

*tur* (c. 4, 3)<sup>17</sup>). Die Bemerkung beruht auf einer Umkehrung des Normalen, so daß auch sie die monströse Andersartigkeit, die fehlende Artikulation des Claudius, betont.

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17) Vgl. Sueton Claud. c. 32: (*Claudius*) *dicitur etiam meditatus edictum, quo veniam daret flatum crepitumque ventris in convivio emitendi, cum periclitatum quendam prae pudore ex continentia repperisset.*

## THE DEATH OF PAULINUS' BROTHER

Modern reconstructions of the life of Paulinus of Nola regard the death of his sibling in mysterious circumstances as a turning point in Paulinus' life<sup>1</sup>). The demise of the unnamed brother led to his renunciation of wealth, sex and civil career, and added a scion of the noblest Aquitanian family to the slender list of senatorial ascetics. Problems, however, abide. Under what circumstances did the brother die? Why did his death threaten Paulinus' inheritance? How did his death deflect Paulinus' path from worldliness to holiness? A close reexamination of the relevant texts reveals a complex picture of relationships among members of noble families, issues of property, and the advance of ascetic Christianity in late Roman Gaul.

A short autobiography inserted into a lengthy panegyric honouring St. Felix of Nola sums up the event: *cumque laborarem (laborem A) germani sanguine caesi / et consanguineum pareret fraterna periculum / causa mihi censumque meum iam sector adisset, / tu mea colla, pater, gladio, patrimonia fisco / eximis et Christo domino mea meque reservas*<sup>2</sup>). Walsh translates these lines thus: 'When I was troubled by the bloody slaughter of my own brother, and this case of my brother's was bringing hazard to me as a blood

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1) W. H. C. Frend, *The Two Worlds of Paulinus of Nola*, in: J. W. Binns (ed.), *Latin Literature of the Fourth Century* (London 1974) 106. J. T. Lienhard, *Paulinus of Nola and Early Western Monasticism* (Köln-Bonn 1977) 27–8.

2) *Carmen* 21. 416–20.

relation, and a purchaser was already laying hands on my property, you, my father, removed the sword from my throat and the treasury officials from my estate. You kept me and my possessions in trust for Christ the Lord<sup>3</sup>).

Words like *caesum*, *consanguineum*, *periculum*, *censum* and *sector* are key terms. *Caedo* is usually associated with some form of unnatural death, such as a murder, slaying, or cutting to pieces, and Paulinus borrows here a Virgilian phrase (Aen. 11.82), *caeso sparsurus sanguine flammis*, where *caeso sanguine* means the blood shed in slaying<sup>4</sup>). Side by side with this poetic terminology, Paulinus employs a host of legal terms like *consanguinitas*, which denotes relationship between brothers and sisters begotten by the same father, relates also to their reciprocal rights, and has significance in the law of succession<sup>5</sup>). Just how important the relationship between Paulinus and his dead brother was for determining rights of inheritance appears from the emphasis on the words *germani* (brothers born from the same parents), *consanguineum*, and *fraterna*. Under the *ius civile* brothers had a right to intestate succession in the group of the next agnates<sup>6</sup>). Likewise, the word *periculum* has a specific meaning in law, where it denotes the risk incurred by a party to a trial of losing the case and of an increased liability<sup>7</sup>). *Causa fraterna* may denote the legal title on which Paulinus based his claim to inherit. *Sector* (*bonorum*) was a purchaser of confiscated property sold by the fisc at public auction in a lump<sup>8</sup>). In view of these remarks, a translation of the crucial passage quoted above should probably read as follows: 'when I was troubled by the bloody slaying of my brother, and my claim, based on our blood relationship, incurred a risk from (another) blood-relation, and already there was a purchaser for my (confiscated) property, you saved my neck from death by the sword, and my properties from the treasury.'

How did the brother die? Paulinus' description has provoked speculation ranging from an assassination to murder<sup>9</sup>). Unfortunately, the corpse cannot be produced and the manner of the death

3) P. G. Walsh, *The Poems of Paulinus of Nola* [ACW 40] (New York 1975) 187.

