liste di clausole ritmiche', *RFIC* 136 (2008), 319–55, at 328 and 350. On 'bacchaic' words in hexametrical poetry, see L. De Neubourg, 'La «localisation» des bacchées dans l'hexamètre latin', *Latomus* 42 (1983), 31–57.

[20] Cf., for instance, Cato, *Orig.* *F 1 *FRHist* = fr. 1,1 Beck/Walter *sī quēs sūnt quōs dēlēctāt pŏpŭlī Rōmānī gesta describere* (on which, see A.J. Woodman, *From Poetry to History: Selected Papers* [Oxford, 2012], 378); Coelius Antipater, F 46 *FRHist* = fr. 26 Beck/Walter *hās rēs ād tē scrīptās, Lūcī, mīsĭmŭs Āelī*; Sall. *Iug.* 5.1 *bēllūm scrīptūrūs sūm quōd pŏpŭlūs Rōmānŭs*; *Mon. Anc.* 1.1 *rērūm gēstārūm Dīu(i) Āūgūstī quĭbŭs ōrbēm* (on which, see Woodman [this note], 188–90); Livy 1.1 *fāctūrūsn(e) ŏpĕrāe prĕtĭūm sīm*; Tac. *Ann.* 1.1.1 *ūrbēm Rōm(am) ā prīncĭpĭō rēgēs hăbŭērĕ*. A.J. Woodman, 'Ennius' *Annals* and Tacitus' *Annals*', in C. Damon and J. Farrell (edd.), *Ennius'* Annals*: Poetry and History* (Cambridge, 2020), 228–39, at 228–33 discusses this and other instances of hexametric rhythm in Tacitus' *Annals*. On hexametric rhythm in Roman historiography, see also A. Foucher, Historia proxima poetis*: l'influence de la poésie épique sur le style des historiens latins, de Salluste à Ammien Marcellin* (Brussels, 2000), 349–57.

[21] See, for instance, F.M. Dunn, 'A prose hexameter in Seneca? (*Consolatio ad Marciam* 26.7)', *AJPh* 110 (1989), 488–91.

[22] Calp. *Ecl.* 4.72, Stat. *Theb.* 4.514, Ps.-Prosp. *Carm. de prou.* 673, *Epithalamium Laurentii* (*Anth. Lat.* 742.)3.

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recruited. Since Virgil was often learned by heart, it comes as no surprise that Virgilian phrases resurface ubiquitously in late antique prose and poetry. Finally, Virgil was regarded as an authority in many disciplines, not least in law.

Brunella Moroni has provided a learned and persuasive assessment of the engagement of the Theodosian legislators with Virgil, and includes *Nou. Val.* 23 in her study.[23] As Moroni notes, the phrase *nec uana fides* features in Dido's speech as she confesses her infatuation for Aeneas (*Aen.* 4.12 *credo equidem, nec uana fides, genus esse deorum* 'I believe it well—nor is my faith vain—that he is of the race of the gods').[24] By the end of the first century, this Virgilian tag had been echoed by poets such as Statius (*Theb.* 11.215) and Valerius Flaccus (5.75). Yet, in our constitution, it is difficult to detect further layers of meaning in this Virgilian tag: is it therefore a learned yet merely verbal echo?[25] Dissatisfied with this conclusion, I hope to look beyond Virgil and discuss further intertexts.

. . . TO PRUDENTIUS

The third hymn (*ante cibum*) of Prudentius' *Cathemerinon* (composed before 404–5) affords a crucial parallel. The hymn culminates in an exposition of the immortality of the soul and of the bodily resurrection (*Cath*. 3.191–205):

uiscera mortua quin etiam
post obitum reparare datur
eque suis iterum tumulis
prisca renascitur effigies
puluereo coeunte situ.
credo equidem (**neque uana fides**)
corpora uiuere more animae;
nam modo corporeum memini
de Flegetonte gradu facili
ad superos remeasse Deum.
spes eadem mea membra manet,
quae redolentia funereo
iussa quiescere sarcofago
dux parili rediuiuus humo
ignea Christus ad astra uocat.

Even our mortal flesh as well
after its death is granted restoration,
and from their tombs once more
our former likenesses are born again
as mouldering dust re-forms.
I for my part believe (**nor is my faith in vain**)

[23] B. Moroni, 'Virgilio nel *Codex Theodosianus*: cultura e comunicazione sociale presso la cancelleria imperiale da Costantino a Valentiniano III', *RIL* 137 (2003), 71–105, at 88–9.

