ON 'OS COLVMNATVM' (PLAUT. M.G. 211) AND ANCIENT INSTRUMENTS OF CONFINEMENT.

BY FREDERIC D. ALLEN.

THE slave Palaestrio, who conducts the intrigue in Plautus's play of the Swashbuckler, is engaged, early in the piece, in devising ways and means to get himself and others out of a certain scrape. Periplecomenus stands watching him in his cogitations, and comments to himself on the outward manifestations of the slave's mental efforts. After some other remarks of this nature occurs this passage (verses 209-212):

ecce autem aedificat; columnam mento suffigit suo.
apage, non placet profecto mihi illaec aedificatio;
nam os columnatum poetae esse indaudiui barbaro,
quoi bini custodes semper totis horis occubant.

The phrase *os columnatum*, slightly disguised in our manuscripts, and badly garbled in the first printed editions, was restored to its rights by Pylades in 1506. It was recognized that the *poeta barbarus* was none other than Cn. Naevius, whose imprisonment by the *tresuiri capitales* is narrated by Gellius. But a wholly inadequate conception of the phrase held possession of the Plautine commentaries for upwards of three centuries. Naevius, we were told, while in prison had been wont to rest his chin on one hand and prop his elbow with the other, just as Palaestrio is doing in the play. It was disputed whether he assumed this attitude through dejection of spirits, or through absorption in the composition of the two plays which Gellius says he wrote in prison. But it was assumed by everybody that the point of the comparison lay simply in this coincidence of attitude. It is really extraordinary that no one appears to have

1 *osculum natum*, etc. Even after the right reading had been recognized, some interpreters, with incredible perverseness, read an obscene meaning into the phrase. See Lambinus's note.
been troubled by the frigidity and farfetchedness of this comparison. Chin on hand is a common enough posture, which cannot have been peculiar to Naevius, nor particularly characteristic of prisoners. Yet Pericleomenus, according to this interpretation, says in effect: "I hate to see a man with his hand under his chin, because I've heard that poor Naevius sat in prison in that posture." Even Julius Brix’s last edition of the Miles (1883) repeats this feeble conception.

A. Lorenz, who edited the Miles Gloriosus in 1869, had, so far as I know, the first inkling that *os columnatum* referred somehow to the manner in which the prisoner Naevius was confined. Hesitatingly and with a note of interrogation, he ventured the suggestion that the "gesäultes gesicht" might be one "an einen pfeiler mittelst eines halseisens befestigt." This hint seems to have remained long unnoticed. But I see that in the new Smith's Dictionary of Antiquities (1890) the author of the article Nervus, G. E. Marindin, thinks that "this support of the neck is probably indicated by Plautus in the expression *os columnatum* when he speaks of the punishment of Naevius for libel.” This writer is thinking of the pillory, which he understands to have been an attachment to the nervos.

These are certainly steps in the right direction. The reader will see at once that the pillory of recent times, if we could suppose it to have been in use among the Romans, would afford a complete explanation of the words *os columnatum* in the Miles. A glance at these two reproductions of old English woodcuts will show how the

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1 In 1882 Ussing wrote in his commentary to the play: "nec magis dubitatur quin columnatum os significet uinctum aut saltem libertate priuatum; quod... nihil aliud significare credo nisi columnae adstrictum." This seems like a flash of intelligence, but he spoils it all by going on to explain the "fettered mouth" as a figure of speech, referring to a supposed censorship established by the magistrates on Naevius's play-writing! In fact, he denies that Naevius was ever imprisoned.

2 The first was taken from the 1583 edition of Foxe's Acts and Monuments, Vol. II, where it faces p. 1220. The second is from Chambers's Book of Days (1863), Vol. I, p. 830, where it is marked "from a contemporary print."
impression of a ‘face on a pillar’ is produced by this interesting apparatus. In fact, it seems certain to the writer that something more or less resembling the pillory is absolutely postulated by this locution of Plautus, and in the following pages an attempt will be made to ascertain what sort of an instrument is meant, — in other words, how Naevius was confined, or was conceived by Plautus to have been confined.

We may premise that no Latin name answering to the Low Latin pilorium can be found, nor any warrant for the existence of just this instrument among the ancient Romans. Still less have we any evidence for the post-and-collar machine imagined by Lorenz. One might, it is true, think for a moment of the case of Chrysalus in the Bacchides. That malefactor’s hands are tied together (v. 799), and presently (v. 823) he is led into the house and bound fast to a pillar. The word columna is used here, but surely nothing is meant but a pillar of the house. He would naturally be bound with his back to it; but even if we fancied him as facing the pillar, there would still be nothing in his attitude analogous to the aedificatio of Palaestrio — the head supported by the hand. The off-hand mode of confinement described in the Bacchides cannot, therefore, be intended in the allusion to Naevius’s imprisonment in the Miles.

Whatever the apparatus was to which Plautus alludes in this passage, it may be safely assumed that it was nothing exceptional, but one of the stock appliances for imprisonment, and that its name is among known Latin words. In fact, it will do no harm to anticipate our argument a little, and say at once that we shall find reasons for thinking it to have been the neruos. But it will be well to begin by eliminating other possibilities, and to this end let us take a rapid survey of the punitive appliances mentioned in the earlier Latin writers. Plautus is the most abundant source. A considerable part of the repertory is mentioned in a couplet of his (Asin. 549 f.):

\[1 \text{abducite hunc | intro atque adstringite ad columnam fortiter.}\]
When to this list we add the names *catellus, codex, collare, columbar, furca, manicae, patibulum*, we have about the whole vocabulary.

Several of these can be dismissed at once, as having obviously nothing to do with the matter in hand. So *stimuli* to prod an offending slave, *lamminae* of red-hot metal, are mere instruments of torture. Nor can the punishment of the *crux* be thought of. This punishment, everywhere spoken of as the extremest of penalties, is reserved for slaves and the lowest malefactors. It is primarily a death penalty, although *cruciōr, cruciātus* are metaphorically used of any torture,¹ and it is quite possible that masters sometimes employed the *crux* as pure torment, without carrying it to a fatal termination. But places like verse 372 of the Miles show how it was commonly regarded. Of course, *crux* did not properly mean ‘cross.’ It is quite possible that it was originally an impaling stake.² But to Plautus crucifixion did not mean impalement. Not only from his use of the verb *adfigere,*³ but from the verse Most. 360, *ut offigantur bis pedes bis bracchia,* it is clear that the milder form of the punishment — nailing to a *patibulum* and a wooden post — was already in use.

¹ See, for instance, Ter. Hec. 774, where the *θάρσος* applied to a slave for extracting testimony is so called.
² Lipsius de Cruce, Lib. I, cap. 6. Impalement is twice described by Seneca, Ep. Mor. II, 1, 5, and ad Marc. Consol. 20, 3; and in both passages the word *crux* occurs in the context, but in neither has it special relation to the impalement itself. The case is otherwise with the *acuta crux* mentioned in the epigram of Maecenas, Senec. Ep. Mor. XVII, 1, 11 (Baehrens, Fragm. Poet. Lat., p. 338). Here impalement must be meant (the *eculeus* can hardly be thought of), and the word *crux* is not to be taken in any general sense. At least Seneca does not so take it. He supplies the word *suffigere,* which is elsewhere used in connection with *crux,* and can perfectly well be said of ‘sticking up’ on a sharp point (Suet. Galb. 20). Here, then, it really looks as if impalement were spoken of as a sort of crucifixion. How far this is to be understood when we read that pirates and the like were *in cruce suffixi, fixi cruci, defixi cruci,* and so on, it is useless to speculate. Of course, the *patibulum* could be used with this form of the punishment as well as with the other.
³ Pers. 295; Fragm. Carbon. II G.
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Manicae and pedicae are evidently counterparts. Manicae, at least in Plautus, are not handcuffs, but only ligatures of thongs or cords. This is clear from Capt. 658 f., ecferete lora . . . inicite huic manicas (cp. 667, adstringite uelementer manus), and the similar passage Most. 1065, manicas celeriter conectite, taken in connexion with v. 1038 (lora). Manicae again Asin. 304, ubi manus manicae complexae sunt atque adductae ad trabes, with which Truc. 777 and 783 may be compared. Pedicae recur Poen. 514 as an impediment to fast walking, nisi cum pedicis condicidistis istoe grassari gradu; and as snares for birds and animals were called by this name, it is pretty clear that pedicae too were nothing but cords.

