

LIBERTY AND ADVOCACY IN ENNODIUS OF PAVIA:
THE SIGNIFICANCE OF RHETORICAL EDUCATION
IN LATE ANTIQUE ITALY

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In two declamations composed to support his student protégés at Deuterius' school of grammar and rhetoric at Milan, the Milanese deacon Ennodius (later bishop of Pavia) praised their master as the sustainer of *ruitura libertas*, of a liberty on the point of collapse.¹ What did he mean by this?

First, let us look at the historical context. With due allowance for Ennodian hyperbole, Deuterius seems to have been partly responsible for a revival of rhetorical education in northern Italy following the devastation of the wars of 489-93 between Odoacer and Theoderic the Great. In another declamation, Ennodius saluted his achievement in transferring his school to the forum of Milan: From the lairs of wild beasts and the habitations of owls, you recall us to the fora, from which our forebears had long been all but absent.² In this, Deuterius was probably encouraged by the Ostrogothic regime of Theoderic. It was presumably Theoderic who bestowed on him the rank of *spectabilis*, an unusual honour for a grammarian.³ One of Ennodius' poems hailed Deuterius as *imperii custos*, "guardian of the realm".⁴ His title paralleled the encouragement given by the Ostrogoths to higher education in Rome,⁵ and the rhetorical establishments of the two cities fostered ties between them. Paterius, son of a senator, was his godson, as well as his pupil.⁶ Ennodius' correspondence suggests that a number of young gentry from the north trod a path from the school of Deuterius to those of Rome, assisted by Ennodius' commendations to leading

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Roman senators and churchmen.⁷ Three at least of his protégés were among the north Italians who dominate the prosopography of Ostrogothic Italy for Romans in high office. (We should not, however, exaggerate the role of professional teachers: both the *Variae*, and Ennodius' writings, suggest that leading senators and churchmen often shared in the liberal education of the gentry, supplementing - as did Ennodius - and perhaps sometimes replacing the work of the professional.⁸)

To look, now, at *libertas*: this is a commonplace in the texts of the time; something championed for the Romans by Theoderic and his successors, decried from his prison-cell by Boethius as fictitious, recovered for Italy and Africa by Justinian, defended by Pope Vigilius during the tumult of the Gothic wars, and even by the emperor Phocas in 608.⁹ Why, though, did it figure in Ennodius' praise of a Milanese school-master? If the Romans themselves ever had any concept close to what we now term "Romanisation," it was the ideal of bestowing civilisation, *humanitas*, by the equitable administration of regular laws.¹⁰ *Humanitas* and *leges* went together for Cicero, as did *humanitas* and *doctrina*¹¹. For the ill-fated Varus, trying to turn the Germans into obedient subjects, a prime objective was to persuade them to settle disputes in court, not by the sword.¹² And, over five centuries later, when Justinian wished to persuade the

Caucasian Lazi of the benefits of Roman rule, he staged a full-scale formal trial of two Roman officers for the murder of the Lazic king: a court worthy of the traditions of Imperial Rome and Democratic Athens was set up at the foot of the Caucasus¹³. By the sixth century, though, *humanitas* seems to be replaced in the Latin texts by the concepts of *civilitas* and *libertas*, which Cassiodorus and

