

CHILD-EXPOSURE IN THE ROMAN EMPIRE*

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for Andrea Giardina

The exposure of infants,¹ very often but by no means always resulting in death, was widespread in many parts of the Roman Empire. This treatment was inflicted on large numbers of children whose physical viability and legitimacy were not in doubt. It was much the commonest, though not the only, way in which infants were killed, and in many, perhaps most, regions it was a familiar phenomenon. While there was some disapproval of child-exposure, it was widely accepted as unavoidable. Some, especially Stoics, disagreed, as did contemporary Judaism, insisting that all infants, or at least all viable and legitimate infants, should be kept alive. Exposure served to limit the size of families, but also to transfer potential labour from freedom to slavery (or at any rate to *de facto* slavery). Disapproval of exposure seems slowly to have gained ground. Then, after the sale of infants was authorized by Constantine in A.D. 313, the need for child-exposure somewhat diminished, and at last — probably in 374 — it was subjected to legal prohibition. But of course it did not cease.

The abandonment of infants in antiquity has been the subject of scholarly discussion for several centuries.² It has become an obligatory topic in the literature that has grown out of contemporary interest in the history of the Roman family and in the experience of Roman women. Particular aspects of it have in recent times been the subjects of expert discussion.³ But there is much more to say.

First of all (below, I): while very few scholars bluntly deny that child-exposure was widely practised in the high Roman Empire (the evidence is, after all, nearly overwhelming),⁴ some have expressed doubts,⁵ and others suppose that while many infants were exposed not many of the victims died.⁶ There are other fundamental questions about child-exposure which Roman historians have not discussed in much detail. The reasons why people exposed infant children (below, II) deserve a more careful examination than they seem to have received in the

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¹ J. Boswell, *The Kindness of Strangers* (1988), 25, preferring the term 'abandonment', objects to 'exposure' on the grounds that it 'conveys a sense of risk or harm' which is in his view absent from the terms *ἔκθεσις* and *expositio*. But innumerable texts that associate exposure with dreadful deaths or with slavery make it obvious that the Greek and Latin terms have very unpleasant connotations.

² Of the early literature L. Armaroli, *Ricerche storiche sulla esposizione degli infanti presso gli antichi popoli e specialmente presso i Romani* (Venice, 1838), is particularly impressive. Among numerous later works note G. Glotz, in Daremberg-Saglio, s.v. *expositio* (1892), 930–9 (G. Humbert on Rome, 939), with the essay in his *Études sociales et juridiques sur l'antiquité grecque* (1906), 187–227. The most useful discussion of the subject in general is E. Eyben, 'Family planning in Graeco-Roman antiquity', *Ancient Society* 11–12 (1980–1981), 5–82; see also P. A. Brunt, *Italian Manpower, 225 B.C.–A.D.14* (1971), 148–54. On exposure in the Greek world prior to the Romans see especially A. Cameron, 'The exposure of children and Greek ethics', *CR* 46 (1932), 105–14, R. Tolles, *Untersuchungen zur Kindesaussetzung bei den Griechen* (1941).

³ S. B. Pomeroy, 'Copronyms and the exposure of infants in Egypt', in *Studies in Roman Law in Memory of A. Arthur Schiller* (1986), 147–62, F. Kudlien, 'Kindesaussetzung im antiken Rom: ein Thema zwischen Fiktionalität und Lebenswirklichkeit', in *Groningen Col-*

loquia on the Ancient Novel 11 (1989), 25–44, A. Huys, 'ἔκθεσις and ἀπόθεσις: the terminology of infant exposure in Greek antiquity', *AC* 58 (1989), 190–7, M. Memmer, 'Ad servitutum aut ad lupanar . . .', *ZSS* 108 (1991), 21–93.

⁴ D. Engels ('The problem of female infanticide in the Greco-Roman world', *CPh* 75 (1980), 112–20; 'The use of historical demography in ancient history', *CQ* 34 (1984), 386–93) ignores almost all this evidence (for his demographic theory, see below, p. 18). Doubt is more legitimate about the extent of child-exposure in Greece before 400 B.C.: see, for example, L. Gallo, 'Un problema di demografia greca: la donna tra la nascita e la morte', *Opus* 3 (1984), 37–62.

⁵ M. Kaser, *Das römische Privatrecht* II² (1975), 204, says orientalistically that exposure was seldom practised at Rome but was widespread in 'the East'. M. Golden writes that there can be 'reasonable doubt' that child-exposure was extensive (in the ancient world in general) ('Did the ancients care when their children died?', *G & R* 35 (1988), at 158). Kudlien's account (see n. 3) is balanced but seems quite doubtful (27). T. G. Parkin, *Demography and Roman Society* (1992), 97, concludes vaguely that 'the evidence does not allow us to generalize on this practice [it is not clear whether he means exposure or infanticide] as a social phenomenon'. M. Schmidt has maintained, contrary to a widespread view, that many handicapped infants were allowed to live, and this may be right ('Hephaistos lebt — Untersuchungen zur Frage der Behandlung behinderter Kinder in der Antike', *Hephaistos* 5–6 (1983–1984), 133–61).

⁶ R. Motomura, 'The practice of exposing infants and its effects on the development of slavery in the ancient world', in T. Yuge and M. Doi (eds), *Forms of Control and Subordination in Antiquity* (1988), 410–15; Boswell, op. cit. (n. 1), 42, 128–31.

past. The emotional history of the subject also requires attention (III): did those responsible feel much anguish, or much shame? Who, more generally, approved and disapproved, and on what grounds? Further questions arise because widespread child-exposure was part of a demographic system (IV) and part of an economic system (V). As to how the abandonment of infants fits into the demographic regime of the Roman Empire, if it does, the question has been debated and some further clarifications are needed. This is all the more necessary now that J. M. Riddle has put forward powerful arguments in favour of the effectiveness of the oral contraceptives and abortifacients known in Roman antiquity,⁷ thereby invalidating (so it seems) received opinions about the ability of the Romans to control their own fertility. The economic role of exposure derived primarily from the fact that many foundlings became slaves, and it was suggested in an earlier paper that under the Roman Empire they became a major source of slaves.⁸

Above all, the phenomenon of child-exposure should be historicized (VI). It has often been treated as if it had been the same everywhere and always in antiquity. Its early history at Rome cannot be traced, but attitudes undoubtedly altered from one period to another. In particular we shall investigate the growth of opposition to child-exposure. Was this merely a side-effect of the conquests made by Christianity, or were there other factors too?

The subject must also be seen against the background of child-abandonment in other cultures. The history of child-abandonment in Europe since the late Middle Ages has been studied with particular care, and will be invoked from time to time.⁹ It is true that the diffusion of the foundling hospital, starting in the thirteenth century, produced a considerable change in the fate of abandoned infants.¹⁰ Yet there are many similarities, and some of those who have written about infants who were abandoned in, for example, eighteenth-century Italy have succeeded in capturing the painful dilemmas that parents often experienced.¹¹ In antiquity the reality of child-exposure was even more stark, notwithstanding the recognition scenes and happy endings which punctuate the ancient literature on the subject.

Even the most detached historian may find it hard to investigate ancient child-exposure without revulsion.¹² Yet it is important not to issue moral condemnations unthinkingly; instead we should take notice of the dilemmas that ancient parents faced when it seemed necessary to expose an infant child. By all means let us recognize ancient harshness, and patterns of action and thought which to modern morality (not lacking in its own forms of cruelty and heartlessness) are execrable. But in very many cases exposure was the consequence of a hard imperative.

An anthropologist expert on the subject of infanticide has argued that it must be viewed as merely one type of killing of the young. Abortion can be seen as another, and the killing of one's children beyond the first year of life as a third.¹³ But neither of these practices will be mentioned much in this paper. Abortion seems to have been fairly widely practised under the Roman Empire, but the subject has been dealt with by others. The killing and even the abandonment of children after they had been accepted into a family seems to have been a horrific event in the Graeco-Roman world, and the readiness of many ancient parents to expose their not-yet-accepted infant children contrasts with their protectiveness towards children once they had passed that stage.¹⁴ The fictional law of Romulus on the subject of

⁷ J. M. Riddle, *Contraception and Abortion from the Ancient World to the Renaissance* (1992).

⁸ 'Towards a study of the Roman slave trade', *MAAR* 36 (1980), 123-4 (cf. P. Veyne, 'La famille et l'amour sous le Haut-empire romain', *Annales ESC* 33 (1978), 46); with respect to Egypt: I. Biezuńska-Malowitz, 'Die Expositio von Kindern als Quelle der Sklavenbeschaffung im griechisch-römischen Aegypten', *Jahrbuch für Wirtschaftsgeschichte* (1971), 2, 129-33, *L'Esclavage dans l'Égypte gréco-romaine* II (1977), 22-6.

⁹ Recent work: *Enfance abandonnée et société en Europe, XIV^e-XX^e siècle. Actes du colloque ... 1987* (1991); D. I. Kertzer, *Sacrificed for Honor: Italian Infant Abandonment and the Politics of Reproductive Control* (1993).

¹⁰ Boswell, op. cit. (n. 1), 431.

¹¹ G. Cappelletto, 'Infanzia abbandonata e ruoli di mediazione sociale nella Verona del Settecento', *Quaderni Storici* 18 [53] (1983), 421-43, and F. Doriguzzi, 'I

messaggi dell'abbandono: bambini esposti a Torino nel '700', *ibid.*, 445-68.

¹² Cameron, however, op. cit. (n. 2), 105, wrote that 'the cruelty involved in infanticide even by exposure is very slight'.

¹³ M. Dickemann, 'Concepts and classification in the study of human infanticide', in G. Hausfater and S. B. Hrdy, *Infanticide: Comparative and Evolutionary Perspectives* (1984), at 428.

¹⁴ For a balanced view of Roman attitudes towards children, at least in one region, see P. Garnsey, 'Child rearing in ancient Italy', in D. I. Kertzer and R. P. Saller (eds), *The Family in Italy from Antiquity to the Present* (1991), 48-65, who warns (49) against the pervasive assumption that all pre-modern societies shared callous attitudes towards children. As to when childhood was 'discovered' by the Romans (cf. M. Manson, 'The emergence of the small child in Rome', *History of Education* 12 (1983), 149-59), there is still much to be said.

child-exposure seems to assume that parents will sometimes kill children under three years of age whom they have accepted, but it forbids the killing of physically normal children below that age; the point of this age stipulation was probably to make the parents wait until an age when they were practically certain to have become too attached to the child to kill or expose it.¹⁵ Though the man with *patria potestas* had the right to kill those who were subject to his power, nothing at all suggests that this right was applied to children beyond their first infancy except in isolated cases.¹⁶ On the other hand children may die from neglect as well as from violence, and given the higher value that was ascribed to boys it is likely that some female children suffered the fatal results of neglect.