[24] Translation by L.M. Fratantuono and R.A. Smith, *Virgil,* Aeneid *4: Text, Translation, and Commentary* (Leiden and Boston, 2022), 45.

[25] To adopt the terminology of A. Pelttari, *The Space that Remains: Reading Latin Poetry in Late Antiquity* (Ithaca, NY, 2014), 131–8, it would qualify as a 'non-referential allusion'. See also H. Kaufmann, 'Intertextuality in late Latin poetry', in J. Elsner and J. Hernández Lobato (edd.), *The Poetics of Late Latin Literature* (Oxford, 2017), 149–75, at 159–62 on 'allusions as formal features', and M. Mastrangelo, 'Towards a poetics of late Latin reuse', in S. McGill and J. Pucci (edd.), *Classics Renewed: Reception and Innovation in the Latin Poetry of Late Antiquity* (Heidelberg, 2016), 25–45, at 33–6.

that bodies live, as does the soul:
for I recall now how, with easy step
in bodily form from Phlegethon
God to the world above returned.
This self-same hope awaits my limbs:
although with spices scented in the tomb
of death they are bidden to rest,
my leader Christ, who from like earth arose,
summons them upward to the fiery stars.[26]

While by no means the only Virgilian allusion in the passage, line 196 stands out because it quotes *Aen.* 4.12 almost verbatim, to the point of qualifying as a quasi-quotation (which Aaron Pelttari defines as 'apposed allusion').[27] At the same time, as noted by Maria Becker and Gerard O'Daly, Prudentius uses the Virgilian tag *nec uana fides* as a vehicle to express Paul's admonishments in the *First Letter to the Corinthians* about Christ's resurrection as a guarantee of the universal resurrection (Vulg. 1 Cor. 15:13–14, 16–17):[28]

si autem resurrectio mortuorum non est, neque Christus resurrexit. si autem Christus non resurrexit, inanis ergo est praedicatio nostra, inanis est et fides uestra … nam si mortui non resurgunt, neque Christus resurrexit. quod si Christus non resurrexit, **uana** est fides uestra.[29]

But if there is no resurrection of the dead, neither did Christ rise again. And had Christ not risen again, then is my preaching vain, and your faith is also vain … For if the dead do not rise again, neither did Christ rise again. And if Christ had not risen again, your faith is **vain**.

Prudentius' point is precisely that Christ's victory over death gives faith both in the immortality of the soul and in the resurrection of the flesh on the last day. In other words, Prudentius takes Virgil's phrase *nec uana fides* out of its original context and uses it to give new voice to Paul's teaching about the resurrection, thereby making a doctrinal point about the nature of the human soul. In addition, Virgil's phrase *genus esse deorum* (referring originally to Aeneas' divine lineage) might have contributed to this allusion, which redeploys Virgilian language to signify that the human soul is of divine origin. Richard Thomas has called this mode of intertextuality 'window reference': an intertext (in this case, Verg. *Aen.* 4.12) acts as intermediary to a third intertext that bestows the ultimate meaning (Paul in 1 Cor. 15:13–17).[30] This technique of literary allusion well befits Christian poetry, which redeploys memorable phrases of classical poets to express concepts rooted in Scripture, thus bridging the gap between two cultures that initially might have seemed antithetical. Reinhart Herzog defined it as 'secondary imitation of the

[26] For the Latin text, I follow the *CCSL* edition by M. Cunningham, *Aurelii Prudentii Clementis Carmina* (Turnhout, 1965), 17–18. The translation is by N. Richardson, *Prudentius' Hymns for Hours and Seasons: Liber Cathemerinon* (Abingdon and New York, 2016), 43 (modified).

[27] Pelttari (n. 25), 143–7. Already P. Courcelle, *Lecteurs païens et lecteurs chrétiens de l'Enéide*, 2 vols. (Paris, 1984), 1.284–5 pointed out various reuses of Virgil's versatile memorable phrase *nec uana fides*: in addition to the Prudentian passage under discussion, he signals allusions in Carolingian monastic letters (*MGH Epist*. 6.185.15 and 187.36) as well as in the *miracula S. Fidis* by Bernard of Angers (Migne, *PL* 141, 155D, line 7, with *figura etymologica* on the name of St Fides).