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Ennodius shared. "To guard the laws is a sign of *civilitas*".¹⁴ Cranes, in their social harmony, are free by their voluntary servitude.¹⁵ *Libertas*, of which law is the champion,¹⁶ is incompatible both with the turmoils of war, and with the unjust and arbitrary rule associated with tyrannical emperors and barbarian kings. By rescuing Gaul from the Franks, Theoderic recalled the provincials to their ancient *libertas* identical with the rule of law.¹⁷ In the values of Pope Gregory the Great, *libertas* is something enjoyed only by the free subjects of Roman emperors, not the servile subjects of barbarians.¹⁸ It is this ideal that lies at the heart of Priscus' famous dispute with the renegade at the court of Attila on the rival merits of the Roman and barbarian way of life.¹⁹ And Gregory's formulation is foreshadowed by Cassiodorus in a significant context. In *Variae*, IX.21, defending from embezzlement the salaries of the teachers of grammar, rhetoric and law at Rome, he praises grammar and rhetoric as the unique possession of the lawful rulers of Romans, alien to barbarian kings. Thence the battle of the orators sounds the war-call of civil law; thence noble eloquence recommends all leading men; and thence, to say no more, our present words derive. Ennodius, declaiming on the dedication of Deuterius' auditorium in the forum, has a similar ring: "To you, [Deuterius] therefore are owed these benefits, that the advocate about to cite the defendant will begin his speech as an object of fear in the halls that he has already experienced. To you, sole hope of a distinguished profession, is it owed that nobility will shortly give pleasure by a free man's toil."²⁰

But how vital is the link between rhetoric and law? In his study of Roman advocacy, John Crook argues that while, under the empire, courts became ever more inquisitorial, and the law ever more technical, the clash of trained pleaders remained highly important to the upholding of equity, even among the disputes of Egyptian peasants.

Advocacy, he claims, was "the point of input into the law of values from outside, the perceptions of the community at large... the one unguarded gate in the wall of the 'autonomous science of law'.... The advocate belonged to a culture... in which the word... was the most highly developed tool of communication, and persuasion by means of the word the most fully worked-out technology. Advocacy was also the product of an essentially non-totalitarian (free, if you like) approach to conflicts; for it implied a world in which it was worth arguing, in which conclusions were not foregone and you might, by the application of

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skill, win against the odds."²¹ Similarly, Montesquieu remarked on Turkish autocracy, "to have the passions of pleaders would be quite dangerous there; these passions presuppose

an ardent desire to see justice done, a hatred, an active spirit, and a steadfastness in pursuit of justice."²²

A perception of this may underlie the Ennodian link between rhetoric, law, and *libertas*. (As it may also underlie Agathias' stress on the forensic oratory at the trial among the Lazi.) Ennodius equated the right arms of rhetors with freedom of speech (*libertas linguarum*).²³ In *controversiae* composed for Deuterius' school, he addressed the imaginary judges as *praesules libertatis*.²⁴ In the *Panegyric on Theoderic*, he complained (tendentiously, of course) that, through the neglect of learning and eloquence under Odoacer, the most eloquent became grimy among his ploughs, and violence refused what education had bestowed. The tribunals mourned in the silence of the advocate, and no triumph was conferred on the orator. When talent was not dedicated to letters, the outcome of lawsuits was doubtful.²⁵ Cassiodorus wrote to those Gauls who had come under the rule of Theoderic, recalled to former *libertas*, clothe yourselves in the *mores* of the *toga*... receive, little by little, the *mores* of the judge - and the phrase *moribus togatis* plays on the synonym *togatus* for an advocate.²⁶ Again, in the *Variae*, a man falsely convicted is pardoned, because he was denied an advocate at his trial: "You also add what justice wholly forbids: that you were deprived of the frequently requested advocacy of legal defenders, although your opponents, distinguished for their talents, were able to tie you in the nooses of the law, despite your innocence."²⁷ Boethius lamented that no residue of Roman liberty could be hoped for; this should be set in the context not only of his struggles for others against official injustice, but of his condemnation in absentia by the Senate, "silent and undefended."²⁸

Rhetoric, however, was not the only means by which there could be "an input into the law of values from outside". After the sixth century, so far as I am aware,