Catenae is a general term, but it ordinarily implies some sort of shackles, to which the chains can be attached. Among the catenae singularia (Capt. 112) with which Hegio's two prisoners are bound, and which allow them some liberty of motion (sinito ambulare, v. 114), is a collare (v. 357), and in Menaech. 84 f. compedes are included in the term catenae. Compedes are very often mentioned. They are shackles for the leg (crura, Capt. 652; suram, Pseud. 1176), of iron (ferreas, Pers. 573), put on by a smith (Capt. 733, 1027), and worn constantly (Cist. 244), so that they shine through friction (rediget in splendorem compedes, Aul. 602). It is possible to move about and work in them (Capt. 723 f., 736, 944), but their weight (ten pounds, Liv. XXXII, 26; fifteen pounds, XII Tables) effectually prevents escape. They consist (Menaech. 85 f.) of a ring (anus) fastened with a rivet (clauos), and putting them on is called impingere (Capt. 733, Pers. 269, 573). They clank as one walks (tintinnabant compedes, Naevius v. 114 R. = Fest. p. 364 M.), which shows that they are connected by a chain. Those who wear them are tintinnaculi uiri (Truc. 782).

The robustus codex, or 'oaken log,' mentioned in connexion with the puteus or underground ergastulum in Poen. 1153, may be many things, and receives little elucidation from two occurrences of a codex for confinement in later poets. It will be best to reserve this for later mention, towards the end of this article.

In Lucilius ap. Non., p. 36 M (to be quoted later), where manicae are coupled with catellus and collare, there may be reason for thinking of iron handcuffs.
We come now to instruments for confining the neck. Collare (vinculi genus quo collum adstringitur, Nonius p. 36 M.) can be nothing but an iron ring or band. It is portable (see Lucilius, quoted on p. 45), and forms part of a set of light calenae, Capt. 357, as we saw a moment ago. In Varro R. R. II, 9, 15, it is a spiked leathern dog-collar.

Leaving the columbar of Rudens 888, to be spoken of along with the neruos, we come now to furca and patibulum. Neither of these is, strictly speaking, an instrument of confinement, but they cohere with others that are. We hear of them chiefly in connection with public flogging. Their use is often a preliminary to crucifixion or some other ignominious death, and the patibulum is perhaps mentioned only in this way. Both punishments belong to slaves and the most abandoned criminals, and it is inconceivable that either should have been applied to Naevius. Furthermore, neither, as we shall see, could suggest the figure employed by Periplecomenus. As patibulum and furca were employed for similar purposes, they are capable of being confused. Thus, both instruments are named in the several versions of the story of Autronius and his slave. But it does not follow that they were one and the same thing. In fact, they appear to be different. From the exact descriptions of Plutarch we know that the furca was the fork (στήριγμα, ὀσσοτάτης) by which the pole of a wagon was attached to the axle. This simple implement was put over the nape of the offender’s neck, and his hands were bound to the prongs, which projected in front and downwards. The patibulum, on the other hand, I suspect to have been merely a straight stick. It was primarily the bar of a door, as we learn from the noteworthy passage of Nonius, p. 366 M., patibulum sera qua ostia obcluduntur, quod hac remota valuae pateant. Then follows a quotation from the Fullones of Titinius, in which some one flourishes a patibulum at the house-door, and threatens to break the

2 Quaest. Rom. 70; Coriol. 24, 5.
head of any intruder. Of course Nonius's etymology is questionable. It is strange that an implement for fastening the door should be named from 'opening.' We may venture to suggest that the patibulum was rather a bar for holding the door open—laid, perhaps, across the tops of the two leaves when open at right angles to the threshold, and having "joggles" cut in the ends to keep the doors from closing. A cross-bar like this would furnish a handy means of stringing up a refractory slave, and so might come into use as an instrument of punishment. This patibulum, as we have supposed it, might also be a sera for barring the door when shut; that is, the same bar might serve both purposes. There is a third use of the term patibulum, found in Pliny's description of an arbustum for vines, N. H. XVII, § 212. Nouariensis agricola, he says, traducum turba non contentus nec copia ramorum, impositis etiamnum patibulis palmites circumvoluit. These patibula are clearly cross-poles laid from tree to tree to train vines on, and they get their name, most probably, from the cross-bar of the door. And so, I think, the penal patibulum was named, not because it 'extends the hands.' In fact, it was originally, as I conceive, only the domestic implement, applied extemporaneously to punitive use. It was laid over the shoulders of the culprit, whose hands were bound (or nailed) to its extremities. Hoisted up, it became the cross-bar of the cross.

The numella seems to bring us nearer to the object of our search. It was certainly used for confining the neck. Nonius has (p. 144 M.) numellae\(^*\) machinae genus ligneum, ad discruciendo noxios paratum, quo...

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1 Titin. v. 30 f. Ribb., si quisquam hodie praeterhac posticum nostrum pepulerit | patibulo hoc ei caput diffringam.

2 This theory would perhaps impart a new significance to Mil. Glor. 359, where Sceledrus, standing in the doorway, with outstretched arms, is thus addressed: credo ego istoc exemplo tibi esse pereundum extra portam | dispessis manibus patibulum quom habeabis. Punishment in the doorway would be a sort of connecting link in the speaker's mind between Sceledrus's attitude and crucifixion outside the gates. I may remind the reader also of Ritschl's well-known doctrine about sublimen.—It may be interesting to transcribe the two other Plautine occurrences of patibulum. Most. 56, ita te forabunt patibulatum per uias | stimulus. Fragma. Carbonaria II G. (Non., p. 221 M.), patibulum ferat per urben, deinde adfigatur cruci.

3 The plural comes from the passage of the Asinaria. One must not be deceived into supposing a single machine to be called numellae.
et collum et pedes immittunt. Then follows a line from Plautus’s Asinaria, quoted on p. 40. Elsewhere we hear of *numellae* only for animals. Columella, VI, 19, describes one for oxen, in which the neck is secured by two upright pins passed through holes in a horizontal bar,¹ and descending, no doubt, to the floor or to another horizontal piece. The epitome of Festus (p. 172 M.) describes the *numella* as a *genus uincluli quo quadrupedes deligantur.*² In the Codex Farnesianus itself the passage is mutilated. It has been restored to read thus: *[numella genus uincluli] quo quadrupedes deligatur, solet autem ea fieri* inervia aut con[pedibus, lege XII iubentur]. How uncertain this restoration is, I can best show by substituting another equally uncertain: *[numella genus uincluli] quo quadrupedes deligari, sicut homines uinci* ri neros aut co[pedibus, lege XII iubentur]. In fact the current supplement is rather unlikely, because a leathern *numella* controverts the descriptions of Nonius and Columella. Nothing can be built on this passage of Festus, and all that we can fairly infer from the existing evidence is that a wooden frame, like that used for confining the necks of animals, was occasionally used for coercing slaves. This might be in its construction something like the pillory, or—if Nonius is right—like pillory and stocks combined. But if paucity of mention is an indication, the machine must have been rarely applied to human beings.

