

FORMS OF EXILE IN THE *RUDENS* OF PLAUTUS

This paper concerns the representation of exile in the *Rudens* and, by extension, in the Diphilan original that Plautus identifies as his model.¹ The approach is twofold. For the first half of the investigation looks to the law of fourth-century Athens in order to explain the relationship between Daemones' apparent offence and his exile in Cyrene, while the second asks what resonances the application of the term *exsul* to the pimp Labrax might have for the contemporary Roman audience of the play. This is therefore both a contribution to the extensive analytical criticism of the *Rudens* and a further exploration of the historicist method employed in recent work on Plautus.²

It should be stated from the outset that the entire play is an exercise in displacement. For a comedy to be located outside Athens is not in itself anything unusual – the *Menaechmi* takes us to Epidamnus, the *Miles Gloriosus* to Ephesus, the *Poenulus* to Calydon – but for that comedy also to eschew the conventional street scene with exits to forum, port and countryside in favour of a setting on a beach is distinctly atypical.³ If the sea ripples around the stage, watching over it is the star Arcturus, Jupiter's appointed watchman, set to report on all the good and evil in the world, but also an essential indicator of the season of the year whose rising marks the end of the safe sailing season at Athens.⁴ And of those characters whom Arcturus surveys, perhaps only the priestess Ptolemaecia and the chorus of fishermen have any rooted position within the city of Cyrene: the virtuous Daemones and his household, like the young lover Plesidippus are Athenian; so too is his long-lost daughter Palaestra; the true origins of Palaestra's companion Ampelisca are never revealed, but she exists as a trainee prostitute, who will lead

¹ Plaut. *Rud.* 32–3.

² A key contribution to the analytical criticism of the *Rudens* is F. Marx, *Plautus Rudens. Text und Kommentar* (Leipzig, 1928), which sets out to demonstrate the play's close fidelity to Diphilus. The extensive challenges to this position in G. Jachmann, *Plautinisches und Attisches* (Berlin, 1931), 1–104 and H. Drexler, *Die Komposition von Terenz' Adelphen und Plautus' Rudens*, *Philologus* Supplement 26. 2 (Leipzig, 1934), 41–114 are often unconvincing. The former is criticized at length both in A. Thierfelder, 'Review of Jachmann', *Gnomon* 11 (1935), 113–52 and in A. Klotz, 'Zum *Rudens* des Plautus', *RhM* 95 (1952), 292–311. More impressive is W.H. Friedrich, *Euripides und Diphilos. Zur Dramaturgie der Spätformen* (Munich, 1953), 171–232, particularly the analysis of the *Rudens* in relation to the *Vidularia*. It is hard to regard E. Lefèvre, *Diphilos und Plautus. Der Rudens und sein Original*, Akademie der Wissenschaften und der Literatur Mainz. Abhandlungen der Geistes- und Sozialwissenschaftlichen Klasse 10 (Mainz, 1984) as the product of sustained reflection. For attempts to locate Roman comedy within the time of its composition, see M. Leigh, *Comedy and the Rise of Rome* (Oxford, 2004).

³ N.J. Lowe, 'Tragic space and comic timing', *BICS* 34 (1987), 126–38, esp. 128 and n. 12.

⁴ For Arcturus as watcher, see E. Fraenkel, 'The stars in the prologue of the *Rudens*', *CQ* 36 (1942), 10–14 = id. *Kleine Beiträge zur Klassischen Philologie II* (Rome, 1964), 37–44. For Arcturus and the Athenian sailing season, see U.E. Paoli, *Comici latini e diritto attico* (Milan, 1962), 40–2.

her life where the whim and the commercial interests of her master dictate.⁵ For the pimp of comedy is characteristically an outsider and transient,⁶ and the *Rudens* will begin with the storm which sweeps the two girls ashore and frustrates the plans of Labrax and his treacherous Agrigentine colleague, Charmides, to carry them off to Sicily for sale.⁷ And if it is not sex that is up for export, then it is silphium: Daemones is possessed of a field and, when the slave Trachalio appeals to him for help, it is with the wish that this year he should be successful in his export of silphium and silphium juice to the markets of Capua.⁸

Let me begin with the first case of exile to be found in the play. This is the situation of Daemones as set out by Arcturus at vv. 33–8:

ARCT. illic habitat Daemones
in agro atque villa proxima propter mare,
senex, qui huc Athenis exul venit, hau malus;
neque is adeo propter malitiam patria caret,
sed dum alios servat se impedit interim,
rem bene paratam comitate perdidit.

