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MENANDER'S FABULA INCERTA

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1. The Cairensis

The only certain source of Menander's *Fabula Incerta* is P. Cairensis 43227 (= C), part of a papyrus codex from Aphroditopolis written in the fifth century A.D. The codex originally contained *Epitrepontes*, *Heros*, *Perikeiromene*, *Samia* and two or more other plays by Menander. One of these was the *Fabula Incerta*, from which five mutilated scraps survive. Four of these (L, P, S, α) have been carefully assembled to form most of one papyrus leaf (vv. 3–32 on one side, 33–64 on the other); the fifth scrap (ι) is probably part of the same leaf, but has not been securely placed. In his *Fragments d'un manuscrit de Ménandre* (Cairo 1907) pp. 176–80 G. Lefebvre published three of these scraps (LPS), mistakenly attributing them to the *Samia*. The same editor's *Papyrus de Ménandre* (Cairo 1911) pp. 44–45 follows Körte in correctly attributing LPS to an unidentified play, and by now incorporating α into its text it deserves to be considered the first edition proper; it includes photographs (plates D and E, printed before plate I, show scraps LPS α correctly placed; plate XLVIII shows ι , the unplaced fifth scrap¹). New photographs of C were published in *The Cairo Codex of Menander* (P. Cair. J.43227) (Institute of Classical Studies, London 1978); *Fabula Incerta* appears on plates XLVII and XLVIII, with ι included in the position questionably assigned to it by S. Sudhaus, *Menanderstudien* (Bonn 1914) 51–52.

2. The plot

The leaf preserved in C identifies four characters: Moschion (10, 27, 47, 56), his father Laches (19, 22, 26, 30), Kleainetos (28) and Chaireas (31, 51, 52, 59, 60; probably ι recto 5; right margin of 36). Moschion, during his father's long absence from home, contracted a marriage with a girl whose father or guardian was Kleainetos. Since the word $\beta\acute{\iota}\alpha$ appears to be applied to Moschion's encounter with that girl (23), while a baby was born before Laches returned home (55), it follows that Moschion had raped the girl, making her pregnant, and then been forced by Kleainetos to marry her without gaining his own father's consent.² Moschion was afraid that on his return Laches would oppose this marriage, and Chaireas, presumably a young friend of Moschion, agreed to take part in a scheme designed to force Laches' consent in this matter.

The papyrus leaf opens after Laches' return, and the scheme is now in progress. Chaireas is conversing with Laches, and tells a partly false story that the girl now married to Moschion had originally been promised to Chaireas, but that Moschion, after trying unsuccessfully to induce Chaireas to give her up, had raped her. Some badly mutilated verses at the beginning of the leaf (fr. ι recto) seem to imply allegations by Chaireas that Moschion had been seen (cf. $\mu\acute{\alpha}\rho\tau\upsilon\rho\alpha$ [6) committing the rape and

¹ Lefebvre (1911) prints photographs also (i) of LPS in plates XXXIX and LX, where they are wrongly identified still as "*Samia* (?)" and accompanied by *Epitrepontes* 648–656 and 684–94, and (ii) of α in plate XLV.

² Cf. Körte, *Hermes* 72 (1937) 54. That Moschion was already married to Kleainetos' daughter at the beginning of the play is clearly implied by vv. 27–31, 46–48 and 51–55 (see my discussions of these passages below); the doubts expressed in the Gomme–Sandbach commentary (p. 689, s.v. *Fragmentum dubium*) seem unfounded. U. E. Paoli, *RIDA* 1 (1952) 267–75, and Eva Cantarella, *RIL*, cl. di lett. 98 (1964) 121–61 (especially 137, 143) argued that in Attica a father's consent was always required before his son could be married, but such evidence as we have (*Lysias* fr. 24 *Thalheim*; *Dem.* 40.4) implies that in most cases "the father could urge, but not command" a son's obedience in such a matter (A. R. W. Harrison, *The law of Athens: family and property*, Oxford 1968, 18 and n. 5; cf. D. M. MacDowell, *The law in classical Athens*, London 1978, 86). For an important exception to this general rule which is relevant to the situation in *Fabula Incerta*, however, see note 21 below.

then imprisoned (τὸν ἐγκεκλειμένον 9); neighbours were involved (9). The law of Athens allowed a woman's father or guardian to kill a man apprehended in such circumstances, to exact a fine, or even (with the agreement of the raper's father) to force the malefactor to marry the girl without receiving any dowry.³ Laches is naturally horrified by this news, but clearly he hopes that by now consenting to Moschion's marriage he will dispel any dangers still threatening, and he offers his own daughter in marriage to Chaireas, in place of the bride that Chaireas claimed to have lost. Kleainetos now appears on stage, and shortly afterwards⁴ Chaireas departs, presumably to inform Moschion of the scheme's success. Kleainetos, who in all probability was ignorant of most of the details in Chaireas' stratagem,⁵ now explains the true situation to Laches, who is annoyed at having been duped but nevertheless steels himself to accept Moschion's marriage and to confirm the offer he had just made to Chaireas.

This account largely agrees with modern scholarship, but several points perhaps need further discussion or emphasis. First, we have no means of knowing how much of the story that Chaireas recounts so vividly at the beginning of C's page is pure fabrication. Moschion's rape might have been observed, condemning him to an imprisonment by Kleainetos from which release was possible only after Moschion agreed to marry the girl. It is perhaps no less likely, however, that the details about witness(es) and imprisonment had been invented purely to increase Laches' apprehension, and that Moschion had fallen in love with the girl, raped her and then offered to marry her without any previous physical restraint on Kleainetos' part.