A very different article could be written about child-exposure in antiquity as a mental construct and as the subject of discourse of various kinds. What was said on the subject no doubt sent a number of different messages, which it would be eminently worthwhile to analyse. What follows, however, is an essay in social history, which attempts to take full account of the difficulties inherent in the sources.

I. HOW COMMON WAS CHILD-EXPOSURE, AND HOW OFTEN WAS IT FATAL?

A historian wishes to see these questions of degree answered, even though the answers will never be at all precise. In particular, it makes no sense to write about the causes of child-exposure or to deny that it was often the consequence of poverty, while professing unconcern about whether exposure was widely practised (if it was widespread, poverty can scarcely fail to have been an important cause).¹⁷

The evidence about Roman child-exposure can never be translated into numerical form. But there are limits: no one supposes that exposure was unknown, nor, on the other hand, that it was as common as in some other societies, where levels of infanticide as high as 50 per cent of live births have been reported.¹⁸ One might think that exposing 1 per cent of new-born infants is not remarkable, but that 5 per cent is already widespread child-exposure. However such lines are necessarily rather arbitrary.

The many mythical and fictional tales about infants who were abandoned but more or less miraculously survived which circulated in the Roman world are not going to help us with this question. They suggest a variety of conclusions about the modalities of child-exposure and about its causes and effects, but as to how much exposure took place they lead to no definite result. When infants are exposed in Greek romances, it is tempting to conclude that this was seen as a commonplace occurrence — while we naturally doubt that in real life the end of the story can, except very rarely, have been a happy one. The theme extended back to Middle Comedy,¹⁹ and eventually became hackneyed (though still very acceptable). The attractions for the story-teller were magnetic: pathos and suspense, followed by recognition and contentment.²⁰ Rather as murder, though it is ubiquitous in some modern genres of writing, is demographically trivial and, in civilized countries, an event remote from the experience of the literary classes, so it is conceivable that Greek and Latin imaginative literature gives an exaggerated impression of the incidence of child-exposure.²¹

But the need for caution in reading the sources goes further. When infants were exposed, it seems normally to have been work for women or slaves.²² The action often caused parents deep regret. No one had anything to be proud of afterwards. Even among those who saved the lives of abandoned infants, most were interested in exploitation more than in rescue, and most

¹⁵ Dion.Hal. II.15.2, as interpreted by M. Delcourt, *Sterilités mystérieuses et naissances malefiques dans l'antiquité classique* (1938), 50.

¹⁶ W. V. Harris, 'The Roman father's power of life and death', in *Studies in Roman Law in Memory of A. Arthur Schiller* (1986), 81–95.

¹⁷ Hence some disagreement with C. Patterson, "Not worth the rearing": the causes of infant exposure in ancient Greece', *TAPhA* 115 (1985), 104, who rightly observes that there were 'complex social, economic and psychological variables', — also, one might add, legal, religious, and medical ones. Cf. Dickemann, op. cit. (n. 13), 433–4, for a reasonable warning against being preoccupied with numerical aspects of the problem.

¹⁸ M. Dickeman, 'Demographic consequences of infanticide in man', *Annual Review of Ecology and Systematics* 6 (1975), 130.

¹⁹ Gilbert Murray listed the evidence from comedy, 'Ritual elements in the New Comedy', *CQ* 37 (1943), 46–54.

²⁰ cf. Kudlien, op. cit. (n. 3), 28.

²¹ cf. A. Bresson, 'Démographie grecque antique et modèles statistiques', *Revue, informatique et statistique dans les sciences humaines* 21 (1985), at 15.

²² Glotz, op. cit. (n. 2), 932.

of the rescued children inconspicuously joined the population of slaves. Furthermore, it was to a great extent the poor who exposed healthy and legitimate infants. What happened in towns was better known than what happened in the countryside. In these circumstances few writers are likely to have had much well-founded information about the abandonment of children in their own communities, let alone in the Empire as a whole.

On the other hand many Roman writers assumed that they knew what was going on. The abandonment of infants is a practice familiar to all sorts of ancient authors, and men in public life could gain information on the subject, as Pliny the Younger did, from having to deal with the legal problems it created.²³ Many Roman parents must have given thought during pregnancy to the possibility of birth defects, and to what would be done to a defective infant (under the Principate some were killed, not all by exposure, some were not). Admittedly, even a physician such as Soranus passes *pudiquement*, as the recent Budé editors say, over what will be done with a new-born infant who is not considered 'suitable' for rearing.²⁴ At all events, most of our information comes from authors who are, whatever else can be said about them, serious and intelligent people.

The extent to which infants had been exposed in the classical Greek city is a controversy we need not attempt to settle. For most places we have no information at all. Some recent writers have tended to minimize the phenomenon, taking the recommendation of Plato that the children of the inferior kind of guardians should be exposed (this must be the meaning of *Rep.* v.460c) to be counter to current Greek practice;²⁵ but the debate is probably not over, and *Theaetet.* 151c takes exposure entirely for granted. Aristotle seems to imply (though there is a measure of uncertainty about the text) that the customs of some Greek cities forbade exposure if it was done on demographic or economic grounds,²⁶ which in turn strongly suggests that in other places such a thing was acceptable. In cataloguing the horrendous crimes practised in some other cities, Isocrates includes ἐκβολαὶ of infants (*Panath.* 122), which tells us nothing about the other cities but shows that such actions were at least to some extent disapproved of at Athens. For Theopompus it was a remarkable fact that the Etruscans reared all their children, and Aristotle saw it as a distinctive characteristic of the Jews.²⁷ The truth of these observations is for present purposes unimportant: what matters is what they reveal about Greek expectations. By the late fourth century, if not earlier, child-exposure was commonplace at Athens. According to a notorious couplet of the comic dramatist Poseidippus²⁸

οὐδὲν τρέφει πᾶς κἀν πένης τις ὦν τύχη,
θυγατέρα δ' ἐκτίθεισι κἀν ἢ πλούσιος.

Everyone, even if he is poor, rears a son,
But exposes a daughter, even if he is rich.

Scholars have sometimes tried to dismiss these lines, which have reached us entirely without context, but a comic exaggeration rests on a degree of perceived reality — perceived in this case by the audience as well as the poet.²⁹ When a character in the *Satyricon* says about Croton that 'in this city nobody brings up children',³⁰ the perceived reality is not only *captatio* (the immediate point of the witticism being that those who wished to be courted rejected their own children), but also that in the author's world parents often did expose infant children — possibly for quite other motives.

²³ Plin., *Ep.* x.65–6, 72.

²⁴ Soranus, ed. P. Burguière, D. Gourévitch and Y. Malinas, II (1990), p. 85. This reticence was apparently a Greek tradition: cf. Plato, *Rep.* v.460c, Delcourt, op. cit. (n. 15), 66 n. 1.

²⁵ Patterson, op. cit. (n. 17), Gallo, op. cit. (n. 4), 40–1 (referring to Athens).

²⁶ Pol. vii.16.1335^b 19–26, with the text and interpretation proposed by G. Viljoen, 'Plato and Aristotle on the exposure of infants at Athens', *Acta Classica* 2 (1959), 66–8 (a doxography would be irrelevant, but note that Ross's text and J. Aubonnet's translation (1986) are not accepted). See also Cameron, op. cit. (n. 2), 109.

²⁷ Theopomp., *FGrH* 115 F204, Aristotle, *Zoika* fr. 283 Rose.

²⁸ Fr. 11 Kock = 12 Kassel-Austin, cf. Ter., *Heaut.* 626.

²⁹ Patterson, op. cit. (n. 17), 110–21, says that this text is 'urban', which seems a simplification and is not very relevant. Gallo, op. cit. (n. 4), 52, ignores its significance for the fourth century, relegating it to his Hellenistic section; but it is not very likely that exposure had very recently become common at Athens when Poseidippus wrote these lines at some date in the decades around 300. See further Eyben, op. cit. (n. 2), 17.

³⁰ Petr., *Sat.* 116.7–8. For a somewhat similar exaggeration, cf. Sen., *Contr.* x.4.10 end ('omnes omnibus ...').

In the era after Alexander, however, child-exposure was undoubtedly commonplace in many Greek communities. Even those who argue against the importance of this practice in earlier Greece usually accept this,³¹ and the main point of disagreement has been whether girls were exposed considerably more often than boys.³² This is hard to demonstrate but seems likely.

Concerning child-exposure in republican Rome the evidence is very limited. The Twelve Tables were said to have ordered that a conspicuously deformed child should quickly be killed or 'removed' (the text is uncertain).³³ The *paterfamilias* was permitted to expose any infant born in his family. A society whose foundation myth had as an integral element the exposure of Romulus and Remus perhaps took a certain amount of child-exposure for granted; but not much of a conclusion can be drawn from this, for at least by the late Republic some Romans probably regarded the exposure of the twin brothers as an act which was *ferus* as well as archaic.³⁴ In any case the twins were supposed to have been the cause of intense shame, being the children of the Vestal Rhea Silvia, and furthermore there may have subsisted something of the archaic sense that twins were inherently ill-omened.³⁵

The texts of the Latin comic dramatists that refer to the abandonment of children, such as the well-known narrative in the *Heautontimoroumenos*, are to be taken as legacies from New Comedy which say very little about Roman practice.³⁶ Appian, however, clearly implies (*BC* I. 10.40) that one source of the suffering of the poor in the years before 133 B.C. had been their inability to bring up their children, and he was certainly thinking of exposure. This could merely be a Greek conjecture, or it could reflect the Italian reality of the second century B.C.

The most important piece of evidence concerning the republican period is probably Dionysius of Halicarnassus' description (II. 15.2) of the law about children that he attributes to Romulus, a law never even alluded to by any other writer.³⁷ It supposedly required the citizens to bring up all their male children and the first-born female child, and not to kill any children under the age of three except those that were deformed. This text is without value as evidence about archaic Rome (unfortunately this still needs saying).³⁸ Not only that, but Dionysius' account is also in some respects suspiciously Greek. Was it really possible to limit *patria potestas* in this way? And the committee of five neighbours who were supposed to approve the verdict that the child was deformed seems not at all Roman.³⁹ Nevertheless Dionysius' account probably did have some Roman thinking behind it. The Royal Laws were inventions which were intended to express *prisci mores*, and they were no doubt based on a more or less clear social agenda. This one was probably an expression of late-republican Roman anxiety about the prevalence of exposure,⁴⁰ arising from concern about the fertility of the citizen body. In any case it is reasonable to infer that the Romans of the late Republic did not rear all their healthy male infants, or all their first-born female infants, and that the abandonment of other female infants was fairly common and not heavily censured.