ARCT. There, in the land and house closest to the sea lives the elderly Daemones, who came here from Athens as an exile, by no means a villain. Nor is it on account of viciousness that he is deprived of his homeland, but, while he attempted to aid others, he meanwhile got himself in a tangle, and through his kindliness lost the wealth which he had gained by good means.

That Daemones is an exile is repeated at v. 77 (*ad villam illius, exul ubi habitat senex*) but nothing further is contributed to our understanding.⁹ The past circumstances of Daemones are therefore left relatively vague, and what matters most to Plautus is to underline that this is a man of good character whose exile is not the product of any misdeeds.¹⁰ In both passages, by contrast, where the pimp Labrax is identified as an exile, he is described as a blackguard, a *scelestus*.¹¹ The issue of Daemones' exile henceforth receives no explicit reference, and has contributed little to modern readings of the *Rudens*, save to some perceptive comments of

⁵ At Plaut. *Rud.* 649, 714, 736–8, 1104–5, Trachalio represents both Palaestra and Ampelisca as Athenian citizens, but at 750–1 he is obliged to admit that he has no real knowledge of the origins of the latter. It is perhaps relevant that Trachalio is always at the centre of such claims for he has a personal interest in Ampelisca: at 1216–20 he pleads with Daemones to ensure that Plesidippus both free him and make Ampelisca his wife. For the various responses of analytical criticism to the obscure status of Ampelisca, see Drexler (n. 2), 52–4, 101–3; Klotz (n. 2), 310–11; Friedrich (n. 2), 230; Lefèvre (n. 2), 7–10 and id. *Plautus' Rudens* (Tübingen, 2006), 23–7.

⁶ For references, see Leigh (n. 2), 134 and n. 150.

⁷ Plaut. *Rud.* 49–69.

⁸ Plaut. *Rud.* 33–4, cf. 629–31. For Daemones as silphium farmer, see G. Thiele, 'Plautusstudien. I. Stoffprobleme des Rudens', *Hermes* 48 (1913), 522–41, esp. 523; M. Seita, *La vita è sogno? Lettura della Rudens di Plauto* (Alessandria, 2005), 6 and 16–17.

⁹ For the abandonment of this motif in the subsequent course of the *Rudens*, cf. K. Abel, *Die Plautusprologe*, Diss. (Frankfurt am Main, 1955), 98; Lefèvre (n. 2), 46.

¹⁰ See, however, Friedrich (n. 2), 217–18, 225; Lefèvre (n. 2), 14, 21–2 and id. (n. 5), 45–6 for those moments in the *Rudens* where Daemones fails to display the kind-heartedness we might reasonably expect of him.

¹¹ Plaut. *Rud.* 325, 859.

David Konstan. I will return to these below with a view to integrating them into a larger argument.¹²

The manner in which the prologue handles the past of Daemones may perhaps be related to a further oddity in the drama and a signal departure from the Diphilan original identified. For it is striking that the play should represent the young Plesidippus as an Athenian of high rank and a relative of Daemones, and should even close with his betrothal to Daemones' daughter, yet never explain what has brought him to Cyrene or indicate whether any of the group will actually return to Attica.¹³ Yet closer investigation would suggest that only a marginally more specific indication of Daemones' past history in the Diphilan prologue would have been sufficient to indicate to an Athenian audience that his exile was potentially reversible under Attic law. This then would have set out the grounds for the play to close not just with recognition and marriage, but also with the prospect of homecoming for all involved.¹⁴