[28] M. Becker, *Kommentar zum Tischgebet des Prudentius (cath. 3)* (Heidelberg, 2006), 250 and O'Daly (n. 13), 116. On the doctrine of resurrection in Prudentius, see V. Buchheit, '*Resurrectio carnis* bei Prudentius', *VChr* 40 (1986), 261–85.

[29] R. Weber and R. Gryson, *Biblia Sacra iuxta Vulgatam Versionem* (Stuttgart, 2007^5), 1786.

[30] R.F. Thomas, 'Virgil's *Georgics* and the art of reference', *HSPh* 90 (1986), 171–98, at 188–9.

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classics' (*sekundäre Klassikerimitation*) and applied this reading to prose authors such as Minucius Felix and Lactantius.[31] This same principle may hold true of *Nou. Val.* 23.

In the preamble of *Nou. Val.* 23, the Virgilian tag *nec uana fides* features in a context that is much closer to Prudentius than to Virgil. As in *Nou. Val.* 23, Prudentius' focus is on the contrast between care for the bodies of the dead and the immortality of human souls which will eventually be resurrected with their corporeal vessels. Far from being a mere verbal echo, Virgil's *nec uana fides* encapsulates faith in a key eschatological notion which is shared by both Prudentius (incidentally, a former high-ranking bureaucrat himself: *praef.* 16–21)[32] and the legislator of *Nou. Val.* 23.

EXCURSUS: THE CHRISTIAN CENTO *TITYRVS* OR *VERSVS AD GRATIAM DOMINI* AND ITS DATE

Prudentius was not the only poet to use Virgil's *nec uana fides* in a Christian context: it also occurs in a Virgilian cento, usually called *uersus ad gratiam Domini* (*Anth. Lat.* 719a Riese), which is the title it bears in its only known manuscript (BAV, Pal. lat. 1753, fols. 69r–70v). However, Isidore (*Etym.* 1.39.25–6) calls it *Tityrus* (after one of the protagonists), in addition to informing us that it was composed by a certain Pomponius. I will therefore refer to the poem henceforth as *Tityrus*, as this appears to be its ancient title. The name immediately recalls Virgil's first eclogue. Indeed, the cento stages a dialogue between two shepherds called Tityrus and Meliboeus, in which the former instructs the latter on Christian dogma and salvation history. Thus, *Tityrus* combines a bucolic setting with a didactic stance.

In the first half of the poem (lines 32–53), Tityrus explains that the human soul is of divine origin, immortal and destined to rejoin its body at the end of time (*Tityrus* 51–4):

> TITYRVS: ne dubita, nulla fati quod lege tenetur:
> crede Deo—nam uera uides—; sine posse parentem,
> quod minime reris! fato prudentia maior.
> MELIBOEVS: credo equidem, **nec uana fides**. quis talia demens
> abnuat? et me uictusque uolensque remitto.

TITYRUS: Do not doubt what is not constrained by any law of fate: believe in God—for what you see is true—concede that the Father can do what you hardly imagine! Providence is greater than fate.

MELIBOEUS: I truly believe, nor is my faith vain. Who is so foolish as to refuse such promises? I surrender, conquered and content.[33]

[31] R. Herzog, *Die Bibelepik der lateinischen Spätantike. Formgeschichte einer erbaulichen Gattung*, vol. 1 (Munich, 1975), 205–9. See also F. Stella, 'Epic of the biblical God: intercultural imitation and the poetics of alterity', in M. Paschalis (ed.), *Roman and Greek Imperial Epic* (Herakleion, 2005), 131–47 (on Dracontius, but with remarks of general application).

[32] N. Klassen, 'God's poetic bureaucrat: administering salvation in Prudentius' lyric works' (Diss., University of Reading, 2018) discusses the relation of Prudentius' poetry to the cultural background of Christian imperial administration.

[33] The text follows the edition of A. Riese, *Anthologia Latina siue Poesis Latinae Supplementum*, 2 parts (Leipzig, 1906[2]), 2.190–1. Line 52 (*ābnŭăt?* ¦ *ēt mē uīctūsquĕ uŏlēnsquĕ rĕmīttŏ* = *Aen*. 4.108 ¦ *Aen*. 12.833) does not scan as a full hexameter. Its two components are merged not after the principal caesura but after the first dactyl *ābnŭăt*, in a rather unconventional position. This is a departure from the usual technique of combining half-lines separated by a main metrical break. See C. Arcidiacono, *Il centone virgiliano cristiano «versus ad gratiam Domini». Introduzione, edizione critica, traduzione e commento* (Alessandria, 2011), 227.