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there is little sign in western laws of a role for the rhetorical advocate, despite the construction of codes on the Roman model.²⁹ Only, and unsurprisingly, in Visigothic Spain do the law-codes (likewise the writings of Isidore of Seville) envisage the *causidicus* at work.³⁰ The advocate's mingled appeals to reason and emotion depended on a relatively peaceful and cultured society: they were sustained by, as well as sustaining, *libertas*. The harshness of undiluted legal inquisition is mitigated, instead, by non-rational conflict, by oaths of purgation and compurgation, by miracles, ordeals and single-combat. As Walter Pohl has recently remarked, "in the middle of the seventh century... the power of words was on the decline, and the power of the Word had taken its role as a counterpart" [he probably means counterweight] "to worldly violence. Western writers resorted less to classicizing speeches and more to miracles when individuals were to escape imprisonment and imminent danger."³¹ Not, perhaps, until Alcuin's *Disputatio de Rhetorica et Virtutibus* are there possible signs of a revival of forensic rhetoric.³²

This insight may also be applicable to the period of Deuterius, to Ennodius' view of a *libertas* rescued by him from imminent destruction. How much of a place was there for the advocate in his Italy? In 442, Valentinian III issued an edict on the Italian bar which envisaged its normal functioning. In 451, however, he changed his mind: it is well known that after the fatal destruction of the enemy [probably Alaric], from which Italy suffered, in certain regions both advocates and judges were lacking, and today men

learned in the law and the statutes are found either rarely or not at all. For this necessity has caused perpetual tenure to be given to provincial advocates.³³ As for Gaul, the Gallic *interpretatio* to the same edict omits the part quoted “because these provinces do not use it”,

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implying, perhaps, that there the official framework of the legal profession had largely disintegrated. If so, this is one aspect of the change by which, as Peter Heather has put it, “The disappearance of bureaucratic careers thus pulled the rug” from under classical culture³⁴. The events and conditions of the second half of the fifth century can only have made matters worse, even in Italy. The functions of the *defensor civitatis*, once an eligible post for barristers, seem (to judge by his appointment formula in the *Variae*) to have dwindled to control of the urban market.³⁵

However, even after the ravaging of Italy in the Gothic wars, Cassiodorus, in his *Institutiones*, repeatedly noted the utility of rhetoric in law-suits.³⁶ Before those wars, under the long peace of the Ostrogothic kings, provincial barristers are attested at Spoleto and Milan,³⁷ the bar of Rome still flourished, and advocacy remained a high-road to official posts and senatorial membership. A much greater range of opportunities for civil careers survived in Italy than in the other western kingdoms. As Ennodius wrote to a friend, [Liguria] nourishes in the forum seeds that even the Senate may gladly cherish. The pleader and the senator are well known to be closely linked.³⁸ The phrase *atria libertatis* was applied by him to the auditorium of Deuterius, and by official discourse to the Senate.³⁹ Although some cities were controlled by Gothic counts, Roman *cognitores* still heard their lawsuits between Romans, and the politics of one of them, Naples, were dominated by its rhetoricians.⁴⁰ Even the Gothic patrician Tuluin, as chief minister of Athalaric, had the former leading advocate Arator, once a pupil of Deuterius and prot, g, of Ennodius, assigned to him as his chief counsellor.⁴¹ There are signs in Ennodius' own writings that he may have pleaded in court with the duties (though probably not the title) of *defensor ecclesiae* while deacon of Milan.⁴² The culture of legal *libertas* guaranteed (in theory) by eloquence was not yet dead.

It was, however, recurrently endangered. Hence, Cassiodorus wrote in a diplomatic letter to Justinian's *magister officiorum*, at an early stage of the Gothic wars, “thought must be given to liberty, which is everywhere shaken by the tumults of war.”⁴³ It was, indeed, slowly undermined by war and politics. From

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the mid fifth century onwards, and continuing under Byzantine rule, society was dominated less by the civilian magnate than by what Sidonius called the privilege of the military class⁴⁴ - and, in Ennodius' day, that meant Gothic tribesmen and Gothic magnates like Tuluin. Even such senators as Liberius and Cassiodorus held military commands, and a noble of the Decii trained his sons equally in letters and the use of weapons.⁴⁵ Romans now had to compete with their masters in their masters' skills. Was prestige shifting from the civil to the military arts?⁴⁶

