nistic age 1), just as the use of the waters themselves for cures and the building of bathing-establishments is not attested before that time 2). I have collected some material on this question ten years ago; I hope to complete and publish it, and to present my full conclusions as soon as possible. Meanwhile my preliminary answer is that the supposed changing of name does not reflect any 'religious opportunism' but a change of beliefs 3) The question who was the original patron (if there was one) remains still open to me.

I wish to thank both scholars for their comments, which induced me to correct and deepen my views and to continue my research on this matter.

Leiden, Kamerlingh Onneslaan 31.

J. H. Croon

1) Cf. Robert, art. cit., 425: "l'expansion du culte d'Asklepios . . . relativement récent", and ibid., n. 6, where he refers to the earliest sanctuary in the Aegean area (Kos), founded about the middle of the 4th Cent. B.C. Cf. also E. J. and L. Edelstein, Asclepius II, 249: "From the 3rd cent. on the isles in the Aegean . . . were studded with temples of A."

2) For completeness sake I add that all testimonies which might point to Artemis or Apollo as deities of healing near thermal springs are later than the 3rd Cent. B.C.

3) L. Robert (art. cit., 432 sqq.) offers very cautiously a hypothesis of his own, viz. that the Samians, who dominated the island later, became the masters in the Thermaean area as early as the 3rd Cent. B.C., and that this fact provoked the change of name.

TERENCE HEAUT. 649-652

The old gentleman Chremes asks his wife to tell him what has happened. She replies:

ut stultaet et miserae omnes sumus
religiosae, cum exponendam do illi, de digito anulum

detrabo et eum dico ut una cum puella exponeret:
si moreretur, ne expers partis esset de nostris bonis.

This passage, or rather part of it, has recently 1) been dealt with in a somewhat peremptory manner by a very good scholar, Otto Skutsch. He ignores the keyword religiosae 2), takes exception to something in the passage that is not in it ('vix credas mortuae plus quam vivae puellae eum anulum profuturum fuisse'), and so paves the way for his conjecture at 1. 652, ni moreretur. The text as it stands expresses a simple 3) and, at any rate in


2) It here has its full meaning. 'Die religio der Römer . . . ist kein Gefühl, sie besteht in der Beachtung, der Sorgfalt, der Bedenklichkeit, die sich in der Praxis notwendig äussern muss, und zwar teils negativ, von einer verkehrten Handlung zurückhaltend, teils positiv, zur richtigen Handlung antreibend' (Walter Otto, Archiv für Religionswissenschaft, XII, 1909, 541 f.).

3) Marouzeau's twisted rendering, 'si la vieille venait à mourir', has already been rejected by Skutsch.
the ancient world, perfectly natural thought. It will be sufficient to recall the case of Ion’s mother Creusa. When exposing her newborn child, ἣν ἐξειρήσας χιλίδυν (her golden bracelet) τέκνῳ προσάφασι Ἑλιπεν ὡς θανουμένῳ (Eur. Ion 26 ff.).

The Terentian passage, then, speaks for itself. But I cannot leave it without warning the reader against an ignis fatuus by which I was nearly led into a quagmire. Pondering over those lines, I first thought that the very peculiar expression ne expers partis 1) esset de nostris bonis might have something to do with the ‘Totenteil’. On the ‘Totenteil’ in Greek law a very learned and very stimulating book 2) has been written and also, by the same author, an extensive article in Pauly-Wissowa 3). It would be impertinent for me to pass judgement on a problem which requires familiarity with the study of comparative law, but I may be permitted to express the suspicion that, as far as the Greeks, or for that matter the Romans, are concerned, the ‘Totenteil’ is but a ‘ghost’ institution. It seems to me significant that Bruck, in the course of a very full discussion, does not produce a single piece of literary or documentary evidence for a Greek term corresponding to ‘Totenteil’ 4). My scepticism has been encouraged by an article of S. Rietschel 5) who, qualifying H. Brunner’s famous article 6), from which the discussion of this problem started, has shown that the English concept of the ‘dead man’s part’ is applicable not even to the laws of other Germanic nations. Rietschel asks scholars not to use the term ‘Totenteil’ outside its original and proper sphere 7). This is an issue of terminology which must be

1) From the Thesaurus, V, 2 p. 1686, 71 and p. 1689, 71, it appears that expers partis occurs only in the passage of the Heautontimorumenos. The phrase de nostris bonis means of course the whole property of the family; cf. for instance Plaut. Mil. 707 mea bona mea morte cognatis didam, inter eos partiam.

2) E. F. Bruck, Totenteil und Seelgerät im griechischen Recht (München 1926).

3) VI A, pp. 1813 ff.

4) Latte’s careful review of Bruck’s book, Gnomon 3 (1927), 38 ff., criticizes the author’s use of ‘Seelgerät’ in connexion with Greek bequests, but he has apparently no objection to his speaking of ‘Totenteil im griechischen Recht’.


7) He ends his article by saying (p. 311): ‘Zum Schluss mag endlich noch ein Wunsch ausgesprochen werden, nämlich, dass das Wort “Totenteil” aus unseren wissenschaftlichen Darstellungen verschwindet. ... Nachdem es ... üblich geworden ist, ohne jeden quellenmässigen Anhaltspunkt die altgermanische Grabbeigabe “Totenteil” zu nennen und damit zugleich die Vorstellung einer bestimmten Quota des Nachlasses zu verbinden, kann ein weiterer Gebrauch des Wortes nur Verwirrung stiften und falsche Vorstellungen wecken’. Bruck, who mentions Rietschel’s article in the bibliography at the beginning of his book, has not complied with his wish.