

THE AIM OF THIS ARTICLE is to identify some of the changes made by Plautus when he adapted the Greek *Phasma*<sup>1</sup> to create the *Mostellaria*, and thus to contribute to our understanding of Plautus' originality. It will also draw attention to an insufficiently appreciated aspect of Plautus' dramatic technique.

Having scared his master Theopropides away from his own house by means of a fictitious ghost story, the slave Tranio is left alone on stage at 529. He speaks three lines of monologue before the moneylender Misargyrides enters, making clear his profession in his entrance lines with general remarks about the present slackness of business (532-535). Although he is otherwise unoccupied, Tranio does not notice Misargyrides as he is approaching but only after his entrance speech, when he reacts with extreme alarm, 536 *nunc pol ego perii plane in perpetuom modum*. In the following two (damaged) lines Tranio indicates that this is the moneylender from whom money was borrowed to purchase the *amica* of Theopropides' son Philolaches. 539-540a *manifesta res est, nisi quid occurro prius, ne hoc senex resciscat* give the reason for Tranio's alarm; he is afraid that Theopropides may learn from Misargyrides of the money lent to Philolaches and hence discover the purpose for which Philolaches borrowed the money. Tranio's fear is natural, since he was left in charge of Philolaches during the absence of his father and knows full well that he will be held responsible for Philolaches' reprehensible behaviour (cf. 1138-40). To the captious critic however Tranio's fear may seem somewhat exaggerated at this particular moment, when he has just got rid of Theopropides and has no reason to expect his return in the near future (in 541 he expresses surprise that Theopropides returns *tam cito*). The danger of Theopropides meeting Misargyrides would not seem an immediate one and hardly justifies Tranio's extreme alarm in 536.

After Tranio's words in 540b *ibo huic obviam* we expect him to engage Misargyrides in conversation, but this does not immediately happen. For at this moment Tranio catches sight of Theopropides returning from the di-

I wish to thank the Fondation Hardt and the British Academy for providing the opportunity to write most of the article in the congenial surroundings of La Chandoleine. The following are cited below by author's name: V. Arangio-Ruiz, *La compravendita in diritto romano* (Naples 1954); E. Fraenkel, *Elementi Plautini in Plauto* (Florence 1960); F. Pringsheim, *The Greek Law of Sale* (Weimar 1950); M. Talamanca, *L'arra della compravendita in diritto greco e in diritto romano* (Milan 1953).

<sup>1</sup>Possibly, but not certainly, by Philemon (cf. F. Ritschl, *Parerga zu Plautus und Terenz* [Berlin 1845] 159 f., J. Collart, *T. Maccius Plautus, Mostellaria* [Paris 1970] 14 f.).

rection of the town (541 *sed quidnam hic sese tam cito recipit domum?*). The meeting between Tranio and Misargyrides is postponed until 560 ff. In 541–559 Tranio notices the approach of Theopropides, expresses the fears which it provokes, and engages in conversation with Theopropides. Thus in 541 the action abruptly changes direction, and the abruptness of the change is underlined by the use of *hic* to refer to Theopropides in 541, whereas in 540 *huic* refers to Misargyrides. Moreover it is slightly surprising that Tranio should notice the approach of Theopropides at a distance, when he is preoccupied with Misargyrides; this contrasts with his earlier tardiness in observing Misargyrides.

More serious, in 541–559 Tranio seems completely to have forgotten Misargyrides, to whom he never refers. Tranio was now really in immediate danger, having to face Misargyrides in the presence of Theopropides. In 562–565 he shows himself fully aware of the danger of his situation, and evinces extreme alarm, *ne ego sum miser, scelestus, natus dis inimicis omnibus. iam illo praesente adibit. ne ego homo sum miser, ita et hinc et illinc me exhibent negotium*. In 542–546 however, although the new danger already existed and should have been obvious, Tranio seems unaware of it. In 542 he expresses fear only that Theopropides may have learnt something in the town, *metuo ne de hac re quippiam indauidiverit*. He bases his fear on his guilty conscience, 544 *nihil est miserius quam animus hominis conscius*, not on the real danger posed by the presence of Misargyrides. The expression of fear in 543b *ei, quam timeo miser!* is less strong not only than that in 562 f. but even than that in 536, before the entry of Theopropides; and in 545b–546 *verum utut res sese habet, pergam turbare porro: ita haec res postulat* Tranio still exudes confidence. On learning that Theopropides has met the man from whom he bought his house, who completely denied Tranio's story, Tranio again expresses fear in an aside, 549b–550 *ei misero mihi! metuo ne techinae meae perpetuo perierint*, but faces Theopropides boldly in 551–559. Whereas in 536–540 Tranio seemed excessively afraid, in 541–559 he seems insufficiently afraid.

The most serious awkwardness in 541–559, however, concerns Misargyrides. After his entrance monologue 532–535 he must stand idly in the background without observing Tranio, even after Tranio has engaged in conversation with Theopropides. Not until 560 does Misargyrides notice Tranio. It is odd that a dramatist should introduce Misargyrides at 532 and then delay his meeting with Tranio until 560 by the introduction of Theopropides. 541–559 interrupt the natural course of the meeting of Tranio and Theopropides which is prepared in 532–540 and takes place in 560 ff.

All these difficulties would disappear if 532–540 followed 541–559, that is, if the entry of Misargyrides did not occur until after Theopropides was already on stage and in conversation with Tranio. Tranio's failure to refer to Misargyrides in 541–559 would be explained by the fact that Misargyr-

ides was not present; his fears would naturally be only for what Theopropides might have learnt elsewhere. Misargyrides' entry after 559 would naturally provoke the more extreme expressions of fear in 536–540a, continued in 562–565. Tranio's preoccupation with Theopropides would explain his failure to observe Misargyrides before his entrance speech. There would be no excessive delay between Misargyrides' entry and his observation of Tranio (560 f.); his attention would be drawn by Tranio's move towards him away from Theopropides (540b *ibo huic obviam*), which prompts Theopropides' *quo te agis?* (562a). The conclusion seems irresistible that in the original conception of the scene 532–540 followed 541–559, where in a number of respects they make better dramatic sense. That conclusion was reached by Th. Ladewig, who long ago observed the peculiar features of this passage.<sup>2</sup>

Ladewig, as was the fashion in the nineteenth century, supposed that 532–540 and 541–559 were transposed at some time during the transmission of the text of Plautus. That is of course theoretically possible, although there is no obvious reason for it. It is unlikely, however, that Plautus intended 541 ff. immediately to follow 531. As the transmitted text stands the interval between Theopropides' exit at 528 and his return at 541 is all too short to cover his offstage action; but if Theopropides' return were separated from his exit by only three lines of Tranio's monologue, the lack of realism would be much more glaring. To suppose a lacuna after 531 with Ritschl is a desperate expedient; unless it were an improbably long one, it would not help. A pause in performance after 529, such as Ladewig supposed, would remove all difficulty, but in the absence of any evidence we have no right to assume one for the Roman theatre;<sup>3</sup> the indications of the text are that Tranio remains on stage and that the action is continuous.

In the light of our increased knowledge of New Comedy, not available to nineteenth-century scholars, a more likely solution to the problem may be suggested, namely that in the *Phasma* at this point Misargyrides entered after Theopropides and that Plautus has inverted the order of appearance of these two characters. It is probable that in the *Phasma* there was an act division after 529, Tranio going into his house at the end of one act and coming out again at the beginning of the next. For Greek conventions seem to require an act division to cover Theopropides' offstage action.<sup>4</sup> In the *Phasma*, then, the choral interlude between acts would mark a lapse of some time, and there would be no lack of realism if Theopropides' return

<sup>2</sup>Th. Ladewig, "Plautinische Studien," *Philologus* 17 (1861) 467 f.

<sup>3</sup>Cf. G. E. Duckworth, *The Nature of Roman Comedy* (Princeton 1952) 101; K. Gaiser, "Zur Eigenart der römischen Komödie," *ANRW* 1.2.1039.

