

synthesis. Ancus is thus “cuilibet superiorum regum belli pacisque et artibus et gloria par” (1. 35. 1). We may now surmise the significance that the story of Tullus’ end took on for Livy: after he was attacked by the pestilence, Tullus tried to balance regard for the gods with devotion to war, but this effort was undertaken too late and in the wrong spirit. It took time for the proper blend of military competence and the *pacis artes* to develop.<sup>12</sup> Livy does not, of course, intend to imply that all Roman statesmen after Ancus will display an Ancan balance, or that none thereafter will be markedly “Romulan” or “Numan.”<sup>13</sup> He is only underscoring the primeval or archetypal balance of military competence and the *pacis artes* that emerged for the first time in Roman history under the first four kings.

We may now return to Livy’s ascription of the *ius fetiale* to Ancus. It is precisely in connection with his description of Ancus as a mean between Romulus and Numa, as a lover of peace who nonetheless had to respond to Latin provocations, that Livy remarks on the king’s introduction—or, to be precise, his adoption from the Aequicoli—of the *ius fetiale*. Ancus’ intention, Livy explains, was to institute *bellicae caerimoniae*. In its Livian context this phrase has an oxymoronic ring: the characters of the first three kings suggested that one chose either *bella* or *caerimoniae* (note especially Livy 1. 20. 3, 7). But Ancus’ mixed character took the oxymoron out of the phrase. The *ius fetiale* was a martial ritual—or at least one that would lead to war if restitution was not forthcoming—but it was a martial ritual that acknowledged the claims of religion and right, areas of concern that belonged to the Numan *pacis artes*. Livy had come to see the *ius fetiale* as deriving from and symbolic of Ancus’ *medium ingenium*. Whether he was the first to make that connection, we cannot say. But once the connection was made, there was a literary and ideological reason for underscoring Ancus’ role in the development of the *ius fetiale*; as one perceptive critic put it, this Roman institution struck Livy as “ideelles Moment” rather than as “historisch-staatrechtliches Detail.”<sup>14</sup>

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12. For Livy’s appreciation of historical development in general, see Luce, *Livy*, pp. xx–xxi, 237–49.

13. He compares Servius Tullius to Numa; but though Servius may have established the *comitia centuriata* in a Numan spirit, he had also proved himself in war, and the *comitia* served the needs of both war and peace (1. 42, 45. 1).

14. H. Haffter, “Rom und römische Ideologie bei Livius,” *Gymnasium* 71 (1964): 243–45. I discovered Haffter’s paper only after writing this note, which turns out to be an elaboration of his observations, though with its own distinctive approaches and emphases. I am grateful to Joseph B. Solodow for his comments on an earlier draft.

#### AN IDENTIFICATION IN THE *LATIN ANTHOLOGY*

*Anthologia Latina* 120 (Riese) = 109 (Shackleton Bailey) *De balneis* runs thus:

Fausta novum domini condens Fortuna lavacruM  
Invitat fessos huc properare viaE.  
Laude operis fundi capiet sua gaudia praesuL

Ospes dulciflua dum recreatur aquA.  
 Condentis monstrant versus primordia nomeN  
 Auctoremque facit littera prima legI.  
 Lustrent pontivagi Cumani litoris antrA:  
 Indigenae placeant plus mihi deliciaE.

This poem was discussed in *Hermathena* 129 (1980): 41–42, where the provisional conclusions were reached that Hagen and Thielmann were as justified in detecting a telestichon *Melaniae* (though Shackleton Bailey gives no indication of their discovery) as L. Mueller was in recognizing an acrostich *Filocali*; that *littera summa* should probably be read in 6 to indicate this telestich; and that Melania was the name of the lady who suggested to Philocalus that he erect these baths. The *Prosopographie chrétienne du Bas-Empire*, vol. 1: *Afrique*, by A. Mandouze (Paris, 1982), p. 875, lists a Philocalus known from Augustine *Epist.* 222 and from the reply to it by Quodvultdeus, *Epist.* 223; these letters seem securely enough dated “avant 427–430.” This Philocalus was used by Augustine as an intermediary in delivering a list of heresies which he had composed at the request of Quodvultdeus; he was a subdeacon from Augustine’s dioecesis and is described as *Hipponensium primarius* and *vir honorabilis*.