The solution to the problem is both suggested and obscured by the comments of Friedrich Marx at vv. 35–6 of the *Rudens*. For Marx concludes that Daemones has offered surety for others, and that, left in the lurch by them, has become subject to *atimia* and punished with exile.¹⁵ The key text to which Marx refers is Andocides, *De mysteriis* 1. 73, where the orator describes how those who offer surety for colleagues, for instance those contracting to farm taxes on behalf of the state, must either pay up by a given date or face a doubling of their debt and the sale of their property.¹⁶ In such circumstances, they also incur the various civil

¹² One approach to the presence of Daemones in Cyrene is that essayed in P. Grimal, 'Échos plautiniens d'histoire sicilienne', in id. *Rome, la littérature et l'histoire*, 2 vols. (Rome, 1986), 1.273–81, esp. 274–5 and reproduced in Seita (n. 8), 19–20. This refers to the account at Diod. Sic. 20.40.5–7 of the marriage between Ophellas of Cyrene and Euthydice daughter of Miltiades and the consequent readiness of many Athenians and other Greeks, impoverished by constant warfare at home, to migrate to Cyrene and join Ophellas in his projected campaign against Carthage. Yet it is only through signal violence to both the Greek of Diodorus and the Latin of Plautus (esp. *Rud.* 33–8) that Grimal can identify Daemones as one of these migrants, and the same slipshod methodology is apparent in the suggestion (275) that Palaestra, whom *Rud.* 744 marks as having been lost at three, must have been stolen 'plusieurs mois' before the action of the play. More plausible is the suggestion of my colleague Benjamin Gray that Daemones could be one of the many thousands of Athenians who fell below the 322–319 B.C. census requirements and consequently chose exile in Thrace and elsewhere. See Diod. Sic. 18.18.5; Plut. *Phoc.* 28.4.

¹³ For Plesidippus identified as an Athenian of good family and a relative of Daemones, see Plaut. *Rud.* 1197–8, 1214. Jachmann (n. 2), 4–6 wonders how Daemones can know this much about Plesidippus when 103–5, 627, 848 indicate that he has no previous acquaintance with him or with Trachalio. Yet, when he comes on stage at 1191, Daemones has just been inside with both Palaestra and Trachalio and there is no reason why they should not have given him this information. See Thierfelder (n. 2), 117; Klotz (n. 2), 303–4.

¹⁴ For expressions of disquiet at the manner in which Plautus closes the *Rudens*, see Drexler (n. 2), 94; Friedrich (n. 2), 226–7. I suspect that his decision to eliminate from the prologue detailed exposition of the Attic law of exile has obliged Plautus to eliminate what would have formed the keynote of the final scenes of Diphilus: the prospect of homecoming to Athens.

¹⁵ The same mistake is visible elsewhere. See e.g. Thiele (n. 8), 523 'die unverschuldete Verbannung des vortrefflichen Mannes'; Jachmann (n. 2), 22, who refers to Daemones as 'der nach Verlust seiner Habe (prol. 38) in der Verbannung lebt'; Friedrich (n. 2), 218 'einen vortrefflichen, zu Unrecht verbannten Mann'; A. Garzya, *Note al Rudens di Plauto* (Naples, 1967), 13: 'Demone è stato esiliato per punizione, è un *atimos*'.

¹⁶ For contracts to farm taxes, see also [Arist.] *Ath. Pol.* 47. 2. For an instance of this law in action, see the Mixidemus inscription printed, translated and discussed at B.M. Meritt, 'Greek inscriptions', *Hermes* 5 (1936), 355–441, esp. 401 (lines 119–50), 405–6, 411–12.

disabilities associated with *atimia*. Where Marx is misleading is in the suggestion that exile is part of the punishment when, in fact, by the end of the fifth century an explicit decree of banishment from Athens was reserved for the graver offences of treason or unintentional homicide.¹⁷