Next in order is the *boia.* This is a wooden or iron machine for confining the neck. Fest. epit. p. 35 M., *boiae, id est genus vinculorum, tam ligneae quam ferreae dicuntur.* Isidor. Or. V, 27, 12, *boia, id est torques damnatorum, quasi iuga boum ex genere uinclorum.* Prudentius, praef. Psychomach. 34, *attrita bois colia.* These are vague, but more to the point is its identification with the *κλοίως* of the Greeks by Jerome and the author of the Greek-Latin glossary.³ If this is right, it gives us a sufficient notion of its form, which is

¹ *Vbi potest etiam numella fabricari, ut inserto capite descendentibus per foramina regulis ceruix catenetur.*

² About the same in Luctatius Placidus s.v. *numellatus.*

that of the forked stick, as we shall see further on. The jest in Plautus's Captives, v. 888, is to my mind a strong confirmation of this equation. If the reader will kindly glance ahead at the cut on p. 57, he will see at once how a particular force is thus imparted to this joke, where the boia is said to have been given to the recaptured runaway as a wife to embrace.¹ Such a stick, if heavy, would have to be carried hugged to the breast. Now if this is the boia, it meets in many ways our requirement. The butt-end, hanging in front, might suggest the 'pillared face.' There is only one difficulty. Naevius is confined in prison; the boia appears in the Captives as a portable machine — something to hamper the fugitive's movements, but not to bind him absolutely to one place. However, this can be got over, and in fact I suspect that we have here the right instrument in substance, though not in name. Bearing the boia in mind, let us pass on.

The 'dog' or 'puppy,' canis, catulus, catellus, seems to belong here. Nonius, p. 36 M., quotes from Lucilius (v. 1052 Lachm.; XXIX, 100 Müll.):

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\text{cum manicis catulo collarique ut fugitiuo portem} \ldots
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Fest. epit. p. 45 M., catulus genus quoddam vinculi, qui interdum canis appellatur. Plaut. Curc. 691, delicatum te hodie faciam cum catello² ut adcubes, ferreo ego dico. Cas. 389, et canem et furcam feras. This is not very definite, but let us add Pollux X, 167, δεσμὸς σιδηροῦ καὶ σκύλαξ. And to this an important passage of Polybius (to which we shall have to revert later), XX, 10, ταῦτα λέγων φέρειν ἀλωνιν ἐκέλευς καὶ σκύλακα σιδηροῦν ἕκαστοι περὶ τὸν τράχηλον. Putting all this together, I think the 'puppy' was about the same thing as the boia (only, so far as we see, always of iron), and suggest that it was so called because its prongs embraced the neck like a dog's fore paws. The jest in the Curculio passage is then like that about the boia in the Captivi, just spoken of. It is odd that the canis is combined with other neck-fetters in the passages of Lucilius and

¹ Boius est — boiam terit; liberorum quaerundorum causa ei credo uxor datasst.
² It is a mistake to interpret this word 'chain'; it has nothing to do with catella.
the Casina. But neither combination is impossible. The collocation of *catulus* and *collare* in Lucilius excludes the supposition that *catulus* is merely an iron neck-band.

Having now surveyed the other machinery of confinement, we come to the *neruos*. Of all like contrivances this is the one most often mentioned in Plautus and the other older sources. It was evidently, in the olden time, the best known and most employed device for the effectual confinement of the person. But conceptions of modern scholars as to its nature have differed greatly. It has been defined as an iron chain, as wooden stocks, and so on. A part of this confusion comes from the fact that the *neruos* itself changed. The name was differently applied at different times. Later the *neruos* was something confining the feet; in earlier times it confined the neck. As we are concerned only with the *neruos* of Plautus's time, it will be well to set forth at one view all the passages which relate to this earlier machine.

1. Fest. p. 165 M.:

*Neruum* appellamus etiam *ferreum* uinculum quo *pedes* inpediuntur, quamquam Plautus eo etiam ceruices uinciri ait.

2. XII Tables (Gell. XX, 1, 45):

Ni iudicatum facit ... secum ducito, uincito aut nero aut compedibus, quindecim pondo ne minore aut si uolet maiore uincito.

3. Cato quoted Gell. XI, 18, 18:

Fures priuatorum furtorum in *neruo atque in compedibus* aetatem agunt, fures publici in auro atque in purpura.

4. Liv. VI, 11, 8 (this and the four following passages relate to debtors):

... qui non egestatem modo atque ignominiam minentur, sed *neruo* ac uinculis corpus liberum territent.

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1 In the *furca* the butt would go behind; in the *canis*, in front.
8 Then follows a quotation (no. 9 below).
5. Liv. VI, 15, 9:—
... intercedendo, eximendo de nero ciues uestros, prohibendo iudicatos addictosque duci.

6. Liv. VI, 27, 8:—
... se nec addici quemquam ciuem Romanum ob creditam pecuniam passuros ... donec inspecto aere alieno initaque ratione minuendi eius sciat unusquisque quid sui, quid alieni sit, supersit sibi liberum corpus an id quoque nero debeatur.

7. Liv. VI, 36, 12:—
An placeret faenore circumuentam plebem ... corpus in nero ac supplicia dare, ... et replei uinctis nobiles domus, et ubicumque patricius habitet, ibi carcerem priuatum esse?

8. Liv. VIII, 28, 8:—
iussique consules ferre ad populum ne quis, nisi qui noxam meruisset, donec poenam lueret, in compedibus aut in nero teneretur.

Perfidiose captus edepol nero cervices probat.

10. Plaut. Aul. 743 (Euclio to a suspected thief):—
At ego deos credo uoluisse ut apud me te in nero enicem.

11. Plaut. Capt. 729:—
Nam noctu nero uinctus custodibitur.

12. Plaut. Curc. 689 ff.:—
Quia faciam ex te hodie pilum catapultarium,
atque ita te nero torquebo, itidem ut catapultae solent.
:: 1 Delicatum te hodie faciam cum catello ut adcubes,
ferreo ego dico.

13. Ibid. 720:—
Tu autem in nero tam iacebis nisi mi argentum redditur.

14. Ibid. 723:—
Ego te in nero, hauad ad praetorem, hinc rapiam, ni argentum refers.

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1 Editors mark a change of speaker here. The manuscripts show none.
15. Plaut. Poen. 1269: —
   Condamus alter alterum ergo in neruom brachialem.

16. Ibid. 1365 (compare with 1351–1354): —
   ut sis apud me linea in custodia.

17. Ibid. 1399 ff.: —
   Vt minam mi argentum reddas, priusquam in neruom abducere.
   :: Di meliora faxint. :: Sic est, hodie cenabis foris;
   aurum argentum collum, leno, tris res nunc debes simul.

18. Ibid. 1409: —
   Leno, quando ex neruo emissu’s, compingare in carcerem.

19. Plaut. Rud. 872: —
   Bono animo meliust te in neruom conrepere.

20. Ibid. 876: —
   Tu in neruom rapere; eo opsecras ut te sequar.

21. Ibid. 887 ff.: —
   illic in columbam, credo, leno uortitur;
   nam in columbari collum haud multo post erit;
   in neruom ille hodie nidamenta congeret.