And who was behind the story that Chaireas embroidered? If Menander was following dramatic convention here, it would not have been Moschion or Chaireas, but a slave probably attached to one of their households.⁶

The Gomme–Sandbach commentary (p. 684) draws attention to the use of plurals by Kleainetos (ἡδικήμεθα 28, ἡμῖν 46, ὄόμεθα 48), Chaireas (τοῖς δοῦσι 18 and Laches (ἐξεδώκατε 51) when reference is made particularly to the person or persons who authorised the girl's betrothal and marriage to Moschion. This is an important (but not original) observation, but must it imply a situation where Kleainetos was not the girl's father or (if her father was dead) her sole κύριος, but rather "one of a number of relations who had become responsible for the girl in the absence of her father, who may have been dead"? It seems more likely that Kleainetos used these plurals either as an individualising feature of his characterisation (note his use also of βοῶμεν at v. 49), or with the implication that although he was head of his family, decisions such as those affecting the girl's future were taken jointly by e.g. his wife and himself.⁷ We do not know, however, whether Kleainetos really was the girl's father or had become her guardian only after her own father had died.

³ The way in which a rape or seduction of this sort was normally punished in Menander's Athens is not absolutely clear. Dracon's law (as cited by Dem. 23.51–53) allowed the girl's father or κύριος to kill the malefactor, but the girl's marriage without any dowry to the raper (provided the raper's father gave his consent) could apparently replace the more extreme penalty. Unfortunately, however, in fact "we know next to nothing about the way in which rape at Athens was legally regulated" (S. C. Todd, *The shape of Athenian law*, Oxford 1993, 276–77). The question has spawned a large bibliography in recent years, although Menander's *Fabula Incerta* has rarely been cited in evidence; see e.g. U. A. Paoli, *Aegyptus* 32 (1952) 265–69; Harrison, *The law of Athens: family and property* 13–14, 19 and n. 3, 32–37; MacDowell, *The law in classical Athens* 124–26; E. M. Harris, *CQ* 40 (1990) 370–75; D. Cohen, *G&R* 38 (1991) 171–88; P. G. McC. Brown, *CQ* 41 (1991) 533–34 and *CQ* 43 (1993) 196–200. If Kleainetos was a member of the Areopagus, as v. 11 may imply (see e.g. the Gomme–Sandbach Commentary ad loc.), it would be interesting to know whether his membership of a body that in Menander's day had the power to inflict summary punishment on malefactors (cf. W. S. Ferguson, *Hellenistic Athens*, London 1911, 24 and 99) was introduced by the dramatist in order to increase the apprehensions both of Laches on his return home and of Moschion as apprehended wrongdoer.

⁴ See below, on vv. 36–41.

⁵ Cf. Kuiper, *Mnemosyne* 58 (1931) 240, 245, Körte, *Hermes* 54–55, D. Del Corno's edition of Menander (Milan 1966) 378 and n. 5.

⁶ See also section 3.ii below.

⁷ Cf. e.g. S. Sudhaus, *Menanderstudien* (Bonn 1914) 53 n. 3, and Jensen's edition, apparatus on v. 18.

Finally, was Chaireas' embroidered account of Moschion's past his only function in Menander's plot? We do not know, but it is highly probable that Chaireas had never wanted to marry Kleainetos' girl, but was in reality enamoured of Laches' daughter. In that event the stratagem would have been engineered to suit his own wishes as well as those of Moschion.⁸

3. Details of Text

7. Here Sandbach writes in the commentary (p. 685) "the photograph (of C) seems to confirm his (Lefebvre's, in the 1911 edition) reading *επαλλασ*[". There is little ink left, but the diagonals of *λα* can be recognised". Before he died Sandbach passed on to me two photographs of this page of C, which endorse his statement and show clear traces also of the top stroke and left foot of the first lambda.

10. C has *παμμοσχίων*[". In the absence of context there is no way of deciding whether *παῖ* at this point is (i) the vocative of *παῖς*, which would then be addressed here either in apostrophe to the absent Moschion (with *Μοσχίων* vocative) or to young Chaireas (with *μοσχίων* or *-ίων*[- not vocative) by the elderly and apparently unrelated Laches 9 (in Menander cf. e.g. *Dis Ex.* 52 father to son, *Dysk.* 741 old man to stepson, *Sam.* 129 and possibly 148 father to adopted son; see especially Eleanor Dickey, *Greek Forms of Address*, Oxford 1996, 65–72), or (ii) an exclamation of surprise, occurring in Menander most commonly in the form *τί τοῦτο, παῖ* and *παῖ, τί τοῦτο*, but on its own apparently at *Sam.* 678 (cf. also *Asp.* 257; C. Austin, *Gnomon* 39, 1967, 125, and the Gomme–Sandbach Commentary ad loc. and on *Asp.* 257, *Dysk.* 500, *Sam.* 360 and 678). It is, however, relevant to add that an expression of horrified surprise would be very appropriate here for a speaker (Laches) who seems to have been regaled in the previous verses with a tale of his son's misdemeanour and its terrifying consequences.

