

The subject of *aiunt* could be the Cominii who prosecuted (Asconius pp. 48. 24–26, 49. 14 f., 50. 9–11St.) or the five *principes civitatis* who were hostile witnesses (p. 49. 18 f. St.): more probably the former. Instead of the indicative *restituerunt* Cicero could have used the subjunctive, but his usage gives the plural more force since it is subordinate in indirect discourse. Cicero clearly attributes the restoration to both consuls, but the assumption that it was a jointly proposed law is not inherent in the fragment. We hardly need the first ten words of Asconius' comment, but the latter part of his sentence clarifies the situation. Whatever the view of Crassus had been in 70, in 65, the year of this trial, he wanted popular backing for his abortive attempt to gain support against Pompey by his Egyptian adventure, which was blocked by Catulus, his optimate colleague in the censorship, and by Cicero with his speech *De rege Alexandrino*. Thus when Crassus appeared as a member of the jury in this trial he may well have been posing as *popularis*; and Cicero, who was somewhat shameless in flattering jurors when he spoke in court, perverted the truth of the situation. In fact Cicero had a difficult part to play in defending Cornelius—he had to avoid offending hostile witnesses, he had to please a jury which was divided in its loyalties, and he had to do all this in the very year in which his own consular canvass was his chief preoccupation.¹⁶ Thus his statement here is such that it cannot be used as evidence by the historian. Asconius, who in another comment cited Pompey alone (*In Corn.* p. 63. 4St.), was here misled by Cicero.¹⁷

None of the items from later historians can be used as independent evidence; for they simply follow the received version that Pompey acted alone.¹⁸ In view of the discussion presented here, this would seem to be the fact, and the law should be labeled *lex Pompeia*.¹⁹

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16. Cf. Q. Cicero *Comm. pet.* 5.

17. Ps.-Asconius once (p. 220. 13–14St.) named Pompey alone; and again (189. 8–9St.) named both consuls.

18. Vell. Pat. 2. 30. 4; Plut. *Pomp.* 22. 3; App. *BC* 2. 29; Cass. Dio 38. 30. 3.

19. I wish to thank Allen M. Ward of the University of Connecticut for valuable suggestions.

ARISTOPHANES *BIRDS* 268–93

At this point, immediately before the entrance of the Chorus proper, the advance party, consisting of flamingo (268), Mede (cock, 274), hoopoe (279), and “gobbler” (287), comes in. From what is said at 279 and 290 it is clear that the third and fourth of these birds “occupy crests,” with the joke on the double sense of *λόφος* (“crest” on a helmet and “hilltop”). And from 291 and 293 it seems a reasonable inference¹ that the first two do likewise. K. J. Dover² makes the suggestion that these “crests” are on the roof of the *skene*.

I find this suggestion confirmed by the evidence of lines 275–76: *νῆ Δι' ἕτερος δῆτα χοῦτος ἐξέδρον χώραν ἔχων. / τίς ποτ' ἔσθ' ὁ μουσόμεναις, ἀτοπος ὄρνις, ὀρειβάτης*; For *ἐξέδρον χώραν ἔχων*³ may refer not so much to the outlandish *origin* of the Mede (a

1. The audience, of course, will have comprehended the point with their eyes: without stage-directions or more explicit reference in the text we must rely on the scene pictured in our mind's eye.

2. *Aristophanic Comedy* (Berkeley, 1972), p. 145.

3. From the *Tyro* of Sophocles, where the reference is to augury.

literally exotic species) as to the position occupied by the bird when it enters: not in the orchestra, as might have been expected,⁴ but on the roof of the *skene*. The Mede is indeed occupying an "out-of-place spot."⁵ Likewise the Aeschylean quotation⁶ in 276 is remodeled to meet the needs of the occasion: ἄτοπος covers both the foreign extraction of the bird and its unexpected perch—it is *literally* ἄτοπος—and δρειβάτης points to the fact that the bird is in an elevated position.

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4. The audience cannot as yet be certain that this bird is not a *choreutes*.

5. Cf. the parallel use of ἔκτοπος in 1474 (δένδρον πεφυκὸς ἔκτοπόν τι), where the Cleonymus-tree is literally "out of the way" as well as "strange," "extraordinary."

6. From the *Edonians* (frag. 75 Mette). Whatever the complete text of the original, it probably included ἄλαλος and ἀβροβάτης. Aristophanes substitutes ἄτοπος and δρειβάτης (pace H. Weir Smyth, ed., *Aeschylus*, Loeb Classical Library, vol. 2 [London, 1926], p. 401, who appears to accept ἀβροβάτης in the text of Aristophanes).

THE STUDENT-TEACHER TOPOS IN BIOGRAPHICAL FICTION: GILBERT MURRAY AND ULRICH VON WILAMOWITZ-MOELLENDORFF

Chronological relationships between writers could be stressed by an account of a meeting between two leading representatives of the same genre, where one was well on his career and the other still young. . . . One might go a step further than this, and make the younger of a pair of famous men the pupil of the elder. [J. A. Fairweather, "Fiction in the Biographies of Ancient Writers," *Ancient Society* 5 (1974): 261, 262]

[Gilbert Murray] took advantage of his leisure to study for a short time in Germany under the magnificent Hellenist, Ulrich von Wilamowitz-Moellendorf. Wilamowitz records¹ that he received a letter from Murray "in elegant Attic," and Murray used to recall that, when he himself got right what the German students got wrong, the great man would bang the table and snort indignantly: "Only the Englishmen!" [C. M. Bowra, "Gilbert Murray," *Atlantic Monthly*, May 1958, p. 72]²

Wilamowitz said that a scholar should be resigned to the transitory life of his productions, and that was certainly the attitude of his friend and pupil, Gilbert Murray. . . . As a young man he wrote to Wilamowitz and went to study under him. [Hugh Lloyd-Jones, *Greek Studies in Modern Oxford: An Inaugural Address* (Oxford, 1961), pp. 12, 14]

[Gilbert Murray] had used his years of leisure to real profit. He went to study Greek in Berlin with the magnificent Hellenist, Ulrich von Wilamowitz-Moellendorf, who records that he received a letter from Murray in "elegant Attic," and Murray used to recall that when the German students made mistakes and the English (presumably himself) got it right, the great man would bang the table and cry, "Nur die Engländer!" (Only the English!).³ [C. M. Bowra, *Memories 1898-1938* (Cambridge, Mass., 1967), p. 216]

1. *Erinnerungen 1848-1914*² (Leipzig, 1929), p. 228: "einen Brief in elegantem Attisch."

2. We owe this reference to Professor Francis West, the biographer of Murray.

3. This latter version carefully distinguishes between Murray's story and Bowra's interpretation. *Recentiores, non deteriores*.