But the late-republican evidence is thin. Cicero occasionally alludes to the picking-up (*suscipere, tollere*) of the new-born child as a deliberate act which may or may not take place,⁴¹ and everyone knew that sometimes infants were rejected. Some were exposed but survived, and one of the *grammatici* celebrated by Suetonius was born free at Spolegium towards the very end of the Republic, exposed 'because of *discordia* between his parents', and rescued for

³¹ e.g. Gallo, *op. cit.* (n. 4), 52-4.

³² For: Eyben, *op. cit.* (n. 2), 17, S. B. Pomeroy, 'Infanticide in Hellenistic Greece', in A. Cameron and A. Kuhrt (eds), *Images of Women in Antiquity* (1983), 207-22; against: Gallo, *op. cit.* (n. 4), 37-62.

³³ Cic., *De leg.* III.8.19, where the MSS read *legatus*, which has been emended to *necatus* (Puteanus, followed by Ziegler) and *delatus* (Delcourt, *op. cit.* (n. 15), 51). Cicero's reference is incidental and he may not have been quoting verbatim.

³⁴ cf. Sen., *Contr.* IX.3.11 — which is not to say that such an act of exposure would have been unusual.

³⁵ For the archaic principle of exposing twins see Sen., *Contr.* IX.3, Delcourt, *op. cit.* (n. 15), 103-4, S. Scrimshaw, 'Infanticide in human populations: societal and individual concerns', in Hausfater and Hrdy, *op. cit.* (n. 13), 446, etc. The explanation of the name Vopiscus given by Plin., *NH* VII.47 may suggest that it had once been common to kill one of a pair of twins.

³⁶ Plaut., *Amph.* 499-501, *Cas.* 39-44, *Cist.* 120-202, *Truc.* 399, *Ter.*, *Andr.* 215-24, *Heaut.* 614-67, *Hec.* 400, *Phorm.* 647, *Afran.*, *com.* 347.

³⁷ It is not likely that Tertullian, *Ad Nat.* I.15.3, is an allusion, though Mommsen considered this to be probable (*Römisches Strafrecht* (1899), 619 n. 3). Much the best reading, incidentally, is not *ae[ditui]* (Klussmann, Borleffs) but *ae[dilis]* (Reifferscheid).

³⁸ cf. R. Jackson, *Doctors and Diseases in the Roman Empire* (1988), 107.

³⁹ It is Hellenistic according to E. Weiss, in *RE* s.v. *Kinderaussetzung* (1921), col. 466.

⁴⁰ Harris, *op. cit.* (n. 8), 123.

⁴¹ Cic., *Att.* XI.9.3: it was at least conceivable to Cicero that he might not have been *susceptus*. See also, e.g., *II Verr.* 3.161, 5.123, *Cluent.* 179, *Post red. ad Quir.* 2, *De domo* 34, 36, *Phil.* III.17.

the slave market.⁴² But the incidence of exposure in this period and almost everything else about it will remain obscure. One might guess that very few of the victims survived, since in later times the rescuing of exposed infants, though it was encouraged by other considerations, was usually motivated by the demand for slaves, whereas during the second and first centuries slaves must often have been so cheap that rescuing foundlings for this purpose would have been financially unrewarding.

The notion that child-exposure was widespread in the Roman Empire is not, as far as I am concerned, based on the fact — if it is a fact — that there were more adult men than women.⁴³ Such a phenomenon could certainly be explained by the selective exposure of girls; it might also be explained by reference to gender-differentiated child care. An unbalanced sex ratio probably did prevail in the population of slaves, and one of the mechanisms by which this was brought about was perhaps the selective exposure of girls who were born to slave mothers. But in the free population, while one may suspect that males were in a majority, the fact has scarcely been established.⁴⁴

An array of texts makes it obvious that exposure of infants was widely practised in the high Roman Empire. Small allusions can help. It was, for instance, considered a harsh judgement when an orator attributed cruelty to a man who exposed a son (Sen., *Contr.* ix.3.11). A more reasonable attitude would not have accused the father of *saevitia*. In another brief but still more significant text Plutarch remarks 'that the poor (*penetes*) do not bring up their children', for they fear that without an appropriate upbringing they will grow up badly; they cannot bear to transmit poverty to them (*De amore proliis* 5). This exaggeration probably presupposes a substantial amount of exposure of healthy children among the author's contemporaries.⁴⁵

Divine ordinance forbids the exposure of infants, 'which, has become an everyday (*χειρόθηες*) impiety among many of the other nations because of their natural inhumanity'. Parents who do it thereby accuse themselves of hedonism, misanthropy, murder, and — the worst of curses — child-killing. 'Some do the deed with their own hands', strangling or suffocating them or causing them to drown. 'Others carry them to a deserted place (*ἐπ' ἔρημῖαν*), exposing them, so they claim, to the hope of safety, but in reality to the most dreadful misfortunes', for animals and birds come to devour them. Sometimes passers-by take pity on them and look after them. Those who kill infants are the cruellest and most merciless of men. So Philo of Alexandria (*On Special Laws* III.110–19). Since the mode is passionate denunciation, there is once again likely to be some exaggeration with regard to the 'other nations'. On the other hand, *On Special Laws* was addressed not simply to Jews but also to sympathizers who were of Hellenic culture,⁴⁶ and Philo is likely to have known what the Greeks did (at least those in Egypt).⁴⁷

The best-known of all Roman evidence is Pliny's exchange of letters with Trajan (*Ep.* x.65–6). He consults the emperor about the *threptoi*, in other words 'those who having been born free, were exposed, then picked up by someone and brought up in slavery', a great issue, he says, concerning his entire province. Emperors since Augustus had often given rulings on the subject affecting other provinces, but never with respect to Bithynia; Trajan rules that claims to freedom are not to be made contingent on the payment of *alimenta*. Thus child-exposure was or had been at least fairly widely practised in the provinces of Achaea and Bithynia-Pontus, and in others unspecified.⁴⁸

⁴² Suet., *De gramm.* 21. Another *grammaticus* who had been exposed in Gaul: *ibid.* 7.

⁴³ This argument is advanced by R. P. Saller in E. Gabba and A. Schiavone (eds), *Storia di Roma* IV (1989), 537. Riddle, *op. cit.* (n. 7), 11, incorrectly attributes this position to me.

⁴⁴ On Dio LIV.16 see below, n. 94. In the article 'Abandonment and exposure', in Hastings' *Encyclopaedia of Religion and Ethics* I (1905), 4, P. Giles argued that the Roman way of naming women presupposes the exposure of daughters.

⁴⁵ This passage is an exaggeration but not a straightforward falsehood (*pace* Engels, *op. cit.* (n. 4), 393), rather like the statement about population in Polyb. xxxvi.17. Cf. above on Petr., *Sat.* 116.7–8. It has to be repeated (cf. *CQ* 32 (1982), 116) that the Loeb translator

of this passage, W. C. Helmbold, misunderstood it ('when poor men do not rear their children, it is because . . .'; this is followed by Boswell, *op. cit.* (n. 1), 103), presumably because he was unwilling to face the unpleasant reality it describes.

⁴⁶ A. Mosès, intro. to *De Specialibus Legibus* III–IV (1970), 30–1.

⁴⁷ For Philo's opinions see more briefly *On Virtues* 131–3, which seems to be the earliest existing text to say that exposure is contrary to nature (132).

⁴⁸ Note 'inter eas provincias', x.66.2. The law about *alimenta* in *causae liberales* still needs discussion (see esp. M. Amelotti, *Per l'interpretazione della legislazione privatistica di Diocleziano* (1960), 132–9, M. Bianchi Fossati Vanzetti, 'Vendita ed esposizione degli infanti da Costantino a Giustiniano', *SDHI* 49 (1983), at 185–6).

We shall return later to Stoic criticism, but Musonius Rufus and Hierocles also serve to show that child-exposure was a large-scale contemporary phenomenon. 'Raising many children is an honourable and profitable thing', said Musonius (fr. 15 Lutz). The poor expose children, for insufficient reasons (even birds are able to feed their young).

But what seems to me very terrible is that some who do not even have poverty as an excuse but are prosperous and even wealthy none the less have the effrontery not to rear later-born offspring in order that those born earlier may inherit greater wealth . . . So that their children may have a greater share of their father's goods, they destroy their children's brothers.

Musonius includes those who are reasonably well-off, as well as the actual *plousioi*, in his complaint; hence it is unlikely that he is simply thinking of isolated instances. He also implies that those who suffered from *penia* (not the penniless, but rather the working poor) commonly abandoned their children. Such is also the implication of the title of the treatise from which these comments are taken, 'Whether all children who are born should be reared'. The author was a Roman knight from Volsinii, but he seems to have written within a largely Greek frame of reference.⁴⁹ According to Hierocles (in Stobaeus IV. 24. 14), 'most people' seem to decline to raise (some of) their children for a not very lofty reason, love of wealth and the belief that poverty (*penia*) is a terrible evil.

Just as Theopompus and Aristotle had said that certain barbarian peoples reared all their children, so Diodorus, Strabo, and later Tacitus and Cassius Dio saw such behaviour as a noteworthy feature of alien cultures, such as those of the Egyptians, Jews, Germans, and Scottish highlanders.⁵⁰ Philo and Josephus also make it clear that child-exposure was contrary to Jewish ideas.⁵¹ But the point is that everyone assumes that a normal population exposes a certain number of its healthy and legitimate infants (the scale of the assumption might vary from period to period). These are the assumptions of learned men, with experience and reading such that they were far from isolated. To say that we are dealing with a *topos*⁵² might partly or even wholly account for what these writers say about the barbarians, but it does not account for what they assume about their own societies. Tacitus, admittedly, is not likely to have known much about the life of the poor, and the people with whom he is implicitly contrasting the barbarians are Italians and other Roman citizens, not the inhabitants of the Roman Empire as a whole.⁵³ Strabo's mental range is geographically wider, but the Greeks are presumably his norm in this respect. Within such limitations the texts referred to are valuable evidence.