However, there were still important and non-forensic roles for oratory. It was demanded by diplomacy, whether between Churches, between communities and rulers, or between rulers themselves, and was practised equally by churchmen and laymen. Ennodius' protégé Arator brought himself to Theoderic's notice and high official honour by his eloquent heading of an embassy from the province of Dalmatia to the king.⁴⁷ And Ennodius' *Life of Epiphanius* both stressed the bishop of Pavia's role as diplomat, and presented his persuasion of a sequence of monarchs virtually in the form of rhetorical *controversiae*, reminiscent of Ennodian productions for the school of Deuterius. I have especially in mind the declamation (responding to one by Arator) where Ennodius argued that the laws of war should be applied, and the priests and Vestals of a captured city retained in slavery.⁴⁸ If for Vestals we substitute nuns, we have here a theme of real relevance to the conditions of the age.⁴⁹ And Ennodius' defence of the rights of conquerors is thematically (though not verbally) paralleled by the speech he gives to king Gundobad of Burgundy, opposing Epiphanius' plea for the release of Ligurian farmers enslaved in war. King Euric is made to respond (via an interpreter) to the eloquence of Epiphanius: "They are in error who say that the Romans do not have shields or javelins on their tongues. For they know both how to ward off the words that we direct against them, and how to reach the inmost heart with those that they aim."⁵⁰

There were, of course, further uses for oratory: prose panegyrics on rulers and high officials, and the Cassiodorian mingling of rhetoric with chancellery directives in the *Variae*. Ennodius' own corpus displays a range of uses for elaborate rhetoric in Church service: his pamphlet in support of Pope Symmachus, his directive (probably drafted for Archbishop Laurentius of Milan) to bishops to

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take *cellulani*, declamations for church dedications, for the blessing of Paschal candles, for episcopal anniversaries.⁵¹

However, I suspect that the vitality of this rhetorical tradition depended largely on its forensic element: it was based on the vast demand still produced by Roman litigants. The leading official Opilio, out of office and enjoying his *provinciale otium*, was besieged by litigants begging him to act as a *iudex privatus*.⁵² It is significant that Arator had made his reputation as a barrister, a patronus in private lawsuits, before he was called to act as patronus of Dalmatia (a province not his own) in its embassy to Theoderic.⁵³ So too, when Arator praises the diplomatic eloquence of the Gallic noble Parthenius before Theoderic in aid of peace and *libertas*, he treats his speech as legal pleading: That king, in whose judgement that case then lay, as an admiring hearer, could refuse nothing.⁵⁴

To return to the theme of rhetoric and *libertas* in the values of Ennodius and Cassiodorus, rhetorical training is not only associated with freedom as the guarantor of legal justice, but as the guarantor of high social status, of *nobilitas* - in fact, *nobilitas* and *libertas* overlap. The liberal studies are a threshold of nobility; Partenius, my nephew, wishes to appear a free man through the disciplines of liberal studies.⁵⁵ In Ennodius' Deuterian compositions, nobility, revived or confirmed by rhetoric, is a theme so recurrent as to be obsessive - an indication, perhaps, of a feeling that the ideal was in peril. To you alone [Deuterius] is it granted to confer or restore ancestral honour... birth gives liberty, the teacher makes a man worthy of liberty... uneducated nobility refuses the

gift of Heaven.⁵⁶ As for Sidonius, so for Ennodius, the *indicium nobilitatis* still lay in rhetorical education; but, in Theoderic's Italy, unlike Euric's Gaul, the *gradus dignitatum* had not yet been lost. Those pupils whom you [Deuterius] see displaying their future light by a few sparks, are setting forth for the constellations of the Roman Senate.⁵⁷

For Ennodius, freedom and liberal education were the perquisites and signs of ancient families. Cassiodorus, writing in a broader social and political context, had a rather different perspective. Another Ennodian protégé, Fidelis, was of noble birth by Ligurian standards; to the Senate, however, he was a *novus homo*, to be commended by rhetorical and forensic talent, which was his family inheritance, but which was a producer, not a product of nobility. “For, if ancient