Marx misses a point which emerges clearly from the studies of *atimia* of Paoli and even more so of Hansen: that, whereas one caught up in the situation in which Daemones finds himself would indeed suffer severe financial penalties and be declared *atimos*, exile would not be imposed on him as an *atimos*, but was something voluntarily to be adopted rather than live under the civil disabilities attendant on *atimia*.¹⁸ Moreover, inasmuch as the *atimos* has every prospect of shedding this status should he find the financial means to meet the doubling of his original debt to the state, any exile adopted in order to escape the disabilities of *atimia* may be abandoned as and when that *atimia* is lost.¹⁹

To an Attic audience, it would be clear what Daemones escapes in adopting exile, and how eventually he can hope to return home; to Romans, the same matter will require more explanation than is compatible with the smooth progress of the comedy.²⁰ Yet it may be worth pausing on this issue, and it is here that David Konstan's formulation of the theme of exile in Plautus may usefully be introduced.²¹ For Konstan refers to the Roman paradigm of interdiction of fire and water, and observes that the Euclio of the *Aulularia* is effectively exiling himself from the rest of his society when he orders the maid Staphyla to refuse fire and water to anyone who calls.²² Yet Daemones, who really is an exile from his homeland, lives alongside a temple of Venus, and regularly provides fire, water and a variety of cooking utensils to those who come to ask his assistance.²³ This behaviour is a clear indication of his *pietas* and marks him out as a likely beneficiary of the divine justice set out by Arcturus in vv. 9–12 of the prologue. So much for Konstan and his account of how this comedy works in terms of a Roman value system. What might be said to underpin the same behaviour on the part of Daemones in Diphilus is that the Athenian *atimos* is refused access not only to the law courts, the assembly and the *agora*, but also to the festivals and temples of the state.²⁴ Where Athens deliberately denies him access to the places and practices of public

¹⁷ Andoc. *Myst.* 1.78; D.M. MacDowell, *The Law in Classical Athens* (London, 1978), 73–4 and 255.

¹⁸ U.E. Paoli, *Studi di diritto attico* (Florence, 1930), 316–19; M.H. Hansen, *Apagoge, Endeixis and Ephegesis against Kakourgoi, Atimoi and Pheugontes. A Study in the Athenian Administration of Justice in the Fourth Century B.C.* (Odense, 1976), 59 and n. 21. For living in Athens in a state of *atimia* perceived as worse than exile, see Isoc. *Or.* 16.47; Lys. 9.21.

¹⁹ Paoli (n. 18), 307; Hansen (n. 18), 67–70; S.C. Todd, *The Shape of Athenian Law* (Oxford, 1993), 143.

²⁰ For this not uncommon problem in Roman comedy, cf. U.E. Paoli, 'La "in ius vocatio" dans les comédies de Plaute', in *Altri studi di diritto greco e romano* (Milan, 1976), 113–27, esp. 120 n. 22. The obvious counter-example is Ter. *Phorm.* 125–6, where Davos sets out the provisions of the Attic law obliging the nearest male relative of an orphaned daughter to marry her. Yet this is itself a simplification and at 296–7 Demipho points out that the relative has the alternative of arranging an appropriate marriage and furnishing the girl with a dowry. For similar provisions ascribed to Solon, see Diod. Sic. 12.18.3.

²¹ D. Konstan, *Roman Comedy* (Ithaca and London, 1983), 36, 90.

²² For *aquae et ignis interdictio* as a legal response to voluntary exile prior to conviction, see G.P. Kelly, *A History of Exile in the Roman Republic* (Cambridge, 2007), 25–39.

²³ Plaut. *Rud.* 131–6, cf. 761–70: Daemones gives every possible implement to those preparing sacrifice but repels the vicious Labrax when he seeks fire with which to smoke out the girls.