Child-exposure appears in every Greek and Latin author of the second and third centuries who could reasonably be expected to mention it. In some cases, for example when Apuleius or Longus introduces the theme,⁵⁴ it might mainly be attributed to the legacy of New Comedy. And it might be possible, when a religious zealot such as Justin or Tertullian introduces the theme,⁵⁵ to ascribe this fact to a desire to lambast the pagans with their traditional crimes even if they were not now being committed very much; the ancient tradition of invective was unscrupulous. But neither approach is especially convincing, especially not in the case of Justin and Tertullian. It is true that denunciations of child-exposure became habitual in Christian literature. But both Justin and Tertullian wrote in deadly seriousness and wanted to persuade.

The evidence from the Greeks of Egypt eventually becomes plentiful. By the end of the first century B.C., exposing an infant was a familiar practice which could be ordained by a

⁴⁹ On the Stoic background see A. C. van Geytenbeek, *Musonius Rufus and Greek Diatribe* (1963), 82-3.

⁵⁰ Diodorus 1.80.3 (Egyptians), xl.3.8 = Hecataeus Abd., *FGrH* 264 F6 (Jews), Strabo xvii.824 (Egyptians), Tac., *Hist.* v.5 (the Jews consider it *nefas* to kill *agnati*, presumably meaning extra children), *Germ.* 19 ('numerus liberorum finire aut quemquam ex agnatis necare flagitium habetur' — which is explicitly contrasted with Roman practice), Dio lxxvii/lxxviii.12 (Scots). See also Dion.Hal. ix.22.2 on early Rome.

⁵¹ Philo, op. cit. (n. 47); Jos., *Contra Apionem* 11.202.

⁵² Cameron, op. cit. (n. 2), 112-13. He concludes that 'writers subsequent to Aristotle who report the custom [of

not exposing infants] are drawing not on experience but on literary tradition'. But Strabo on the Egyptians may easily have had a good source, and the argument that Philo's and Josephus' assertions derive from Hecataeus is not credible.

⁵³ A different story about how the Germans treated new-born children: Galen, *De san. tuenda* 1.10 (vi.51 Kühn).

⁵⁴ Apul., *Met.* x.23, Longus 1.2-3, etc.

⁵⁵ Justin, *First Apology* 27, 29, Tert., *Ad nat.* 1.16, *Apol.* 9.17-18.

husband without much ado.⁵⁶ Biezuńska-Malowist has shown that exposed infants were a major source of the province's slaves.⁵⁷ As for the notorious Kopr- names, which scholars have derived from κόπρος (dung) on the supposition that the bearers of such names were all foundlings collected ἀπὸ κοπρίας (from the dunghill), the reality has seemed more complicated since Pomeroy assembled the 279 known instances and showed that many of the persons in question were of such respectable standing that they are unlikely to have started life as slaves. No one has found a convincing alternative explanation of such names — and actually there is no need for one: the copronym-bearers were in part foundlings and in part the descendants of foundlings; those who had themselves been rescued ἀπὸ κοπρίας had in some cases been slaves and had in other cases been adopted by people who were free. The cohort as a whole gives the impression of surprisingly high status because those who were adopted were inevitably much more likely to appear later in documents than those who spent their lives as slaves. In short, the Kopr- names remain valuable evidence for a high incidence of exposure in Roman Egypt.⁵⁸ Further evidence comes from the Gnomon of the Idios Logos (second century). It taxed those who rescued male infants ἀπὸ κοπρίας (sect. 107). The taxation is so heavy (one-quarter of the person's estate) that it seems penal, and the reason for this is not clear.⁵⁹ But in any case the Gnomon contributes to our picture of Roman Egypt as a place in which child-exposure was commonplace.

Archaeological evidence about child-exposure is so far of little consequence. I formerly cited the infant burials at Hambleton in Buckinghamshire, where the excavated burial-ground contained ninety-seven bodies, all of infants. A similar cemetery has been reported from near Alesia. But this evidence loses its significance for present purposes once we learn from Pliny the Elder that it was the general Roman practice not to cremate infants — whereas others were normally cremated.⁶⁰ In the Greek world too the cremation of infants was extremely rare.⁶¹

Gender and class differences in the practice of child-exposure will be discussed below. As far as regional differences are concerned, the plethora of Greek evidence may give the impression that exposure was particularly characteristic of the Greek part of the Empire. However, Tacitus and Tertullian, among others, make it plain that the practice was also common in some areas of the West. Philo was probably right to say that many peoples did it,⁶² and the Greeks may not have done so more than others. A more challenging problem would be to discern what it was in the social and economic structures of the 'non-exposing' ancient peoples that caused them to behave differently from the Greeks and Romans. But even to prepare the way requires an investigation into the reasons for child-exposure in the classical world.

Did abandoned infants often survive? One might guess that very few did so, but the evidence is not easy to interpret. And the question is important, for if a high proportion lived, then we are faced with a system scarcely more harsh than those of some later periods in which foundlings were usually accepted into hospitals.

The dangers to the infant's life were urgent and intense: 'ferae serpentesque et inimicus teneris artibus rigor et inopia (wild animals and snakes and cold that endangers tender bodies and lack of sustenance)', as a rhetorician succinctly expressed it.⁶³ Firmicus Maternus often mentions dogs.⁶⁴ Horror at the grim fact that the child might be eaten by animals is probably the ultimate source of the numerous ancient legends and fictions about children who were not devoured but suckled or otherwise cared for by wild creatures.⁶⁵

⁵⁶ The famous texts are *P. Oxy.* 1.37–38 (A.D. 49), IV.744 (1 B.C.). Many other papyri refer to exposure: O. Montevecchi, 'I paragrafi 41 e 107 dello Gnomon dell'idios logos: implicazioni socio-culturali e demografiche', *Atti del XVII congresso internazionale di papirologia* (1984), III, 966 n. 3.

⁵⁷ Above, n. 8.

⁵⁸ Pomeroy, *op. cit.* (n. 3), arguing against the theory of P. Perdrizet, *REA* 23 (1921), 85–94. On Sterc- names in the African provinces see J.-M. Lassère, *Ubique Populus* (1977), 504. I am inclined to accept the argument of D. Hobson, 'Naming Practices in Roman Egypt', *BASP* 26 (1989), 157–74, at 163–5, that copronyms were 'derogatory-protective' names.

⁵⁹ Sect. 41, which taxes Egyptians who adopted boys (probably Greeks for the most part) who had been rescued ἐκ κοπρίας is easier to understand. See Montevecchi, *op. cit.* (n. 56), for bibliography and discussion.

⁶⁰ Harris, *MAAR* 36 (1980), 123; W. Deonna, 'Cimetières de bébés', *Revue archéologique de l'Est et du Centre-Est* 6 (1955), 231–47; Plin., *NH* VII.72 (see also *Juv.* xv.139–40).

⁶¹ R. Garland, *The Greek Way of Death* (1985), 78–9.

⁶² Justin, *First Apology* 27, asserts that it was practised κατὰ πᾶν ἔθνος.

⁶³ Quoted by Sen., *Contr.* x.4.21.

⁶⁴ *Math.* VII.2.9, 11, 12, 13, 20, 21; cf. Paus. 1.43.7.

⁶⁵ See for example Aelian, *VH* XII.42 (a list); Longus 1.2 and 1.5; D. B. Redford, 'The literary motif of the exposed child', *Numen* 14 (1967), 213–14. Some mocked the 'melodramatic absurdity' of the wolf that offered its dugs to Romulus and Remus: so says Dionysius 1.84.1. On reports of children raised by wild animals see J.-C. Armen, *Gazelle-Boy. A Child Brought up by Gazelles in the Sahara Desert* (1974).

Those who exposed infants sometimes did so in such a way as to make it as likely as possible that the child would be found and rescued, mainly by leaving it in a conventional place for exposure. This was Festus' antiquarian explanation of the *lactaria columna* in the Forum Holitorium at Rome: 'ibi infantes lacte alendos deferebant (there they used to bring down infants who needed to be fed with milk)'.⁶⁶ But in historical times infants were usually, it seems, abandoned outside towns or villages, and while some of the places used — such as the *spurci lacus* mentioned by Juvenal (vi.603),⁶⁷ or the Egyptian *kopriai* — had become somewhat less deadly as a result of their conventional use for this purpose, exposure there practically and symbolically removed the abandoned infants from the places where citizens would be most likely to encounter them.⁶⁸ On the other hand such places might often be visited by people who wished to discover foundlings.

We should perhaps distinguish between Exposure A, in which the exposer hoped, more or less realistically, that the child would be rescued, and Exposure B, in which the expected result was death. The intention will have determined the kind of place where the infant would be left. Exposure A was the fate of very many of the infants who were exposed for economic reasons, while the illegitimate and the physically compromised were usually subject to Exposure B. Sometimes, however, — perhaps rather often — the exposer's intentions were ambiguous: thus the infant heroine of *Daphnis and Chloe* was exposed in 'the grotto of the Nymphs', a place which was lonely but auspicious.⁶⁹

Most exposed infants seem to have been clothed,⁷⁰ and it was a sign of a *paterfamilias* who was especially determined that the child should die when it was 'thrown away naked' (the action of Claudius, Suet., *Claud.* 27). Some parents notoriously left tokens (γνώσματα) with their abandoned infants in the hope that they would serve as means of recognition later; rattles, *crepundia*, were sometimes used at Rome.⁷¹ Recognition was probably the conscious purpose of tokens in most instances.⁷² They might just possibly encourage someone to think that the child was worth rescuing for material reasons (however Lamon's first thought when he found the infant Daphnis, according to Longus (i.3), was simply to remove the tokens). On the other hand the resemblance of the tokens to grave goods is rather obvious,⁷³ and no conclusions should be drawn from this practice about the likelihood of survival. Many parents no doubt hoped that the interest or pity of someone or other would enable the child to survive,⁷⁴ but no one can have felt confident that this would happen.

There is no reason to think that parents considered that in exposing an infant they were entrusting its fate to the will of the gods.⁷⁵ That perhaps suggests that what happened to an infant child was not thought to be a matter of great consequence.

Many exposed infants did in fact survive, especially perhaps in regions where — and at times when — the demand for slaves was high. For enslavement was much the commonest fate of foundlings. The opening words of the *Pastor* of Hermas show vividly how much this was taken for granted: 'The man who reared me sold me to a certain Rhode . . .'. Not that slavery was the only possibility: a small number became changelings (but such substitutions were only common on the stage),⁷⁶ and an unascertainable number were adopted.⁷⁷ But pity for the exposed was not powerful. A fictional slave woman and her husband who are described by Dio Chrysostom (xv.9) rescued and brought up exposed infants, but they are quite clearly an exception in the context of the high Roman Empire. In Livy's imagination, Romulus and Remus were only saved because from the beginning Faustulus hoped that the foundlings were

⁶⁶ Festus 105 Lindsay. The reference to 'loco celebri' in Ps.-Quint., *Decl.* 306.24 has been bracketed by recent editors.