Virgil's phrase *credo equidem, nec uana fides* gives voice to Meliboeus' enthusiastic answer as he embraces his new Christian faith. It is striking that, as in Prudentius' *Cathemerinon* 3, the Virgilian line occurs in an eschatological context. Indeed, it is plausible that, like Prudentius, the author of *Tityrus* uses the Virgilian phrase *nec uana fides* to express Paul's notion of universal resurrection in 1 Cor. 15:13–17. Thus, both Prudentius and the *Tityrus* cento as well as *Nou. Val.* 23 redeploy Virgil's *nec uana fides* when discussing the ultimate fate of souls.

This coincidence—thus far unnoticed, yet too striking to be accidental[34]—raises the tangential question of the chronological relation between the cento *Tityrus* and Prudentius. The cento is commonly dated to the period between the middle and the end of the fourth century. Isidore provides the *terminus ante quem* by supplying the only biographical testimony available to us about the author of *Tityrus*, whereas Proba's cento may give a plausible *terminus post quem*, considering that *Tityrus* seems to follow Proba in its arrangement of Virgilian material.[35] Accordingly, the composition of *Tityrus* must fall at least after the 360s (according to the traditional dating of Proba),[36] or possibly after 387.[37] In addition, Endelechius' Christian bucolic *De mortibus boum* (late fourth/beginning of fifth century) also combines the bucolic genre with didactic content, although the chronological relation between the two works might warrant a separate study.[38] Regardless of the engagement of *Tityrus* with Proba and Endelechius, a discussion of the intertextual relation between *Tityrus* and Prudentius' *Cathemerinon* 3 may yield interesting consequences for the cento's dating.

Since Prudentius' *Cathemerinon* dates from before 405, there are two possibilities: either *Tityrus* shortly predates *Cathemerinon* 3, or else *Cathemerinon* 3 came first and influenced the Virgilian intertextuality of *Tityrus*. While not a fixed principle, between an obscure centonist and an influential poet such as Prudentius, it is usually more likely that the former read the latter than the other way around. Moreover, further parallels show that *nec uana fides* (*Cath.* 3.196 ∼ *Tit.* 54 = *Aen.* 4.12) is not the only line of Virgil that becomes more meaningful when compared to Prudentius.

[34] Arcidiacono (n. 33), 226 highlights that the underlying idea derives from 1 Cor. 15:17, but fails to note the parallel with Prudent. *Cath.* 3.196.

[35] Despite the reservations of A. Fassina, 'A proposito di un passo delle *Etymologiae* di Isidoro di Siviglia (*orig.* I 39, 25–26)', *CentoPagine* 1 (2007), 56–63, at 60–1, who tends to ascribe *Tityrus* to the mid fourth century, I give more weight to the argument that *Tityrus* is influenced by Proba. On the cento's reliance on Proba and the commonly accepted date, see S. McGill, '*Poeta arte christianus*: Pomponius's cento *uersus ad gratiam Domini* as an early example of Christian bucolic', *Traditio* 56 (2001), 15–26, at 25–6; M. Bažil, Centones Christiani: *métamorphoses d'une forme intertextuelle dans la poésie de l'antiquité tardive* (Paris, 2009), 209–18; and Arcidiacono (n. 33), 14–20 (C. Arcidiacono, 'Il centone virgiliano cristiano *uersus ad gratiam Domini*', *RCCM* 53 [2011], 309–56, at 315–20).

[36] On which, see R.P.H. Green, 'Proba's cento: its date, purpose and reception', *CQ* 45 (1995), 551–63 and R. Green, 'Which Proba wrote the cento?', *CQ* 58 (2008), 264–78.

[37] As argued by D. Shanzer, 'The anonymous *carmen contra paganos* and the date and identity of the centonist Proba', *REAug* 32 (1986), 232–48 and D. Shanzer, 'The date and identity of the centonist Proba', *RecAug* 27 (1994), 75–96.

[38] W. Schmid, '*Tityrus Christianus*. Probleme religiöser Hirtendichtung an der Wende vom vierten zum fünften Jahrhundert', in K. Garber (ed.), *Europäische Bukolik und Georgik* (Darmstadt, 1976), 44–121 (revised version of W. Schmid, '*Tityrus Christianus*. Probleme religiöser Hirtendichtung an der Wende vom vierten zum fünften Jahrhundert', *RhM* 96 [1953], 101–65), at 106 tentatively regards Endelechius as prior.