22. Ter. Phorm. 325: —
   uereor ne istaec fortitudo in neruom erumpat denique.

23. Ibid. 695: —
   quom argentum repetent, nostra causa scilicet
   in neruom potius ibit.

Now let us see what can be gathered from this collection of quotations. In the first place, it is clear that the neruos is not, as its name would suggest, a mere thong or cord, but a stationary machine, to which the culprit is taken and in which he is fastened. This appears from the constancy of the expressions in neruom rapere (deducere, conrepere, ire, dare, condere), in neruo iacere (teneri), de neruo eximere, ex neruo emittere. Nowhere is the neruos brought and put on anyone. This has begotten a notion, which pervades our Latin
dictionaries, that *neruos* was sometimes said for 'prison' or 'place of durance.' But this notion is wholly baseless. Most of the above passages relate to private imprisonment at a creditor's house. It is inconceivable that private houses should have been generally furnished with dungeons. The pairing, moreover, of *neruos* and *compedes* is instructive (see nos. 2, 3, 8). They must be equivalent, and not wholly dissimilar means of confinement.

Secondly, the *neruos* confines the neck. Although Festus (see no. 1) says *etiam ceruices*, it must be observed that Plautus, so far as we have him, gives no hint of anything but the neck. See nos. 9, 17, 21. Also 15, where a close embrace, a hugging round the neck (compare *tenere collum* just preceding, in v. 1266) is called *neruos brachialis*. The neck, moreover, is thrust through some opening which is jocularly called a *columbar* in the Rudens (no. 21). For this *columbar* cannot, from the context, be a separate instrument. It must be a part of the *neruos* mentioned in the next line. Priscian (V, p. 150, Hertz) quotes this passage of the Rudens in support of the statement that *columbar* signifies a *genus uinculi*, but it appears to me very doubtful whether the locution was employed outside of this one passage. It is a joke of Plautus, and I suspect that the point of the joke lies, not so much in any resemblance of the aperture of the *neruos* to a dovecote, as in the assonance between *collum* and *collumbari* — for this distorted pronunciation of the word is indicated by the metre. In short, we have an elaborate pun, and are not entitled to press the dovecote comparison in attempting to define the form of the *neruos*.

Furthermore, the *neruos* does not compel a standing posture, for in that case *iacere in neruo* (no. 13) could not be said. It is not, therefore, exactly a pillory. Tyndarus in the Captives, wearing *compedes* on his legs continually, and delving in the quarries under the lash all day, is confined in the *neruos* at night (no. 11). It does not follow from this that the apparatus permitted a comfortable posture for sleeping, for Tyndarus is undergoing extreme treatment, and is to be worked to death anyhow (vv. 691 f., 731). Nevertheless we may be certain, from its use in confining debtors, whose rights were looked after by the law, that it was a comparatively humane means of confinement, intended to secure the person, not to torture.
In spite of Festus's statement (no. i) that the neruus was of iron, we may be pretty sure that in Plautus's time it was of wood. In the Poenulus, the leno Lycus delivers himself up to be kept lignea in custodia (no. 16). This passage is part of the first ending of the Poenulus. It may be objected that the neruus is not named here. But it seems to me certain that it is meant. For the culprit has just proposed (1351-1354) to satisfy his creditors' claims with his neck (collo rem soluam iam omnibus quasi baiolus). And in the second ending of the play, which repeats this dialogue in another form, the neruus is mentioned as well as the collum (no. 17). It must be remembered, moreover, that nothing but neruus and compedes, as prescribed by the Twelve Tables, is ever heard of in connexion with the custody of debtors; and as the compedes are always of iron, the wooden instrument here alluded to can be nothing but the neruus.

If then the neruus, in spite of its name, is a wooden apparatus, it further seems that its weight is a matter of consequence. Such, at any rate, is the unconstrained interpretation of the language of the Twelve Tables (no. 2). Of course if we start with the assumption that the neruus is an absolutely immovable piece of apparatus, we are obliged to restrict the definition of weight to compedibus. The meaning will then be: 'Let him bind him with neruus or with compedes. If compedes are used they must be of such and such a weight.' But the phraseology of the law by no means suggests this, and it must be noted that minore and maiore cannot grammatically refer to compedibus at all, though they might to neruo. It is more natural, however, to refer them in sense to both words, either supplying vinculo in thought, or connecting them directly with pondo. Apparently, then, whether neruus or compedes be used, a certain weight is prescribed. Fifteen pounds (perhaps eleven English pounds) seems a small weight, insufficient of itself to prevent escape. But it is borne out, so far as compedes are concerned, by the prescription of 198 B.C. (Liv. XXXII, 26) about Carthaginian captives, ne minus

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1 Where, however, in all reason maiore and minore should be exchanged. But as that question bears in no way on our present discussion, it may here be waived.

2 I am not aware that it has ever been pointed out that pondo may here be a live ablative: 'with a weight not less than fifteen.'
decem pondo compedibus uincti in nulla alia quam in carceris publici custodia essent. The weight in this case can be only a partial preventive of escape, and must have been supplemented by constant custody, or by further confinement of the person. So perhaps with the neruos. The moderate weight mentioned is not necessarily inconsistent with our former inference that it was a stationary piece of mechanism. Fifteen pounds of wood may have been a part of it, though not the whole.

This brings us to another consideration—how a wooden machine for confining the neck could have been called neruos at all, and whether perhaps the simplest supposition is not, that a 'sinew' or thong was (or had been) a part of the apparatus. We shall come back to this question later and may then suggest an answer, in a timid sort of way. But now may be as good a time as any to consider the curious passage of the Curculio (no. 12 above), in which the neruos is likened to a piece of artillery. I will ask the reader to turn back and peruse this passage attentively. Time was, when the writer inclined to understand pilum catapultarium as one of the two staves (brachia) which, inserted between tightly-stretched thongs (nerui), produced by their leverage the torsion which gave the propelling force of the catapult, and to translate the next line, 'and will twist you in the neruos as tightly as the catapults twist it (the stick).’ This would make the comparison exceedingly direct and intelligible. But I fear that this view is after all untenable. For it seems violent to make pilum anything but the missile; and even catapultula, it must be observed, seems in Plautus to be always the projectile,¹ not the machine. How then can we understand the joke as applying to the leno Cappadox? The speaker is not threatening to "bounce" him, or to "fire him out."² He is threatening him with imprisonment, in order to extract money from him, and the neruos mentioned here can be no other than that with which the offender is menaced a moment later, in 720 and 723. We have here

¹ So, certainly, Pers. 28, Curc. 394, 398. Even Capt. 796 can perfectly well be so understood. Nonius, p. 552 M. quotes other examples. The same is true of ballista, Poen. 201, Trin. 668 (less distinctly Bacch. 709, 710, Capt. 796). The machine is ballistarium, Poen. 202.

² Although Lambinus thought so, and so have other editors.
another of Plautus's elaborate puns, with a double play on the meanings of neruos and torquere. 'I will make you a catapult-missile, in that I will torquere you with a neruos.' Apparent meaning, 'will project you with the tightened sinews'; real meaning, 'will twist you up in the debtors' machine.' The jest is labored, but nothing else seems possible. With solent must be understood torqueri.

Unless torquebo is figuratively said for 'torment,' we may fairly infer that some 'twisting up' process belonged to the fastening in the neruos machine, and so that some neruos or thong may really have been a part of the machine. I do not see that anything further about the neruos can be extracted from the above sources, except the certainty that it was something simple, ready at hand in any well-to-do domicile. Otherwise we could not have this constant talk of whisking off people to the neruos. Herewith we have exhausted our Latin sources, without attaining to any but a vague notion of what the neruos really was. It was for the neck, it was wooden, it allowed the prisoner to lie or sit. These conditions would be met by a sort of low pillory, but this is a rather complex apparatus, and affords no explanation of the name neruos, nor of the 'twisting' in the Curculio, nor of the fifteen-pound provision. It looks, therefore, as if there were something in the neruos which we had not yet fathomed. As to whether or not it is the instrument intended by Plautus in the Miles, we can only urge the general likelihood that a stationary neck-fetter, in very common use, is the one alluded to, especially as no other instrument seems to be just what is wanted. Whether the neruos presented any appearance of an os columnatum or not, we do not know, but I will venture to remind the reader that we found in the boaia an instrument which, though movable, not stationary, met the requirement of this phrase extremely well.