⁶⁷ The meaning is not certain (cf. Eyben, op. cit. (n. 2), 54 n. 163, and E. Courtney's comm.), and possibly they were not outside the city.

⁶⁸ Eyben, op. cit. (n. 2), 17, may have been right to hold that the infant was often abandoned 'at a much-frequented spot', but Boswell, op. cit. (n. 1), 25, and Memmer, op. cit. (n. 3), 23, go too far in claiming it as a general rule that infants were exposed where they could easily be discovered (Juvenal provides no evidence of this).

⁶⁹ Longus i.4, etc. The alert reader may have thought of Eur., *Ion* 938, 958.

⁷⁰ T. Köves-Zulau, *Römische Geburtsriten* (1990), 20–4.

⁷¹ A. Hähle, *Γνώσματα* (1929). He emphasizes their

function as amulets.

⁷² cf. Dio Chrys. iv.25, with Eyben, op. cit. (n. 2), 19 n. 48.

⁷³ See Longus iv.24.1 (ἐντάφια), Glotz, op. cit. (n. 2), 934, Cameron, op. cit. (n. 2), 107.

⁷⁴ This hope is derided by Philo (see above). Hope for pity: Tert., *Ad nat.* i.16.10, Paulus in *Dig.* xxv.3.4, Lactant., *Inst.* vi.20.22.

⁷⁵ But concerning Isis see below, p. 16.

⁷⁶ Glotz, op. cit. (n. 2), 934; but see also Dio Chrys. xv.8 (cf. Juv. vi.602–3), Boswell, op. cit. (n. 1), 74 n. 71.

⁷⁷ In Boswell's view, op. cit. (n. 1), 128, 'most *expositi* in fiction do not even know they were abandoned, which suggests a general presumption that exposed children were brought up as adoptees'. But since fiction requires surprise, the *expositi* naturally cannot be in the know.

of royal blood (1.5.5). Childless couples probably satisfied most of their needs by formal adoption. A detailed investigation showed that most of the known *threptoi* were or formerly had been slaves.⁷⁸

It has been judged unlikely that parents were able to reclaim their children except in rare instances⁷⁹ — a common-sense opinion. What was to happen when fathers reclaimed their offspring is, however, a matter of constant legal discussion, which goes back at least to the time of Augustus and probably further, and this suggests a constant flow of cases.⁸⁰

One Roman author appears to suppose that not merely some but most exposed infants survived the experience (and became slaves), namely the Christian apologist Justin, writing in the 150s.⁸¹ Rather surprisingly, several scholars have recently accepted and relied heavily upon this assertion,⁸² even though it was a commonplace of the Christian polemicists and its origins are not hard to detect (see below). For Justin the worst effect of child-exposure was that, by creating prostitutes (a common fate of the victims) it led to the danger of unconscious incest.⁸³ When a father in *Daphnis and Chloe* tries to exculpate himself (iv.35) by claiming that many exposed infants were adopted, this is easily recognized as a piece of special pleading.⁸⁴ There is indeed a limited sense in which exposure was an alternative to infanticide,⁸⁵ and one of the reasons why child-exposure was accepted was no doubt that it helped the supply of labour; but none of this should obscure the fact that the majority of the victims probably died.

The physical risks should not be underestimated, and even the rescued were in great danger, for like the inmates of the old foundling hospitals they must often have died within a few days.⁸⁶ In some cases those responsible for exposing the child definitely did not want it to survive, for instance if it was illegitimate. Parents might hope for the infant's death if they thought that it was preferable to its being enslaved.⁸⁷ When infants are said to have been abandoned in deserted places,⁸⁸ the implied intention is plain.

At all events, it was widely assumed that most exposed infants died.⁸⁹ The assumption is implicit, for example, in the Theban law of uncertain date about child-exposure which is known to us from Aelian (II.7): it is salvation from exposure if the child is enslaved. When Lucian is describing the arrival of the dead in the Underworld, he assumes that exposed children for the most part die quickly (*Kataplous* 5). The list could continue.⁹⁰ The rhetorician's text that says 'rarum . . . est ut expositi vivant. caducum circa initia animal homines sumus (rarely do the exposed survive. For at its beginning the life of us human beings is fragile)' is admittedly another piece of special pleading, which suits the speaker's case, but to serve its purpose it had to be at least near to reality.⁹¹ Finally, there is the much-discussed citation from Paulus' *Sententiae*:⁹²

⁷⁸ T. G. Nani, 'ΘΡΕΠΤΟΙ', *Epigraphica* 5-6 (1943-1944), 45-84.

⁷⁹ Cameron, op. cit. (n. 2), 105 ('extremely rare'). Similarly P. A. Brunt, *Studies in Greek History and Thought* (1903), 350 n. 18.

⁸⁰ Other evidence that this really happened: Plin., *Ep.* x.65-6, Suet., *De gramm.* 21. But Boswell, op. cit. (n. 1), 74, goes much too far in saying that parents 'frequently' reclaimed exposed children; he makes insufficient allowance for the element of fantasy in the literary sources. Flavia Domitilla, wife of Vespasian, is cited as an instance by P. Veyne, *Latomus* 21 (1962), 50 n. 2, on the basis of Suet., *Vesp.* 3, but his alternative explanation of the text is better.

⁸¹ *First Apology* 27; 29 also gives the impression that most but not all survived.

⁸² Boswell, op. cit. (n. 1), 43; Saller, op. cit. (n. 43), 537, who adds that it would have suited Justin's case still better if the exposed could have been said to die in most cases. Kudlien, op. cit. (n. 3), 30 supposes that those who were exposed on rubbish dumps were more likely to be rescued than not; see also Memmer, op. cit. (n. 3), 22-3.

⁸³ See also Clem. Alex., *Paed.* III.3.21.5 (fathers 'often' have unwitting sexual relations with their sons and daughters; sexual promiscuity rather than child-exposure is at the centre of his attention here), Min. Fel., *Oct.* 31.4, and the references in n. 55 above.

⁸⁴ cf. Glotz, op. cit. (n. 2), 934. Longus balances this against the statement of the other 'exposing father' in the

case, who says in effect that he expected his child to die (iv.24). There is probably some intentional irony in the fact that it is the father of the boy who expected the infant to die and the father of the girl who expected his child to live.

⁸⁵ Boswell, op. cit. (n. 1), 136, Memmer, op. cit. (n. 3), 23.

⁸⁶ cf. Firm. Mat., *Math.* VII.2.14, with Cappelletto, op. cit. (n. 11), 421, Kertzer, op. cit. (n. 9), 138-44.

⁸⁷ cf. Ter., *Heaut.* 641-2.

⁸⁸ Philo, *On Special Laws* III.115, Longus I.2.1, Aelian II.7 (but this text seems to distinguish between forms of exposure: one involving a definitely lethal intention and a deserted place, the other not), Suda s.v. ἐκτίθεναί τὰ βρέφη II.233 Adler, etc.

⁸⁹ cf. Dion.Hal. II.15.2, as well as the sources referred to in the text.

⁹⁰ The *lois sacrées* mentioned in n. 141 imply that child-exposure was fatal. Athenagoras, *Supplicatio* 35.6, shows that Christians equated exposure and infanticide, which would have made no sense if the exposed had often survived. In both Tac., *Germ.* 19 and Apul., *Met.* x.23 the killing is presumably thought of as taking place by means of exposure.

⁹¹ Ps.-Quint., *Decl.* 306.22.

⁹² *Dig.* xxv.3.4.

necare videtur non tantum is qui partum praefocat, sed et is qui abicit et qui alimonia denegat et is qui publicis locis misericordiae causa exponit, quam ipse non habet.

Not only does a person who suffocates a child (sc. of his/her own) appear to kill, but also both a person who throws one away, a person who denies one nourishment, and the person who exposes one in a public place to attract pity — which he does not show himself.

This is widely though not universally believed to be interpolated, but whenever it was put into its final shape (perhaps in the fourth century), it would make no sense unless exposure was believed to be very frequently fatal.⁹³

What the Christian polemicists including Justin wrote on this subject was an understandably emotional reaction to the common contemporary allegation that the sexual practices of the Christians were promiscuous and transgressive. He wanted to turn the charge back on the accusers, and as far as reproduction and sexuality were concerned child-exposure was their most vulnerable point. Since it was known that some foundlings, having lost their identities, were forced to become prostitutes — a form of commerce that was extensive in any Greek or Roman city — it was possible that exposure would in any instance lead to promiscuous and transgressive sexual acts. Thus the non-Christians were as evil as the Christians. This was a rhetorical dispute, but one of some importance in the struggle of Christians to dominate the sphere of sexuality. Justin's claim that most of the exposed survived has to be understood as part of his rhetorical strategy.

The survival chances of an exposed infant depended on five variable factors, in addition to luck: (1) his or her initial physical condition; (2) how much the exposer did to help the infant to survive — and here there was a range of intentions, from lethal to desperately hopeful; (3) whether the community included persons willing to invest in bringing up the child as a slave (there were clearly places in Egypt and Asia Minor and probably in Achaea and Syria and Italy, where it was common for exposed infants to be collected); (4) the level of demand for slave labour; and (5) gender — boys were probably more likely to be rescued than girls.

Were notably more girls than boys exposed in the first place? So it is widely and reasonably believed.⁹⁴ Doubtless it had been so in Hellenistic cities,⁹⁵ as in many other cultures. There is no valid demographic argument to think otherwise.⁹⁶ Some writers of the high Roman Empire do assume that a girl was more likely to be exposed than a boy,⁹⁷ but perhaps the disproportion was not very great. The Egyptian census documents — a limited but not by any means valueless measure of demographic facts — reveal no sex imbalance.⁹⁸ There are various possible explanations of that: perhaps the overall level of *fatal* child-exposure was lower in Egypt than in some other provinces (because of indigenous attitudes?). It is certainly hard to think that in the Roman Empire as a whole male infants were exposed as often as female ones. Indeed one of the reasons why the Romans relied heavily on child-exposure to control population was that, unlike contraception or abortion, it permitted them to choose the sex of their children.

II. THE REASONS FOR ROMAN CHILD-EXPOSURE

Four groups of reasons can be distinguished: (1) the deformity or other physical inadequacy of the new-born infant; (2) its illegitimacy; (3) perceived economic need; and (4)

⁹³ To support the view that it was unusual for an exposed child to die, Boswell, *op. cit.* (n. 1), 128–31, cites some texts that are not germane: Ps.-Quint., *Decl.* 306.24, Chariton II.8–10, and Tert., *Ad nat.* I.16.10. The latter passage does not show that Tertullian thought the exposed were generally rescued: it is his reprise of the 'unconscious incest' *topos*, and I.15.4 indicates that he knew how dangerous exposure was ('quod frigore et fame aut bes<tiis si exp>onitis . . .'; Borleffs' text).

