

THE DATE OF THE SCHOLIA VETUSTIORA ON JUVENAL

This note attempts to establish the approximate date of the so-called Scholia Vestustiora on Juvenal. It is generally accepted, following Paul Wessner, that most of the material they contain derives from a late antique commentary.¹ But this commentary has not come down to us in anything approaching its original form. Our main source is marginal scholia in P and the related MSS Q and S.² In a brief note written *c.* 1852 but not published until after his death in 1903, Mommsen drew attention to a number of passages that (he argued) pointed to the late fourth century:³ references to the Baths of Diocletian (10.95; 11.50); to the elaborate circus games given by praetors (*circenses quos praetores edunt*, 11.195); and the regular use of the Constantinian solidus as a monetary unit (6.205; 7.122, 241; 14.297). More precisely, a character in 10.24–5 expresses the wish that his treasure chest be the biggest in the entire forum (*maxima toto | nostra sit arca foro*); a scholion on the passage reports that up till the prefecture of Cerealis (*usque ad Cerealem praefectum*), senators were able to deposit silver plate or cash in a safety deposit in the Forum of Trajan. Naeratius Cerealis was prefect of Rome from 26 September 352 till 8 December 353 and in 358 ordinary consul.⁴ This must be the man meant. A number of passages make it clear that the commentator lived and wrote in Rome. Mommsen added that there are none of the Christian details that ‘must have been familiar to the most reluctant of pagans’ by the fifth century, and concluded that the commentary was put together ‘around 400’. E. Matthias had reached much the same conclusion a quarter of a century earlier.⁵

Before examining the basis for this date, a few words on Gavin Townend’s claim that the late antique scholia drew on an early second-century commentary on Juvenal.⁶ If true, this would have no direct bearing on the date of the late antique commentary, but if mistaken it would have a bearing on the sources of the commentator.

Townend identified a small number of well-informed notes on Neronian characters in the first six satires, noting that there were virtually no corresponding notes on either Julio-Claudian characters or ‘the main figures of Domitian’s reign, on which so much of the first six satires is based’. Many modern critics have assumed that *novis annalibus atque recenti | historia* at 2.102–3, on the subject of Otho’s behaviour at the battle of Bedriacum, alludes to the recent publication of

¹ P. Wessner, *Scholia in Iuvenalem Vetustiora* (Leipzig, 1931), xxxvi–xlii.

² For details about the manuscripts, J.E.G. Zetzel, *Latin Textual Criticism in Antiquity* (New York, 1981), 179–91.

³ ‘Zeitalter des Scholiasten Juvenals’, *Ges. Schr.* vii (Berlin, 1909), 509–11; G. Highet, *Juvenal the Satirist* (Oxford, 1954), 299.

⁴ A. Chastagnol, *Les fastes de la préfecture urbaine de Rome au Bas-Empire* (Paris, 1962), 135–9.

⁵ *De scholiis in Iuvenalem* (Diss. Halle, 1876), 259–305 at 262.

⁶ ‘The earliest scholiast on Juvenal’, *CQ* 22 (1972), 376–87.

Tacitus' *Histories*.⁷ The scholiast suggests two names: *bellum scripsit Cornelius et Pompeius Planta*. The latter is usually identified as C. Pompeius Planta, prefect of Egypt in 98–100 and an acquaintance of the younger Pliny (Planta is a very rare cognomen).⁸ *Cornelius* presumably refers to Tacitus, but the form of the reference hardly implies first-hand knowledge. Townend's own explanation was that someone composed a commentary on the first six satires soon after they appeared, before Juvenal had even written Satires 7–16 and before Tacitus had published his *Annals*. It was this commentator (he argued) who came up with the reference to Pompeius Planta, the four lines from Statius's *De bello Germanico*, and two lines from the Flavian satirist Turnus. 'It would be surprising', he wrote, 'if these works survived until as late as the fourth century' (378). In his view, this early commentator's basic historical source was a pre-Tacitean history of the Neronian age, probably Cluvius Rufus. He made no use of the recently published *Histories* of Tacitus because Juvenal's Domitianic characters and situations were 'too well known for annotation to be required'.