In the hope of receiving further light upon this matter, let us now cast a rapid glance at the appliances used by the Greeks for confinement of the person. There is every probability that these appliances were not radically different from those used by the Romans. In fact, we have already (p. 45) received a serviceable hint from a Greek source.
The simplest δεσμά are of course cords, thongs, and withes.1 Πέδαι are properly of this sort (Il. N 36), but the word came to be used of metallic shackles (Aesch. Pers. 747, Choeph. 493, etc.). They are properly for the feet (see Hesych. and Moeris, s.v.; Ar. Plut. 276), yet not invariably (Aesch. Choeph. 982). Shackles I understand to be meant by χοίνκες. From the two passages in Aristophanes (Plut. 276, Vesp. 440) it might seem possible to think of round holes in wooden stocks. But it is clear from Demosth. 18, 129, that the χοίνκες παρείμη, which the father of Aeschines wore while on duty in the schoolroom, were portable affairs. The scholiasts, moreover, on both passages of Aristophanes interpret χοίνκες as πέδαι.2

The σανίς or 'plank,' to which malefactors were nailed and hung up to perish,3 does not come into consideration. It was an instrument of painful death, analogous to the cross.4 Wholly distinct from this is the ξύλον, an appliance for mere confinement. Mentions of this are numerous. Ξύλον is, however, a generic term, comprehending several wooden implements. It was oftenest—in later times perhaps always—used of stationary leg-machines. In the noteworthy passage Lysias 10, 16, ξύλον is said to be the modern equivalent of the ποδοκάκκη mentioned in the Solonian laws.5 Several definitions of the ποδοκάκκη, in Suidas, Hesychius, Harpocration, Photius, Bekker's Anecdota (p. 292) and the scholion on Aristoph. Pax 479, tell us very little about it, the most definite statement being that it was ξύλον εἷς ὁ ἐν εἰρκήτι τοῦ πόδας ἐμβάλλοντες συνεχοντιν, ὁ παρὰ Ρωμαίους κοῦστος6 καλεῖται. But the ξύλον σιδηρόδετον

1 Il. Α 105. Compare σείρωσις and σειρᾶν in Photius's Lexicon.
2 In Plut. 276, τὰς χοίνκας καὶ τὰς πέδας, the scholiasts take the two words as εἴδος and γένος, but it is obvious that alternative varieties of fetters might after all have been intended.
3 Herod. VII, 33; IX, 120; Ar. Thesm. 930–1124 passim. In the Themophoriazusae, Mnesileochus is said to be 'bound' (δῆσον, δεῖ, etc.), but that nails were used appears from 1003. He understands that he is suffering a death-penalty; see 938 ἀποθανομένων, 1028 κοράζει δεῖρων, 1072 θανάτου.
4 Hesych., τίθεται δὲ καὶ ἐπὶ τοῦ σταυροῦ.
5 Compare Demosth. 24, 105.
6 Naber rashly conjectured κοῦστος = custrōs. But the reality of the Middle Greek word κοῦστος is beyond question (see Du Cange), and it seems to be the Low Latin custrus 'wooden shoe,' 'clog,' used jocularly for the stocks.
which figures in the story of Hegesistratus (Herod. IX, 37) is perhaps a little less vague. Hegesistratus, it will be remembered, amputates his own heel with a knife, slips his foot out, and escapes. Something like stocks are indicated. Two blocks with hemicylindrical grooves, bound together with iron bands, would best suit the expression, although, since these compounds of δέτος are sometimes used in faded-out senses, a log with a U-shaped iron driven into it might also be thought of, or even a solid block, with an opening admitting the foot and afterwards reduced in size by an inserted spike. The εὐλογος of Herod. VI, 75 is also easiest understood as a leg-fetter. From Hesychius under ἐγκαλοσκελης we learn that καλαν was sometimes said for εὐλογος. If then in these, as well as in several passages from post-classic writers, δεδοσθαι εν τω εὐλογο means to sit in the stocks, it is certain that the same phrase in the fifth century was used of confinement by the neck. In the Clouds, v. 592, the chorus proposes this for Cleon, as a punishment for bribery and peculation (ἡν ... φιμωσητε τουτον 'ην τω εὐλογο των ανξενα). The chorus of men in the Lysistrata utters the wish ες τετρημενον εὐλογο εγκαθαρμοσα ... τουτοι των ανξενα, in reference to the feminine chorus (v. 680). Compare πολλα μεν εν δουρι δεθες ανξενα, Anacreon fragm. 21 Bgk. There could be a combined εὐλογο for neck, hands and feet, for nothing else can be meant in Knights 1049, τουτοι δησα στεκεν εν πέντεσυριγγω εὐλογο. The imaginary prisoners at the beginning of the seventh book of Plato’s Republic, δντες εν δεσμοις και τα σκλη και των ανξενα, may be trussed up in a like machine.

Now if we ask what sort of a neck-fetter this εὐλογο was, it must be conceded that the expressions πεντεσυριγγον εὐλογο ‘five-piped block,’ and τετρημενον εὐλογο, in the passages just quoted from the Knights and the Lysistrata, suggest something like the pillory—a wooden instrument with a rounded hole, perhaps formed by the scooped-out edges of two planks, perhaps not. And in fact I think it likely that the stocks and the pillory were both, in substance, known to the Greeks. But εὐλογο is an elastic term, and it would

1 Tromes, in Demosthenes 18, 129, wears a εὐλογο as well as χλωκε in his schoolroom service. This must be portable, and probably is for the neck. A light κλωκι may be intended.
not be surprising if in some of the above places the writers were thinking of another more primitive, and apparently more usual, way of confining the neck, which we now come to speak of. This method, in a word, is that of the forked stick. The stick is called κλοιός or κὺφων.

The κλοιός (or κλωίος) is frequently mentioned. It is always for the neck—or, as we shall see, for neck and hands. The name changed its meaning, or was extended, so that in some post-classic sources it seems to be only a collar or chain round the neck. Thus in Babrius 99 (100), 6 we have an iron dog-collar, made by forging; κλοιώδες τέρπται σάρκα τοῦ σιδηρείων, ἧν τό τροφεύος μοι περιτέθεικε χαλκεύσας. Hesychius (s.v. κλοιός) defines it as περιτραχήλιος δεσμός, κολλάριον, ἢτοι μανάκης, and the word κολλάριον recurs in a scholion on Vesp. 897. Even in Euripides’s Cyclops 183 f. an ornamental chain or band round the neck is called — perhaps metaphorically — a κλοιός. But the regular κλοιός is more than this. In the first place it is of wood. A κλωίος σύκαιος is the punishment of the dog-culprit in the Wasps (v. 897). Here a scholiast of the Venetus explains τὸ ξύλον τὸ ἐπιβαλλόμενον εἰς τὸν τένοντα τοῦ κυνός. Another adds ἦστι δὲ ξύλινον. As to its form we are not without a pretty significant hint. Observe that the κλοιός was used for dogs as well as for men. Now there was a law of Solon’s, alluded to in Xenophon (Hell. II, 4, 41), but given in full by Plutarch, Sol. 24, which provided that a biting dog should be delivered over to the bitten person κλοιῶ διππήχει δεδεμένος. It is obvious that the length is here a point, and equally obvious why. The dangerous animal is to be held off at a safe distance by a sort of handle. He may not be confined by a mere leash, which would leave him free to run at his new master’s legs. There is another allusion to the length of the κλοιός in the story told by Plutarch, Moral. p. 855 A, of Philip’s sneering remark about the Greeks who had left the Macedonian alliance for the Roman: λειώτερον μὲν μακρότερον δὲ κλοιῶν

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1 καὶ τὸν χρύσον κλοίων φοροῦντα περὶ μέσον τὸν αὐχένα. Said of Paris. So Clemens Alex. Paed. II, p. 244 Pott. calls a χρυσόν περιθέραιον κλωίας, but it does not appear that that name was really used for it.