<sup>4</sup>Cf. "Terentian Originality in the 'Phormio' and 'Hecyra,'" *Hermes* 111 (1983) 442–444, with references. I hope in due course to publish a full examination of Plautus' and Terence's treatment of the act divisions of their Greek models.

occurred at the beginning of the new act, probably preceded by a short monologue of Tranio corresponding to 530 f. If this was the case, Plautus, in omitting the choral interlude in accordance with the conventions of the Roman theatre, would be faced with a difficulty and would have a good reason to advance the entrance of Misargyrides, in order to disguise, at least superficially, the rapidity of Theopropides' return, even at the cost of some resulting inconsistencies. The hypothesis that he did so receives strong confirmation from the fact that he did something very similar in *Bacch.* 526–529. He there advanced the entry of Pistoclerus before that of Mnesilochus, whereas in the *Dis Exapaton* the corresponding characters made their entries in the reverse order; by means of Pistoclerus' four-line entrance monologue he thus provided at least a minimal interval between the exit of Mnesilochus and his re-entry (in this case to and from a house on stage), which had been separated in the *Dis Exapaton* by an act division.<sup>5</sup>

Advancing the entry of Misargyrides before that of Theopropides resulted in certain inconsistencies, above all the awkward inactivity of Misargyrides in 541–559. It is not difficult however to believe that Plautus would have taken such inconsistencies in his stride; his plays contain a number of passages in which characters are left unoccupied and unnoticed "for a length of time that is alien to the practice of the Greek stage."<sup>6</sup> Moreover, in addition to its function in helping to bridge the Greek act division, the change brought some dramatic gain from Plautus' point of view. The presence of Misargyrides in the background during 541–559, although unrealistic, serves to increase the danger of Tranio's position and thus throw into sharper relief his confidence in face of Theopropides. This is in keeping with the characteristic Plautine tendency to enhance the rôle of the scheming slave as comic hero (cf. Fraenkel ch. 8).

Moving on in the scene, we find that Misargyrides' inactivity in 541–559, caused by Tranio's meeting with Theopropides, is paralleled by an even longer period of inactivity by Theopropides, caused by Tranio's meeting with Misargyrides. In 562 Tranio starts to move towards Misargyrides, and in answer to Theopropides' question *quo te agis?* replies with a reassuring *nec quoquam abeo*. From this point Theopropides is out of contact with Tranio for over 50 lines. Their dialogue resumes in 615 with more questions from Theopropides: TH. *quid ais tu?* TR. *quid vis?* TH.

<sup>5</sup>Cf. C. Questa, "Alcune strutture sceniche di Plauto e Menandro," *Entretiens Hardt* 16 (1969) 200–202. A trip into a house on stage could more easily be covered by a short monologue than a trip to the town.

<sup>6</sup>D. Bain, *Actors and Audience* (Oxford 1977) 154 n. 1, cf. 165–167. For example, in *Rud.* 706–882 the silent, if not entirely unnoticed, presence of Palaestra and Ampelisca on stage is to be attributed to Plautus rather than to Diphilus (Gaiser [above, n. 3] 1075 f.).

*quis illic est? quid illic petit? quid Philolachetem gnatum compellat (meum) sic et praesenti tibi facit convicium? quid illi debetur?* During a long and heated argument between Tranio and Misargyrides Theopropides stands idly by, not speaking except for one comment in 609<sup>a</sup> *calidum hoc est; etsi procul abest, writ male*, and a question in the following line, *quod illuc est faenus, opsecro, quod illic petit?* addressed to Tranio but ignored by him. It is astounding that Theopropides, who has every reason to suspect Tranio, whose story has been flatly denied by a presumably respectable citizen (547–555), should so long refrain from inquiring what business Tranio has with Misargyrides.<sup>7</sup> It is true that Tranio moves away from Theopropides to converse with Misargyrides, but there was nothing to stop Theopropides from following him. Theopropides' failure to intervene sooner is the more surprising because 615–618a imply that he hears enough of the dialogue between Tranio and Misargyrides to know that Misargyrides is claiming money from Philolaches, who is named in 573 and nowhere else. If we attribute Misargyrides' inactivity in 541–559 to Plautus, it is tempting to do the same with Theopropides' here, and to guess that 562–614 may contain substantial Plautine expansion. With this possibility in mind we must now examine the passage closely.

In 562–565, as Tranio moves away from Theopropides towards Misargyrides, he comments aside on the perilous nature of his situation; there seems no reason to suppose that the essence of that aside was not in the *Phasma*. 566 f, however, look Plautine; 566a *sed occupabo adire* repeats 540 *ibo huic obviam*, and the balanced pair of asides in 566b–567 is characteristic of Plautus.<sup>8</sup> The *Phasma* must have contained something like the exchange of greetings in 568–569a TR. *salvere iubeo te, Misargyrides, bene*. MI. *salve et tu*<sup>9</sup> and probably also the question with which Misargyrides comes straight to the point, *quid de argentost?* 569c–572, however, look Plautine. Tranio's abuse in 569c *abi sis, belua* is hardly consistent with his conciliatory approach a few lines later, and 570 *continuo adveniens pilum iniecisti mihi* contains a military metaphor expressed in Roman terms.<sup>10</sup> 571 contains an even more artificially symmetrical pair of asides MI. *hic homo inanis est*. TR. *hic homo est certe hariolus*;<sup>11</sup> the first of these asides is

<sup>7</sup>P. Langen, *Plautinische Studien* (Berlin 1886) 171.

<sup>8</sup>Compare the certainly Plautine insertion *Bacch.* 534–535b (PI. *estne hic meu' sodalis?* MN. *estne hic hostis quem aspicio meus?* PI. *certe is est*. MN. *is est*) and Bain, "Plautus uortit barbare," in D. West and T. Woodman (eds.) *Creative Imitation and Latin Literature* (Cambridge 1979) 28.

<sup>9</sup>For Greek Parallels see J. Vahlen, "Varia," *Hermes* 17 (1882) 441 f.

<sup>10</sup>Compare *Bacch.* 535 *contollam gradum* in a similar context and Bain (above, n. 8) 28 f.

<sup>11</sup>Bain (above, n. 6) 162 n. 2 calls *Most.* 571 a "double aside" and that is in accordance with common usage. However, it should be noted that, whereas Tranio's remark must not be heard by Misargyrides and is therefore an aside even by Bain's narrow definition (17), it implies that he has heard Misargyrides' preceding remark, which is therefore not a true aside

motivated by Tranio's preceding remark, and in the second *hariosolus* shows Roman colouring at least.<sup>12</sup> 572 contains a balanced pair of trivial exchanges MI. *quin tu istas mittis tricas?* TR. *quin quid vis cedo*. It is likely that here Plautus has somewhat expanded, with formal, unrealistic phraseology, the actual meeting between Tranio and Misargyrides, as he certainly expanded a meeting between two characters in *Bacch.* 534–537 and probably did elsewhere.<sup>13</sup>

In 573a Misargyrides asks *ubi Philolaches est?* That prepares for 616, as noted above, and probably goes back to the *Phasma*. In 573b–574 Tranio replies soothingly *numquam potuisti mihi magis opportunus adven(ire quam) advenis*. This sentence deserves special attention. If we ask ourselves what Tranio means by saying that Misargyrides has arrived at a particularly opportune moment, we must surely reply that he has in mind the presence of Theopropides; that is, he has already conceived his plan to turn the apparently disastrous meeting of Misargyrides and Theopropides to his advantage by extracting money from the latter to pay the former, a plan which he puts into effect in 611 ff. Thus 573b–574 cohere with 611 ff. and therefore probably go back to the *Phasma*. Indeed we may provisionally note that 611 ff. *pater eccum advenit peregre non multo prius illius*, etc., could follow immediately after 574, explaining *opportunus* and answering Misargyrides' question in 573a *ubi Philolaches est?* with the offer of *pater ... illius* as an acceptable substitute. On the other hand 573b–574 do not fit well with the lines which immediately follow in the text of Plautus.