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riches, passed through the family, make noblemen, he is far more distinguished whose ancestry is found to be wealthy in the treasures of wisdom.”⁵⁸ Fidelis was eventually killed outside Pavia in the Gothic Wars, while holding office as perhaps the penultimate Italian Praetorian Prefect of Italy.⁵⁹ Neither ancestral wealth, nor ancestral learning, were, in the long run, guarantors of liberty in this increasingly warlike society. The Lombards, swearing oaths in court per *arma sacrata*, on consecrated weapons, seem symbolic.⁶⁰

Ennodius, though, may have looked forward beyond the death of freedom and nobility. Both in general and in detail, his corpus sometimes seems to me to foreshadow Cassiodorus' treatment of rhetoric in the *Expositio Psalmorum*: something that he is publicly adapting to Christian discourse for educational ends.⁶¹ His protégés, studying grammar and rhetoric at Rome, are urged, in the *Paraenesis Didascalica*, to cultivate the Christian, as well as the secular virtues.⁶² (Compare Cassiodorus' praise of Fidelis' chastity.⁶³) The speeches in the *Life of Epiphanius* show how rhetoric could be deployed by a Christian, rather in the way that the hardships of Epiphanius' diplomatic journeys transpose the labours of the secular envoy into the mode of Christian asceticism, even of martyrdom. And, when Gregory the Great formulated the old Roman ideal of *libertas*, he did so not as an advocate in court, but as a pastor, blending it with Christian values to defend the *libertas* of a governor, who had been flogged for embezzlement in violation of his free and high-ranking Roman status.⁶⁴

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1. ENNODIUS, *Opera*, 85, 9; 94, 8; in this article, the works are numbered as in F. VOGEL'S edition, MGH AA, XII.

2. ENNOD., 3, 3.

3. Cf. R. KASTER, *Guardians of Language: the Grammarian and Society in Late Antiquity*, Berkeley & Los Angeles, 1988, p.109f.; see p.267ff. for a prosopographical discussion of Deuterius. ENNOD., 234, suggests that he was a better grammarian than rhetorician, but the poem, though admiring, is also humorous.

4. ENNOD., 208, 29; cf. ILS, 827: Theoderic as *custos libertatis*.

5. Cf. CASSIODORUS, *Variae*, IX, 21. Note the entries in his *Chronicle* (compiled in 519 for Eutharic, Theoderic's heir apparent) for Probus, the Roman grammaticus,

Ursulus, teacher of rhetoric at Toulouse (s.a. AD 54), and Quintilian as the first publicly salaried teacher at Rome (s.a. AD 93).

6. ENNOD., 251, 11; I assume that Deuterius is meant.

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7. Arator, Fidelis, Ambrosius, Beatus, Lupicinus, Partenius, Marcellus, Georgius, Solatius, Simplicianus, of whom the first three are later attested in high office. Arator is not attested as a student at Rome, but his subsequent distinction there as poet and deacon suggests close ties. Only Arator and Partenius are attested as Deuterian pupils, but I think it likely in the other cases. Paterius and Severus, of consular family, were probably Deuterians (ENNOD., 451). For an anonymous Ennodian prot.g, at Rome, see ENNOD., 409-10; for two or more anonymi, probably at Milan, see 262. Students also travelled to Rome from Syracuse, and perhaps Gaul; *Variae*, I, 39; II, 22. VIII, 31, 6, suggests that some liberal schooling survived in the south Italian cities.

8. On Ennodius' relations with Deuterius' school, see P. RICH, *Education and Culture in the Barbarian West*. Translated from the French by J. CONTRENI, Columbia, 1976, p.24ff.

9. For *libertas* in Ostrogothic official discourse, see especially, index references, s.v., in TH. MOMMSEN'S edition of the *Variae*, MGH, AA, XII; also ILS, 825 and 827. For BOETHIUS, see *De Consolatione Philosophiae*, I, prose iv. For Justinian, see CJ I, 27, 1; ILS, 832. For Vigilius, see ARATOR, *Ep. ad Vigilium*. For Phocas, see ILS, 837. In general, see J. MOORHEAD, *Libertas and Nomen Romanum in Ostrogothic Italy*, in *Latomus* 46, 1987, p.161-8.