11. *Ἀρεοπαγίτης* comes as a surprise. Two pointers tie this reference effectively to Kleainetos. One is that at 3.36.2 (as many scholars have observed) the epistolographer Alciphron, whose major quarry seems to have been New Comedy, refers to *τὸν σκυθρωπὸν Κλεαίνετον, ὃς τὰ νῦν δὴ ταῦτα πρωτεύει τοῦ συνεδρίου καὶ εἰς αὐτὸν ὁ Ἄρειος πάγος ἀποβλέπουσιν*; it is characteristic of this author to borrow ideas from writers like Menander and insert them into his own alien contexts, as Anderson has recently⁹ reminded scholars. Secondly, Kleainetos' membership of the Areopagus would have a powerful dramatic relevance in the context of Chaireas' story. Chaireas' primary aim was to frighten Laches into accepting Moschion's marriage, and an allegation that Kleainetos was an Areopagite was bound to increase Laches' trepidation. In Menander's time, as the Gomme–Sandbach commentary well notes, the Areopagus had taken over from *οἱ ἔνδεκα* the power of inflicting summary punishment on malefactors¹⁰, and if Moschion had been caught in the act of raping or seducing Kleainetos' daughter, the penalty for such a crime appears to have included summary execution. If Chaireas had told Laches that Moschion had faced the risk of execution at the hands of an Areopagite when caught *flagrante delicto*, Laches would presumably have been relieved to learn that Moschion had been allowed to escape that punishment by quickly marrying Kleainetos' daughter.

19. Editors here accept Jensen's decipherment and supplementation (*Hermes* 49, 1914, 428: "schlagend" Sudhaus, *Menanderstudien*, Bonn 1914, 54 n. 1) of C's text *γενοῦ γάρ, ἵκετεύω [σ'] ἐγώ*: (where everything after *ἵκετευ* is holed or badly abraded), together with his conclusion that the speaker (whom at first he misidentified as Chaireas, not Laches) breaks off in mid-sentence as the other speaker

⁸ Cf. C. Robert, *GGA* 177 (1915) 279, C. Jensen's edition of Menander (Berlin 1929) p. xlvi, Wilamowitz, *Gnomon* 5 (1929) 467, Kuiper 239–40, Körte, *Hermes* 54, 57–58, Del Corno 377, 385 n. 4.

⁹ Cf. most recently G. Anderson, *ANRW* II.34.3 (1997) 2190–93.

¹⁰ See especially W. S. Ferguson, *Hellenistic Athens* (London 1911) 24, 99.

(Chaireas) cries out οὔμοι, τί ποιήσω; (v. 20). Admittedly the minimal traces at line end support Jensen; my photographs reveal the cross stroke and upper (rather than lower) curve of the ε, then very faint traces which are not incompatible with γω, finally a clear dicolon. Yet would a dramatic audience find it easy to supplement “Become/be, I beg you –” with the missing predicate (e.g. συνεργός, Jensen in his edition)? Elsewhere in New Comedy I have found no relevant parallel for this type of aposiopesis.¹¹ Elsewhere in later comedy commands (with γενοῦ) to characters to “be/become X” are always accompanied by the needed predicate (Men. Asp. 265–66 κύριος, Kith. 50–51 σύμβουλος, Pk. 295–96 κατάσκοπος, Sik. 352 οὔτος; fr. adesp. 1063.3 (perhaps from Fab. Inc.) ἀνήρ, 1017.90 ἐκποδών), and inevitably one wonders why Menander did not introduce an appropriate predicate in the final half-metron in this verse – e.g., since Laches clearly now wanted Chaireas to marry his daughter, why did he not say [σ’], ὑός; In Menander’s Athens an old man with a daughter and no male descendants would commonly adopt as his son a young man like Chaireas and marry his daughter to him (cf. Isaeus 3.68, 10.13¹²), yet it would probably be improper to conjecture ὑός here against the faint evidence of the traces. For the expression cf. e.g. Ar. Ran. 582–83.

27–31: (a) 27–28 Μοσχίων τὴν παρθένον /]ων ἔχει, Κλεαίνετ’. ἔχω (see LSJ s.v. A.1.IV) from Homer onwards is often used (either with or without the addition of γυναιῖκα) as a loose expression for “I (male) am married to” (e.g. in Menander Dysk. 380 ζῆν ἔχοντα τὴν κόρην, fr. 276.10 (text slightly uncertain) τὸν ἔχοντα ταύτην, Fab. Inc. 17–18 ἀναίνει τὴν ἐμὴν / ἔχειν θυγατέρα, cf. 46–47 ἔχει τὴν παρθένον / ὁ Μοσχίων). Admittedly in different contexts ἔχω can also mean loosely “I live/have sexual relations with” a woman who is not my wife (e.g. Epitr. 681–82, fr. 1.2–3, Mis. A9 Sandbach = 9 Arnott, A52 S = 52 A, Pk. 130–31), but when the two persons concerned are both Attic citizens, the general implication is that they are a married pair.

(b) 29–30 Chaireas’ comment citing the betrothal formula γνησίων ἐπὶ σπορῶ / παίδων directly follows the remark quoted above, and in such a context can be interpreted most plausibly as a confirmation that Moschion’s relationship with the girl is legitimate and above board; here the reference to the formula of ἐγγύησις must mean that their present cohabitation is founded on a previous use of the formula at their betrothal/marriage.

(c) 30–31 Laches is asked to confirm/endorse/consent to (ἐπιβεβαιοῖ) the legality of an existing marriage, not to agree/consent to a future marriage.

See also 46–48 and 51–55 below.

30. If the Gomme–Sandbach commentary (on vv. 19–22) is right to interpret this verse as an attempt to introduce Laches and Kleainetos to each other, the question arises why two old men living as neighbours in the two stage houses should not previously have met. One possibility is that Kleainetos had only recently moved next door to Laches, during the latter’s long absence from home in the months before the stage action of the play begins.