Misargyrides ought to have been encouraged by Tranio's statement in 573b–574. His first response is, naturally enough, to seek clarification, 575a *quid est?* The dialogue now however takes a quite different turn. Tranio does not answer Misargyrides' question, but draws him further away from Theopropides, 575b *concede huc*. Then Misargyrides, without waiting for Tranio to explain himself, bluntly demands his money, 575c *(quin mihi faenus red)ditur?*, and he does so in a loud voice, as is clear from Tranio's response, 576 *scio te bona esse voce, ne clama nimis*. It is not clear why Misargyrides should suddenly become so aggressive after Tranio's conciliatory words in 573b–574. 575c–576 however set the tone for the following passage, in which Misargyrides repeatedly demands payment of the interest due to him: 580 *reddeturne igitur faenus?*, 584(?) *(...) faenus*, 585 *quin vos mihi faenus date*, 590 *reddite argentum*, 592 *immo faenus*, 600 *faenus reddundum est mihi*, 603–605a *cedo faenus, redde faenus, faenus reddite. daturin estis faenus actutum mihi? datur faenus mi?* Tranio's

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by the same definition (Ter. *Eun.* 274 is similar). The distinction is irrelevant for present purposes.

<sup>12</sup>Cf. G. Jachmann, *Plautinisches und Attisches* (Berlin 1931) 60 n. 2.

<sup>13</sup>Bain (above, n. 8) 27–29, Fraenkel 211–220.

mocking comment is appropriate, 605b–606 *faenus illic, faenus hic! nescit quidem nisi faenus fabularier*. Moreover, there are several other references to Misargyrides' loud voice, including ironical congratulations by Tranio: 577 *ego hercle vero clamo*, 586 *eu hercle*, 587b–588 *eugae strenue! beatus vero es nunc quom clamas*, 594 *venisti huc te extentatum?* These quotations may also serve to illustrate another striking feature of the passage, its repetitiveness. Not without justification did Ritschl (above, note 1, 495) write of "tam proluxa tamque varia Tranionis danistaeque altercatio." If prolix, however, the passage 575b–610 is consistent enough in itself; the various transpositions and lacunae proposed by Ritschl and others do not seem necessary.<sup>14</sup> Misargyrides is monotonously consistent in his repeated demands for *faenus*. Tranio, in order to prevent a meeting between Misargyrides and Theopropides, at first tries to persuade Misargyrides to go away with the promise that he will be paid if he returns at noon (577b–580). Misargyrides calls Tranio's bluff by offering to *wait* until noon and, when Tranio rejects that offer, returns to the attack (581–591). Tranio then tries to get rid of Misargyrides by offering to repay the whole loan, and when Misargyrides insists on immediate payment of the interest, defiantly refuses and becomes abusive (592–602). Finally Misargyrides' clamouring mounts to a climax and draws the attention of Theopropides (603–610). In short, 575b–610 form a coherent episode in which Misargyrides loudly and repeatedly demands his *faenus* and Tranio unsuccessfully tries to get rid of him. The unity of this episode would be marked visually on the stage by the fact that it takes place at some distance from Theopropides (cf. 575b *concede huc*, 609<sup>a</sup> *procul abest*); and this detail of staging is clearly designed to reduce the implausibility of Theopropides' prolonged failure to notice Misargyrides' shouting.

If there are no serious internal inconsistencies in 575b–610, the whole passage is inconsistent with the immediately preceding lines 573 f., which raise different expectations. Moreover, the immediately following lines 611 ff. show another sudden change of direction. Tranio stops abusing Misargyrides and promises him that he will receive his money from Theopropides. Thus in 575b–610 we have a self-contained episode which does not quite fit its context at either end. If it were removed, several difficulties would disappear. The opening of the dialogue between Tranio and Misargyrides in 573–575a would lead smoothly into 611–614, without the surprising interruption of a shouting match at the side of the stage. There would be no long delay before Tranio intervened, and 616 *quid Philolachtem gnatum compellat (meum) . . . ?* would follow only a few lines after 573a *ubi Philolaches est?* The whole episode is dispensable, since it does

<sup>14</sup>Nor the deletion of 590–600 as an interpolation by H. Fuchs, "Zu zwei Szenen der Mostellaria," *MusHelv* 6 (1949) 124–126.

not advance the action of the play. In short, it bears the marks of having been interpolated into a context where it did not originally belong. Moreover, there is another reason for believing that it does not go back to the *Phasma*. H. Usener<sup>15</sup> showed that this passage reflects a popular method of seeking redress, *flagitatio*, often referred to in Plautus and other Latin authors, which, if it may have had some parallels in Greece, belonged especially to Italy. The essence of the procedure was to demand redress loudly and repeatedly outside the house of the guilty person, or in some other public place, in the hope that fear of public opinion would induce him to give way. The repeated *redde faenus* here is characteristic of the procedure,<sup>16</sup> as is the threat to name the malefactor in 587 *iam hercle ego illunc nominabo*.<sup>17</sup> It is conceivable that a post-Plautine actor might have interpolated the passage, but, given the frequent allusions to *flagitatio* in other plays of Plautus<sup>18</sup> and the probability that Plautus created the representation of a *flagitatio* in *Pseud.* 357–369,<sup>19</sup> it is much more likely that here too Plautus is the author.

It is highly probable then that, as at the beginning of the scene a Plautine innovation was responsible for the awkward inactivity of Misargyrides and other inconsistencies, so in 575b–610 another Plautine innovation is responsible for the awkward inactivity of Theopropides and other inconsistencies. Once again the innovation brought dramatic gain to set against some loss of realism and structural neatness. In the first place Misargyrides' *flagitatio* and duel with Tranio is good knockabout comedy. Secondly, the *flagitatio* episode serves to prolong the moment of danger for Tranio; the audience is kept in suspense while Tranio struggles for 35 lines to get rid of Misargyrides, with his other adversary Theopropides all the time waiting in the background. Once again the result of exaggerating Tranio's danger is to enhance his heroic stature.

In 611–682 Plautus is probably following the *Phasma* relatively closely. In 611–658 Tranio explains Philolaches' debt to Misargyrides with the fiction that Philolaches has used the money for the first payment on the purchase of a house, extracts a promise from Theopropides to repay the

<sup>15</sup>H. Usener, "Italische Volksjustiz," *RhM* 56 (1901) 1–28 = *Kl. Schrift.* 4.356–382, against F. Skutsch, "Ein Prolog des Diphilos und eine Komödie des Plautus," *RhM* 55 (1900) 279 f.

<sup>16</sup>Cf. *Pers.* 422–424 *cedo sis mi argentum*, etc., Catullus 42 *redde codicillos*, Ovid *A.A.* 3.449 f. *redde meum*.

<sup>17</sup>Cf. Don. *ad Ter. Pho.* 352 *flagitatio, quae etiam nomen tumultuose persequitur atque exagitat*.

<sup>18</sup>E.g., *Aul.* 446 *pipulo te hic differam ante aedis*, *Epid.* 118 *clamore differor, diffagitator*, *Men.* 48 *illum clamore vidi flagitator*, *Pseud.* 556 *clamore magno et multum flagitabere*, 1145 *flagitare saepe clamore in foro*.

<sup>19</sup>G. Williams, "Some Problems in the Construction of Plautus' *Pseudolus*," *Hermes* 84 (1956) 427–432.



debt, and thus gets rid of Misargyrides. In 659–682 Theopropides puts Tranio on the spot again by demanding to know where the house is, and, when Tranio adds to his fiction and points to the neighbouring house of Simo, by insisting on visiting it. All this is integral to the plot and must in substance go back to the *Phasma*. As well as some small, if not insignificant, verbal changes, three short additions by Plautus can be recognized, and there may be others,<sup>20</sup> but they can hardly constitute more than a fairly small proportion of this section of dialogue.