2 Yet another says σύκαιον δὲ διὰ τὸ βραχύ (leg. τραχύ?) τοῦ ξύλου.

3 Besides the other passages here given, see the story in Plut. Mor. p. 754 B.
μεταλαμβάνειν. Now observe that the κλοιός itself is said to be three cubits long, not to have a long handle. Considering this, it seems clear to me that the simple instrument is meant, with which one may nowadays see unruly farm-animals hampered — a forked stick placed under the neck, the two prongs joined by a withe or a cross-bar.

The phrase 'three-cubit κλοιός' receives confirmation from Euripides's Cyclops v. 235, where we read δήσκαντες δέ σε | κλωιών τριπήχει κατὰ (mss. κατα) τὸν ὄφθαλμον μέσον | τὰ σπλάγχνα ἐφασκόν ἐξαιρέσθαι βίαι. Most editors write ὄμφαλον for ὄφθαλμον after Scaliger. This is probably right, but it is certainly not right to suppose the κλοιός to be a 'strait waistcoat,' put round the middle of the body, as Paley does. The long-handled Solonian κλοιός, placed over the neck, is meant. A comma belongs after τριπήχει.

In the sequel of this last passage, scourging is among the indignities with which the Cyclops is threatened, and with this should be compared the gloss in Bekker's Anecdota (p. 49), κλωιόμαστιξ - κλωίου δεδεμένος καὶ μαστιγούμενος, and above all the instructive narrative in Xenophon's Hellenica III, 3, 11. Here Cinadon, δεδεμένος καὶ τῷ χέιρε καὶ τὸν πράξαλον ἐν κλωίῳ, is led about the city of Sparta, μαστιγούμενος καὶ κεντούμενος. The κλοιός, observe, was used in public floggings, exactly like the Roman furca, and the hands are bound to it. This seems a strong confirmation of our theory of its form. The hands I conceive to be fastened to the prongs, as to the prongs of the furca; the butt-end projects behind, and is held by the μαστιγοφόρος. There are, of course, the possible alternatives that the butt is very short, or that it hangs in front, and has the hands bound to it.

Now the forked stick is used at the present day in Africa for hampering unruly slaves or slaves marching in caravans. The cut from which the sketch on opposite page is taken may be found in Livingstone's "Last Journals" (London 1874) vol. I, p. 62. More detailed information is accessible in Paul Reicard's "Deutsch-Ostafrika" (Leipsic 1892) p. 462 f. The fork is secured round the neck by a small bar of iron, passed through holes in the prongs and clinched. The butt ordinarily hangs in front, and is carried by the wearer in his arms. But it may be turned backward, and
two of the sticks may be lashed together, thus joining two slaves. It seems to me that in this “slave-stick” or “sklavengabel” or “makongoa” we have the κλοιώς exactly reproduced. It corresponds both to the boia and to the furca of the Romans, and we have seen (p. 44) that κλοιώς is defined by boia. These African sticks are often of portentous size, but smaller ones are clearly possible.

Reserving the κλοιώς in Lucian’s Toxaris for later mention, I am not aware of anything else that bears on the nature of the instrument, unless it be the epigram of the Anthologia Palatina IX, 19, ascribed to Archias of Mitylene. The once famous race-horse, now reduced to turning the mill, is said to be νῦν κλοιών δειρήν πεπεδημένος οίς χαλίνωι. Even here the forked stick can be understood; its butt-end may be fastened to the arm which turns the stone, or it may itself be that arm. What the etymology of κλοιώς was, I do not know. That it is connected with κηνίω is not self-evident. We might suspect that κλοιώς was originally some house or farm implement, only incidentally used as a means of confinement. But the only hint of other uses of the word is that afforded by Hesychius, κλοιός· μέρος τι τῆς νεώς. This shows us that there were other κλοιοί beside the punitive instrument.

So much for the κλοιώς. The κύφων must next be considered. I transcribe the chief passages containing the word or relating to it.

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1 It is perhaps noteworthy that the unlucky parasite in Eupolis’s Κόλακες (fragm. i 59 K), summarily expelled from his patron’s house, is handed over to the police with a κλοιώς on. The κλοιώς seems to be right at hand when wanted. But perhaps such instruments were kept ready for insubordinate slaves.
Cratinus fragm. 115 K, εν τωι κυφωνι των αυχεν' έχων. Ar. Plut. 476, τύμπανα καὶ κυφωνεσ. Ibid. 606, Penia is ordered ες των κυφωνα. Aristot. Pol. V, 6 (p. 1306b), the enemies of the oligarchy at Thebes ἐφιλονείκησαν αυτοὺς ὅστε δεθήναι εν ἀγοραί εν τωι κυφωνι. Aelian fragm. 39 Herch. (from Suidas), a law of Lyctus against persistent Epicureans, δεδεσθω εν κυφωνι προς τωι ἀρχειωι ἡμερῶν εἴκοσι, stripped and smeared with honey to attract the flies. Schol. RV Ar. Plut. 476 (= Suid. s.v. κυφων), δεσμός ἐστι ξύλινος, ὅν οἱ μεν κλοιὸν οἱ δὲ καλιδὲν ὁνομάζοντι εἰρήται δὲ κύφων παρὰ τὸ ἀναγκά-ζει τοὺς δεσμούς κύφων (V adds, διπλῶς ἀμα κολαζομένους, τῇ τε τοῦ τραχήλου πιέσει καὶ τῷ μηθαμῶ ἀνανεόντα δύνασθαι). *Αλλως: εὔλα εἰσόν ἐπιθίθεμεν εἰς τοὺς τένοντας τῶν καταδίκων, ἵνα μη εὑρωσιν ἀνακώψαι (V adds, καὶ γὰρ τὸν κρυμμένον ποιοῦσι κύφων). Schol. P ibid., ξύλον ὁμοιον ἄγω, ὅν τιβέασιν κατὰ τῶν τραχήλων τῶν δικαζο-μένων, κύπτειν αὐτοὺς παρασκευάζων, ἵνα διπλῶς αὐτοὺς κολαζῆ, καὶ μὴ ἔων αὐτοὺς ἀνανεύειν οὐδ' ἀλως.2 Schol. RV Ar. Plut. 606, ὁ ξύλινος δεσμός ἐν δὲ δεσμεύονται οἱ εἰν τῇ φρονωταί. Hesych., κύφων· ὅπερ ἐνόι συνάγχην καλούσιν· ἄριστοι δὲ καὶ δεσμὸν ξύλινον ἣ ξύλον βασανι-στικόν κολαζήρηρον, ὁμοία αὐτοῦ κατακεκριμένον. Photius Lex., κύφων· ἐστι μὲν δεσμὸς ξύλινος, δὴ οὗ τὸν τραχήλον καὶ τὰς χείρας διείρουσιν. Pollux X, 177, σκέψοι ἵν τι ἄγαρανομικόν, ὀτ τῶν αὐχένα εὐθέα ταῖς μαστιγοῦσθαι τὸν περὶ τὴν ἀγορὰν κακονυ-γοῦντα.— In brief, it was wooden, something like a yoke, put on the neck, and might also confine the hands; it was called a ‘choker,’ enforced a stooping posture, served for floggings, and was used by public authorities to confine malefactors in market-place or prison. As compared with the κλοῖς, the most noticeable thing is that it appears to be stationary. Prisoners do not walk about with it. A man is confined in it twenty days running in front of the town-hall. There is a good deal here that suggests the pillory, and for this speaks also the fact that the τετρημένον ξύλον of Lysistrata 680 (see p. 54) is interpreted by a scholiast as a κύφων. The expression