4) Lewis/Short, *A Latin Dictionary* s.v. *caedo*.

5) A. Berger, *Encyclopedic Dictionary of Roman Law* (Philadelphia 1953) s.v.

6) Berger, *ibid.*, s.v. *frater*.

7) *Ibid.*, s.v. *periculum*.

8) *Ibid.*, s.v. *sectio bonorum*.

9) S. Prete, *I temi della proprietà e della famiglia negli scritti di Paolino di Nola*, *Augustinianum* 17 (1977) 257 n. 3; Frend, *op. cit.*, 106.

can, at best, be described as unnatural. More to the point is the fact that the death provoked a litigation which could have resulted in a loss of property<sup>10</sup>). According to Paulinus, this litigation was really a *calumnia*, a malicious vexation brought merely to trouble the adversary and in the hope of winning a case through a mistake or injustice on the part of the judge. The property in question was substantial. Ausonius, Paulinus' mentor, patron and friend, described it as 'kingdoms'<sup>11</sup>). Although Paulinus ascribed his salvation to St. Felix, one may assume that saintly intervention may have been assisted by more mundane means.

Death in suspicious circumstances may have been the verdict in the case, for Paulinus' reminiscences do not enlighten the modern reader beyond this hypothesis. Perhaps the brother was murdered by his slaves, like Lampridius, another wealthy Bordelais, who died violently in the 460s<sup>12</sup>). Perhaps the brother's ostentation excited the envy of powerful government agents like those who engineered the fall of another unnamed affluent Aquitanian and of a Spanish noble under Constantius II.<sup>13</sup>). Be that as it may, although Paulinus is at pains to stress common parentage, his claim to the succession was clearly contested. Among other claimants, there were brothers and possibly sisters. We know that Paulinus had at least one brother (not to be confused with the dead one), and the family continued to occupy their famed Burgus well into the sixth century<sup>14</sup>). Perhaps indeed the phrase *consanguineum periculum* refers to the surviving sibling who, like the one who met his death untimely, has remained anonymous.

Dates offered for the mystery death have ranged from 388 to 392 and 393<sup>15</sup>). Efforts have been made to link the incident to the 'insecurity that prevailed in Aquitania in the last years of Magnus Maximus' reign', to the aftermath of the execution of Priscillian, and

10) Ep. 5.4: *postea denique ut a calumniis et peregrinationibus requiem capere visus sum, nec rebus publicis occupatus et a fori strepitu remotus ruris otium et ecclesiae cultum placita in secretis domesticis tranquillitate celebravi.*

11) Ausonius, Ep. 25.116 (Schenkl).

12) Sidonius Apollinaris, Ep. 8.11.3, after consulting astrologers who predicted for him a violent death. Note the use of the word *occisus* in the phrase: *Lampridius orator modo primum mihi occisus agnoscitur.*

13) Ammianus 16.8–9, one case, in Aquitania, spelt doom for the family's wealth; the second one, in Spain, destroyed a noble house.

14) Ausonius, Ep. 25.126–7 (Schenkl), written in 392/3: *iam praedia fratris / vicina ingreditur*, predicting, in vain, Paulinus' return to Gaul.

15) Frend, op. cit., 106 (AD 388); Lienhard, 28 (late 380s); Prete, op. cit., 257 n. 3; J. Desmulliez, Paulin de Nole. Etudes chronologiques. Recherches augustinienes 20 (1985) 37.