Though accepted by the few who have written on the subject since,⁹ there are problems with this hypothesis. In the first place, Townend's explanation simply does not fit the facts. Take Satire 4, with its eleven named members of Domitian's *consilium* (77–118). However well known these names to Juvenal's first readers in (say) the second decade of the second century, it was none the less the plain duty of any commentator to offer at any rate brief identifications of all eleven – an easy enough task if he was a contemporary. Such knowledge is essential for the understanding of the poem. But the surviving scholiast did not (as Townend implies) write as if these names were too well known to require identification. Nor did he treat all eleven the same. After equipping the first two with remarkably detailed notes, his feeble guesswork about the last nine makes clear that he had no idea who they were. In particular, he had no clue about the identity of Crispinus, the subject of 4.1–33, absurdly described as Nero's *magister equitum* (presumably an inference from *princeps equitum* in line 32).

The first, the jurist Pegasus, receives a model note, offering a believable explanation of his colourful cognomen as well as accurate details about both his political career and his legal work.¹⁰ The note on the second, Q. Vibius Crispus, consul three times in the 70s and 80s (*PIR*¹ V. 379), begins well by calling him *Vercellensis* – and then proceeds to give a number of details from the biography of his earlier near homonym C. Passienus Crispus, cos. II in 44 and husband of Agrippina the mother of Nero (*PIR*¹ P. 109). A bad mistake, but one that none the less implies access to a detailed Julio-Claudian source. Not the sort of confusion a contemporary of Juvenal was likely to make. Why then no notes on the remaining nine?

It is true enough that the notes on Satires 1–6 contain more accurate information than the notes on Satires 7–16. But there is a much simpler explanation than Townend's, one that can be paralleled in other such works: declining industry on the part of the commentator. It is not as if the notes on 7–16 contain no erudition.

⁷ J. Ferguson, *A Prosopography to the Poems of Juvenal* (Brussels, 1987), 221–2; against, R.G.M. Nisbet, *Collected Papers on Latin Literature* (Oxford, 1995), 232.

⁸ R. Syme, *Roman Papers* vol. 5 (1988), 450–1; *PIR* P. 637 (2nd ed.).

⁹ E. Champlin, *ZPE* 32 (1978), 269 n. 3; R.J. Tarrant, *Texts and Transmissions* (Oxford, 1983), 200 n. 3.

¹⁰ As shown in a brilliant article by E. Champlin, 'Pegasus', *ZPE* 32 (1978), 269–78; *PIR* P. 512 (2nd ed.).

For example, citation of an otherwise unknown line of Furius Bibaculus on 8.16 (Courtney, *FLP* 194).

Townend's sharp distinction between the scholiast's sources for different periods turns out not to be so sharp after all. Ignorance of Tacitus does not mean that he wrote before Tacitus. Townend himself provided a much better explanation. No one who wanted two- or three-line summary biographies would turn to Tacitus's long, difficult, allusive and (above all) unindexed narrative if he could lay his hands on something simpler, briefer and more user-friendly. Townend thought it 'highly unlikely' that Cluvius Rufus was still available as late as the fourth century. But the convenient shorthand by which we say that this or that text was lost by (say) the fourth century should not be interpreted to imply that all copies had literally disappeared. Long after unfashionable books ceased to be read, old, perhaps incomplete copies could surely be found here and there in old libraries. Improbable though it might seem, the probably fourth-century Lucan scholiast seems to have consulted lost books of Livy and Sallust on the age of Marius, Cinna and Sulla.¹¹