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1 Hesych., καλοίς... ξύλον ὁ δὲ ἔδειξε.  
2 Another addition in V contains, κύφωνες εἰς τὰ ἔργα (leg. ἔργα;?) ἀ ἐπιτι-θέασιν εν τωι τραχήλωι τῶν καταδικασθέστων. 
3 Possibly this should be κυνάγχην. At any rate Hesych. defines this word as τῶν διὰ χειρῶν δεσμῶν, and defines δερματῆς as κυνάγχης περιαυχένος.
δείροντον, 'stick through,' 'insert,' may also be thought to look in the same direction. On the other hand the language of the scholiasts on Plutus 476 is against this. It is a 'piece of wood put on the neck,' and is said by one man to be identical with the κλοίος. The term may have been elastic, and its application may have changed with time, but it seems to me pretty clear that the original κύφων was a simple affair not very unlike the κλοίος, and that it was rendered stationary by its greater weight, or by planting its end in the ground, or in some other way.

It may be worth while to look at the other uses of the word κύφων. First an undescribed women's garment.\(^1\) Secondly, κύφωνες were a part of the chariot-box,—apparently the curved rails forming the upper edge of the right and left sides.\(^2\) Here κύφων evidently means 'bent stick.' Thirdly, the κύφων was a part of the plough. Theognis 1201, οὐδὲ μοι ἡμίονοι κύφων ἀκούνειν ἀρότρου. This can be nothing else than the γύνη—the crooked stick rising from the top of the ἐλυμα (ploughshare) and curving towards the front. When there is no separate ἵπτομενος, the γύνη is continued to form the pole. It is then a long stick with a heavy, moderately curved, butt. It would not serve to enclose the neck. But with the ἐλυμα attached it would serve admirably. Now the most primitive form of plough had the ἐλυμα and the γύνη of one piece, and this, I should like to suggest, may be the prototype of the κύφων of confinement. It is simply a fork with no butt to speak of, but with two prongs, one long and curving, the other short and sharp. Such a plough is represented in Daremberg and Saglio (s.v. aratrum) fig. 429, from a relief representing the hero Echetlus. The figure is reproduced in the annexed cut. A plough of this sort (or the γύνη and ἐλυμα of the composite plough) put over the neck, and supplemented by a thong

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1 Ιμάτια γυναικεία η χρίσας εἶδος, Photius, citing Posidippus.
2 Pollux I, 143, τῶν πλαγίων πλευρῶν τὰς ἑπάνω βάρδους τὰς ἐς κάτω τεινόσας. The definition ἵπτεκακαμένη βάρδους in Hesychius may well refer to this chariot-rail.
under the chin, would hamper a man most effectually. It would be 'like a yoke,' and would force him to crane his neck forward. If there is anything in this, the κύφων must have been so called because it was the 'bent stick' of the plough; not, as the later ancients thought, because it forced a man to stoop. Here, as in the case of the furca and the patibulum, the means of punishment would be a simple domestic implement intended for another purpose.

Before going further, let us sum up the present state of the question. The most frequently mentioned appliance for stationary confinement among the Romans was, we saw, the neruos. The neruos of Plautus was a wooden instrument confining the neck, weighing something like fifteen Roman pounds. Now the simplest and the most usual sort of neck-fetter, among both Greeks and Romans, we have found to be the crotched stick in one form or another. The crotched stick, with butt-end in front, would give the appearance of 'head on a pillar' which we are looking for. These and other considerations may well incline us to think that the neruos was the apparatus in which Plautus imagines Naevius to be confined, and that it consisted of a forked stick, in part at least. But there remain two obscure points,—how this crotched stick of moderate size could be the stationary apparatus which the neruos evidently was, and how it ever came to be called a neruos at all.

These questions are perhaps insoluble, in the incompleteness of our information. Nevertheless I should like to call attention to two noteworthy passages of Greek authors which may seem to stand as fingerposts in this wilderness. First the passage of Polybius which we quoted in part on p. 45. Μ' Acilius Glabrio threatens to bind the Aetolian legates 'in the chain' and clap them into prison (δῆσας εἰς τὴν ἀλυσιν ἀπάξω). Then at his order a chain is brought, and an iron σκύλαξ is put round each man's neck. Here we see that both 'dog' and chain belong to the apparatus, which nevertheless is called simply a 'chain.' The 'dog' is the means by which the prisoners are fastened to the chain, at proper intervals.

The second passage is the long and interesting description of a prison in Lucian's Toxaris, chapters 29–33. The prison is an Egyptian prison and the time of the writer is relatively late. The
details, however, seem Greek enough, and of primitive barbarity. We cannot here transcribe the whole story. The essential features are these. The prisoners are confined in a close and ill-smelling room. They are confined with κλοιοί and with the ξύλον.\(^1\) It is not said that the κλοιοί are for the neck, but this is plainly to be inferred from the context. In the daytime the κλοιοί suffices, together with the fastening of one hand, the legs being free. How the hand is fastened does not appear, but probably it is attached to the κλοιοί itself. At night the ξύλον for the legs is added.\(^2\) This is called ἵνα καταδεδέσθαι. Thus trussed up they sleep ‘on the ground,’ in a cramped position, unable to stretch the legs out. Evidently the κλοιοί permits a sitting posture. Now these κλοιοί are all fastened into a chain,\(^3\) so that the prisoners sit in a long row (ἐκές). The mechanism is such, that when one prisoner gets a file and severs the chain, the whole gang are at once free.\(^4\) They knock the guards on the head and make a rush for liberty. This is evidently a sudden happening. The number of prisoners is large,\(^5\) and it is unthinkable that each man has to file himself separately free. It is also nearly inconceivable that when free from the chain they still have their κλοιοί on. Rather the chain is all that confines them in the κλοιοί. The contrivance, so far as I can see, must be something on this wise. The chain is reeved through holes in the two prongs of the κλοιός, or it is fastened to one prong and passes through a hole in the other. Drawn taut, it holds the neck firmly between the prongs. When slack, it can be loosened and the head drawn out. The

\(^1\) ὑπενθεῖσα τοιγαροῦν ἡδὴ καὶ ποηρῶς ἔθεν οἷον εἰκὸς χαμαὶ καθεδόντα καὶ τῆς νυκτὸς οὐδὲ ἀποτείνειν τὰ σκέλη δυνάμενον ἐν τῷ ξύλῳ κατακεκλεισμένα. τῆς μὲν γὰρ ἡμέρας οἱ κλοιοὶ ἤρκει καὶ ἡ ἑτέρα χεὶρ πεπεθημένη, εἰς δὲ τὴν νύκτα ἔδει ἤλθον καταδεδέσθαι. Chap. 29.

\(^2\) Possibly not for all the prisoners, but only for the particular one whose adventures Lucian is narrating.