Tranio's fiction depends on the Greek institution of *arra* (ἄρραβών: cf. Pringsheim 333–429, Talamanca 3–19). In Greek law sale was, it seems, always a cash transaction, completed only with full payment of the price. As a first step towards a sale, however, when the terms had been agreed, at least for the most part, an intending purchaser would sometimes give to the vendor part of the price as *arra* or earnest money. The *arra* transaction provided a measure of insurance against the non-fulfilment of a provisionally agreed sale, by imposing certain obligations on both parties. If the giver of *arra* did not pay the rest of the price within a stipulated time, he forfeited the *arra* (Pringsheim 409–412). The obligations imposed on the receiver of *arra* are unfortunately less clear. If he refused to accept the rest of the price, he had at least to return the *arra*, and sometimes to pay an additional penalty (Pringsheim 353, 412–415; Talamanca 13–16); but he was under no legal obligation to accept the rest of the price and thus effect the sale. It is clear that Tranio's fiction describes an *arra* transaction. Philolaches is alleged to have given *arra* of 40 *minae* (645, 918, 978, 1010–13, 1025); this constituted one third of the agreed price of two talents (643 f.) and a balance of 80 *minae* remains to be paid (919, 1021). In the *Phasma* there could be no question of an actual sale, if only one third of the price has been paid. Sometimes Plautus uses phraseology which accurately describes a Greek *arra* transaction and may closely follow the Greek: 643 *eas quanti destinat?*,<sup>21</sup> 645 *arraboni has dedit quadraginta minas*, 1010–13 *minas quadraginta accepisti . . . quas arraboni tibi dedit?*<sup>22</sup> When, however, Plautus writes *ēmit*, etc. (638, 659, 664, 670, 673), this is inaccurate in terms of Greek law. It does not seem likely that a Greek dramatist would have described an *arra* transaction as a completed sale (*pace* Pringsheim 425), that is, that in this context he would have written ἐπρίατο (cf. Men. *Peric.* 146) or ἐώνηται although he could well have used the present ὠνεῖται, “is trying to buy” (Pringsheim 159); Greek texts scrupulously distinguish *arra*

<sup>20</sup>Besides the passages discussed below, 660–669a and 676–679, emphasizing the idea of the schemer in a tight spot, are open to suspicion (cf. Langen [above, n. 7] 171 f.).

<sup>21</sup>Cf. *Rud.* 45 *minis triginta sibi puellam destinat*.

<sup>22</sup>Cf. 918, 1025, 1079 f., 1083–85, *Rud.* 46 *datque arrabonem*, 555 *arrabonem pro Palaestra acceperam*, 861 *arrabonem a me accepisti ob mulierem*; ἄρραβῶνα δίδόναι/λαμβάνειν Pringsheim 399 f.

transactions from sale until the Byzantine period.<sup>23</sup> It is more likely that Plautus is responsible for the inaccuracy. This is confirmed by the fact that in 796–802, where, as we shall see, there are other reasons for suspecting Plautine expansion, Tranio reports a request from Simo to *revoke* what is clearly conceived as a binding contract of sale.<sup>24</sup> This passage, in referring to the supposed transaction between Philolaches and Simo as a binding sale, is inconsistent with Greek law, and must therefore reflect Roman law. It is in fact in complete accord with classical Roman law, according to which agreement on the price created an actionable contract of sale and payment of the price did not have the legal significance which it had under Greek law. In this system there was no place for an *arra* transaction as a preliminary to sale; if *arra* was given, it accompanied or followed the contract of sale and had no legal significance except as evidence of the existence of a contract.<sup>25</sup> We may infer from Plautus' references to *arra* transactions here and in the *Rudens* and *Pseudolus*<sup>26</sup> as if they were contracts of sale, that binding contracts of sale, in advance of payment of the price, existed in Rome at the beginning of the second century B.C.; the only doubt is whether they were already informal consensual contracts or based on *stipulatio*.<sup>27</sup> Plautus could not easily alter the main features of an *arra* transaction which was integral to the plot of his Greek model, and he had no need to do so; his audience would have no difficulty in understanding the transaction. Several casual references to *arrabo* in Plautus show that the Romans of his time were familiar with it.<sup>28</sup> How could a people which had long

<sup>23</sup>Cf. Isaeus 8.23 ἐωνῆσθαι τι . . . τῶν δὲ ἀρραβῶνα δεδοκέναι, Pringsheim 383–389.

<sup>24</sup>Cf. A. Bechmann, *Der Kauf nach gemeinem Recht* (Erlangen 1876) 1.517 f.; Arangio-Ruiz, 80.

<sup>25</sup>Gaius *Inst.* 3.139; cf. Pringsheim 376 f., Arangio-Ruiz 91 f.

<sup>26</sup>*Rud.* 59 *puellam ab eo emerat. Pseud.* 52 *minis viginti vendidit*; cf. 342–344, 617. The 15 *minae* already paid by the soldier, out of a total price of 20, was probably *arra* (Pringsheim 423–425, Talamanca 53 f., Williams [above, n. 19] 425), although the word *arrabo* is not used and the proportion of the price is unusually high (Ph. Meylan, "Des arrhes de la vente dans Plaute," in *Droits de l'antiquité et sociologie juridique: Mélanges H. Lévy-Bruhl* [Paris 1969] 210 f., but cf. Pringsheim 348 f.). In any case for the present argument the important point is that the full price had not been paid and therefore under Greek law no sale had yet taken place. In the *Curculio* the 30 *minae* paid to Cappadox for a girl is the full price (491 f.), not *arra* (Arangio-Ruiz 81, Meylan 210, against Pringsheim 423 and others); but Plautus again uses *emi* (343, 433) of a situation in which there has been agreement on a sale (435 *convenerit*) but the money has not yet been paid.

<sup>27</sup>Cf. Arangio-Ruiz 45–87; A. Watson, *The Law of Obligations in the Later Roman Republic* (Oxford 1965) 40 f.; H. F. Jolowicz and B. Nicholas, *Historical Introduction to the Study of Roman Law*<sup>3</sup> (Cambridge 1972) 288–291.

<sup>28</sup>*M.G.* 957, *Poen.* 1359, *Truc.* 687–691; cf. Ter. *H.T.* 603, Cl. Quadrig. 20; Watson (above, n. 27) 48 f. References to the institution do not, however, prove that it had been adopted in Rome (Williams [above, n. 19] 425 f.); the fact that *arrabo* is used as the equivalent of *pignus* (and *vice versa Most.* 978) suggests that it had not (M. Massei, "L'arrha nella compravendita," *BullIstDirRom* 7 [1941] 272 f.; Talamanca 49).

been trading with Greeks fail to be? Neither Plautus nor his audience, however, would be concerned with the niceties of Greek law and it is not surprising that Plautus should apply the terminology and concepts of Roman law to a Greek institution. The result, as often in Plautus, is an amalgam of Greek and Roman elements, an *arra* transaction, inherited from the Greek play, combined with a Roman contract of sale. It is not legitimate to take this amalgam as depicting either Greek or Roman life, and scholars have been led into error because they have failed to distinguish the Greek and Roman elements.<sup>29</sup>

So much for the slight changes of wording which have superficially Romanized the *arra* transaction in Tranio's fiction but do not affect the dramatic movement of the scene. In addition, small-scale Plautine expansion of the dialogue for comic effects can be found in the following passages; they include two purely Roman jokes.

First, 618b–621, 625–628, 622a (with Ritschl's transposition, rightly accepted by all editors except Lindsay) look like a Plautine addition. 618a *quid illi debetur?* (~622a *quod illuc argentum est?*)<sup>30</sup> is answered in 622b–623a *huic debet Philolaches paullum*. In the intervening digression Tranio abuses Misargyrides (619 *inpurae beluae*, 626 *inprobissimum*) and exaggeratedly proposes flinging the money in his face (618b–621); this proposal draws a rather surprising reaction from Theopropides (620a *iubeam?* ~ 633b *egon dicam dare?*) and culminates in Misargyrides' very Plautine line 621 *perfacile ego ictus perpetior argenteos*.