See, for example, *Tit.* 38 *igneus est ollis uigor* ('They have a fiery force' = *Aen.* 6.730)[39] ~ *Cath*. 3.186 *uigor igneolus*. Both *Tityrus* and Prudentius use Virgil's phrase to indicate the divine origin of the human soul: but, while Virgil echoed the Stoic conception that the human soul is a fragment of the cosmic *logos*, made of fire, Prudentius suggests that the human soul is created by God, who is often conceptualized as light and fire (cf., for instance, Prudent. *Apoth*. 72–5).[40] Unless, by sheer coincidence, *Tityrus* happens to use the same Virgilian line with the same meaning in a similar context to Prudentius, its author is probably influenced by Prudentius.

Compare, also, *Tit*. 43 *sed reuocare* ***gradum superas****que euadere ad auras* ('to turn back your course and emerge to the airs above' = *Aen*. 6.128)[41] with *Cath*. 3.199–200 ***gradu*** *facili* | *ad* ***superos*** *remeasse Deum* 'with easy step God returned to the world above'.[42] Virgil's line comes from the voice of the Sibyl warning Aeneas that visiting the Underworld is easy, but coming back will take toil and courage. By contrast, Prudentius emphasizes Christ's resurrection as an easy (*facili*) return to heaven. This, says Prudentius, will be the eventual fate of the souls that will resurrect with their human bodies (*Cath*. 3.201–5). This is the same idea expressed by the author of *Tityrus*, who redeploys the same line of Virgil while expounding the bodily resurrection in the end-time (cf., shortly below, lines 47–8 *iterumque ad tarda reuerti* | *corpora* 'and come back to their sluggish bodies' = *Aen*. 6.720–1[43]). Again, the Virgilian intertextuality of *Tityrus* is illumined by Prudentius' use of Virgil.

To sum up, Prudentius' technique of juxtaposing Virgilian allusions in the concluding stanzas of *Cathemerinon* 3 comes close to a cento, as verbal echoes and phrases are taken out of their original context and are reinterpreted in a Christian sense.[44] Prudentius' influence on *Tityrus* can be seen not only in the redeployment of phrases referring to the nature of the soul or to Aeneas' visit to the Underworld but also in the key phrase *nec uana fides*, which in both Virgil and Prudentius encapsulates the faith in the doctrine of universal resurrection. Perhaps the phrase *prudentia maior* (line 54 = Verg. *G.* 1.416) may even hint at Prudentius' role as intertextual referent, by means of a metapoetic pun.[45] Thus far, only Wolfgang Schmid has dated *Tityrus* to the beginning of the fifth century, arguing that the strong presence of didactic elements suggests a somewhat later development in comparison to both Endelechius and Proba.[46] The above intertextual

[39] Translation by N. Horsfall, *Virgil,* Aeneid *6: A Commentary* (Berlin and Boston, 2013), 51.

[40] On Prudentius, see the observations of Buchheit (n. 28), 273–4; Becker (n. 28), 241–2; and O'Daly (n. 13), 115. On *Tityrus*, see Arcidiacono (n. 33), 206.

[41] Translation by Horsfall (n. 39), 11.

[42] Translation by Richardson (n. 26), 43 (slightly modified).

[43] Translation by Horsfall (n. 39), 49.

[44] J.-L. Vidal, 'Observaciones sobre centones virgilianos de tema cristiano. La creación de una poesía cristiana culta', *Boletín del Instituto de Estudios Helénicos* 7.2 (1973), 53–64, at 61–4; J.-L. Vidal, 'La technique du composition du Centon virgilien *uersus ad gratiam Domini* siue *Tityrus* (*Anth. Lat.* 719a Riese)', *REAug* 29 (1983), 233–56 showed how *Tityrus* takes Virgilian passages that are loaded with philosophical content and reconfigures them in a Christian sense. On the progressive reappraisal of centos as original creations that produce new meaning out of ancient material, see M.L. La Fico Guzzo, 'La teoría de la intertextualidad y la revalorización de los centones: el caso del *Cento Probae*', in *Actas del séptimo coloquio internacional 'Una nueva visión de la cultura griega antigua en el comienzo del tercer milenio: perspectivas y desafíos'* (La Plata, 2017), 275–88.