The problem is less the improbability of a late fourth-century commentator consulting a first-century history than the contrast with the gross historical ignorance displayed by the rest of the scholia even about Satires 1–6. Then there is the sheer improbability of anyone writing a commentary on Juvenal 1–6 immediately on publication. There seem to be one or two Hellenistic cases of exegesis of the work of living poets, and Crassicius Pasicles' commentary on the *Smyrna* of Helvius Cinna may be a Latin example.¹² But these commentaries explained mythological allusions, and drew on mythographic sources. Contemporary exegesis of Roman satire seems most unlikely, above all in an age when Juvenal's rhetorical idiom was fast falling out of fashion. How then to explain the handful of well-informed notes Townend ascribed to this earlier commentary? The obvious explanation is that there was no full-scale early commentary, but a well-informed early reader who jotted down a few notes in an early copy. Either this second-century text or (more probably) a copy survived into the fourth or fifth century.

It is obviously significant that the notes Townend identified are mostly identifications of proper names. In a recent book I cited a number of papyri of Greek poetic texts with marginal identifications, usually of mythological allusions. I also drew attention to the fact that, while the scholia to Ovid's *Ibis* are in general completely worthless, they include half a dozen slightly garbled but basically accurate reports of passages from Callimachus's *Aetia*.¹³ It is difficult to see how six notes scattered over three hundred lines could be lone survivors of an otherwise entirely lost commentary. Once again, the explanation is surely that there never was a commentary; these notes were isolated glosses on specific details written in the margins of an early text by a reader familiar with Callimachus, or (more probably) with the Callimachean *Diegeseis*.¹⁴ In the *Ibis* or Lycophron, what readers needed was mythological help. In Juvenal, it was help with *realien* or names of people.

At 6.304 Juvenal describes an orgy in which 'people drink from shells' (*bibitur concha*). The reference is not to real shells but to a 'large broad shell-shaped vessel

¹¹ E. Rawson, 'Sallust on the eighties?' *CQ* 37 (1987), 163–80; E. Fantham, 'Lucan, his scholia, and the victims of Marius', *AHB* 1 (1987), 89–96.

¹² A. Cameron, *Callimachus and his Critics* (Princeton, 1995), 224–5; T.P. Wiseman, 'Who was Crassicius Pansa?' *TAPhA* 115 (1985), 187–96.

¹³ A. Cameron, *Greek Mythography in the Roman World* (Oxford, 2004), ch. 7.

¹⁴ Cameron (n. 13), 180–3.

which might be used to hold scent' instead of normal-sized cups.¹⁵ The scholia sensibly and succinctly note 'not from cups' (*non calicibus*). In *Ep.* 52.12.2 Jerome, fulminating against extravagance, claims to have heard of people who 'drink from shells, not cups' (*audio praeterea quosdam ... non calice sorbere sed concha*). As Courtney acutely noted, he perhaps read the passage in a text equipped with this comment in the form of a marginal gloss.¹⁶ The late antique commentator simply incorporated Townend's prosopographical notes and occasional explanatory glosses into his systematic running commentary.

Mommsen suggested c. 400 for this commentary. A precise *terminus ante quem* was later offered by U. Knoche, the mention of gladiatorial games – supposedly forbidden in 399 – in the present tense in a note on 8.175.¹⁷ On this basis it is regularly now stated (as for example in the new Loeb edition of Juvenal by Susanna Morton Braund) that 'at some time between 352 and 399 the satires were edited and published with a commentary'.¹⁸ This formulation anachronistically combines the fact that Juvenal was in some sense 'rediscovered' in late fourth-century Rome with the assumption that he must therefore have been 'edited' and then equipped with a commentary. On this 'rediscovery' and the supposed 'edition' I shall have more to say in another place.¹⁹ For the moment I am only concerned with the commentary. The reason the 352/399 *termini* matter is because, following a 1966 article by J. Schwartz, a number of scholars have tried to date the *Historia Augusta* on the basis of supposed borrowings from the Juvenal scholia.²⁰ I have to say that, even assuming a solid *terminus ante* of 399, not one of these supposed borrowings seems remotely plausible to me. But if, as I shall argue, the scholia date from 450 at earliest, obviously this entire line of inquiry will have to be abandoned.