Secondly, 632 has been generally recognized as an allusion to the Roman *plus petitio*<sup>31</sup> and must therefore be a Plautine addition. The extent of this addition cannot be determined with certainty and the problem is complicated by doubt as to where 631–632 belong in Plautus' text. In both A and P they follow 652<sup>a</sup>, but they were transposed by Ritschl after 630, with the deletion of 652<sup>a</sup> which is identical with 630; Lindsay keeps Ritschl's line numbering but reads 652<sup>a</sup>, 631 f. in the position in which the mss have them, and he may be right. The arguments which have been advanced in favour of Ritschl's transposition are not compelling.<sup>32</sup> Another hypothesis,

<sup>29</sup>Pringsheim (425–429) rightly sees the *arra* transaction as Greek, but fails to recognize that there are Roman elements in Plautus' treatment of it (although he admits some ambiguity). Talamanca (49 f.) also believes that only Greek law is involved, and does not deal adequately with the inconsistency of 796 ff. Meylan (above, n. 26, 208–214), perceives that 796 ff. are incompatible with a Greek *arra* transaction, but wrongly infers that Plautus depicts a Roman *arra* transaction and that in the Roman law of his time the giving of *arra* imposed legal obligation. Watson (above, n. 27, 53–56), recognizes that 796 ff. imply a Roman contract of sale, but wrongly takes the *Mostellaria* as evidence for the use of *arra*, without a legal function, in contemporary Roman life (in itself not unlikely).

<sup>30</sup>Cf. Fuchs (above, n. 14) 122 n. 49.

<sup>31</sup>Cf. M. Kaser, *Das römische Zivilprozessrecht* (Munich 1966) 247–249.

<sup>32</sup>O. Seyffert, "Zur Überlieferungsgeschichte der Komödien des Plautus," *BPW* 16 (1896) 253 f., notes that 35 lines in P (614–652) correspond to one missing sheet of A, which we should expect to contain 38 lines (2 x 19), and explains the discrepancy of three lines by

which would explain the duplication of 630 = 652<sup>a</sup>, is at least worth considering. 649b MI. *heus, iam adpetit meridie* is probably Plautine, because it picks up 579, which belongs to the Plautine *flagitatio*. It prepares for 652 TR. *apsolve hunc quaeso, vomitu ne hic nos enicet*, which is Plautine in style and repeats the idea of 633a *dic te daturum, ut abeat* (elaborated in 633b–635a). It is tempting to see 649b–652<sup>a</sup>, 631–632 as a single Plautine insertion; 653a *adulescens, mecum rem habe* could follow 649a *bene hercle factum*. As Ritschl saw, 630=652<sup>a</sup> *quattuor quadraginta illi debentur minae* and 631a *et sors et faenus* logically belong together and should form the answer to 629 *adeo etiam argenti faenus creditum audio*? We may well believe that it was in that context that the precise amount of Philolaches' debt (~630–631a) was stated in the *Phasma*. Plautus however needed a precise statement of the debt to prepare for his allusion to *plus petitio*; it is possible that he introduced it after 652 as part of an additional piece of dialogue while at the same time leaving 630 in its original position, where it is needed to answer Theopropides' question in 629, thus causing the duplication.

Thirdly, the pun on *bona fide* in 670b–672 must be a Plautine addition. Theopropides means “honestly?”, understanding *dicis*, according to a well-established idiom.<sup>33</sup> Tranio however deliberately misunderstands Theopropides' question as meaning *bona fide emit*? *Fides* has a wide range of use and the precise meaning of *bona fide* with *emit* here has been disputed, but it is best taken as referring to the purchaser's attitude of mind towards the vendor, his intention to hold to the bargain, “honestly,” “in good faith.”<sup>34</sup> So in the similar pun on *bona fide dicere* in *Pseud.* 1095 Ballio alludes to the notorious dishonesty of *lenones*,<sup>35</sup> and in *Merc.* 420 *accusari fidem* refers to a purchaser who goes back on a bargain. Tranio means that if Theopropides does not produce the money on which Philolaches was counting, Philolaches will be open to the charge of bad faith in having made a contract which he did not have the means to fulfil. *Fides* is a very Roman concept and one of the fundamental principles of Roman law; in particular it was the binding sanction in contracts.<sup>36</sup> In contrast, good faith was not

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supposing that A read 631 f. twice, after 630 as well as after 652<sup>a</sup>. That is no more than a guess, however, and its plausibility is reduced by the fact that it accounts for only two lines, not three. Moreover this theory does not explain how P lost 631 f. (but not 630) from their supposed original position. The confused references in Serv. *ad Aen.* 5.112 and 9.263 seem to indicate that Servius read *Most.* 630 before 644, but are irrelevant to 631 f.

<sup>33</sup>Cf. *Aul.* 772, *Capt.* 890, *Pers.* 485, *Poen.* 439, *Pseud.* 1095, *Truc.* 586; L. Lombardi, *Dalla 'fides' alla 'bona fides'* (Milan 1961) 33–38.

<sup>34</sup>Lombardi (*ibid.* 36), *correttezza negoziale*, against Fraenkel, “Zur Geschichte des Wortes *fides*,” *RhM* 71 (1916) 191 n. 3; cf. Bechmann (above, n. 24) 617 f.

<sup>35</sup>*Fides lenonia* (*Pers.* 244, *Rud.* 1386) = *mala fides*; cf. *Pseud.* 376, *Rud.* 47.

<sup>36</sup>F. Schulz, *Principles of Roman Law* (Oxford 1936) 223–238; Jolowicz and Nicholas (above, n. 27) 411; B. Nicholas, *An Introduction to Roman Law* (Oxford 1962) 163 f.; Kaser, *Das römische Privatrecht*<sup>2</sup> (Munich 1971) 1.180, 200.

required of a Greek *arra*-giver; instead, the *arra* itself constituted a financial sanction, since failure to pay the rest of the price resulted in loss of the *arra*.<sup>37</sup> The phrase *bona fide* must surely have been in regular use in Plautus' Rome in connection with contracts of sale.<sup>38</sup> It would therefore have strong legal associations and it seems legitimate to regard this as another Plautine legal joke, comparable with that on *plus petitio*. Whether *bona fide* was yet a legal technical term is, however, doubtful. In classical Roman law actions arising from contracts of sale were *bonae fidei iudicia* (Gaius *Inst.* 4.62); from at least early in the first century B.C. a *formula* instructed the judge in such cases to decide *quidquid dare facere oportet ex fide bona*.<sup>39</sup> Some scholars see in 671 f. an allusion to *bonae fidei iudicia*;<sup>40</sup> and this certainly fits well with the fact that Plautus' pun on *bona fide* is closely associated with the idea, also introduced by Plautus, of a Roman contract of sale. Even if consensual contracts of sale existed in the time of Plautus, however, which is disputed (above, note 27), it does not necessarily follow that *bona fides* had as yet any specifically legal significance in the relevant *iudicia*. Its sense may have been still moral rather than legal.<sup>41</sup> In view of the obscurity surrounding the early history of the phrase *bona fides* and the origins of consensual sale and of *bonae fidei iudicia*, *non liquet* is the safest conclusion.<sup>42</sup>

In contrast to the preceding section, 683–804 present many features which one is more inclined to attribute to Plautus than to a Greek dramatist. In this long section there is a kernel of essential action, which must go back to the *Phasma*: Tranio must secure Simo's permission, by means of a new piece of fiction, for Theopropides to visit his house, before Theopropides and Simo meet in 805. The necessary dialogue between Tranio and Simo is contained in 747–774, significantly in spoken *senarii*; except for some ten lines Plautus is here probably following his model closely. As Fraenkel (107 f.) showed, however, 763–772a are a Plautine addition, pun-

<sup>37</sup>The different character of Greek and Roman law is here well illustrated (J. W. Jones, *The Law and Legal Theory of the Greeks* [Oxford 1956] 231 f.).