32–33. The top of C’s leaf has been torn off, and this leaves a lacuna between vv. 32 and 33 that has most commonly been estimated as of 3 or 4 verses.¹³ The 33 pages of C which survive with top and bottom margins intact vary in contents from 33 to 38 lines, as follows (I allow 3 lines in p. X and 4 in p. XXIX for a mid-line XOPOY, and two lines in p. XLV for XOPOY at the top of a page): 38 lines x 3 pages, 37 x 5, 36 x 11, 35 x 8, 34 x 3 and 33 x 1. On the second page of C, 32 lines of Fab. Inc. (vv. 33–

¹¹ Jensen’s suggests as a parallel Men. Epitr. 498 Sandbach, but his own text there no longer finds favour with scholars.

¹² Cf. Harrison 23–24, MacDowell 100 (opp. citt. in n. 3), S. C. Todd, *The Shape of Athenian Law* (Oxford 1993) 222–23.

¹³ So the editions of Sudhaus², van Leeuwen³, Jensen and Körte³; since Sandbach’s Oxford Text omits vv. 33 and 34, his estimate of 5 or 6 verses (between 32 and 35) does not diverge from the four others cited.

64) survive wholly or in part; the gap before v. 33 could possibly extend 1 to 6 verses, more probably 2–5, with 4 most likely.

46–48 confirms 27–31, with ἔχει in v. 46 used in the same sense as at v. 28.

47 Körte (*Hermes* 72, p. 69) may be right in assuming that Kleainetos' statement about Moschion taking ([ἔλα]β': suppl. Jensen; traces of the β are clear on my photographs) Kleainetos' daughter ἐθελοντής, οὐ βίβη refers only to the young man's unforced willingness to marry her, but even so the possibility of a totally different scenario must be considered. The idea that Moschion had raped Kleainetos' daughter before his marriage to her is based only on speculative interpretation of the mutilated shreds of vv. 6, 8 and 9, backed up by the admittedly plausible assumption that βίβη in v. 23 means "rape". But could the story of Kleainetos' rape also have been part of Chaireas' fiction?

51–55. The conversation here between Kleainetos and Laches confirms that Kleainetos (and other(s): see section 2 above) ἐξεδώκατε his daughter to Moschion, i.e. had already betrothed and married her to him, and the fact that a reference to the birth of their child does not precede but follows this remark implies surely that the marriage preceded the birth.

57. C's πρωί here makes perfect sense ("too soon", cf. πρὸ γὰρ at A. (?) P. V. 696), but are we to assume its scansion as one long syllable (πρῶ) and so necessarily posit an omission or corruption in the transmission,¹⁴ or do we write πρωί and scan it as two longs? In Attic tragedy (S. *Trach.* 631, P. V. 696) and Old Comedy (Ar. *Vesp.* 104, 689, Av. 129, 132, Lys. 612, 1065, Eccl. 291, Eupolis frs. 85, 385.3 KA) πρῶ is always monosyllabic (Σ^R Ar. Av. 129, Suda σ 2939, cf. 2940, s.v. πρῶ; cf. Orus fr. B 140 and Alpers ad loc.). But Homer scans πρωί as a disyllable (— ∪: Il. 8.530, 18.277, 303, Od. 24.28), and a disyllabic pronunciation is attested for Ionic (Hdt. 9.101, x 67 in the Hippocratic corpus, e.g. Epid. 1.1.2) and the Koine of the Bible (LXX Gen. 19.27, NT Ev. Matt. 20.1, Act. Ap. 28.23). This may have influenced a possible disyllabic pronunciation in late Attic, but why in that case should the word's two transmitted instances in late 4th- and 3rd-century iambic trimeters (πρωί γὰρ A in Ath. 13.580f = Machon 329 Gow, as well as C here) apparently demand scansion as two longs? Is it possible that popular speech at the time lengthened the ι by false analogy with adverbs like ἐνθαδί, νυνί and τηνικαυτί?¹⁵

4. Other papyri assigned to this play

Four other papyri (P. Oxy. 429, PSI 1176, P. Oxy. 2533 and 4409) have at different times been attributed to *Fabula Incerta*. For none of these papyri is the evidence in favour of the assignment either totally convincing or demonstrably incorrect. However, since the attachment of any one of them to this play would necessarily affect interpretation not only of the dramatic situations hinted at or clearly present in C, but also of some of the questions and problems considered in the preceding paragraphs, it may be useful briefly to discuss the arguments both for their assignment to *Fabula Incerta* and for their potential contributions to our knowledge of its plot.

(i) P. Oxyrhynchus 429

This small scrap, written in the third century A.D. and now containing the beginnings of 14 verses, was first published (without a photograph) by B. P. Grenfell and A. S. Hunt, *The Oxyrhynchus Papyri III* (London 1903) 73–74. The scrap mentions in quick succession ἀρπα[γή] ("seizure" or "rape", v. 4), a

¹⁴ In that event <τὸ> πρῶ (cf. e.g. PSI 402.10, 3rd century B.C.) or πρῶ(αζ) (cf. e.g. Ev. Matt. 21.18) might be worth consideration.

¹⁵ Cf. Schwyzer 1.611 and note 3.