²⁴ Hansen (n. 18), 55.

religion, his new home in Cyrene allows Daemones to live next to a temple and indeed to remain in regular and friendly intercourse with it. Where mortal justice has decreed that he must be kept apart from the gods, divine justice watches over him and guarantees his future felicity.²⁵

Two further legal aspects of the *atimia* of a public debtor may suggest the full function of Plesidippus in the Diphilan original of the *Rudens*. First, as mentioned above, it is fully reversible if payment of double the original debt is made to the state. Second, the terms of *atimia* extend not only to the original offender but are also inherited by his descendants.²⁶ The marriage which Plesidippus countenances will therefore be severely circumscribed should he return to Athens with Palaestra without first taking action to remedy the situation of her father. To this end it is indeed relevant that vv. 1197–8 identify him as being not just a relative of Daemones but also of the highest family (*et eam de genere summo adulescenti dabo | ingenuo, Atheniensi et cognato meo*).²⁷ Such contacts have not, however, been enough to rescue Daemones in the past. What may now make all the difference is perhaps something else that Plautus has left vague but which could have featured more prominently in the original: the reason why Plesidippus is in Cyrene in the first place. For one mechanism which characteristically puts right all sorts of financial embarrassments in comedy is the timely return from a trading voyage overseas – Theopropides in the *Mostellaria* and Charmides in the *Trinummus* are obvious examples – and Trachalio's reference to the silphium trade at vv. 629–31 (*teque oro et quaeso, si speras tibi | hoc anno multum futurum sirpe et laserpicium | eamque eventuram exagogam Capuam salvam et sospitem*) may plausibly be taken as a clue to the occupation of his master in Diphilus.²⁸

This then is one mode of exile in the *Rudens*, a mode surely at the centre of the Diphilan original, but only hinted at in Plautus and then dropped as too foreign for a Roman audience and too time-consuming to explain. I turn now to a second mode, and this time one which takes its terminology and its preoccupations from a more specifically Roman experience. For at vv. 44–65 Arcturus sets out how Plesidippus, who has promised 30 minae for Palaestra, has made a down payment, has bound the pimp by an oath and arranged a meeting with him at the temple of Venus, only for Labrax instead to abscond with the girls (*adulescenti alii narrant ut res gesta sit, | lenonem abiisse*). Coming to terms with the same events at v. 325, Trachalio concludes that the villain has gone off into exile (*data verba ero sunt,*

²⁵ Plaut. *Rud.* 1–31, cf. 1191–8.

²⁶ Paoli (n. 18), 311–16.

²⁷ Friedrich (n. 2), 204 makes a similar point with regard to the likely consequences in the *Vidularia* of Nicodemus' high descent for his new father-in-law Gorgines.

²⁸ For the high price commanded by silphium, see Steier at Pauly *RE* 2nd Ser. III.A.103 citing Plin. *HN* 19.38 *magnificum in usu medicamentisque et ad pondus argentei denarii repensum*, 37.204 *maximum pretium*; Schol. Ar. *Av.* 534 *θεραπεύει δὲ πολλὰ καὶ ἔστι πολυτίμητον*. Note also Ar. *Plut.* 924–5 *οὐδ' ἂν εἰ δούης γέ μοι | τὸν Πλούτον αὐτὸν καὶ τὸ Βάπτου σίλφιον*. E. Fraenkel, *Plautinisches im Plautus* (Berlin, 1922), 119–23 = *Plautine Elements in Plautus*, tr. T. Drevikovsky and F. Muecke (Oxford, 2007), 83–4 and Lefèvre (n. 2), 16–17 identify the *quiritatio* of Trachalio at vv. 629–40, in which this reference to silphium is found, as the work of Plautus, but it is eminently plausible to imagine that Diphilus at some point in his version explained the presence of Plesidippus in Cyrene by reference to the silphium trade. If this hypothesis is correct, then Friedrich (n. 2), 232 is wrong to include the Cyrenaic setting in his examples of Diphilan 'Wirkung ohne Ursache'.

leno abit scelestus exulatum),²⁹ and this verse must surely underpin any attempt to fill the apparent lacunae at v. 859 and Plesidippus' threat of legal action against Labrax (*ego hunc scelestum in ius rapiam exulem*).³⁰