To begin with, the *terminus* of 399 is anything but solid. Knoche referred to an 'edict' of Honorius dated to 399, but no such edict survives. All we have is an entry in an otherwise unpublished minor chronicle published by Usener which, under the year 399, records: *templa idolorum demolita sunt et gladiatorum ludi tulti*,²¹ an entry missing from earlier and more reliable chronicles.²² But even if there had been such a law, such bans were notoriously ineffective. Prudentius was urging the abolition of gladiatorial games again in his *Contra Symmachum* of 402

¹⁵ Courtney ad loc. and in *BICS* 22 (1975), 162 n. 4.

¹⁶ For what it is worth, Jerome's famous list of commentaries on the classics (*Apol.* 1.16, discussed in Cameron [n. 13], 3) does not include Juvenal.

¹⁷ U. Knoche, *Die Überlieferung Juvenals* (Berlin, 1926), 64–5.

¹⁸ S.M. Braund (ed. and tr.), *Juvenal and Persius* (Cambridge, MA, 2004), 29.

¹⁹ A. Cameron, *The Last Pagans of Rome* (Oxford, 2010), ch. 12.

²⁰ J. Schwartz, 'Arguments philologiques pour dater l'Histoire Auguste', *Historia* 16 (1966), 454–65; id. in *Romanitas-Christianitas: Untersuchungen ... J. Straub* (Berlin, 1982), 634–44 and in *Institutions, société et vie politique dans l'empire romain au IV^e siècle ap. J.C. ... Actes ... A. Chastagnol* (Rome, 1992), 29–34; R. Syme, *Ammianus and the Historia Augusta* (Oxford, 1968), 86–7, 185; A. Chastagnol, *Recherches sur l'Histoire Auguste* (Bonn, 1970), 11–12; J.-P. Callu, 'Encore les scholies de Juvénal et l'Histoire Auguste', *Au miroir de la culture antique ... Mélanges R. Marache* (Rennes, 1992), 43–53 = Callu, *Culture profane et critique des sources de l'antiquité tardive* (Rome, 2006), 295–305.

²¹ H. Usener, 'Aufhebung der Gladiatorenschulen', *RhM* 37 (1882), 479–80.

²² Though with *templa idolorum demolita sunt* compare the so-called *Consularia Constantinopolitana* s.a. 399 (Mommsen, *Chronica Minora*, vol. 1 [Berlin, 1892], 246; R.W. Burgess, *The Chronicle of Hydatius ...* [Oxford, 1993], 243): *templa gentilium demolita sunt Ioviano et Gaudentio comitibus*, where the mention of Gaudentius and Jovius shows that the reference is to pagan temples in Carthage (August. *CD* 18.54). Usener's chronicle will finally be published in a forthcoming work by R. W. Burgess and M. Kulikowski.

(2.1123 f.), and Augustine refers to them as though still being held ten years later (CD 3.14). The evidence of contorniate issues suggests that they continued as late as 434, and in all probability it was the combined effect of expense and dwindling popularity that eventually killed them.²³ In any case, as can be seen again and again in Servius, it was the way of commentators to repeat even *hodieque* notes in the present tense from predecessors long after they had ceased to be strictly true. Donatus has a number of notes on gladiatorial practice in the present tense (*An.* 83; *Eun.* 55, 257, 926), and though Servius' subject matter did not call much for this sort of comment, he too has one such note in the present (*cum ita dicamus ludos theatrales, ludos gladiatorios*). Servius was writing no earlier than ca 420.²⁴

As Mommsen himself saw, there is at least one note that points to a date considerably later than 400. The passage in question is 10.90–3, on the adulation accorded to Sejanus:

visne salutari sicut Seianus, habere
tantumdem atque illi summas donare curules,
illum exercitibus praepone, tutor haberi
principis augusta Caprearum in rupe sedentis.