Laches (5), and γείτονες συνεδί (“neighbours” who had done something “together”, v. 7), just before the conventional formula of betrothal παιδῶν ἐπ’ ἀρό[τω γνησίω] (10) is introduced. At first sight these details appear to match a known character and incidents mentioned (vv. 8, 23) in *Fabula Incerta*, and Wilamowitz in a letter to Körte¹⁶ tentatively suggested that P. Oxy. 429 might derive from the same play; the same guess was hazarded independently by T. B. L. Webster, *Introduction to Menander* (Manchester 1974) 200–202. Körte¹⁷ countered the suggestion (i) by drawing attention to the frequency with which Laches is used as a character name for old men in later Greek comedy,¹⁸ and (ii) by alleging that any combination of the details about Moschion’s arrest in Chaireas’ embroidered story with (presumably) Chaireas’ betrothal to Laches’ daughter in one and the same scene at or towards the close of the play would be dramatically implausible. Neither objection is cogent, but the presence of the betrothal formula at v. 10 poses a problem. It cannot refer to Moschion and Kleainetos’ daughter, since these apparently (see section 3 above, on vv. 27–31, 46–48, 51–55) were married before the action of the play begins; if on the other hand it is interpreted as Laches’ betrothal of Chaireas to his own daughter, it rules out a combined attribution of P. Oxy. 429 and 2533 to *Fabula Incerta*, since the latter papyrus (see below) introduces the same betrothal formula also (apparently) for a Chaireas, and there is no precedent in later Greek comedy for two uses of this formula at a single betrothal. If P. Oxy. 429 does derive from *Fabula Incerta*, however, it must have come towards the close of the play, some time after the Cairensis leaf.

(ii) PSI 1176

This papyrus, written probably before 60 A.D., is more substantial, with the remains of the top 17 to 18 lines in three adjoining columns, the third of which preserves only the line beginnings. It was first published by G. Vitelli, *SIFC* 7 (1929) 235–42 and *Papiri greci e latini* 10 (Florence 1932) 146–55, with a photograph (plate iii). The papyrus contains parts of two scenes. The first is in trochaic tetrameters; a slave (who may bear the dramatically unique name Megas, v. 3) bids good-bye to another character (v. 1: probably his master Moschion) and then launches into a long monologue in which he tries to summon up courage to tackle a desperate situation facing Moschion (2–4), which he compares to a storm at sea (5–16 at least). There are similar speeches in Plautine comedy by slaves who have been asked by their masters to tackle difficult problems but have not so far hit upon a clever stratagem (e.g. Chrysalus in *Bacch.* 760–69, a play adapted from *Men. Dis exapaton*; Pseudolus in 394–414, 561–74). At the end of his monologue the slave notices his master Laches (21, cf. 24) entering the stage along with another man (22), and he disappears offstage into his house. The metre now changes to iambic trimeters, and the other man rebukes Laches for having wronged him by sending him off somewhere (22–24) on a mission connected with the marriage of a son and daughter (29–30).

In his preliminary publication of PSI 1176 (*SIFC* 236) Vitelli claimed that (i) there was nothing unmenandrian in the language and style of this papyrus, and (ii) the idea that the Cairensis leaf and PSI 1176 might derive from the same play was “not impossible”; a Moschion and a Laches featured in both papyri, and the dramatic situations that they presented were not incompatible. Wilamowitz, however, wrote to Vitelli¹⁹ rejecting any attribution of PSI 1176 to Menander for metrical and linguistic reasons, while Körte later (*Hermes* 73–77) supported (and partly corrected) Wilamowitz’ arguments with a more

¹⁶ See Körte, *Hermes* 72 (1937) 72, and the third edition of his Teubner *Menander* p. xlii.

¹⁷ *Hermes* 72–73.

¹⁸ Körte’s list here (*Men. Heros, Kitharistes, Perinthia; Crobylus’ Pseudypobolimaios, Philemon’s Ephebos*) can now be extended to include *Men. Plokion* (on the evidence of the Mytilene mosaic). Cf. also several fragments from unidentified plays: *Men. frs.* 795.1 K.–A. and 430 K.–A., fr. adesp. 1045 K.–A. On frs. 1063 K.–A. and P. Oxy. 4409 see 3.ii and iv below.

¹⁹ His letters to Vitelli (18.12.1929, 4 and 13.1.1930) are published by R. Pintaudi and C. Roemer, *ASNP* 11 (1981) 380–82.

thorough investigation of the question. The accretion of major new papyri since the 1930s, however, makes some of the earlier arguments untenable and a brief new discussion advisable.²⁰

(a) Metre. Wilamowitz' letter of 18.12.1929 to Vitelli alleged unmenandrian anomalies in the trochaic tetrameters of PSI 1176 affecting median diaeresis and resolution, but his allegations were unfounded. The use of median diaeresis in this papyrus corresponds totally to normal Menandrian practice, and the presence of dactylic resolution in the first half of the third metron in v. 15 (τοῖς Σαμό-) has Menandrian parallels (same sedes in Dysk. 306, cf. also 774, Pk. 340, Sam. 731, Sik. 135)²¹.

(b) Phraseology. Editors and commentators from Vitelli onwards have noted Menandrian parallels for much of the language in PSI 1176: e.g. 2 ἔνδον ἐστίν ~ Mis. A10 Sandbach = 10 Arnott, 300 S = 701 A, fr. 887 K.-A.; ὥστε + imperative Pk. 167–68, Sam. 478–79, 560, fr. 602.18 K.-A.; 3 μὴ παρέργως ~ Sam. 638, cf. fr. 351.6 K.-A.; ἀνήρ γενοῦ ~ Sam. 63–64, 349–50, 512–13; 4 μή μ' ἐγκ]αταλίπης ~ Epitr. 934, Mis. 306 S = 707 A; 6 ἠγωνίακα ~ Heros 2, Mis. 272 S = 673 A; 9 προσάπτεις τῇ τύχῃ τὴν αἰτίαν Men. Comp. II.15 Jäkel; 10 τὰ δυσχερῆ ~ fr. 236.3–4 K.-A., and cf. my discussion of *Phasma* 34 at ZPE 123 (1998) 42; 14 τὸ μέλλον οὐκ ἀπέγνων? ~ Pk. 745; 22 παρα]φ[ανήσο]μαι ~ Pk. 365; 24 ὡς οὐδὲ εἰς ~ Dysk. 598; 29–30 θυγατέρα / δώσοντ' (as a loose substitution for ἐκδώσοντ') ~ Fab. Inc. 18.