⁹⁴ Brunt, *op. cit.* (n. 2), 151 (but I do not think that in Dio Liv.16 τὸ εὐγενεῖς means 'the free-born population'), A. Rousselle, *Porneia: de la maîtrise du corps à la privation sensorielle* (1983), 70, Pomeroy, *op. cit.* (n. 3), 161, T. Wiedemann, *Adults and Children in the Roman*

Empire (1989), 36.

⁹⁵ Gallo, *op. cit.* (n. 4), 37.

⁹⁶ W. V. Harris, 'The theoretical possibility of extensive infanticide in the Graeco-Roman world', *CQ* 32 (1982), 114–16.

⁹⁷ Dion.Hal. II.15.2, discussed earlier, Lucian, *Hetairoi-koi dialogoi* 2.1. Ov., *Met.* ix.676–9 and Apul. x.23 refer to instructions to kill new-born girls, which is probably understood to mean exposure. See further Eyben, *op. cit.* (n. 2), 16 n. 43.

⁹⁸ See Gallo, *op. cit.* (n. 4), 45, R. S. Bagnall and B. W. Frier, *The Demography of Roman Egypt* (forthcoming, Cambridge, 1994).

evil omens and despair. Each of them raises difficulties, in addition to the possibility that the real reason may sometimes have been masked.

What was done with children who were seen as physically deformed or defective is not a simple question. A full investigation would have to begin by considering in detail which defects were thought grave enough to require the destruction or the abandoning of a new-born child.⁹⁹ It is not sufficient to say that deformed infants were generally exposed.¹⁰⁰

An old Roman law, attributed to the Twelve Tables, said that a boy who was strikingly deformed (*insignis ad deformitatem puer*) had to be *necatus* or *delatus* (or somehow disposed of) quickly; the text being corrupt, we cannot be sure exactly what was meant.¹⁰¹ The Younger Seneca implies that in his time the usual method was drowning, which is also mentioned by some other early imperial authors as a way of killing infant children.¹⁰² The republican evidence, however, suggests that such treatment was reserved for what were perceived as hermaphrodites.¹⁰³

As to the treatment of handicapped infants in imperial times, it may be doubted on practical grounds that they were usually drowned. In all likelihood most of them were promptly eliminated by the midwife.¹⁰⁴ Some may have been exposed. A few who suffered from severe defects were kept alive. The Elder Pliny's statement that hermaphrodites were kept as *deliciae* has little significance in this respect, but there is ample evidence from Augustus' time onwards that dwarfs and others could fulfil this function.¹⁰⁵ Recent studies have assembled the evidence about individuals who survived serious birth defects, and have probably exaggerated the willingness of parents to keep such children alive.¹⁰⁶ It is difficult to imagine, for instance, that victims of congenital blindness were often allowed to survive.

It is sinister that in the passage in which he refers to the practice of drowning deformed infants, Seneca says that the weak as well as the deformed are killed, for the category of the weak could be a very large one. The criteria that Soranus (II.10) gives for judging whether an infant is healthy enough to be reared were so extensive and strict that if anything like them was really applied an enormous number of rejections must have resulted.¹⁰⁷ What should happen to the rejected Soranus does not specify. Also somewhat elusive is the account given by an orator who had been quoted by the Elder Seneca: 'Many fathers are accustomed to expose useless offspring. Some are born damaged right away in some part of their bodies, weak and with no prospects, whom their own parents *proiciunt* (throw forth?) rather than expose', a vague expression which may point to active killing. 'Some', the speaker continues, 'even throw out home-bred infant slaves, when they are born with an evil omen or are physically weak' (*Contr.* x.4.16).

Extreme social embarrassment or disapproval also led to exposure. Babies born to unmarried young women in New Comedy were exposed, which was an essential plot mechanism, and fictional illegitimates continued to suffer this treatment.¹⁰⁸ Some real ones did too, but it is not clear whether it was general practice to expose illegitimate infants. Syme remarked on 'the singular dearth of evidence about aristocratic bastards' and allowed for infanticide as one of the causes (his main explanation, however, was that children took their status from their mothers, so that the bastards of the *nobiles* 'went to recruit the miscellaneous

⁹⁹ The question is raised by Parkin, *op. cit.* (n. 5), 96.

¹⁰⁰ Still less, with Engels, *op. cit.* (n. 4), 386 n. 1, that 'in general, the practice of exposure was restricted to deformed infants'.

¹⁰¹ Cic., *De leg.* III.19, on which see above, The 'Law of Romulus' referred to earlier simply said in Dionysius' version (I.15.2) that deformed children under three were to be put to death. Incidentally Cicero says nothing here about the involvement of the tribunes, in spite of W. den Boer, *Private Morality in Greece and Rome* (1979), 99.

¹⁰² Sen., *De ira* I.15.2 ('liberos quoque, si debiles monstrosique editi sunt, mergimus'). Cf. Tibull. II.5.80, Philo, *On Special Laws* III.114, and later Tert., *Ad nat.* I.15.4 (but this is not very valuable evidence), Firm. Mat., *Math.* VII.2.10-11.

¹⁰³ Liv. XXVII.37.5-6, *Obsequens* 22, 27a, 32, 34, 36, etc. There were variations: an apparent pair of Siamese

twins were burned in 136 B.C., and their ashes thrown into the sea (*Obsequens* 25).

¹⁰⁴ Rousselle, *op. cit.* (n. 94), 69.

¹⁰⁵ Plin., *NH* VII.34. See further J. Marquardt, *Das Privatleben der Römer* I (1886), 152-3, Delcourt, *op. cit.* (n. 15), 59-61.

¹⁰⁶ Schmidt, *op. cit.* (n. 5), H. Grassl, 'Behinderte in der Antike. Bemerkungen zur sozialen Stellung und Integration', *Tyche* I (1986), 118-26.

¹⁰⁷ To summarize: the infant's mother must have enjoyed good health during pregnancy, the birth must not be premature, the infant must cry vigorously, all its limbs and organs must be sound, its sense organs must work, its orifices must all open, the movements of each part of the body must be neither sluggish nor weak, and the articulation of the limbs must be correct.

¹⁰⁸ e.g. Ov., *Her.* XI.84; Heliod., *Aeth.* IV.8 (where the illegitimacy was merely apparent).

congeries of the Roman plebs').¹⁰⁹ The early age of girls at marriage, together with the custom of remarriage, probably meant that Roman women experienced relatively few illegitimate pregnancies (and Syme underestimated Roman contraception). Augustus forbade the bringing up of a child born to his grand-daughter Julia, but Suetonius (*DA* 65) seems to have seen this as a sign of his severity towards his relatives. Claudius not surprisingly insisted on the exposure of his wife Urgulanilla's daughter by a freedman. Illegitimate children do not appear much in the *Digest*, and when the recognition of children is discussed (xxv.3), it is children born just after divorce or after the death of the father who are to the forefront. All this leaves the behaviour of ordinary people in the face of illegitimacy in some obscurity.

The commonest reasons for exposing infants were probably economic ones. This has been contested, without the slightest reason.¹¹⁰ And it would be pointless to claim, as one scholar has claimed with regard to classical Greece, that poverty did not cause great quantities of exposure because raising children would have been so cheap.¹¹¹ No economic historian of antiquity would doubt that many children were born into subsistence conditions in which simply feeding another child would mean taking food from members of the family who were already hungry. And in an agrarian society a bad harvest rapidly puts these choices into stark terms: one of the regular causes of child-abandonment in pre-modern Italy was the *cattiva annata*.¹¹²

The economic reasons for child-exposure ranged from intense poverty to a desire to conserve a family's property in the face of the system of partible inheritance. We have already encountered in Musonius and Plutarch ample evidence that poverty led to the abandonment of infants. They speak of this as something that is done by the *penetes*, who are agreed to include the working poor as well as the destitute. A range of texts from Greek and Roman sources, including a description of an Ephesian law aimed at ensuring that only those who were literally starving could legally expose their children, indicate that poverty was assumed to be the usual cause of child-exposure.¹¹³ Nerva and Trajan, in founding and extending the system of *alimenta* in Italy, were attempting, as Pliny's *Panegyric* shows, to alleviate the economic need which was held to be limiting family size by various means including child-exposure.¹¹⁴

It seems undeniable that economic reasons led to exposure in families that lived far above the level of subsistence. Musonius reserves his bitterest comments for those who exposed infants they could well afford to bring up, and we hear from others, for example Clement of Alexandria (*Strom.* II.92–3), to the effect that the economic need that led to exposure was sometimes very relative.¹¹⁵ Longus makes one of his exposing fathers, a wealthy man, say that he exposed Daphnis because, having fathered two sons and a daughter, he thought he had a 'sufficient family' (IV.24).¹¹⁶ He feebly adds that he did not expose his new son willingly. The other exposing father in the same romance says that he was poor at the time he exposed his daughter — but this was very relative indeed, for what he had he spent on *choregiai* and trierarchies (IV.35), which were rich men's expenditures.

The average age of girls at first marriage was by modern standards low, about fifteen. The pattern seems clear, even though the evidence is skewed with respect to both culture and class.¹¹⁷ It was, in one interpretation, infanticide of girls that caused this pattern: potential wives being in short supply, men were compelled to marry them very young.¹¹⁸ This may be correct, but the reverse seems much more likely: early age at marriage resulted in more children than parents or at least fathers thought they could support, and this was the main

¹⁰⁹ R. Syme, 'Bastards in the Roman aristocracy', *Proc. Amer. Philosophical Soc.* 104 (1960), cited from *Roman Papers* II (1979), 511, 513. In Brunt's account, op. cit. (n. 2), 150, exposure and infanticide form part of the explanation.

¹¹⁰ Engels, op. cit. (n. 4), 386.

¹¹¹ Patterson, op. cit. (n. 17), 117–18.

¹¹² cf. P. Garnsey, *Famine and Food-Supply in the Graeco-Roman World* (1988).

¹¹³ See Plin., *Pan.* 26.5, Lactant., *Inst.* VI.20.24–5, as well as Aelian II.7 on the Theban law. The Ephesian law (date uncertain): Proclus on Hes., *Works and Days* 496–7 (Plu., *Mor.* (Loeb edn) xv.165).