[45] I owe this suggestion to the anonymous reviewer. On metapoetic puns in Latin Christian poetry, see M. Malamud, 'Making a virtue out of perversity: the poetry of Prudentius', in A.J. Boyle (ed.), *The Imperial Muse. Ramus Essays on Roman Literature of the Empire. Flavian Epicist to Claudian* (Bentleigh, VIC, 1990), 64–88, at 68–9 and 82–9; and J.M. Danza, 'Metapoética en la poesia de Prudencio', *Exlibris* 10 (2021), 34–52, at 48–9.

[46] Schmid (n. 38 [1976]), 106 n. 138.

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arguments support the thesis that *Tityrus* was written after 405, as its author appears to select his Virgilian material following Prudentius' lead.

On the other hand, some doctrinal peculiarities of *Tityrus* militate against dating it much later than the first quarter of the fifth century. Let us consider lines 49–50 *has omnis, ubi mille rotam uoluere per annos | tempora dinumerans Deus euocat agmine magno* 'God, counting up the times, summons all these [viz. souls] in a great multitude after they have turned their cycle for a thousand years' (conflating Verg. *Aen*. 6.749–50 and 6.691). The reference to a thousand years before the end-time shows that the author of *Tityrus* was a millenarianist, who believed (on the basis of a literal reading of Rev. 20:1–5) that the resurrected souls of the blessed would enjoy a thousand-year-long reign of material prosperity before the end-time. Millenarianism enjoyed some following in the third and fourth centuries. Victorinus of Poetovio's commentary on Revelation was overtly millenarian, and hints of millenarianism emerge in authors such as Commodian (*Instr.* 1.44.6–13), Lactantius (*Diu. inst.* 7.22.8) and Julius Hilarianus (*Curs. temp.* 18.14 Conduché = 172.24 Flick). Among the last millenarianists, in the first decade of the fifth century, was Sulpicius Severus (*Dial*. 2.14.1–4), whose views were ridiculed by Jerome (*In Ezech*. 11.36). From the early fifth century onwards, the Church increasingly tended towards a spiritualizing exegesis of Revelation.[47] Therefore, *Tityrus* must date to the period between Prudentius (who proves to be a meaningful intertext) and the first quarter of the fifth century, after which millenarianist views lost currency.

POETIC ALLUSIONS AND CULTURAL AUTHORITY

The phrase *nec uana fides* is not the sole poeticism in the preamble to *Nou. Val.* 23. In addition to the Virgilian echoes detected by Moroni,[48] the phrase *finis malorum* also finds parallels in poetry. For instance, Lucretius uses similar expressions (3.1020–1 *terminus … malorum*, *poenarum … finis*) to refer to the mythical punishments of the damned in the Underworld (which he treats as an allegory of the fears and griefs tormenting those who are not enlightened by Epicureanism). The philosophizing *Disticha Catonis* reassure their reader against the fear of death, which, 'although it is no boon, is however an end to evils' (22.2 *quae bona si non est, finis tamen illa malorum est*). Prudentius' martyrs welcome death as the end to their earthly sufferings (*Perist*. 5.527, 10.1097). In all the above instances, *finis malorum* connotes death as a release from worldly suffering—which the drafter of *Nou. Val.* 23 laments is denied to the deceased.

Another marked poetic echo is found in the expression *mens diuina*, which appears in Virgil's *Georgics* with reference to the pantheistic idea that bees participate in the cosmic soul that animates the world (Verg. *G*. 4.219–21, 4.225–7):

> his quidam signis atque haec exempla secuti
> esse apibus partem **diuinae mentis** et haustus
> aetherios dixere …
> scilicet huc reddi deinde ac resoluta referri
> omnia, nec morti esse locum, sed uiua uolare
> sideris in numerum atque alto succedere caelo.

[47] On Augustine, see, for instance, K. Pollmann, 'Moulding the present: apocalyptic as hermeneutics in *City of God* 21–22', *AugStud* 30 (1999), 165–81; K. Pollmann, 'Knowing one's place: eschatological thought in Augustine', in H. Marlow, K. Pollmann and H. van Noorden (edd.), *Eschatology in Antiquity: Forms and Functions* (London, 2021), 472–84 with further references.

[48] Moroni (n. 23), 88–9.