This leaves a residue of expressions and usages which up to now lack a precise Menandrian parallel. Some of them are unexceptionable because they have a good Attic pedigree: e.g. 2–3 ἔγειρε δὴ / νῦν σε]αυτόν Eur. fr. 693 εἶα δὴ, <φίλον> ξύλον, / ἔγειρε μοι σεαυτόν; 5 the adverb ἀπροσδοκῆτως Thuc. 4.29, Lysias 1.11; 5–6 εἰς κλύδωνα πραγμάτων / [ἐμπε]σών a similar metaphorical use of κλύδων in Greek tragedy (A. Pers. 599–600, S. O. T. 1527, Eur. Med. 362–63) and Attic prose (Dem. 19.314, Pl. Legg. 758a). One other appears to reflect a usage which flourished apparently in early Koine: the employment of εὐφυῆς (as a voguish equivalent to καλός) with καιρός at v. 23: cf. Simylus fr. 727.6 Lloyd-Jones – Parsons²², Polybius 1.19.12, 2.13.2, 26.8, 10.35.7, 11.21.1, 15.34.6, 21.25.3.

Seven expressions or usages, however, either can be or have been challenged as unmenandrian. They are best treated separately.

Verse 7. μὴ ποθ' ἢ τύχῃ λάβῃ μου τὴν ἐναντίαν κρίσιν earned Körte's disapproval (*Hermes* 77). Vitelli (*SIFC* 240, PSI 154) rightly interpreted the verbal phrase as meaning 'decida contro di me', and noted a strictly legal parallel in [Arist.] *Rhet. Alex.* 29, 1347^a 10 ἢ μὴ βούλεσθαι τοὺς τὴν αἰτίαν ἐπενεγκόντας λαβεῖν τὴν κρίσιν; cf. also Dem. 5.22 τοῦ δοκεῖν δι' αὐτὸν κρίσιν εἰληφέναι, 19.65 τὴν ἐναντίαν ποτὲ Θηβαίοις ψῆφον ἔθενθ' οὗτοι, Pl. *Laches* 184d νῦν δὲ τὴν ἐναντίαν γὰρ . . . Λάχης Νικία ἔθετο, Diod. Sic. 4.1.4 ἡμεῖς δὲ τὴν ἐναντίαν κρίσιν ἔχοντες and *Alex. Aphr. de Anima* 64. There appears to be no parallel for a metaphorical extension of the legal phrase, but that can hardly be used as an objection in a case where the resultant Greek is strikingly imaginative.

8. βλέπω, parenthetically as it seems in the sense 'I see/understand'. As Sandbach noted in the *Gomme–Sandbach Commentary* (pp. 651–52 on Sik. 184) 'parenthetic βλέπεις lacks good parallels', and the same applies to βλέπω.²³

10. οὐ θεωρεῖς in the sense 'don't you observe/realise?' also lacks any parallel, so far as I know.

12. σύναγ[μα] appears to be the only word that can be appropriately supplied (so Morel in Vitelli, PSI p. xviii) in the list at vv. 11–12 of dangers at sea. Yet its derivation cannot be from συνάγω (so

²⁰ Cf. Handley, *The Oxyrhynchus Papyri* 64 (1997) pp. 52–53.

²¹ Cf. Körte, *Hermes* 77 n. 3, E. W. Handley's edition of *Men. Dysk.* (London 1965) pp. 60, 306, and Austin, *CGFP* 277 (his fr. 255, note on v. 15).

²² Here the punctuation μελέτην, καιρὸν εὐφυῆ, seems preferable, in view of the contemporary vogue for attaching the adjective to καιρός, whether or not one accepts the transmitted χρόνον that follows the adjective.

²³ Cf. ZPE 117 (1997) 29.

Morel, comparing σύναγεν νεφέλας at H. Od. 5.291 and translating Zusammenstoß, collision), but rather from συνάγνυμι (= wreckage; cf. H. Od. 14.283 νήας . . . τάς οἱ ξυνέαξαν ἄελλαι, along with the use of ἄγμα = fragment in Plut. Philopoemen 6).

22. θᾶπτον εἴσειμ' ἐνθάδε: although the comparative form of this adverb in Menander most commonly accompanies imperatives (x 10, including Sam. 658–59 θᾶπτον εἴσιθι / εἴσω) and quasi-imperatives (οὐ + 2nd-person future, x 3), it does occur (apparently without strong comparative force) in clauses lacking any element of command: Epitr. 370–71 τοιούτους ἔδει / θᾶπτον δικάζειν πάντας, Pk. 364–65 ἄν . . . θᾶπτον . . . / ἔλθῃ, fr. 602.11–12 K.–A. μεταβολὴν θᾶπτον . . . / . . . ζῶον οὐδὲν λαμβά-νει.

29. υἱὸν φέροντα περὶ γάμου earned the disapproval of Körte (APV 60, Hermes 77) and Page (GLP p. 277) for not being 'in the style of Menander'. Nevertheless φέρω occurs several times in the Zenon archive of letters written in the mid-third century B.C., as Handley notes (The Oxyrhynchus Papyri, LXIV 1997, p. 53 n. 2): e.g. [590]15 r 27–28, 147.3–4, 268.23 with an accusative; 741.26, 851 b 4, P. Mich. Zen. 30 a 9 intransitively; cf. the marginal notes in P. Lond. 1994.435–36, 438–39 (edited by T. C. Skeat, Greek Papyri in the British museum, VII: The Zenon Archive, London 1974).