The phrase *exulatum abire* appears in various contexts in Plautus. In the *Mercator*, the prospect of losing his beloved Pasicompsa drives the hero to thoughts of exile.³¹ Yet we are told from the prologue that relations with his father first went downhill when Charinus fell in love with a prostitute and consequently his father's resources went into exile to her (v. 43 *res exulatum ad illam clam abibat patris*), and later on the same youth will lament that his well-being has gone off to exile if his father carries out his threats (v. 593 *si opprimit pater quod dixit, exsulatum abiit salus*). Even more pertinent here, however, must be two passages from the *Mostellaria* and the *Curculio*. In the former, Tranio fends off the demands of the moneylender Misargyrides for repayment of his loan to Philolaches by asking whether he fears that his debtor will go off into exile to avoid paying him interest, when the capital is there for the banker to have (vv. 596–8 *an metuis ne quo abeat foras | urbe exulatum faenoris causa tui, | quoi sortem accipere iam licet?*) In the latter, the pimp Cappadox resolves to go to his banker to demand his money lest he head off into exile with it first (vv. 557–60 *quoi homini di sunt propitii, ei non esse iratos puto. | postquam rem divinam feci, venit in mentem mihi, | ne trapezita exulatum abierit, argentum ut petam, | ut ego potius comedim quam ille*). In both these cases, therefore, just as in the *Rudens*, departure into exile is understood as the mechanism by which a villain can escape those to whom he owes money or whose money he has taken without fulfilling his side of a contract.³²

In his note at v. 325, Marx identifies a possible echo of Roman legal terminology and cites parallels for *exulatum abire* from the first decade of Livy. This is an important observation and may be supported with reference to further examples in the historian and in Quintilian, as well as to a legal inscription from the late second

²⁹ See also Plaut. *Rud.* 378 where Ampelisca asks Trachalio *cavistis ergo tu atque erus ne abiret, quom scibatis?*

³⁰ Plaut. *Rud.* 859 can be printed as transmitted only if it is taken to contain two instances of hiatus. Hence *ego hunc scelestum | in ius rapiam | exulem* Lindsay. Among the many emendations proposed, may be considered *<iam hinc> in ius Leo; <interea> in ius Marx*. Less convincing is *ego hunc scelestum in ius rapiam exules dica* Romain, Palmer, Sonnenschein, which would have Plautus introduce by means of a fairly crude transliteration an Athenian legal procedure otherwise unattested in Latin literature and which his audience could not have been expected to understand. *rapiam<, exigam> exulem* Schoell introduces a punitive conception of *exilium* both inconsistent with that suggested at v. 325 and contrary to the custom of Plautine Rome. It is characteristic of the author's often dubious method that E. Costa, *Il diritto privato romano nelle commedie di Plauto* (Turin, 1890), 78 cites the text of v. 859 as emended by Schoell and then gives the line as an instance of 'lontananza per *exilium* propriamente involontario per pena'. The same verse is at the centre of the discussions offered in Paoli (n. 20), 119–23 and A. Scafuro, *The Forensic Stage* (Cambridge, 1997), 409–19, but both concentrate on the phrase *in ius rapiam*, its relationship to the Greek concept of ἀπαγωγή, and the exact nature of Labrax's offence against Plesidippus. It would be good to know what underpins Scafuro, *ibid.* 411 and 417, in both of which instances *exulem* at v. 859 is translated as 'outlaw'.

³¹ Note the phrasing of Plaut. *Merc.* 644 *certumst exulatum hinc ire me*.

³² A later parallel to the words of Plesidippus at v. 859 may be offered by Petron. *Sat.* 100. 4: *ceterum eadem indignatione mulier lacerata ulterius excanduit et 'si quis deus manibus meis' inquit 'Gitona imponeret, quam bene exulem exciperem.'* A. Ernout, *Pétrone. Le Satiricon* (Paris, 1922) ad loc. translates *exulem* as 'fugitif'; P. Habermehl, *Petronius, Satyricon 79–141. Ein philologisch-literarischer Kommentar* vol. 1 (Berlin–New York, 2006) ad loc. comments: '*Exul* meint metaphorisch den in die Ferne Geflüchteten (durch das freiwillige Exil konnte ein Delinquent sich einem Strafverfahren entziehen).' Here the woman is to Giton as Plesidippus is to Labrax.