<sup>38</sup>Cf. Cato Agr. 14.3 *nummos fide bona solvere*.

<sup>39</sup>Cic. Off. 3.61; Jolowicz and Nicholas (above, n. 27) 211 f., Kaser (above, n. 31) 109–114, (above, n. 36) 485–487.

<sup>40</sup>W. Kunkel, *Festschrift P. Koschaker* (Weimar 1939) 2.13–15; Kaser (above, n. 36) 485 n. 10.

<sup>41</sup>Cf. Lombardi (above, n. 33) 179 n. 34; U. von Lübtow, "Catos leges venditioni et locationi dictae," *Eos* 48 (1956) 3.415–417.

<sup>42</sup>The legal use of *bona fide emere, accipere*, etc., as a requirement for *usucapio* can have no direct connection with *Most.* 671 f. (cf. Th. Mayer-Maly, *RE* 9 A.1 [1961] 1114–19; H. Hausmaninger, *Die bona fides des Ersitzungsbesitzers im klassischen römischen Recht* [Vienna 1964]; Watson, *The Law of Property in the Later Roman Republic* [Oxford 1968] 48–58; J. A. C. Thomas, *Textbook of Roman Law* [Amsterdam 1976] 160).

ning on *umbra* and alluding to *flagitatio*; 762 *nunc hinc exemplum capere volt, nisi tu nevis* (~772a at *tamen inspicere volt*) is answered in 772b *inspicat, si lubet*.

On either side of this kernel of essential action there are passages very different in character, which require closer examination. Before it, there is a considerable delay between the moment when Tranio sees Simo emerge from his house in 686 and the moment when he engages him in conversation in 717; and the beginning of their dialogue contains a good deal of inessential persiflage before Tranio comes to the point in 747. From 690 the whole passage is a *canticum* in cretics and related metres, and in it the main action of the play hardly progresses at all.

There are indications that Plautine expansion in 686–717 is responsible for the delay before Tranio engages Simo in conversation. In 682 f. Theopropides instructs Tranio to ask permission for him to visit Simo's house, and says that he will wait for him outside. Where Theopropides then goes is a question to which we must return; but at least he separates from Tranio, who in 684–689 speaks a monologue as if Theopropides were not present. After cursing Theopropides (684 f.), Tranio observes Simo (686–687a), but, instead of at once approaching him, announces his intention of drawing aside in order to devise a plan first (687b–689). In a 19-line entrance monologue Simo describes at some length the difficulties of his life with an *uxor dotata*. Tranio makes two aside comments on Simo's monologue, predicting the old man's discomfiture, then announces that he has thought of a plan and approaches Simo. There are several peculiarities here, as Fraenkel observed (416–420). Fraenkel goes too far in arguing that Simo's whole monologue has no connection with the rest of the play and is inconsistent with Theopropides' visit to Simo's house, including the *gynaeceum* (908). Simo's matrimonial problems do have some relevance later in this scene. In 680b–681 Tranio had used the presence of women in Simo's house as an excuse to delay Theopropides' visit. Hence, when Simo invites him to enter, Theopropides anticipates a possible difficulty, 808a at *enim mulieres . . .* Simo retorts with obvious ill humour *cave tu ullam flocci faxis mulierem*.<sup>43</sup> Simo's *voltus tristis* is then cleverly exploited by Tranio, who, in order to avert a dangerous question, misinterprets it as due to Simo's regret at selling his house (810–814).<sup>44</sup> Simo's entrance monologue explains his ill humour at the mention of women and therefore prepares for a small but important dramatic effect. Moreover, Simo's annoyance with his wife motivates his trip to the market-place (707, cf. 844) and

<sup>43</sup>Cf. A. O. F. Lorenz, *Ausgewählte Komödien des T. Maccius Plautus*. 2. *Mostellaria*<sup>2</sup> (Berlin 1883) on 811; E. A. Sonnenschein, *T. Macci Plauti Mostellaria*<sup>2</sup> (Oxford 1907) on 808.

<sup>44</sup>It may be objected that in the *Phasma* Simo had, in Tranio's fiction, as yet only accepted *arra* and was under no legal obligation to complete the sale; but he can be supposed to be under strong financial pressure to sell (hence the low price).

thus performs the dramatically essential function of ensuring that Simo is not in his house when Theopropides visits it. It therefore seems probable that at least a nucleus of Simo's entrance monologue goes back to the *Phasma*. Nevertheless one can concede to Fraenkel that its length is out of proportion to its dramatic function, that parts of it, such as 699 *tota turget mihi uxor*, are hardly consistent with Theopropides' visit to Simo's house, and that it is unusual that Tranio should make predictions of Simo's discomfiture which lead to nothing. Fraenkel argued that 690–713 must have been introduced from another Greek play. It is more likely that the passage has been expanded by Plautus from a brief monologue in the *Phasma*. This hypothesis provides as good an answer to Fraenkel's valid points as does the supposition of "contamination." The fact that, as Fraenkel shows, 690–713 depict a stock situation of New Comedy is not conclusive evidence that the whole passage derives from a Greek play; we may credit Plautus with the ability to use Greek motifs in passages of his own composition. The theme of rich women is one which elsewhere inspired Plautine expansion (Fraenkel 127–132). It seems likely that in the *Phasma* Simo spoke a very brief entrance speech (perhaps addressed to someone in the house), motivating his entrance and expressing annoyance with his wife (cf. *Men. Sam.* 421–426), and that Plautus expanded this into a piece of *canticum*.

Fraenkel noted that Tranio's eavesdropping and aside comments in 690–713 do not fit very well with the intention expressed in 687b–689 to draw aside and devise a plan, and he used this as a further argument that 690–713 do not derive from the *Phasma*. Fraenkel supposed that Tranio's withdrawal to devise a plan does derive from the *Phasma*. It seems more likely however that Tranio's withdrawal, signalled by 687b *huc concessero*, is a Plautine staging device designed, in part, to facilitate the introduction of Simo's extended entrance speech and Tranio's aside comments on it. The device is similar to that which we have attributed to Plautus in 575 *concede huc*.<sup>45</sup> Tranio had shown himself capable of thinking up a plan on the spur of the moment in 636–638 and 660–664, and could have done so again. The references to his scheming in 687b–689 and 715 f. certainly contain some characteristically Plautine touches, the comic metaphor of 688 *dum mi senatum consili in cor convoco*<sup>46</sup> and the pun of 716 *dolo . . . dolorem*, and it seems likely that Plautus has exaggerated the motif of the scheming slave here. The motif of withdrawal also serves to emphasize the slave's scheming and is used in a somewhat different form for the same purpose in

<sup>45</sup>In *Pseud.* 414 *nunc huc concedam* introduces an eavesdropping scene which, as I shall argue elsewhere, was probably created by Plautus to bridge an act division in the Greek play (cf. T. B. L. Webster, *Studies in Later Greek Comedy*<sup>2</sup> [Manchester 1970] 191).

<sup>46</sup>Cf. *Epid.* 159; Fraenkel 226; P. P. Spranger, *Historische Untersuchungen zu den Sklavenfiguren des Plautus und Terenz* (Mainz 1961) 60–62.