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Led by these hints and by these examples, some said that the bees own a part **of the divine spirit** and a draught of heavenly ether. … Yea, to Him [viz. to God] all beings thereafter return and, when unmade, are brought back; nor is there place for death; instead, they soar still alive to ranks of the stars and mount to the heavens aloft.[49]

The drafter of *Nou. Val.* 23 employs similar imagery when expressing the principle that souls are immortal (cf. Verg. *G*. 4.225 *huc reddi* ∼ *in originem suam spiritum redire coelestem*; Verg. *G*. 4.225 *resoluta* ∼ *solutas membris animas*). In other words, he re-evokes the ancient notion that all living beings have a divine spark that will eventually return to its origin: the phrase *mens diuina* encapsulates faith in the divine origin of human souls. Perhaps, as suggested by Moroni, his use of Virgil is influenced by commentaries: Servius establishes a link between this passage from the *Georgics* and Anchises' speech in *Aen*. 6.724–56 on the post-mortem fate of souls, whereas the *Scholia Danielis* acknowledge the Pythagorean and Stoic origins of this doctrine and explicitly gloss *uitas* of *G*. 4.224 with *animas*.[50] In other words, the intertextual engagement of *Nou. Val.* 23 with Virgil may be mediated by readings of the Roman poet found in commentaries. Engagement of this kind with commentaries, whether for educational purposes or pertaining to early Christian exegesis, has been recognized as a wider feature of late antique intertextual practice.[51]

Early Christian writers are fond of the above passage from the *Georgics*. Already by the third century, Minucius Felix (*Oct.* 19.2) quoted it to exemplify that the ancients too had a notion of an all-encompassing rational deity that created everything. Proba incorporated two lines from the same passage while narrating the creation of animals and humankind on the fifth day (lines 107 and 111 *diuinae mentis et haustus*, *terrasque tractusque maris caelumque profundum* ∼ Verg. *G.* 4.420 and 422), thus implying that God created the souls of all living creatures. This notion is expanded in *Tityrus* when expounding the divine origin of human souls (32–5):

> his etenim signis atque haec exempla secuti
> esse animas partem diuinae mentis et haustus
> aetherios dixere, quia sit diuinitus illis
> ingenium.

Led by these hints and by these examples, they said that the souls are part of the divine spirit and heavenly draughts because they have a nature of divine origin.

Lines 32–3 and the first half of line 34 reproduce almost entirely Verg. *G*. 4.219–21—a procedure that goes against the usual rules of cento[52]—with two crucial differences. First, *etenim* in lieu of Virgil's *quidam* generalizes the statement and makes it appear incontrovertible. Second, and more importantly, Virgil's *apibus* is replaced with the object *animas*, which enables *Tityrus* to rephrase Virgil's pantheistic suggestions into a

[49] Translation by H. Rushton Fairclough, *Virgil, with an English Translation*, 2 vols. (London, 1916), 1.213 (modified).

[50] Moroni (n. 23), 87. On this passage of Servius, see M.L. Delvigo, 'Servio e l'analogia', *Dictynna* 7 (2010) (online).

[51] Mastrangelo (n. 25), 38–40 and M. Formisano, 'Towards an aesthetic paradigm of Late Antiquity', *Antiquité Tardive* 15 (2007), 277–84 highlight the importance of interpretative communities and the role of erudition and commentaries in late Latin intertextuality.

[52] According to Ausonius, 'to place two whole lines side by side is clumsy and three in succession is sheer nonsense' (*Cent. Nupt*., *epist. ad Paulum*: *duos iunctim locare ineptum est et tres una serie merae nugae*).

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statement about the souls as God's immortal creation.[53] Minucius Felix, Proba and the author of *Tityrus* adapted Virgil's *mens diuina* to a Christian context: the drafter of *Nou. Val.* 23 displays a similar use of Virgil. Perhaps this quaestor is more imbued with Christianity than Honoré believed.[54]

As was the case with *nec uana fides*, the drafter of *Nou. Val.* 23 uses Virgil's *mens diuina* as a versatile phrase that can be elegantly redeployed to convey a fundamental notion of theology. In other words, the Virgilian allusions of *Nou. Val.* 23 are consistent with the late antique tendency to regard Virgil as a repository of sacred knowledge, or even as an inspired prophet who foresaw the coming of Christ.[55] This method of incorporating poetic fragments into a law text owes something to the cento technique of reconfiguring Virgilian material to express a new universal Christian meaning—a way of proceeding that is consistent with the late antique aesthetics of paraphrasing, epitomizing, reassembling ancient models and thus remaking them. In addition, the incorporation of poetic fragments, among which the works of Virgil feature most prominently, appeals to a late antique learned readership for which Virgil was the foundation of any school curriculum and a marker of cultural unity. Finally, the richly poetic diction of the constitutions conforms to the typically late antique 'breakdown of distinction between prose and verse'.[56] In other words, poeticisms, often deriving from Virgil, are a crucial rhetorical component of the constitutions: they bestow authority on the legal discourse and contribute meaning to their socio-cultural communication.[57]