\(^3\) We may note in passing that Pollux X, 167, in a miscellaneous list of σκέψη, mentions κλοιός and ἄλυσις together, and just before the σκέψας (see p. 45).

\(^4\) εἰς γὰρ τῶν δεδεμένων οὖν οἶδ' δὲν μίνης εὐπορήσας καὶ συνωμότας πολλοὺς τῶν δεσμωτῶν προσλαμβάνει τὰς ἄλυσις, ὡς ἐθεάθεντο εἴζης, τῶν κλοιῶν εἰς αὐτὴν διεφομέναν, καὶ ἀπολύει ἄπαντας. Chap. 33. This must be in the daytime, as nothing is said of the ξύλον.

\(^5\) εὖ ταῦτα νόθον δεδεμένων καὶ στενοχωρουμένων καὶ μόλις ἀπανθητών. Chap. 29.
arrangement, along with some inconveniences, would have this advantage, that all the prisoners could be at once released, and all at once secured again by means of a hook and staple at one end of the room.

We must not forget to say that the κλοιῶς in this passage must be something other than a mere crotched stick, because two prisoners can be fastened to the same one. But nothing forbids our supposing a double κλοιῶς, in principle like the simple,—say a piece of plank with two triangular notches cut in one of its edges.

To conceive the neruοs as (originally at least) constructed in this fashion, to have consisted, that is, of a wooden fork—a boia or catellus—placed under the prisoner’s neck, with the butt resting on the ground, secured at the back of the neck by a long thong passing through holes in the prongs, this thong being drawn taut and fastened to opposite sides of an apartment, would of course be pure hypothesis. But it would dispose of the two difficulties that confronted us—that of the name, and that of the immovability of the machine. It would explain neruo torquebo in Curc. 690, and it would make the metaphor of the neruos brachialis in Poen. 1269 more picturesque. Such a machine could be fabricated in a few minutes, and would be an effective means of confinement. With the cord tightly knotted or otherwise fastened to one of the prongs, the stick could not be slipped along the line, and the fastenings would be quite out of the prisoner’s reach. At the same time it would not be extremely uncomfortable, as there would be no painful constriction of the body, and the stick would afford some support to the prisoner’s head, as he sat on the ground. At times, the prisoner might be allowed to walk about with the clog on his neck, and this is perhaps why its weight was a consideration.

In post-Plautine times the name neruοs, as we have seen, got somehow shifted from a neck-fetter to a foot-fetter, very likely in consequence of a change of practice in the direction of humaner methods of confinement. It was also made of iron instead of wood. We know nothing of the construction of this later machine. It may be, for aught we know, exemplified in the iron instrument found at

1 τούτο γοῦν μόλις πολλά εκείνους τὸν δεσμοφόλακα ἐξειργάσατο παρ’ αὐτοῦ, πλη- σιον τῶι Ἀντιφίλωι καὶ ὑπὸ τῶι αὐτῷ κλοιῶι δεῖλοθαι. Chap. 32.
Pompeii in the gladiator barracks, now in the Museum at Naples. This consists of a row of square compartments for the ankle, formed by two horizontal bars connected by short upright pieces. The upper bar, smaller than the lower, is movable, and passes through holes in the uprights; slipped out lengthwise it frees the prisoners.\footnote{Excellent engraving in Niccolini, Le Case di Pompei, Vol. I, Caserma de' Gladiatori, Plate I, F.}

This may be the ferreum uinculum of Festus (see p. 46), but it is unlike the ancient neruos as we have imagined it, and more nearly resembles the numella.

How long the old neruos for the neck remained in use we know not. There is beyond all question a reminiscence of it in Horace's picture (Sat. I, 3, 89) of the poor debtor who porrecto iugulo historias captiuros ut audit.\footnote{I derive this hint from Marindin in the new Dictionary of Antiquities, s.v. neruus.} That is, 'with neck outstretched like a prisoner,' but I do not gather from this that Ruso, Horace's contemporary, actually put his debtors into this sort of confinement. It may also be worth considering whether the term codex may designate an instrument of this nature. The three passages in which it occurs are these. Pl. Poen. 1153, where a slave is threatened with the 'oak log,' robustus codex, along with the 'mill' and the 'well.'\footnote{The line must be drawn, I think, between this robustus codex and robustus carcer in Curc. 692, because the latter hangs on to the robus and the Tullianum (Fest. p. 264 M.).}

Propert. IV (V), 7, 44, codicis immundi uincula sentit anus. Juvenal 2, 57, residens in codice paelex. On ground of a scholion on the last passage, the codex is generally explained as a clog fastened to the leg. But the scholion may as well or better be understood of the boia or the old-fashioned neruos. The words are ergo hanc insequens grauioribus poenis, domina catena uinctam infigit codici atque ita iubet facere pensa. Note the word infigit.

We must revert to Naevius and his incarceration for a final remark. We have found it probable that the neruos was the apparatus referred to in the phrase os columnatum. Was Naevius's imprisonment public or private? Ussing argues that if Naevius was imprisoned at all (he thinks he was not), it was done "priuata ui, non publica auctoritate." He thinks, no doubt, of confinement at
the house of some Metellus. But we must hesitate to throw over
the very definite statement of Gellius, with its express mention of the
triumvirii capitales and the tribunes.\textsuperscript{1} Why may not the accusation
have been occentatio,—the composition of a carmen quod infamiam
faceret alteri? This was a capital offense according to the Twelve
Tables.\textsuperscript{2} Gellius clearly supposes Naevius confined in the public
carcer. We do not, as it happens, hear of the neruos as used in the
carcer. Indeed neruos (that is, private imprisonment) and carcer
are contrasted in Poenulus \textsuperscript{1409} (no. 18 on p. 48). Nevertheless it
is quite possible that an instrument of like construction, even if not
called by that name, was known in the public prison. Simple
imprisonment without fetters was not the custom among either
Greeks or Romans. And there are many allusions to the uinucula of
the Roman prison,\textsuperscript{3} though we learn little as to their nature. We
know no reason why this prison may not have been arranged like
that in Lucian’s Toxaris.

However probable or improbable the details of our conception
may seem to the reader, the main thesis here maintained—that the
phrase os columnatum in the Miles relates somehow to the sort of
machine in which Plautus fancies Naevius to have been confined—
may, I hope, receive general assent. I say fancies, because we have
to deal with a statement of Plautus rather than with an actuality.
It is possible that Naevius was not really confined in this particular
fashion, but that Plautus chose to represent it so. But Plautus’s
meaning seems to me quite certain. As to the bini custodes, I like
best to understand simply the prison guards. Compare \textit{nam noctu
neruo uinctus custodibitur}, Capt. \textit{729}. Yet it is conceivable that this
too refers to fetters—say for the two feet. Naevius would then
sit with his neck in the neruos, and his legs in compedes or in some
kind of stocks.

\textsuperscript{1} Gell. \textit{III}, 3, 15. \textit{De Naevio quoque accepimur, fabulas eum in carcere duas
scripsisse, Hariolum et Leontem, cum ob assiduam maledicentiam et probra in
principes ciiutatis de Graecorum poetarum more dicta in uinucula Romae a trium-
viris coniectus esset. Unde post a tribunis plebis exemptus est, cum in his quas
supra dixi fabulis delicta sua et petulantias dicitur, quisbus multos ante laeserat,
diluisset.}

\textsuperscript{2} Cic. Rep. 4, 10 (12).

\textsuperscript{3} For instance Liv. \textit{III}, 58, 2; VI, 16, 2; VI, 17, 5; Pl. Rud. 476.