*M.G.* 196–232, a passage which is probably a Plautine insertion<sup>47</sup> and shows some striking verbal resemblances to our passage. There a slave is depicted as devising a scheme while observed by another character from a distance; the passage begins with the slave announcing his intention of exercising his brain, 196b–198 *paullisper tace, dum ego mihi consilia in animum convoco et dum consulo quid agam, quem dolum doloso contra conservo parem*, whereupon the other character says that he will withdraw in the mean time, 200 *quaere: ego hinc apscessero aps te huc interim*. If, then, in *Most.* 687b–717a Tranio's withdrawal, as well as Simo's extended entrance monologue, is due to Plautus, we may suppose that in the *Phasma* Tranio accosted Simo immediately, perhaps after a brief aside similar to 715 *hoc habet! repperi qui senem ducerem*.<sup>48</sup>

There are also many indications of Plautus' hand in the first part of the dialogue between Tranio and Simo, 718–746. There must have been some formal exchange of greetings between the two characters in the *Phasma*, corresponding to 717b–718; but the extension of the greeting in 719–721 which starts from a play on the conventional phrase *quid agis?* is characteristically Plautine (*Men.* 138, *Pseud.* 457). 721 introduces the theme of *hau bonum servom*<sup>49</sup> which is developed in Simo's malicious inquiries about Philolaches' dissipated life in 722–736 and culminates in his prophecy of punishment for Tranio in 742b–746 (with a reference to Roman *clientela* in 746). The *Phasma* must have contained a statement by Tranio that Theopropides has returned, corresponding to 742a *eru' peregre venit*, but the roundabout introduction to that statement in 737–740, based on an extended ship-metaphor, is characteristically Plautus (Fraenkel 169). It seems likely that Plautus has spun a colourful piece of *canticum*, a continuation of the *canticum* which began in 690, out of perhaps three or four lines of Greek dialogue.

Again, after Simo has given his permission for Theopropides to visit his house in 772–774, there is a delay of 30 lines before Simo and Theopropides meet. In the interval Tranio speaks a monologue and then engages Theopropides in conversation, while Simo has nothing to do. There is good reason to believe that Plautus is responsible for this period of inactivity by Simo. Fraenkel showed that the monologue 775–782, in which Tranio claims parity with Alexander and Agathocles, is in all probability largely Plautus' invention (Fraenkel 172, n. 1); it belongs with other boastful monologues which glorify the scheming slave (e.g., 409–430, 1041–61).

<sup>47</sup>L. Schaaf, *Der Miles Gloriosus des Plautus und sein griechisches Original* (Munich 1977) 223 f.

<sup>48</sup>Cf. 662–667, *Men. Asp.* 315–320, *Ter. And.* 343 f., 702–704, *H.T.* 674–677, *Eun.* 910–912, 920.

<sup>49</sup>Cf. Fraenkel 234–236, Spranger (above, n. 46) 23–26.



Moreover, there are some indications which suggest that the dialogue between Tranio and Theopropides in 783–804, in the form of a *bacchiac canticum*, has also been substantially expanded by Plautus. Before examining this dialogue, however, it is necessary to consider what Theopropides has been doing since 683.

I have argued that there is very substantial Plautine expansion in 684–782. We may reasonably assume for the *Phasma* a dialogue between Tranio and Simo of perhaps 20 lines (~717b–718, 742a, 747–762, 772b–774), preceded by very brief monologues by each of them. How did the Greek dramatist solve the problem of what to do with Theopropides during this dialogue? It would hardly have stretched Greek conventions too far to have a dialogue of such moderate length take place in one part of the stage while Theopropides waited in another, given that Theopropides had announced his intention of waiting.<sup>50</sup> Alternatively, Theopropides might leave the stage by one wing and be supposed to wait in the near vicinity; but it is hard to see that this would have any advantage.<sup>51</sup> For Plautus the problem was more difficult. Lorenz supposed that Theopropides leaves the stage after 683, but that is contrary to the evidence of the text. 683 *ego hic tantisper, dum exis, te opperiar foris* perhaps does not exclude the possibility that Theopropides leaves the stage, but it in no way suggests that he does. 721<sup>a</sup> TH. *heia! mastigia, ad me redi*. TR. *iam isti ero* implies the presence of Theopropides, and it is arbitrary to reject the line just because this brief aside-exchange between Tranio and Theopropides, during Tranio's dialogue with Simo, is highly unrealistic. 778 *vehit hic clitellas, vehit hic autem alter senex* suggests, even if it does not prove, that both Simo and Theopropides are in view of the audience. When Tranio and Theopropides make contact again in 783 f., they use the stereotyped phrases which are regularly used to effect the meeting of two characters already on stage: TR. *nunc hunc hau scio an conloquar. congrediar. heus Theopropides!* TH. *hem quis hic nominat me?*<sup>52</sup> The conclusion seems inescapable that Plautus intended Theopropides to wait on stage in the background for 100 lines, despite the lack of realism involved. Indeed, as in the less extreme examples of a character waiting idly in the background which have been discussed above, we may recognize a crude but in its way effective dramatic device. Once again the presence of Theopropides in the background, of which his intervention in 721<sup>a</sup> provides a reminder (cf. 609<sup>a</sup>–

<sup>50</sup>Cf. Men. *Sam.* 476–488 with Bain (above, n. 6) 169 f., Plaut. *Capt.* 293–360.

<sup>51</sup>The brief offstage trips of Davos in Ter. *And.* 734–744 and Phormio in *Pho.* 891–898 are different.

<sup>52</sup>W. Koch, *De personarum comicarum introductione* (Diss. Breslau 1914) 69–71, 85–89; Bain (above, n. 6) 159.

610), emphasizes the danger of Tranio's position and so enhances his stature.<sup>53</sup>

We may now return to the resumed dialogue between Tranio and Theopropides in 783–804. After his dialogue with Simo Tranio had no motive to delay introducing him to Theopropides. If in the Greek play Theopropides was waiting on stage (which the Plautine staging makes likely), naturalism would best be served if the meeting of Simo and Theopropides took place with minimal delay. It is only a guess, but a plausible one, that it was effected by a dialogue something like this: TR. *heus Theopropides! quod me miseras, adfero omne impetratum*. TH. *quid nunc?* TR. *vise, specta tuo usque arbitrato. senex ipsus te ante ostium eccum opperitur. em, tibi adduxi hominem*. SI. *salvom te advenisse peregre gaudeo, Theopropides* (784a, 786, 792, 795, 804c, 805). Most, at least, of the rest of 783–804b is probably Plautine invention, designed to fill out a bacchiac *canticum*. The stage-directional phrases of 783 look Plautine, as do Theopropides' conventional *hem quis hic nominat me?*, Tranio's flippant answer *ero servo' multis modis fidus*, and Theopropides' inappropriate question *unde is?* in 784b–785. Tranio's excuses for his slowness in 787–792 must be a Plautine addition, if we are right that the delay was due to Plautus; and 794 and 803–804b are at least dispensable. 796–802 introduce the idea that Simo regrets having sold his house and seem to be a Plautine anticipation of 810–813. The motif of Simo's *aegritudo* has an important dramatic function in 810–813, to prevent Theopropides from referring to his supposed purchase of Simo's house in Simo's presence; but in 796–802 it introduces an alleged request by Simo to buy back his house, a request which cannot be pursued and which implies, contrary to Greek law, that an *arra* transaction was equivalent to a contract of sale (above, 13–16).

The rest of the scene, 805–857, consists of a dialogue, in trochaic *septenarii*, between Tranio, Theopropides, and Simo, before Simo goes off to the market-place and Tranio and Theopropides enter Simo's house. In this dialogue Tranio points out to Theopropides some of the good points of Simo's house, in so far as they can be seen from the outside. The situation is rich in comic potential. In carrying on a conversation with both Theopropides and Simo, to whom he has told different stories, both false, Tranio is playing a dangerous game; and the longer the conversation continues the greater the risk that he will be caught out. The Greek dramatist too no doubt exploited this situation for comic effect, but there is reason to be-

<sup>53</sup>So the presence in the background of the duped Nicobulus reading a bogus letter adds piquancy to Chrysalus' great Troy *canticum* in *Bacch.* 925–977 (cf. O. Skutsch, "Notes on Plautus' *Bacchides*," *HSCP* 86 [1982] 80).

lieve that Plautus added some extra comedy. It seems likely that the substance of the dialogue as far as 818a derives from the *Phasma*, as also 831 and 842–844. Here Theopropides expresses warm admiration of the *vestibulum* (as in 904 ff. of the inside of the house) and is invited to go inside, while Tranio ingeniously exploits Simo's *aegritudo* to prevent Theopropides speaking of the supposed sale. Nor does there seem any compelling reason for attributing the comic business with the dog in 849 ff., however it was staged,<sup>54</sup> to Plautus rather than to the Greek dramatist, although certainty is impossible.