Now Augustine provides the link with a suitable Melania, for he had contacts with two prominent ladies of this name, of whom the younger seems to fit the role well. She was the granddaughter of the elder Melania and was born about A.D. 385 to one of the wealthiest and most prestigious Roman senatorial families. In the early years of the fifth century she and her husband, Valerius Pinianus, astounded the aristocratic world by their decision to sell off their extensive landholdings in Western Europe and adopt a life of Christian asceticism. Melania also owned property in North Africa; and after abandoning Rome in late 408 or 409 and spending some time on their estates in Sicily, the couple, accompanied by Melania’s mother, arrived in Africa, probably in late 410. According to the *Life of Melania* 20,<sup>1</sup> Melania sold her estates in Numidia, Mauretania, and Africa Proconsularis and settled at Thagaste for the next seven years.

The sources for Melania’s sojourn in Thagaste give ample evidence both of her activities as a Christian *patrona* and benefactress and of her contacts with Augustine and other members of the Christian community in Africa.<sup>2</sup> Her reason for choosing to settle at Thagaste was the presence of its bishop, Alypius, the close friend of Augustine; Augustine, Alypius, and Aurelius, bishop of Carthage, all advised Melania and Pinianus on the best way to benefit the church with the money obtained from the sale of their lands. On their advice Melania and her husband built two monasteries in Thagaste, one for men and one for women, and provided each with an independent income. The Latin *Life of Melania* gives a more detailed description of Melania’s construction than does the Greek, adding that her establishment was larger than the town of Thagaste itself, *habens balneum, artifices multos, aurifices, argentarios et aerarios* (p. 14 Rampolla). According to Augustine *Epist.* 125. 2, the people of Thagaste did not

1. See Cardinal Rampolla del Tindaro, *Santa Melania Giuniore* (Rome, 1905), pp. 13 and 55. For the Greek Life, see also *Vie de Sainte Melanie*, ed. D. Gorce, Sources Chrétiennes 90 (Paris, 1962).

2. See Rampolla del Tindaro, *Santa Melania Giuniore*, pp. 203–5; E. A. Clark, *The Life of Melania the Younger: Introduction, Translation and Commentary* (New York and Toronto, 1984), pp. 110–14.

get any money; only the church benefited (this and the next letter describe an embarrassing incident caused by jealousy at this munificence).

If the Filocalus of *Anth. Lat.* 120 is identified with the Philocalus of Augustine's letters, the telestich *Melaniae* can be explained. As a noted Christian philanthropist and patroness, Melania might well have suggested the erection of the baths and indeed have put up some or all of the money for their construction. It is no argument against this possibility that the benefaction is not mentioned in the *Life of Melania*; its author, Gerontius, did not meet Melania until after she had left Africa (ca. 416–17) and had settled in Jerusalem. In any case his account of Melania's stay in Thagaste stresses the spiritual progress she made during that time, and he would be unlikely to mention her involvement in a matter as secular as a baths complex—especially since it was probably not even situated at the center of her personal activities in Thagaste. For Augustine mentions that Philocalus is *de fundo viri spectabilis Oronti*. The baths then may have been erected on this estate, so that the *fundi praesul* mentioned in line 3 of the epigram would be Orontius himself; the baths may even have been part of a religious complex, like those on Melania's own estate at Thagaste, though of course we have no means of telling. We also have to leave uncertain the relative parts played in their construction by Orontius (if he is meant), Filocalus, and Melania.<sup>3</sup>

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3. The recent discussion of this poem by J. Dingel, "Über ein Akrostichon und ein Telestichon in der *Anthologia Latina* (394 u. 109 S.B.)," *WS* 19 (1985): 177–78, adds nothing of substance beyond confirming that the telestich is unlikely to be accidental.