Sejanus has the power to confer (1) consulates, (2) military commands and (3) act as the emperor's guardian. The last point is ironic, of course; it is because Tiberius was senile that Sejanus was able to act as his *de facto* tutor. Irony tends to test the late antique commentator. *Exercitibus praepone* he glosses *magistrum militum facere*; that is to say, a straightforward translation into the terminology of his own day. More puzzlingly, *tutor ... haberi* he glosses *id est patricius fieri*. The reference must be to the Constantinian revival of the patriciate, 'converted from an inheritable status to a rank bestowed upon an individual for his lifetime'.²⁵ But the peg on which he hangs this note is Juvenal's *tutor*. As Mommsen saw, the writer must have had in mind patricians 'like Stilicho, Rufinus and Eutropius, who really were regents for emperors'. This is a judgement Mommsen himself would have modified in the light of his own subsequent research.

In his famous paper 'Stilico und Alarich' published 50 years later in *Hermes* for 1903 he showed that there were no provisions in constitutional law for the actual legal minority of emperors.²⁶ None the less, both Stilicho and Rufinus did lay claim to some sort of ill-defined guardianship or regency over Honorius, aged ten, and even Arcadius, aged nineteen, on the death of their father Theodosius I in January 395. Zosimus uses the term ἐπίτροπος, and the contemporary Ambrose the verb *commendare*.²⁷

Rufinus's 'regency' lasted no more than a matter of months, but Stilicho maintained his till his death (from 395 to 408). It is a constant theme in the panegyric poetry of Claudian. The eunuch chamberlain Eutropius inherited Rufinus's dominance at the eastern court, and then the prefect Anthemius Eutropius' from 405

²³ G. Ville, 'Les jeux de gladiateurs dans l'empire chrétien', *MÉFR* 72 (1960), 273–335.

²⁴ *Aen.* 8.636; note too DS's note on *Geo.* 111. 204, *hinc et gladiatores essedarii dicuntur*.

²⁵ T.D. Barnes, 'Patricii under Valentinian III', *Phoenix* 29 (1975), 155–70 at 169; for further material on patricians, R. Mathisen in *Byz. Zeit.* 79 (1986), 35–49; *Byz. Forsch.* 17 (1991), 173–90 and 191–222.

²⁶ See my *Claudian* (1970), chs 2–3, with the summary in J.M. O'Flynn, *Generalissimos of the Western Roman Empire* (Edmonton, 1983), 44–50.

²⁷ O'Flynn (n. 26), 46–50.

till 414. Both Eutropius and Anthemius were patricians, but neither seems to have claimed any sort of regency, nor was either a military man. It is hard to doubt that the scholiast, writing in the West where Claudian became an instant classic, was alluding precisely to Stilicho. Since Stilicho made his claim in January 395, a commentator writing before *c.* 400 *could* have had him in mind when commenting on Juvenal's *tutor*. But we now know (as Mommsen, writing before serious work on Late Roman prosopography, did not) that neither Stilicho nor Rufinus ever bore the title *patricius*. In the case of Stilicho, two detailed *cursus* inscriptions put this beyond doubt; as for Rufinus, the title is never included in the scores of imperial laws addressed to him as praetorian prefect of the East.²⁸

As commander of all western troops and power behind the throne, Stilicho's position was unique, but his formal title, *comes et magister utriusque militiae*, was neither original nor unique.²⁹ Orosius, writing in 417, styles him simply *comes Stilicho* (*Adv. pag.* 7.38.1). The only distinctive feature in his official titulature is the occasional use of the formula *parens principum*, alluding to the fact that he had married his daughter to Honorius.³⁰ Strictly, that made him only *parens principis*, father(-in-law) of one emperor. But since he claimed a regency over both emperors, he also claimed to be *parens* of both. That the title was felt to connote political authority as well as family relationship is shown by the fact that his successors as generalissimo and power behind the western throne retained the *parens*, although only Constantius actually married into the imperial family.