31. πραγμάτων κατήκοος also won Körte's disapproval (APV 60, Hermes 77), but, given such parallels as Pk. 295–96 τῶν ὄλων κατάσκοπος / πραγμάτων and [Pl.] Axiochus 365b ἀνήρ . . . κατήκοος λόγων, it is hard to see why.

(c) Style. Repetition as a means of emphasis may occur three times in this papyrus (v. 2 certainly, 4–5 and 8 if plausible supplements are accepted), and this is a common feature in Menander (e.g. Dysk. 82, 574, 596–98, 620–21, Epitr. 441–42, 878–89, Mis. 307–308 S = 708–709 A, Perinth. 3–4, Sam. 324, 326–27, 465, 506–507, 570, Sik. 364²⁴). Two other features of the writing, however, were criticised by Körte (Hermes 77; cf. APV 61 and Page, GLP p. 277) as unmenandrian: (i) the extended development of the storm image (10–16 and perhaps beyond), along with its dramatic plausibility, and (ii) the mixture of present and gnomic aorist tenses in the image. Neither criticism seems to me valid. The storm image here is subtly introduced by κλύδωνα at v. 5. Its length can be paralleled elsewhere in Menander (e.g. fr. 420 K.–A. with parallel situation and parallel image; fr. 871 K.–A. life as a πανήγυρις), while its dramatic relevance (like that of fr. 420 K.–A.) cannot be fairly evaluated out of context. The mixture of presents and gnomic aorists is paralleled at Dysk. 490–97, while elsewhere in narratives past tenses and historic presents jostle together (e.g. Asp. 23–81, Epitr. 250–69, Pk. 121–64, Sam. 219–66, Sik. 176–271).

There is accordingly nothing in this papyrus that is demonstrably impossible for Menander, even though the more one reads it, the more one tends subjectively to feel (with Körte, Hermes 76–77) a certain absence of the 'Eleganz, Knappheit und Sicherheit Menanders'.

(d) Dramatic links or incompatibilities with Fabula Incerta. Three points need to be stressed.

(1) The appearance of Laches and Moschion together in both papyri remains a striking fact, even if the paired names do occur in other plays by Menander (Kitharistes; Plokion according to the Mytilene mosaic).

(2) The presence in PSI 1176 of a slave²⁵ who finds the problems facing his master Moschion hard to resolve seemed to Körte (Hermes 73) strong evidence that this papyrus did not derive from Fabula Incerta, where the stratagem was managed by Chaireas and not by a slave. This argument badly

²⁴ Cf. my commentary on Alexis fr. 207.1.

²⁵ If he is named Megas (v. 3: the papyrus has the vocative μεγα), as Wilamowitz (letters of 18.12.1929 and 6.1.1930) and Maas (in Vitelli, PSI p. xvii–xviii) first suggested, and if PSI 1176 is Menander, he will join the rapidly increasing number of character names with only one known appearance in this dramatist (38 certain, 9 doubtful at the last count, with ? Dryas (fr. 103 K.–A.) and Sangarios (Heros) also unique slave names). At v. 3, however, in place of the vocative Vitelli (SIFC 237) conjectured μέγας, and this is stoutly defended by H. J. Mette, Hermes 89 (1961) 338 n. 1.

backfires. Before any discoveries of Menandrian papyri, Roman comedy showed that even when free men were involved in carrying a scheme through, it was normally a slave or a parasite who originated the idea.²⁶ The Bodmer fragments of Menander's *Aspis* confirm that Plautus and Terence in all probability here followed a Greek convention, and make it likely that the stratagem of Chaireas in the *Fabula Incerta* was also devised originally by a slave – perhaps the despairing plotter of PSI 1176.

(3) The major structural difficulty standing in the way of assigning PSI 1176 to the *Fabula Incerta*, however, remains the identity of the man who rebukes Laches (24–26, 27ff.) and the nature of the mission on which he was sent by Laches *νίῳ φέροντα περὶ γάμου καὶ θυγατέρα / δώσοντ'* (29–30²⁷). The Laches of *Fabula Incerta* had a son married without his consent while he was away from home, and a daughter apparently promised originally to someone other than Chaireas, and this at first sight seems compatible with a mission (earlier in the play than the Cairensis page) on which a character had been despatched by Laches to deal with the affairs of his two children. But *Fabula Incerta* has no reference to such a mission; the emissary is unlikely to have been Chaireas, since v. 22 of PSI 1176 appears either to name or to describe this emissary as *ἴνον*.²⁸

None of the points discussed above is conclusive in establishing (a) whether or not PSI 1176 should be attributed to Menander, or (b) if Menandrian, whether or not it forms part of *Fabula Incerta*. Even so, the odds are rather less than even for a positive answer to (a), and much less than even for a positive answer to (b). PSI 1176 is both the weakest of the four candidates for assignment to *Fabula Incerta*, and the strongest for inclusion by Kassel–Austin in their *Adespota* (1063).