¹¹⁴ *Pan.* 26.5–7: 'locupletes ad tollendos liberos ingentia praemia et pares poenae cohortantur, pauperibus

educandi una ratio est bonus princeps . . . haec prima parvulorum civium vox aures tuas imbuat', etc.

¹¹⁵ See also Ps.-Quint., *Decl.* 306.24.

¹¹⁶ This is commonly taken (e.g. by Kudlien, op. cit. (n. 3), 41) to mean that he wished to avoid splitting his fortune.

¹¹⁷ For debate see esp. K. Hopkins, 'The age of Roman girls at marriage', *Population Studies* 18 (1964–1965), 309–27, B. D. Shaw, 'The age of Roman girls at marriage: some reconsiderations', *JRS* 77 (1987), 30–46 (a somewhat different view), P. Morizot, 'Remarques sur l'âge du mariage des jeunes Romaines en Italie et en Afrique', *CRAI* 1989, 656–68.

¹¹⁸ Brunt, op. cit. (n. 2), 137–8, 151–2.

cause of child-exposure. For while nothing suggests that men disliked the customary early age for girls at marriage — which was held to be desirable for strong reasons,¹¹⁹ — there was in fact a good deal of reluctance to expose infants.

Children born into slavery may have been at somewhat less risk than the children of the free poor.¹²⁰ It was paradoxical to expose a slave child (Sen., *Contr.* x.4.16), since the owner could be assumed not to be entirely indigent and the child would soon have economic value. But it sometimes happened, even to healthy children. Girl slaves, especially, might be seen as excessive mouths to feed in a small *familia*.

Everything within this section has so far been accessible to modern consciousness, but occasionally there were stranger acts of child-exposure, deriving from evil omens and despair. We have already encountered an orator who knew that a bad omen was sometimes a sufficient motive for exposure (Sen., *Contr.* x.4.16). A story put about by a freedman of Augustus alleged that an evil portent in 63 B.C. had led to a senatorial decree forbidding the raising of any boy born that year.¹²¹ This entirely incredible narrative has some value in that it suggests a world in which prophecies were taken seriously and infants were not sacrosanct.

Such was the public's grief at the death of Germanicus in the year A.D. 19 that parents exposed their infant children, Suetonius asserts.¹²² If this is true, as it probably is, the reason may have been that children who were born that day were thought to be tainted with an evil omen.¹²³ A better explanation, however, might come from some Romans' identification of their own hopes with the well-being of a beloved ruler (*manqué*).¹²⁴ Even if Suetonius' report is false, it is obviously an important indication that parental despair threatened the lives of the new-born. It is a sign of a good emperor, in the universe of the rhetoricians, when parents want to raise up children; under a tyranny they expose them.¹²⁵ It is tempting, and probably erroneous, to dismiss all this as nothing more than rhetoric.

Other kinds of despair could also lead to exposure. When another orator says that slave mothers sometimes expose their infant children because they are unwilling to bring them up in slavery (Dio Chrys. xv.8), he can be believed. The reaction of a mother who was divorced while she was pregnant might be to expose her new-born son.¹²⁶

Some of these reasons for exposing infants could be foreseen by the parents, and the question therefore arises why they did not prevent or end pregnancies. In some cases they must have tried unsuccessfully to do so. But Riddle's work on abortion and contraception has shown in detail that the largely herbal remedies prescribed for these purposes by the Greek doctors of the Roman Empire — Soranus and Aetius are the most important sources — were potentially effective. Using his expertise in botany, and the biochemical research of recent decades that has investigated the plants in question, he has shown that the Romans could control their fertility much more than was previously supposed. Furthermore he makes it plain that Roman knowledge of effective oral abortifacients and contraceptives, which in ancient conditions could only be derived from popular experience on a very large scale, was mainly transmitted not by physicians in text-books but by word of mouth, probably for the most part among women.¹²⁷

If the inhabitants of the Roman Empire could to a surprising extent control their fertility, as Riddle argues,¹²⁸ why was so much child-exposure thought to be necessary, and how was it demographically possible? The problem is all the more pressing because it may well have been

¹¹⁹ cf. Hopkins, *op. cit.* (n. 117), 314–15.

¹²⁰ P. Brulé holds that in Greece children born to slave women were generally exposed if the owner was the father ('Infanticide et abandon d'enfants', *Dialogues d'histoire ancienne* 18 (1992), at 84), but this is quite unproved.

¹²¹ Suet., *Aug.* 94. Cassius Dio (xlv.1) tells the tale that because of an evil prophecy Augustus' father thought of destroying him — perhaps not by exposure — very shortly after his birth.

¹²² Suet., *Cal.* 5 ('quo defunctus est die, lapidata sunt templa, subversae deum arae, Lares a quibusdam familiares in publicum abiecti, partus coniugum expositi'). This is dismissed as rhetoric in the commentary of D. W. Hurley (1993).

¹²³ It would have been children who were born that day who suffered (Delcourt, *op. cit.* (n. 15), 63).

¹²⁴ For discussion see H. S. Versnel, 'Destruction, devotio and despair . . .', in *Studi in onore di Angelo Brelich*

(1980), 541–618. The key question for a reader of Versnel's rich article must be whether Germanicus' death is likely to have produced real despair, as Tacitus also says, at length ('nihil spei reliquum clamitabant', *Ann.* III.4); see esp. Versnel, 542–55, 617.

¹²⁵ Sen., *De clem.* I.13.5. Tyranny: Rhet. Lat. Min., ed. Halm, p.343.10–11.

¹²⁶ See Scaevola in *Dig.* xl.4.29.

¹²⁷ Gallo, *op. cit.* (n. 4), 38–9, perhaps gave a higher estimate of the effectiveness of Greek contraception than was justified at the time he wrote. Parkin, *op. cit.* (n. 5), 126, already seems superseded.

¹²⁸ There were serious impediments of course, including the probably widespread notion that the most fertile time in the menstrual cycle was in the last days of menstruation (Soranus I.36).

the Greeks who knew most about contraception¹²⁹ and were most accepting of and knowledgeable about abortion.

Even when they knew of effective contraceptives and abortifacients, the population of the Roman world might prefer not to use the available methods. Abortions were notoriously dangerous (but normal childbirth was also, of course, very perilous by modern standards). No woman would have needed a text by Ovid or Plutarch to bring this fact home,¹³⁰ and abortions were naturally all the more dangerous if a woman waited, uncertain whether missing periods really meant that she was pregnant, until the second trimester. But a primary consideration was that parents who wanted male but not female offspring will have allowed pregnancies to go to term and then, if nature went against them, exposed their infant daughters.¹³¹

III. DISAPPROVAL, ANGUISH, SHAME

There were laws and customs that applied to child-exposure, there was intellectual and moral disapproval, there were individual feelings of anguish and shame. Each would depend to some extent on the very different reasons which led to the act. Can a coherent history be made out of all this?

Local custom was probably hostile to child-exposure in some fourth-century B.C. Greek cities, and Isocrates and his public seem to have disapproved. The sentiment that lay behind the famous couplet of Poseidippus may also have been critical.¹³² Middle and New Comedy may have reflected a certain degree of shame or regret, and plays which depicted near-miraculous reversals of fortune in favour of the exposed must be suspected of serving to assuage the troubled feelings of the many in the audience who had consigned infants to this fate. The unmitigated bliss which in the end comes to the exposed in these stories suggests profound feelings of guilt.

In Roman law, of course, the *paterfamilias* had the right to bring about the death of an infant in his power. It was at least until the Severan age a normal part of his *potestas vitae necisque*, which went into effect at the time of birth.¹³³ But that left plenty of room for disapproval. We first hear this expressed at Rome in the so-called Law of Romulus (if it is Roman), but in any case some republican Romans are likely to have been critical, at least on grounds of public policy; the censors had long been concerned to see the Romans as numerous as possible.

It may be fortuitous that Augustan literature sounds no censorious note on this subject, especially since the ruler himself was strongly interested in population increase in Italy and devised the *ius trium liberorum*.¹³⁴ The first explicitly disapproving voice we hear is Philo's, asserting that divine ordinance forbids it. Next is Musonius Rufus.¹³⁵ His objections are multiple. He implies that exposure was contrary to nature, as a Stoic easily might, since Zeno had taught (*SVF* fr. 128) that the seed of humans contains part of their souls. Musonius further claims that civic duty requires large families; so do respect for the law-givers who supported this aim, and respect for the gods and especially for Zeus, guardian of the family. So does honour, which comes to the man with many sons. Finally, brothers are useful. What is perhaps most striking here is the religious element in the argument. There is nothing here, on the other hand, about rights the infant child might have. Other Stoics — Epictetus (I.23) and, in less absolute terms, Hierocles — joined in, on the grounds that exposure was against nature.¹³⁶

¹²⁹ There are still unnoticed references to this subject in various authors. What else, for example, can Argentarius have been thinking of in *Anth. Pal.* v.104.6 (= *Garland of Philip* 1328 Gow-Page)?

¹³⁰ *Ov.*, *Amores* II.13, *Plu.*, *Lyc.* 3.

¹³¹ cf. Eyben, *op. cit.* (n. 2), 76.

¹³² Cameron, *op. cit.* (n. 2), 113, says that Greek ethnographical statements about peoples who bring up all their children are criticisms of Greek practice, but this is seldom if ever clear.

¹³³ A. Watson, *The Law of Persons in the Later Roman Republic* (1967), 77–82. It hardly needs saying that many exposing fathers were still under their own fathers' *potestas*, or that many others were non-citizens.

¹³⁴ Brunt, *op. cit.* (n. 2), 558–66. Is *Aen.* VI.428 ('ab ubere raptos') an allusion to *expositi*?

¹³⁵ In this as in many other cases in which criticism is voiced, it is unclear whether all infants whatsoever, including the handicapped, are meant to be raised. Eyben, *op. cit.* (n. 2), 55, perhaps overstates the opposition to exposure in the Julio-Claudian period because he misunderstands Sen., *Contr.* IX.3 and 4, supposing that those who reacted with horror to the deliberate maiming of the exposed were critical of exposure as such, which as far as this text is concerned they clearly were not.

¹³⁶ The former claimed that Epicurus had said 'Let us not raise children', and this has become part of a fragment (525 Usener).