Weide is surely right, however, to regard 824–830, 832–841, and 845–848 as Plautine additions.<sup>55</sup> She points out that all three passages serve to emphasize Tranio's success in tricking the two old men. As Jachmann noted (above, note 12, 37), Theopropides' sudden observation in 824 f. that the *postes* are being eaten by woodworm is at variance with his praise of the house elsewhere and is clearly designed to lead up to Tranio's answer in 826–828. When Tranio says in 826 f. that the *postes* are of inferior wood and in need of a coat of pitch, Theopropides is intended to take this literally, but the audience will understand that Tranio means the two old men. It seems never to have been noticed that the point of the reference to pitch is explained by *Capt.* 596 f. *at pol te, si hic sapiat senex, pix atra agitet apud carnuficem tuoque capiti inluceat* (cf. *Lucr.* 3.1017). There can be no doubt then that 824–827 are Plautine invention, since they lead up to a joke based on Roman methods of execution. The unmistakable *double entendre* in 824–827 justifies us in assuming that Plautus intended the actor to make clear by gestures that in 818b–819 also there is a *double entendre* and that Tranio is there already referring to the old men as *postes*.<sup>56</sup> A *double entendre* similar to that in 818b–819 would be possible in Greek (παχὺς ~ *crassus*), but if Plautus is responsible for the second *double entendre* it is perhaps more likely that he is also responsible for the first. It is possible that 818b–823 and all the references to the *postes* are Plautine invention; the play with the idiomatic Latin pluperfect *fuertant* and the repetition of the *aegritudo* motif from 810–814 suggest that at least Tranio's aside 821b–822a is a Plautine addition. It is also possible, however, that in 818b–823 Plautus has elaborated references to Simo's doorposts which in the *Phasma* were meant purely literally. It is not certain, therefore, whether 818b–823 are entirely Plautine or partly derived from the *Phasma*. 828–830 are at least largely the work of Plautus; we can hardly doubt that the reference to the *pultiphagus opifex barbarus* in 828 and the riddling play on *dormire/conivere* in 829 f., by which Tranio refers to the old men in another *double*

<sup>54</sup>Cf. Sonnenschein, "The Dog of the *Mostellaria*," *CR* 20 (1906) 440.

<sup>55</sup>I. Weide, "Der Aufbau der *Mostellaria* des Plautus," *Hermes* 89 (1961) 204 f.

<sup>56</sup>H. A. Strong, "Plautina, *Mostellaria* iii.2, line 803 sqq.," *CR* 3 (1889) 75; "Note on Plautus' *Mostellaria*. Act 3, Scene 2," *AJP* 27 (1906) 68.

*entendre*, are due to Plautus (Fraenkel 99, n. 7). Again, however, it is possible that Plautus has here transformed some straightforward references to the good workmanship in Simo's house. The culminating example of *double entendre* comes in 832–841, in which Tranio, describing a purely imaginary picture, implies a comparison of himself with a crow and of the old men with two vultures. Since the preceding cases of *double entendre* are due to Plautus, it is likely that this one is also, and other features of the passage provide confirmation. The bold comic comparison is typically Plautine and we may doubt whether in the *Phasma* Theopropides would have gullibly accepted Tranio's account of an invisible picture. A further indication of a Plautine addition is that the passage ends in 841 *haec, quae possum, ea mihi profecto cuncta vehementer placent* with a repetition of the idea of 831b *ut quidquid magi' contemplo, tanto magi' placet*.<sup>57</sup> Moreover, we may wonder what Simo is doing during 824–841. Are we to suppose that throughout this passage Tranio speaks aside with Theopropides? Or is Simo supposed to hear but not comment on Tranio's strange remarks about his house? In either case there is a lack of realism. This provides further confirmation that 824–841, in their present form, are the work of Plautus. (They could, but need not, have replaced a different sort of dialogue in which Simo took part.) Finally, 845–848 are probably a Plautine addition, containing as they do a heavy-handed pun on *(per)ductare*; Weide well contrasts the ironical treatment of the motif of deception in 922–927.

It is probable that the Greek act ended at 857. In accordance with what appear to be the normal Greek conventions, an act division should separate Simo's exit at 853 from his re-entry at 998. Moreover, Gaiser has convincingly argued that Plautus advanced the entry of Phaniscus and Pinacium in order to replace a choral interlude which in the *Phasma* separated the exit of Theopropides and Tranio from their re-entry.<sup>58</sup> The technique is very similar to that which we have ascribed to Plautus in 532–540 and had similar side-effects: in 904–932 Phaniscus and Pinacium have a period of awkward inactivity. 532–857, then, correspond to a single act of the *Phasma*. Of the 326 lines of Plautus' text about 160 have here been ascribed to Plautus; the balance of about 170 is a plausible number to correspond to a Greek act of average length.<sup>59</sup> Some omissions by Plautus cannot be ruled out, but there seems no reason to suppose substantial ones.

To conclude, I have tried, within a limited section of one play, so far as possible to distinguish the original contributions of Plautus from the Greek

<sup>57</sup>Fraenkel 105 ff.; Fuchs (above, n. 14) 108 n. 9.

<sup>58</sup>(Above, n. 3) 1040 f. On the Plautine origin of 858–903 see Fraenkel 234–236, Weide (above, n. 55) 198–203.

<sup>59</sup>Cf. Webster, *An Introduction to Menander* (Manchester 1974) 72.

substratum. For this purpose inconsistencies of dialogue and action, and unrealistically long periods of inaction by a character on stage, can provide useful critical tools, amongst others. To use this procedure, however, does not commit us to the view that Plautus is inferior to his Greek model. Consistency and realism are not the only or the most important criteria of merit in a dramatist. The scenes which we have considered illustrate how Plautus is careless in such matters, certainly in comparison with Menander. This is partly to be explained by the different conventions of the Greek and the Roman theatre. The music accompanying the *cantica* would militate against realism, in contrast to the predominantly spoken drama of Menander and, in all probability, of his contemporaries. On the other hand in dropping the choral interludes of New Comedy, the *palliata* lost the device whereby the Greek dramatist could mark a lapse of dramatic time when it was required by the offstage action. Roman audiences had regularly to accept a gross discrepancy between the dramatic time required by offstage action and the actual time taken by the action on stage, that is, a drastic telescoping of dramatic time. This would perhaps make it easier for them to accept situations where time seems to stand still for a character in one part of the stage while a dialogue is in progress in another. However that may be, it has to be admitted that Plautus sometimes very blatantly flouts realism by leaving a character on stage with nothing to do. In considering Plautus' positive merits, however, it should not be forgotten that a silent character can have dramatic value in comedy<sup>60</sup> as well as in tragedy.<sup>61</sup> Other results of Plautus' changes in this section of the *Mostellaria* are no doubt more important, notably the metrical and musical effects of cretic and bacchiac *cantica*, the verbal duel based on a Roman *flagitatio*, the enhancement of the rôle of the scheming slave by a boastful monologue, by banter on the theme of the *servus hau bonus* and by a passage of comic *double entendre*. Nevertheless the silences of Misargyrides and Theopropides also make some contribution to the heroization of Tranio.

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<sup>60</sup>E.g., Palaestra and Ampelisca taking refuge at the altar in *Rud.* 706–882, Philaenium being fondled by Demaenetus in *Asin.* 828–893. A special case is the presence of the two captives during the speech of the Prologue in *Capt.*

<sup>61</sup>E.g., Cassandra in Aesch. *Ag.*; cf. O. Taplin, "Aeschylean Silences and Silences in Aeschylus," *HSCP* 76 (1972) 57–97.