to the usurpation of Eugenius in 392<sup>16</sup>). The latter date poses insoluble problems. While residing in Spain in the early 390s Paulinus received two letters of consolation from eminent Bordelais clerics commiserating with him on his brother's death. One of his replies indicates the possibility of returning to Aquitaine<sup>17</sup>). Such a suggestion is quite inappropriate to 392. Paulinus had been living in Spain since 389, and none of the letters which are securely dated to the early 390s betrays any intention of leaving Spain for Aquitaine<sup>18</sup>). The contrary is true; a lengthy letter to Ausonius depicts the author as happily reconciled to living in Spain<sup>19</sup>). Moreover, even if Paulinus could have been suspected of engineering his brother's death, such an accusation would have been difficult to uphold in court since the body of the dead man was found in Aquitaine and the suspect had been living in Spain for a considerable time. Nor, for that matter, does it seem feasible to implicate the regime of Eugenius in this death. Eugenius' Gallic reign (August 392 to April 393) is too poorly documented to allow any but the most hazardous guesswork. No laws have survived to give an insight into imperial attitudes and, in any case, he would have gained little from alienating affluent noble clans, like the Pontii Paulini, at the very beginning of his reign.

A date in the late 380s appears, therefore, to merit close examination. In 380 Paulinus was *consularis Campaniae*, an office which entailed considerable prestige<sup>20</sup>). He owed it to Ausonius, then a powerful administrator at the court of Gratian, and to his own family's standing. This promising beginning, however, was cut short by the murder of Gratian and the accession of Magnus Maximus in 383. The new ruler of Gaul had evidently no interest in employing former supporters of the dead emperor, and they were allowed to retire in peace to a life of rural luxury. Throughout the 380s Paulinus enjoyed the lifestyle which he and Ausonius commemorated so well in their verse correspondence. Both were engaged in the pursuit of the amenities of nobility – leisure and

16) Frend, op. cit., 106 (for quotation); E.-Ch. Babut, Paulin de Nole et Priscillien, RHLR 1 (1910) 97–130, 252–75; U. Moricca, La morte violenta di un fratello di Paolino di Nola, Didaskalion 4 (1926) 85–90 (Eugenius).

17) Ep. 35: *ne ... obruamur pudore redeundi et in longinqua regione commorati*.

18) For the chronology of Paulinus' works see, P. Fabre, Essai sur la chronologie de l'œuvre de Paulin de Nole (Paris 1948); Desmulliez, op. cit. The correspondence with Ausonius is dated to 389–394.

19) C. 10, 199 f.

20) A. Cameron, Anicius Claudius, ZPE 57 (1984) 148.

literature<sup>21</sup>). Paulinus even found time to look for a noble bride in Spain.

When Magnus Maximus lost his throne in the summer of 388, the time was ripe for an attempt to resume broken careers. Armed with panegyrics, two members of Bordelais society, Paulinus and Pacatus, headed for Italy to greet Maximus' conqueror. Pacatus reached Theodosius' court, delivered his encomium, and received his due rewards. Paulinus went as far as Vienne and turned back. A chance meeting with Victricius (of Rouen) and Martin (of Tours), as well as the unsavoury activities of over zealous Theodosian supporters, combined to change Paulinus' mind. The panegyric was never delivered<sup>22</sup>). Its author returned to Bordeaux laden not with imperial honours but with holy relics<sup>23</sup>).

Paulinus was then baptised by the bishop of Bordeaux, Delphinus. This fact alone would have dissociated Paulinus from Priscillian circles and from involvement in the persecutions that followed the execution of Priscillian and his supporters<sup>24</sup>). Delphinus had been an arch enemy of Priscillian and a moving force behind his condemnation in a synod convened in Bordeaux in 385<sup>25</sup>). Had Paulinus been a supporter of the Spanish priest, it is unlikely that he would have been baptised by Delphinus. Soon afterwards, and for no apparent reason, Paulinus and his wife suddenly left Aquitaine for Spain<sup>26</sup>). This is the point (the late 380s) where the unnatural death of his brother, the subsequent accusation against Paulinus, and the threat to his property inheritance rights, seem to fit in best. So precipitate, apparently, was Paulinus' departure that two letters of consolation on his brother's death had to be sent after him to Spain.

In a speech extolling Theodosius' victory over Magnus Maximus, Pacatus refers to the Gallic victims of the previous regime, listing the wrongs which the dead emperor had inflicted on his co-patriots. Yet, even Pacatus' rhetorical training fell short of provid-

21) Paulinus, C. 1–3.