CONCLUSION

Like poetry, historiography and novels, laws too lend themselves to intertextual readings. The Virgilian tag *nec uana fides*, originating from a famous passage of the fourth book of the *Aeneid*, features in a law of Valentinian III alongside numerous other Virgilian echoes. At first sight, it might come across as nothing more than a learned quotation. But as soon as one recalls Paul's assertion, in 1 Cor. 15:13–17, that the resurrection is a guarantee that Christian faith is not vain, the Virgilian echo immediately acquires a new meaning which well befits an argument for the immortality of the soul and the care owed to deceased bodies. Prudentius (*Cath.* 3.196) and the author of the cento *Tityrus* (*Anth. Lat.* 719a.54) had already used Virgil's voice to convey an allusion to that scriptural passage with reference to the immortality of the soul. Incidentally, an appraisal of the intertextual engagement of *Tityrus* with *Cathemerinon* 3 may contribute to dating the cento to the beginning of the fifth century. It is impossible to determine beyond doubt

[53] See the analyses of Vidal (n. 44 [1983]), 246–8 and Arcidiacono (n. 33), 199–201.

[54] Honoré (n. 6), 271. The phrasing *religionis quam ueneramur et colimus* 'of the religion we venerate and revere' (*Nou. Val.* 23.0), which Honoré curiously interpreted as a hint of either paganism or religious neutrality, indicates instead that this quaestor was, in fact, Christian (as opposed to the *libris ueteris sapientiae* 'the books of ancient wisdom', denoting pagan culture). R. Whelan, 'Mirrors for bureaucrats: expectations of Christian officials in the Theodosian empire', *JRS* 108 (2018), 74–98 discusses the interaction between Christian values and expected conduct of office-holders in the early fifth century.

[55] See Pelttari (n. 25), 25–43 on allegorical readings of Virgil and Bažil (n. 35), 103–5 on Virgil as a prophet who foresaw the coming of Christianity.

[56] Roberts (n. 15), 63.

[57] On allusivity and authority, see K. Pollmann, *The Baptized Muse: Early Christian Poetry as Cultural Authority* (Oxford, 2017), 111–16 (on Proba) and 221–32 (general conclusions), as well as Kaufmann (n. 25), 162–70.

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whether the drafter of *Nou. Val.* 23 was influenced by Prudentius,[58] or (far less likely) by *Tityrus* in the redeployment of Verg. *Aen.* 4.12. None the less, this quaestor shows himself acquainted with a Christian technique of literary allusion, since he treats Virgil as an effective vehicle to express fundamental notions of Christian doctrine. This principle applies to other poeticisms in the preamble of *Nou. Val.* 23, particularly the phrase *mens diuina* that derives from Verg. *G.* 4.220 and was redeployed in Christian contexts to signify the divine origin of human souls. The combination and the interlinking of poetic reminiscences confer aesthetic allure and cultural prestige on the diction of this text—which, superficially, is only technical.[59] The multiple layers of meaning embedded in an apparently cursory Virgilian allusion demand that the unabridged constitutions be appreciated more deeply as literature, and their drafters as practitioners of sophisticated intertextuality.

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[58] Beside *nec uana fides*, the formal similarity between *nec* ***mortuis datur*** (*Nou. Val.* 23.0) and Prudent. *Cath.* 3.191–2 *uiscera* ***mortua*** *quin etiam* | *post obitum reparare* ***datur*** might suggest a verbal reminiscence, as pointed out by the reviewer. In addition, it is worth mentioning that the hymns of *Cathemerinon* were employed in the liturgy already in antiquity, often in abbreviated form or in centos made of Prudentian stanzas (such as *Analecta Hymnica* vol. 50 no. 39), thereby ensuring a wide dissemination: see J. Szövérffy, *Die Annalen der lateinischen Hymnendichtung*, 2 vols. (Berlin, 1965), 1.78–94.

[59] Cf., for instance, the discussion of juxtaposed poetic fragments in Pelttari (n. 25), 138–43.

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