10. Cf. G. WOOLF, *Becoming Roman: the Origins of Provincial Civilization in Gaul*, Cambridge, 1998, p.54-76.

11. CICERO, *Pro Caelio*, 24; 26.

12. VELLEIUS PATERCULUS, cxvii, 3 - cxviii, 1; cf. TACITUS, *Annales*, XI, 19, 3, on Corbulo and the Frisii.

13. AGATHIAS, *The Histories*, IV, 1, 8, tr. J. FREND, Berlin & New York, 1975.

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14. *Variae* IV, 33, 1.

15. *Variae*, IX, 2, 5; the passage echoes CICERO, *Pro Cluentio*, 146: *legum idcirco omnes servi sumus ut liberi esse possumus*.

16. ENNOD., 380, 4.

17. *Variae*, III, 17.

18. *Reg. Ep.* (P. EWALD & M. HARTMANN, MGH, *EPP.*, II), XI, 4, XIII, 34.

19. PRISCUS, fr. xi, 2, lines 407-510 (R. BLOCKLEY).

20. ENNOD., 3, 4.

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21. J.A. CROOK, *Legal Advocacy in the Roman World*, London, 1995, p.196f. M. WINTERBOTTOM, *Schoolroom and Courtroom*, in B. VICKERS, *Rhetoric Revalued*,

Binghampton NY, 1982, p.57-70, also stresses the interrelation between the rhetorician and the lawyer, between equity and legal exposition. On late Roman advocacy, see J.D. HARRIES, *Law and Empire in Late Antiquity*, Cambridge, 1999, esp. p.107-110.

22. *The Spirit of the Laws*. Translated from the French by A. COHLER, B. MILLER, & H. STONE, Cambridge, 1989, p.75.

23. ENNOD., 452, 12. Deuterius' right arm defends libertas, as does Theoderic's on the battle-field; 85, 6; 94, 8; 263, 19.

24. ENNOD., 222, 7; 223, 5.

25. ENNOD., 263, 76f. Cf. 251, 7-10: it is a patriotic duty for the rhetorician to train young senators to fight for the community and uphold civilitas.

26. *Variae*, III, 17. ENNOD., 3, 2-4, has a similar play on forum and atria as meaning court-room.

27. *Variae*, III, 46, 2.

28. BOETHIUS, *C.Ph.*, I, prose iv.

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29. Even in the eastern empire of Justinian, Procopius complained, advocacy was discouraged by the abolition of prizes for rhetoricians, and by an imperial measure that litigation should be conducted under oath (*Anec.*, xxvi). However, the Lazic trial, and the writings and career of Dioscurus of Aphrodito suggest that this claim should be treated sceptically.

30. *Causidicus* in Visigothic law seems usually to mean a litigant (cf. *causaticus* in *Lex Baiuvariorum*, *Textus Primus*, xvii, 3); but, in LV, II, 2, 4, and 2, 10 it seems to mean a pleader. On the latter meaning in ISIDORE, *Sententiae*, 3, 56 (cf. also SISEBUT, *Ep. de Eclipsibus*, 6) see J. FONTAINE, *Isidore de S. ville et la Culture Classique dans l'Espagne Wisigothique*, Paris, 1959, I, p.334, n.1.

Early medieval *advocati* were laymen representing widows, orphans, and Church institutions in court, or were law-officers in immunities; they were not barristers.

31. W. POHL, *Social Language, Identities, and the Control of Discourse*, in E. CHRYSOS & I. WOOD, *East and West: Modes of Communication*, Leiden, 1999, p.134.

32. See L. WALLACH, *Alcuin and Charlemagne*, Ithaca & New York, 1959, ch.5, esp. p.79f. Cf. ch.7: rhetoric, although of small value in Carolingian law-courts, might still be useful in appeals to the ruler.