22) H. Sivan, *The Last Gallic Prose Panegyric: Paulinus of Nola on Theodosius I*, in: C. Deroux (ed.), *Studies in Latin Literature and Roman History VII* (Bruxelles 1994) 577–594.

23) J. Matthews, *Western Aristocracies and Imperial Court* (Oxford 1975) 190 n.4 on a relic of Gervais carried by Paulinus back to Langon to bolster his religious patronage of the place.

24) The debate on Paulinus and Priscillianism has been summarised by Lienhard, *op. cit.*, 52–7.

25) Sulpicius Severus, *Chron.* 2.46–9.

26) Fabre, *Essai*, 105–6 for Autumn 389.

ing more than two instances of officials executed under Maximus, both in fact military men and not civilians<sup>27</sup>). The unnamed civilians who fell victims to Maximus' thirst for blood were involved in religious persecutions and not in civil affairs<sup>28</sup>). Paulinus' brother, a scion of one of the wealthiest and noblest families of Gaul, does not feature at all. Had he been a victim of Maximus' regime, Pacatus would not have hesitated to include him in his short and unconvincing list. His silence does not exclude the possibility that Paulinus' brother died while Maximus ruled Gaul, between 383 and 388, but it exonerates the ruler from complicity in the death.

Pacatus claims that under Maximus the chief ills to which Gaul had been subjected were Maximus' savagery and cupidity<sup>29</sup>). The main complaint was without doubt the latter, and here Pacatus is expansive. Unnamed cities were emptied and unnamed nobles had to seek refuge in the wilderness<sup>30</sup>). Money was collected from every quarter and on the slightest pretext<sup>31</sup>). One sentence in this diatribe against the dead usurper is thought to apply to Paulinus' case<sup>32</sup>). Pacatus refers to public auctions of property of quondam high officials, coupled with loss of civic rights and the threat of execution<sup>33</sup>). The details provided by Pacatus fit the data given by Paulinus and help to date his brother's death to some time during Maximus' reign. The event left Paulinus in a vulnerable position. His title to the succession, held by virtue of common parents, must have been contested by relatives with inferior claims. Magnus Maximus, whose treasury stood to gain in the case of confiscation, did little to prevent the litigation which Paulinus faced.

Once victorious, Theodosius took prompt steps to ensure law and order in Gaul. Among the laws issued in 389 three were addressed to officials concerned with Gaul. One (CTh 15.14.8)

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27) Pan. Lat. 12.25–9, esp. 28.4, referring to Vallio and Merobaudes. See also C. E. V. Nixon, *Pacatus. Panegyric to the Emperor Theodosius* (Liverpool 1987) 79–80.

28) Pan. Lat. 12.29.1–2.

29) Ibid. 24.6.

30) Ibid. 25.1.

31) Ibid. 26.1–2.

32) Ibid. 25.1–2: *quid perfunctorum honoribus summis virorum bona publicata, capita diminuta, vitam aere taxatam. vidimus redactas in numerum dignitates et exutos trabeis consulares et senes fortunarum superstites et infantum sub ipso sectore ludantium flendam securitatem...*

33) Nixon, op. cit., 78.



cancelled all the *acta* of Maximus, including promotions and decisions taken by his appointees. This type of constitution was routinely employed by emperors who managed to get rid of their rivals. Theodosius issued no less than three decrees to the same effect, two of them soon after his victory over Maximus and both addressed to the Praetorian Prefect of Italy. A few months later the message was expanded and extended to the Gallic prefecture, the heart of Maximus' domain. The most interesting aspect of the Gallic constitution is its insistence on the validity of court decisions terminating in mutual agreements, without fraud or fear (*exceptis his tantum negotiis ... quae conventionibus pactisque finita sunt, si dolo metuve caruerunt*). Had a court decision had been taken against Paulinus under threat and by a judge appointed under Maximus' regime, it now became invalid.