These successors were all awarded the title *patricius*. The first was Fl. Constantius, *magister utriusque militiae* from 411–21, *patricius* from 415, and briefly Augustus in 421. Then Aetius, *magister utriusque militiae* and patrician from 435–54, and Ricimer, *magister utriusque militiae* and patrician from 457–72.³¹ For whatever reason, and despite the fact that there might be other patricians (no fewer than five during the period of Aetius' ascendancy),³² *patricius* evidently came to be felt to sum up the generalissimo's supreme powers, in more formal contexts combined with *parens*. A letter of Honorius dated 17 April 418 styles Constantius *parens patriciusque noster*, and this was to become the standard formula, *parens patriciusque* followed by *noster* (in an apostrophe by the emperor himself) or by the emperor's name in the genitive.

Remarkably enough, then, by the sixth century *patricius* is found in two quite distinct senses: first, 'a title which was (or could be) held by several men at the same time, but on occasion ... the position of generalissimo or supreme military commander of the emperor's troops'.³³ It is not clear how early this double meaning developed (probably not before the 440s), but it is undoubtedly in this latter sense that the Juvenal scholiast applies the term anachronistically to Sejanus (*id est patricius fieri*). So we are faced with a paradox. Although the note cannot have been written *before* the age of Stilicho, its key element, the shorthand use of *patricius* for generalissimo and power behind the throne, did not develop till at least half a century after.

²⁸ See their entries in *PLRE* 1.778–81 and 853–88.

²⁹ A. Demandt, 'Magister militum' in *RE* Suppl. 12 (1970), 612–28.

³⁰ *ILS* 801, 795; S. Mazzarino, *Stilicone* (Rome, 1942), 106–13; J. Straub, 'Parens principum', *La nouvelle Clio* 4 (1952), 94–115; O'Flynn 1983, ch. 2.

³¹ O'Flynn (n. 26), chs 5, 6 and 8.

³² Barnes (n. 25), 165–6.

³³ Barnes (n. 25), 156.

Fortunately there is a simple compromise solution. Later writers, not realizing how recent this specialized use of the title *patricius* was, incorrectly retrojected it to the age of Stilicho; Marcellinus calls Rufinus *patricius*, and Jordanes makes both Stilicho and Rufinus *patricii*.³⁴ An African writer once known as Pseudo-Prosper but now identified as Quodvultdeus of Carthage, writing between 445 and 451,³⁵ refers to *Stilichoni tunc patricio*.³⁶ It must have been in some such source that the scholiast saw Stilicho or (less probably) Rufinus described as *tutor* and *patricius*. It follows that this note cannot be earlier than the 420s, and is unlikely to be earlier than c. 450.

A couple of other references point in the same direction. First, the most likely source for the detail in the note on the battle of Cannae (2.155) that Hannibal sent three baskets (*modii*) full of Roman signet rings back to Carthage (also in the Lucan scholia) is Orosius (4.16.5).³⁷ Second, the citation of Tacitus (*Hist.* 5.3–4) as a source for Moses on 14.102 (*cuius Cornelius etiam Tacitus meminit*). There is no other indication that the scholiast knew Tacitus at first hand at all. Not only could he not identify Corbulo (3.251); he was in doubt whether Corbulo ‘was an athlete of that time or a sort of ship!’ The Valla scholion on 1.71 cites ‘Tranquillus et Tacitus’ for the poisoner Lucusta, but the main note shows no knowledge of the comprehensive account in *Ann.* 12.66 and 13.15. As Townend saw (op. cit. [n. 6], 382), it derives from a quite different source, which did not connect Lucusta with Claudius’ death and treated her as a creature of Nero rather than Agrippina. It is tempting therefore to infer that the scholiast derived his citation from Orosius (*Adv. pag.* 1.10), who cites at length from Tacitus’ account of Moses leading the Jews out of Egypt. If the scholiast took these two references from Orosius, he cannot have been writing before 417. And if he consulted Orosius, it does not look as if he was a pagan after all.