century B.C.³³ And what all these instances illustrate is a peculiarity of Roman legal procedure in this period: exile is not a punishment imposed on a convicted man but rather a voluntary mechanism by which a defendant facing certain conviction on a capital charge might seek to avert this eventuality.³⁴ Even with only one tribe left to vote, there was still time to renounce one's citizenship and run all the way to Tibur, Praeneste or Naples.³⁵ Polybius regards this provision as both remarkable and praiseworthy;³⁶ to others it was a way to permit the powerful to escape being held to account.³⁷ The law may prescribe the confiscation of all the property of the defendant, but says nothing of property which it has already proved possible to remove.³⁸ The rich are not generally richer than us because they are *more* honest.³⁹

An instructive case from the period of Plautus is the 212 B.C. trial of M. Postumius Pyrgensis. According to the account provided at Livy 25.3.8–5.1, this gentleman, in company with his fellow *publicanus* Titus Pomponius Veientanus, exploited the readiness of the state to take on itself any financial risk faced by those contracting to ship supplies to the legions, and either invented non-existent shipwrecks or put out to sea craft so frail as to be sure to sink, grossly exaggerated the cargo actually on board, then rescued the crew before leaving the rest to go under. The senate chose to overlook these crimes for fear of offending the order of the *publicani* (*quia patres ordinem publicanorum in tali tempore offensum nolebant*), but the people acting through the tribunes Spurius and Lucius Carvilius took determined action (*populus severior vindex fraudis erat; excitatique tandem duo tribuni plebis, Sp. et L. Carvilius, cum rem invisam infamemque cernerent, ducentum milium aeris multam M. Postumio dixerunt*). Captured by Hannibal in Lucania, Pomponius was not around to face his accusers, but Postumius found himself subjected to a fine of 200,000 asses. When the protest of Postumius

³³ For *exulatum abire*, see Livy 2.15.7, 2.35.6, 3.58.10, 26.3.12, 43.2.10. For *in exilium abire*, see Livy 3.13.8, 3.29.7, 25.4.11; Quint. *Decl.* 254; *CIL* I.2.583.29 with A. Lintott, *Judicial Reform and Land Reform in the Roman Republic. A New Edition, with Translation and Commentary, of the Laws from Urbino* (Cambridge, 1992), 123–4.

³⁴ G. Crifò, *Ricerche sull' "exilium" nel periodo repubblicano*, vol. 1 (Milan, 1961), 27–50 both compares these to similar provisions at Athens and considers the specific dynamics of the Roman system. For a detailed account of the evolving legal status of *exilium* in the Republican period, see now Kelly (n. 22), 17–67.

³⁵ Polyb. 6. 14. 7–8 καὶ γίνεται τι περὶ ταύτην τὴν χρεῖαν παρ' αὐτοῖς ἄξιον ἐπαίνου καὶ μνήμης. τοῖς γὰρ θανάτου κρινομένοις, ἐπὶ ἀν καταδικάζονται, δίδωσι τὴν ἐξουσίαν τὸ παρ' αὐτοῖς ἀπαλλάττεσθαι φανερώς, κὰν ἔτι μία λείπεται φυλὴ τῶν ἐπικυρουσῶν τὴν κρίσιν ἀψηφοφόρητος, ἐκούσιον ἑαυτοῦ καταγνόντα φυγαδεύειν. ἔστι δ' ἀσφάλεια τοῖς φεύγουσιν ἔν τε τῇ Νεαπολιτῶν καὶ Πρανεστίνων, ἔτι δὲ Τιβουρίων πόλει, καὶ ταῖς ἄλλαις, πρὸς αἷς ἔχουσιν ὄρκια. For exile in Tibur and Praeneste, see Livy 43.2.10 and the 171 B.C. case of P. Furius Philus and M. Matienus.

³⁶ Polyb. 6.14.7.

³⁷ Livy 43.2.11.