33. VALENTINIAN III, *Novellae*, 2, 2; 32, 6.

34. P. HEATHER, *Literacy and Power in the Migration Period*, in A. BOWMAN & G. WOOLF, *Literacy and Power in the Ancient World*, Cambridge, 1994, p.196.

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35. *Variae*, VII, 11. *Defensorum patrocina* (III, 46, 2) refers to advocates in general, not to the *def. civ.* The *defensor* of ENNOD., 186 and 194, who ranked as *spectabilis*, may have been a *defensor ecclesiae*.

36. CASSIOD., *Inst.* II, *praef.*4, ii, 1, 3-6; cf. I, *praef.*1.

37. *Variae*, V, 4, 6; VIII, 19, 5.

38. ENNOD., 175, 3.

39. ENNOD., 3, 1; *Variae*, VIII, 10, 11; ILS, 825.
 40. *Variae*, VII, 3, 1; PROCOP., Wars, V, viii, 22-42.
 41. *Variae*, VIII, 12.
 42. This is suggested by ENNOD., 71, 4; 186; 194; cf. VOGEL, in his edition, p.x. On the duties of the *defensor ecclesiae*, and his relation to the diaconate, see A.H.M. JONES, *The Later Roman Empire*, Oxford, 1966, n.99 to p.911. *Variae*, II, 30 refers to the *defensores* of the Church of Milan.
 43. *Variae*, X, 33, 3; cf. XII, 5, 6.

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44. SIDONIUS, Ep. I, 9, 2.
 45. *Variae*, IX, 23, 3; 25, 9; XI, 1, 16; cf. III, 52, 1-2, VIII, 21, 6-7.
 46. ENNODIUS sometimes had difficulty in keeping his literary correspondents up to the mark. In one letter (15), he rebuked a friend for neglecting his rhetoric. It is interesting to note the frequency of military metaphors for law and rhetoric in ENNODIUS and CASSIODORUS.
 47. *Variae*, VIII, 12, 3.
 48. ENNOD., 380.
 49. S. KENNEL, *Magnus Felix Ennodius, a Gentleman of the Church*, Ann Arbor, 2000, p.72-80, 152-63, argues that these declamations on fictitious cases are more topical than usually supposed.
 50. ENNOD., 80, 164-7 (Gundobad); 80, 89f. (Euric)

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51. Cf. KENNEL, *Magnus Felix Ennodius*, ch.5.
 52. *Variae*, VIII, 16, 4; cf. 17, 6.
 53. *Variae*, VIII, 12, 2.
 54. ARATOR, Ep. ad Parthenium, 19-27.
 55. ENNOD., 94, 6; 228, 2.
 56. ENNOD., 69, 4, 9.
 57. SIDONIUS, Ep. VIII, 8, 2; ENNODIUS, 69, 12. In general, on the link between education and nobility in ENNODIUS, see KENNEL, *Magnus Felix Ennodius*, p.53, 58, 138.

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58. *Variae*, VIII, 19, 6.
 59. PROCOP., Wars, VI, xii, 27f., 34f.
 60. ROTHARI, Edictus, 359, 366.
 61. On ENNODIUS' two personae as churchman and litterateur, and the occasional tensions between them, see KENNEL, *Magnus Felix Ennodius*, p.44-7, 92-6, 150, 152-67, ch.5.
 62. ENNOD., 452, 4-9. ENNODIUS, taking the role of moral adviser out of professional duty (4), blends the classical and Christian in his praise of *verecundia*,

castitas, and fides. Cf. 226, 3, to Pope Symmachus, on the moral effects of the sancta studia litterarum; also 234, on Deuterius as educator in morals, and almost a bishop. Cf. KENNEL, Magnus Felix Ennodius, p.45f., 52, 123, n.193; p.163f.

63. *Variae*, VIII, 19, 3.

64. *Reg.Ep.*, XI, 4.