In theory, the notes on Cannae, Moses and *tutor* could be later additions, but later additions to what? Nothing anywhere in the scholia points to an earlier date than (say) the 420s. The reference to the prefecture of Cerealis is no more than a *terminus post quem*. Moreover, as Wessner saw, the occasional cross references and linked notes imply, as he put it, ‘unius hominis consilio ac labore omnes Iuvenalis satiras perpetuo commentario quondam fuisse instructas’.³⁸ For example, *ut superius dixi* on 6.117 refers to the note on 1.71; and *supra dictum est* on 13.33 refers back to the note on 5.164. To the reference to a *magister equitum* on 10.92 we may add three more references to this office on 4.1 and 32 and on 8.8, and to a *magister equitum et peditum* on 15.1. With the note about senatorial safe deposits on 10.24–5, we may compare the note on 14.261 for some speculations about where senators kept their valuables in Juvenal’s day. Naturally there are *some* later notes (a few of Carolingian date), but there is no satisfactory reason for singling out the notes on Cannae, Moses and *tutor* as later additions to an earlier work.

Mommsen’s c. 400 seems to have been based on little more than a feeling that a later writer would have revealed himself a Christian. It is true that there

³⁴ Barnes (n. 25), 157.

³⁵ R. Braun, *Quodvultdeus: livre des promesses et des prédictions de Dieu* vol. 1 (Paris, 1964), 18.

³⁶ 3.38.43 (2.572.10 Braun).

³⁷ *Comm. Bern. in Lucanum* 2.46; the story is also told in Fronto, *De bello Parth.* 8, p. 224.6 van den Hout² (from Livy 23.12.1).

³⁸ Wessner (n. 1), p. xl.

are a certain number of references to pagan cult in the present tense,³⁹ but then there are similar presents in Servius too, who wrote thirty years after the end of sacrifice. But most such references in Servius are in the imperfect tense, identifying practices that no longer took place.⁴⁰ The few presents are mainly passages he forgot to update. There are also several imperfects in the Juvenal scholia: *steriles mulieres februantibus Lupercis se efferebant et ferula verberabantur* (2.142); *haec virginibus Vestae poena fuerat decreta, ut, si vitatae fuissent, vivae in parietibus struebantur* (4.37); *auspices adsolebant nuptiis interesse* (10.336); *meretrices nam Floralibus ludis armis certabant gladiatoriiis atque pugnabant*; or (closest of all to the manner of Servius) the reference to the *simpuvium*,⁴¹ a vessel *sacrificiis aptum, in quo pontifices libare solebant* (6.343). Present tenses in references to pagan cult prove nothing; all such references in writers before the late fourth century used the present, and inevitably commentators tend to repeat notes they had read in earlier commentators. But these five imperfects are enough to prove that our commentator was writing after the end of sacrifice.

These notes fit with the notes on Cannae, Moses and *tutor* in pointing to a date well into the fifth century for the late antique Juvenal commentary. No one would want to date the *Historia Augusta* as late as that.

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³⁹ For example, on 9.53, *femineis ... kalendis*, where the note correctly identifies *Kalendis Martii, in quibus Iunonis sacra celebrantur a matronis* (namely the Matronalia).

⁴⁰ For many illustrations, C.E. Murgia, *CPh* 98 (2003), 45–69; I shall be discussing the matter systematically elsewhere.

⁴¹ On which see A. Brinkmann, *ALL* 15 (1908), 139–43. Again like Servius, the note continues with a present: *inde simpuviatrix illa dicitur quae porrigit poculum ipsud*.