(iii) P. Oxyrhynchus 2533

This small scrap, dated to the 2nd century A.D., contains the middle portions of 15 lines; it was first published by J. W. B. Barns (with the help of Sir H. Lloyd-Jones), *The Oxyrhynchus Papyri XXXI* (London 1966) 9–11, with a photograph (plate ii). Two features of this badly mutilated scrap led its first editor to attribute it tentatively to a closing scene of *Fabula Incerta*. One was the presence of the names Chaireas (addressed at v. 3) and Moschion (a certain supplement at v. 10); although it seems a safe guess that characters with these names were present together in other plays of Menander and New Comedy, this pairing cannot yet be found in any other surviving play or fragment. Secondly, two other details – a character's confession that he had been in love with a girl for a long time (v. 2), and a father's use of the formula betrothing his daughter apparently to that character (3–5) – agree with what we know about the plot of *Fabula Incerta*. This attribution is admittedly speculative, but if it is correct, the speakers on stage are most likely to have been Laches and Chaireas. In that case Laches would be fulfilling at the end of the play a promise that he initially made at *Fabula Incerta* 1 vv. 17–19. On the difficulty of assigning both P. Oxy. 429 and 2533 to the same play, however, see (i) above.

In v. 4 Barns supplemented with *σοὶ δ' ἐγγύω*, but the *μέν* of v. 3 is better balanced by the *δ'* of v. 6; perhaps *ὥστ' ἐγγύω*? In v. 5 *νῶν* (Austin) *Μοσχίῳ* (Barns) has been suggested, but this requires us to assume a sudden volte-face in the speaker's address away from Chaireas (v. 3) to Moschion (4). Such changes of direction are not of course impossible, but here it would involve the assumption that the speaking characters on stage are Kleinetos (not Laches), Chaireas and Moschion, and that after saying

²⁶ See especially Plautus' *M. G.*, Persa, and Terence's *Andria*; and cf. W. Theiler, *Hermes* 73 (1938) 288 n. 6 and J.-M. Jacques' edition of *Men. Aspis* (Paris 1998) pp. xxxiii–vii.

²⁷ The different tenses of the two participles need not have worried scholars; the mission involved Laches' companion reporting in the present to a son about his marriage, and making arrangements for Laches to marry off a daughter in the future. The messenger could report, but only Laches in person could actually betroth the daughter.

²⁸ Supplementation here is speculative, but suggestions such as *[καὶ τὸν [. . .]νον (several), [καὶ Με]ν[έξε]νον* or *ἄμα τε τὸν ξέ]νον* (Körte, *APV* 59, cf. *Hermes* 75) fit the mutilated context best. Other approaches seem less appropriate: e.g. Handley's *καὶ τῶν [ἐπόμε]νον* (*The Oxyrhynchus Papyri*, 54, 1997, p. 54), introducing a verb from higher poetry which so far is confined in Menander to the formula (*ἔπειτο Νίκη / Νίκη . . . ἔπειτο*) that closes his plays.

that Laches' daughter now belongs finally to Chaireas, Kleainetos still feels a need to betroth his own daughter to Moschion, although the dramatic situation of *Fabula Incerta* apparently implies that Moschion and Kleainetos' daughter had been legally married to each other long before.²⁹

(iv) P. Oxyrhynchus 4409

This papyrus, probably written in the third century A.D., consists of three fragments, perhaps from one tall column of text. Fr. 1 yields the remains of 21 iambic trimeters (vv. 1–11 with the second halves of the lines lost, 12–21 nearly complete); frs. 2 and 3 contain the endings of 17 trimeters. These fragments were first published by E. W. Handley, *The Oxyrhynchus Papyri* lxiv (1997) 50–59, with a photograph (plate iv). The best-preserved section comes from a dialogue between Laches (fr. 1 v. 12) and an unnamed young man who rebukes Laches for depriving him of his daughter, now betrothed to somebody else (vv. 12–13, 18–19); Laches is now arranging the wedding (v. 19). In the earlier and more mutilated portion of fr. 1 Laches seems to have asked this young man to discuss with a third man (αὐτῷ v. 8) the outrageous behaviour of a fourth man (τὴν ἀτοπίαν τούτου v. 9).

Laches is a common name in later Greek comedy, as I have noted above (section 4.i), but Handley draws attention to the neat way that the recognisable subject-matter of the dialogue in fr. 1 matches known elements in the plot of the *Fabula Incerta*. If this papyrus derives from that play, the person rebuking Laches would be Chaireas, at a much earlier stage in the plot when Chaireas' wish to marry Laches' daughter was being impeded by Laches' betrothal of her to somebody else; the third and fourth men would then be Kleainetos and Moschion respectively, and the latter's outrageous action presumably his marriage to Kleainetos' daughter without Laches' consent. Assignment of this papyrus to the *Fabula Incerta* would help to fill in gaps in our knowledge of the latter's plot by revealing that a previous arrangement by Laches lay behind his rejection of Chaireas as a suitor for his daughter. Even so the evidence for assignment of P. Oxy. 4409 to the *Fabula Incerta* is far from foolproof. The apparent links between P. Oxy. 4409 and *Fabula Incerta* could be adventitious, with the two papyri deriving from separate plays, as Handley himself conceded.

At vv. 8–9, when the young man is told to go in and have a talk to someone in a stage house, the young man apparently stays put for the following twelve lines. If he said [π]επὴ[κα ταῦτα (or ταῦτ') in v. 9, his failure to act on Laches' instructions would be explained.³⁰

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²⁹ In his commentary (p. 689) Sandbach already pointed out that it was surprising if at this late stage Kleainetos felt it necessary to use the formula of ἐγγύησις, but argued that not enough is known about the conditions and legal effects for its use then to have been impossible. Maybe; but it is simpler to assume that Moschion's name at v. 10 is only a passing mention, that at v. 5 the supplement Μοσχίλων is incorrect, and that vv. 3–5 refer only to one girl (Laches' daughter) and one young man (Chaireas). See also section 3 above, on vv. 27–31, 46–48, 51–55).

³⁰ Professor E. W. Handley was kind enough to read and comment to advantage on an earlier draft of this paper; thanks to him are due and gratefully expressed.