³⁸ M.I. Henderson, 'The process "de repetundis"', *JRS* 41 (1951), 71–88, esp. 72 refers to Dio Cass. fr. 97 on the voluntary exile of P. Rutilius Rufus, who was fined and deprived of his property (ἐξημιώθη χρήμασιν ... καὶ τῆς οὐσίας εὐθὺς ἐξέστη). Yet the bookish retirement in Smyrna described by Suet. *Gram.* 6.2 and Oros. 5.17.13 would suggest that not even this most high-minded of Romans left everything for his persecutors to seize. See further Kelly (n. 22), 18, 137–41, esp. 136–8.

³⁹ Plin. *HN* 34. 6 is instructive: the Corinthian bronzes of Verres went with him to his exile in Massilia. For Verres' arrangements to ship out property and thus avoid confiscation, see Cic. *Verr.* 2.5.44.

against his fine led to near riot, the senate was forced to act.⁴⁰ The Carvili in turn abandoned their attempt to fine Postumius in favour of setting the day for trial on a capital charge; he gave sureties only then to skip trial and consequently be deemed to be in exile. His property was confiscated and the interdiction of water and fire invoked. Those of his supporters charged with instigating the riot on the day of his protest soon followed him in the same direction.⁴¹ How much of Postumius' property was left behind to confiscate, or whether the people felt that the outcome of the case represented justice, is not reported.⁴²

What with storms at sea, shipping magnates on the run, exile not as a mechanism of justice but as a means of escaping it, there is plenty about Labrax that might have brought to mind the scandalous career of M. Postumius Pyrgensis. It has indeed been claimed that the *Rudens* should be dated to 209 B.C. and I have no doubt that memories would have been fresh only three years after his disgrace.⁴³ To those more sceptical of our ability to decide precisely when these works were first performed, it will perhaps suffice to reflect that the Roman ruling class were in no hurry to deny themselves so convenient a way out of their troubles.⁴⁴

From the first appearance of the prologue speaker Arcturus, the *Rudens* divides the world into the goodly and just, the blackguard and deceitful.⁴⁵ Inasmuch as these two groups are embodied above all others by Daemones and Labrax, this is very much their play.⁴⁶ It is therefore appropriate that each should also enjoy a very different experience of exile. Although explanation of the origins and final reversal of Daemones' exile is too complex and time-consuming to find room in Plautus, all this must surely have been a source of considerable pathos to the Attic audience of Diphilus. Here then something may be said to be lost. Yet in Labrax something else is gained. For the version of exile to which this villain aspires must have been one peculiarly meaningful to the Roman audience of the time of Plautus, and the gods' intervention to thwart his escape a pleasing contrast to the all too successful dodges made familiar by M. Postumius Pyrgensis and his peers. The law and language of exile has a great deal to teach us about both the *Rudens* and its source.⁴⁷

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⁴⁰ For a more nuanced account of the role of the senate in this affair, see E. Badian, *Publicans and Sinners: Private Enterprise in the Service of the Roman Republic* (Oxford, 1972), 17–20.

⁴¹ Livy 25.3.8–4.11.

⁴² Note, however, the indignant tone of Livy 25.5.1, the historian's coda to his narrative: *hunc fraus publicanorum, deinde fraudem audacia protegens exitum habuit*.

⁴³ E.A. Sonnenschein, *T. Macci Plauti Rudens* (Oxford, 1891), xiii n. 1 attributes this view to Petersen, *Zeitschrift für Altertumswissenschaft* 77 (1836). I have not been able to consult this work. For arguments in favour of a later date around 190 B.C., see C.H. Buck jr., *A Chronology to the Plays of Plautus* (Baltimore, 1940), 96–8.

⁴⁴ See e.g. the statement of methodology at Leigh (n. 2), 20–3.

⁴⁵ Plaut. *Rud.* 1–31.

⁴⁶ Klotz (n. 2), 309–10.

⁴⁷ Versions of this paper were given at a conference of the American Vergil Society held at the Villa Vergiliana in Cuma in June 2005 and to the Corpus Classical Seminar in October 2009. I wish to thank the participants at both events for their comments as well as the anonymous reader for *CQ*.