The second law which the new rulers of the west issued for the benefit of their Gallic subjects (CTh 5.1.4) dealt with matters of inheritance by grandchildren. For some reason, such issues were important enough to warrant imperial attention only a few months after Maximus' defeat. The wealthy nobles of Gaul must have clamoured for directives to regulate family affairs with regard to succession, especially if their fellow Paulinus had indeed fallen victim to legal irregularities. A few months later a third imperial law (CTh 4.22.3) addressed the *comes rei privatae*, the official in charge of the emperor's own estates<sup>34</sup>). It discusses cases in which, owing to pending confiscation, various persons had forcibly seized property belonging to the *res privatae* and to private individuals without waiting for a court judgement. According to the Theodosian constitution such persons were deemed illegal holders; their claims were invalidated, and they became liable to pay compensation to the legal owners<sup>35</sup>).

Although the constitution does not elaborate on the circumstances that generated the phenomenon it discusses, the problem must have been widespread enough to merit the attention of the imperial chancellery. Once more, its terms recall the specific case of Paulinus and his reference to the fisc in the act of seizing his

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34) The constitution is dated to the 14th of June 389 at Trier but, as Mommsen has pointed out (*Theodosiani libri*, I, cclxvii), neither Theodosius nor Valentinian II was likely to have been there at that time. The present copy was therefore received at that date in Trier but probably not promulgated there. On the law's contents see the commentary of J. Gothofredus (repr. Hildesheim 1975) 456 f.

35) ...*ante eventum iudicialis arbitrii illicita praesumptione temerarent, aestimationem rei, de qua litigari convenerat, cogantur exsolvere.*

patrimony. The law appears to reflect a situation giving rise to opportunities of illegal acquisition of property. It purports to supply a remedy and to ensure the correct order of legal proceedings. There was nothing unusual in such concern, particularly if it could ensure the goodwill of several eminent victims of the previous regime. It certainly made sound political sense to gain support among landowners in Gaul.

When the third and last constitution was promulgated Paulinus had evidently left Aquitaine for Spain, moving from one estate to another<sup>36</sup>). Even with a law which clearly worked in his favour, it seemed to him best to remain absent from home. He never returned to Gaul. In 393 Jerome in Bethlehem sent Paulinus a letter urging him to give up his wealth and to adopt true Hieronymian asceticism<sup>37</sup>). Paulinus, however, needed more time to make a final decision. It had taken him altogether five years (389–394/5) to make up his mind to embrace asceticism and to liquidate his properties. Neither his departure from Gaul, nor his ordination as priest in Barcelona in 394, his move from Spain to Italy and his settlement in Nola, provoked the reactions that his disinvestment and vow of poverty did<sup>38</sup>). Paulinus became the role model of aristocratic renunciation. Aquitanians, however, were slow to follow suit. The few who did became a subject of lavish praise from Paulinus. Sulpicius Severus, a fellow noble, followed suit shortly after Paulinus' move to Italy, possibly under his influence<sup>39</sup>). Severus' road to ascetic bliss is favourably compared with the long and tortuous path which Paulinus had traced, one fraught with wanderings and false accusations<sup>40</sup>).

In 407, when Paulinus embarked on the longest and most ambitious panegyric of Felix, his patron saint, he invoked his brother's restless soul<sup>41</sup>). From a safe perspective of nearly two decades, the events which happened in Aquitaine in the late 380s acquired a new dimension and a different interpretation. Theodosius, a devout believer in saints and miracles, would have been surprised to learn that his role had been transferred to St. Felix. For Paulinus insists that his salvation was due to Felix's unfailing patronage. He presents the imminent loss of his patrimony and its

36) Ep. 5.4.

37) Ep. 53. On its date see, Sivan, *The Last Gallic Panegyric* (above n. 22).

38) Jerome, Ep. 118.5; Ambrose, Ep. 58.

39) C. Stancliffe, *St. Martin and his Hagiographer* (Cambridge 1983) 15–19.

40) Ep. 5.

41) C. 21 (above n. 2).



miraculous recovery as a careful plan to enable him to become a true ascetic. After all, what was ascetic conversion worth without renunciation of worldly goods?

The episode which started with a mysterious death in Aquitaine and ended with a saint in Nola merits attention. It illustrates an otherwise ill-documented regime in Gaul which has received a great deal of bad press, showing that any animosity between Maximus and a few members of the Gallic aristocracy would have been primarily due to financial factors. It further points to inner rivalries among prospective heirs to great wealth, and to the dangers inherent in a situation in which unscrupulous relatives and a monarch in need of money joined forces. Above all, the affair highlights a close affiliation between ascetic conversion and property issues.

Scholarly questions which Paulinus addressed to Jerome about the Bible elicited from the latter a lengthy introductory presentation of the Scriptures concluding with an exhortation to the former to sell his property as soon as possible<sup>42</sup>). Paulinus was hardly likely to seek Jerome's advice on property renunciation, but Jerome was quick to detect a potential convert to asceticism. A convert like Paulinus could also become an invaluable asset for the promotion and public relations of the course of life which Jerome so fervently espoused. Gaining women converts, as Jerome had so successfully done, was quite an achievement, but the lack of a male convert who could be used as a role model for others must have been a weakness which Jerome sought to redress. A scion of one of the wealthiest Gallic families and a relative of noble women like Melania the Elder was a tempting proposition for the monk from Bethlehem.

Ambrose makes an equally clear point. He refers to Paulinus' nobility and to the redistribution of his property, extending his praise to Paulinus' wife who was wealthy in her own right<sup>43</sup>). According to the Milanese bishop the move had caused a scandal in senatorial circles. But when Paulinus and Therasia embarked on ascetic renunciation, such a choice was hardly news. They had been preceded by a relative, Melania the Elder, twenty years previously, and by Paula, another affluent aristocrat, a decade before. Indeed, senatorial women had opted for a rigorous practice of asceticism for over a generation before Paulinus moved to Italy. One suspects that the real value in Paulinus' case was the fact that, apart from Pammachius, Paula's son-in-law, whose monastic conversion owed

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42) Jerome, Ep. 53.11.

43) Ep. 58.1-2.

not a little to her influence, he was the first noble male to adopt a thoroughgoing ascetic renunciation.

Piety and property, two compatible issues for the Christian senators of late Rome, in the hands of a skilful advocate like Jerome became irreconcilable. Yet, even his biased account of Paula, for example, cannot hide her regard for conventions of property<sup>44</sup>). Opposition to the adoption of ascetic behaviour by the stray daughters of the Roman senatorial aristocracy seems to have been grounded in questions of the proper transmission of property and of its disposal. The course of action adopted by a couple like Melania the Younger and Pinianus her husband alienated their peers to such an extent that the two ascetics left Rome for good. Selling up and giving to the poor was out of the question for most senators<sup>45</sup>). Paulinus' disinvestment could hardly have endeared him to his noble colleagues at Rome. One wonders if the refusal of Pope Siricius to meet the newly converted may have been due to the antagonism which Paulinus' gesture generated in some quarters. The rejection probably also reflected the reluctance of the ecclesiastical establishment to endorse this kind of departure from norms.

Selling up, on the other hand, would have freed the convert of responsibility for his lands, and provided him with funds for church buildings and other charities<sup>46</sup>). In spite of the scale of Paulinus' property liquidation, enough was left within the family to enable its fifth and sixth century descendants to live in luxury on their estates. His own magnanimity, well expressed in a series of building projects at Nola, continued rather than disrupted the senatorial tradition of public munificence. Like the lay nobles of Rome, ascetic nobles ensured their place in contemporary society and a certain immortality by adopting time-honored aristocratic ways of expenditure. Paulinus may have lost his worldly goods but he gained a saintly patron more powerful than the emperor and his ministers<sup>47</sup>).

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44) J. Harries, *Treasure in Heaven: Property and Inheritance among the Senators of Late Rome*, in: E. M. Craik (ed.), *Marriage and Property* (Aberdeen 1984) 61.

45) *Ibid.*, 58.

46) *Ibid.*, 64.

47) R. van Dam, *Leadership and Community in Late Antique Gaul* (Berkeley 1985) 303–11.