But it is perhaps the disapproval of a non-Stoic, Tacitus (*Germ.* 19), that should attract most attention, all the more so as the time when he was writing (98) coincides closely with the creation of the imperial *alimenta* in Italy. This programme implied opposition to all forms of family limitation, and Pliny confirms that exposure was seen as in effect the most controllable of these.¹³⁷ Thus by the time of Nerva criticism of child-exposure had spread from philosophers and moralists to leading Romans of more pragmatic mentality. The imperial *alimenta*, which aimed at population increase in Italy by means of subsidies specifically directed towards children, were preceded and, on a much larger scale, followed by private philanthropy with similar aims.¹³⁸

Such measures were, of course, normally aimed at the citizens of a particular city, and no one attempted to discourage child-exposure on an empire-wide scale. Yet Section 107 of the Gnomon of the Idios Logos (referred to above), together with the fact that the Egyptian documents concerning the enslavement of foundlings cease almost entirely after A.D. 111, suggest that at least in one province Roman authority was now openly hostile to child-exposure.

There were, on the other hand, still no Roman laws against child-exposure as such, which might in any case have been futile. Tertullian, writing his *Ad nationes* in the 190s, says that there are laws forbidding the killing of children, but he should probably be taken to be referring to the law against murder, and not to any provision against child-exposure.¹³⁹ The local laws of Thebes and Ephesus mentioned earlier were special cases rather than part of a general pattern.

It is much too broad to say that Greek 'religious sentiment' was against child-exposure,¹⁴⁰ and the evidence quoted concerns the ritual purification that in two shrines in different cities is known to have been required after an infant had been exposed. Such impurities are not always acts that are regarded as morally displeasing to the divinity.¹⁴¹ On the other hand, religious arguments were indeed sometimes used against exposure (Philo, Musonius), and there is at least a little evidence that an important deity, Isis, was seen as the saviour of exposed infants.¹⁴²

It has been argued that it was not shameful simply to expose a child,¹⁴³ and it certainly appears that when parents attempted to reclaim their children they did so without embarrassment. In *Daphnis and Chloe* exposure is the source of little if any shame, but this is a case in which the artificial world of the romance may be an unreliable guide. The anguish of the parents — a very different matter — is not in any case to be underestimated, and what was commonplace to a social observer could be a crisis to individuals. According to a literary *topos*, wife and husband might be divided on the subject, the father wishing to expose the infant, the mother not.¹⁴⁴ A father could also be described as grieving — as weeping and trembling, in the words of one orator (Sen., *Contr.* ix.3.5). How often the action was performed without much emotion it is impossible to know: inferences are not to be relied on here. However if it is true that parents quite often hoped, however desperately, that the exposed infant would be rescued, then their anxiety was necessarily great.

The act of exposing an infant rather than killing it outright can seem to modern minds to be a hypocritical evasion,¹⁴⁵ especially if it is concluded that the majority of the victims died and that parents generally expected this. Lactantius for this reason portrayed exposure as *falsa*

¹³⁷ *Pan.* 26.5–7, quoted in n. 114.

¹³⁸ Another topic with a large bibliography: see esp. R. Duncan-Jones, *The Economy of the Roman Empire: Quantitative Studies* (1974), 288–319; S. Mrozek, 'Die privaten Alimentarstiftungen in der römischen Kaiserzeit', in H. Kloft (ed.), *Sozialmassnahmen und Fürsorge* (1988), 155–66. The earliest evidence, from Atina in Latium, is Neronian or a bit earlier (*ILS* 977). For such benefactions in Greek cities in the second century, see C. P. Jones, 'Eastern *alimenta* and an inscription of Attaleia', *JHS* 109 (1989), 189–91.

¹³⁹ 1.15.3: 'vos quoque infanticiae, qui infantes editos enecantes legibus quidem prohibemini, sed nullae magis leges tam impune tam secure . . . eluduntur'. He must be talking about Roman statutes, *pace* Boswell, op. cit. (n. 1), 60 n. 16.

¹⁴⁰ C. Vatin, *Recherches sur le mariage et la condition de la femme mariée à l'époque hellénistique* (1970), 235, who

does not distinguish carefully between child-exposure and other practices. The evidence is *LSCG Supplément* No. 119 l. 77 (Ptolemais, first century B.C.), and *LSAM* No. 84 ll. 3–4 (Smyrna, second century A.D.).

¹⁴¹ On evidence of this type see Cameron, op. cit. (n. 2), 108.

¹⁴² Ov., *Met.* ix.685–701 ('nec dubites . . . tollere quidquid erit'), *Plu., De Is. et Os.* 14 = *Mor.* 356f. (cf. F. Maroi, 'Intorno all'adozione degli esposti in Egitto romano', in *Raccolta di scritti in onore di Giacomo Lumbruso* (1925), at 385). In Egypt itself: H. Ranke, *Die ägyptischen Personennamen II* (1952), 380, Pomeroy, op. cit. (n. 4), 160.

¹⁴³ Boswell, op. cit. (n. 1), 90.

¹⁴⁴ Ter., *Heaut.* 626–52. Cf. Ov., *Met.* ix.680–4. Husbands may quite often have been deceived as to whether the child had been exposed: cf. Ps.-Quint., *Decl.* 306.4.

¹⁴⁵ cf. G. Glotz in *DS* s.v. *infanticidium*, 490.

pietas.¹⁴⁶ But life sometimes offered hard choices, about which Lactantius had nothing very useful to say (he simply recommended that men should abstain from sex with their wives, *Inst.* VI.20.25). For a family living in dire poverty, in particular, not to expose might seem as likely to lead to the death of some member of the family as exposure was to kill the new-born.

The opposition of first-century Judaism to child-exposure was transmitted to the Christians,¹⁴⁷ and a legion of Christian texts can be cited in addition to those already mentioned.¹⁴⁸ Presumably this teaching had some effects on behaviour within the limited circles that were receptive to Christian teaching, and exposing infants is not among the failings and deviations with which Christians reproach one another.¹⁴⁹

Thus there was disapproval, and there was grief — but perhaps not very much shame. However disapproval and grief were not strong enough to prevent the exposure of a certain number of healthy legitimate infants who could have been fed and maintained. This sometimes happened in families which historically speaking were quite small. Many Romans set a relatively low value on the lives of new-born children, especially girls; a corollary is that they also set a relatively low value on having their own children as their heirs. On what then did they set a relatively high value? On ensuring that the children they did bring up did not suffer from extreme want, and at a higher social level that they had the economic means to live lives as civilized and comfortable as those of their parents. And in the age of Quintilian and Juvenal (see XIV.47) an increasingly humane attitude towards growing children is detectable.

IV. THE DEMOGRAPHIC REGIME

In the absence of a secure and at least moderately precise reconstruction of the demography of the Roman Empire, it would be a mistake to allow a discussion of child-exposure to revolve around a demographic model. The most recent work on Roman demography suggests how great the uncertainties are: we do not know, for example, whether the population of the Roman Empire expanded or contracted in the first two centuries A.D.; even the average life expectancy is known to us only within very wide limits.¹⁵⁰ More generally, the notion that all demographic regimes that preceded the Demographic Transition were quite similar to each other seems increasingly fragile.¹⁵¹ In any case the instances of past societies that have practised infanticide or the exposure of infants on a large scale while maintaining stable populations (which is a likely enough assumption about the high Roman Empire) are so numerous that the *possibility* of such a thing should not have to be demonstrated once again.¹⁵²

The most recent study holds that the Empire's population was similar to that represented in the life-table Coale-Demeny Model West Level 3 female,¹⁵³ and concludes that average life expectancy at birth lay somewhere between twenty and thirty years (in other words, it remains very uncertain). The author sees no difficulty in accepting a high level of infanticide. This model includes a mortality rate of 30.6 per cent in the first year of life. As Frier has shown, however, a higher rate of infant mortality is quite consistent with a stable population. His own model includes a mortality rate of 35.8 per cent in the first year.¹⁵⁴ An infant mortality rate as

¹⁴⁶ *Inst.* VI.20.20; cf. V.9.15.

¹⁴⁷ On Jewish disapproval see, e.g., B. Schöpf, *Das Tötungsrecht bei den frühchristlichen Schriftstellern* (1958), 120–3.

¹⁴⁸ See nn. 55, 83. See also *Apocal. Petri* 8 (Ethiopic, translated in E. Hennecke (ed.), *Neutestamentliche Apokryphen*² (1924), 322); *Epist. ad Diognetum* 5.6; Athenagoras, *Supplicatio* 35.6; Clem. Alex., *Strom.* II.18, 92–3, v.14 (*Eclog. proph.* 41 explains how the exposed will be saved); Orig., *Contra Celsum* VIII.55; Min. Fel., *Oct.* 30.2; *Orac. Sib.* II.282. Cf. Schöpf, op. cit. (n. 147), 124–42. G. T. T. Kikillus, *De Invloed van het Christendom op de Romeinsche wetgeving ten opzichte van de zorg voor het kind* (1924), contributed very little.

¹⁴⁹ Christians prior to Constantine's time may sometimes have exposed infants, but (*pace* Boswell, op. cit. (n. 5), 3) there seems to be no evidence that they did.

¹⁵⁰ Parkin, op. cit. (n. 5), 84, with the comments by B. W. Frier, *Bryn Mawr Classical Review* 3 (1992), 385.

¹⁵¹ This applies even to nineteenth-century western Europe: S. C. Watkins, 'Demographic nationalism in western Europe, 1870–1960', in J. R. Gillis *et al.* (eds), *The European Experience of Declining Fertility* (1992), 272–6.

¹⁵² See n. 96, and also Bresson, op. cit. (n. 21), 7–34, Parkin, op. cit. (n. 5), 95. Cf. M. Golden, 'Demography and the exposure of girls at Athens', *Phoenix* 35 (1981), 316–31.

¹⁵³ Parkin, op. cit. (n. 5), 147.

¹⁵⁴ B. W. Frier, 'Roman life expectancy: Ulpian's evidence', *HSCPh* 86 (1982), 245, adapted in Parkin, op. cit. (n. 5), 144.

high as this, or nearly so, should be hypothesized to accommodate the level of child-exposure, more often than not fatal, that the evidence reviewed here would lead one to expect.

The main question at this point in the history of Roman demography is whether such high infant mortality levels could be sustained by a society which was also limiting its fertility more or less in the ways in which Riddle has described. Let us assume for the sake of discussion that the population of the area comprised by the Empire in A.D. 14 was stable over the next century and a half.¹⁵⁵ There has to have been a Gross Reproduction Rate (GRR) high enough to allow such levels of mortality, this rate being 'the average number of daughters that a woman in a hypothetical cohort would give birth to if she survived throughout her reproductive life course'.¹⁵⁶ For example — and purely for the sake of example —, if average expectation of life at birth was twenty-five years, a static population (Net Reproduction Rate = 1) would require a GRR of 2.543.¹⁵⁷ The low age of Roman girls at first marriage favoured a high GRR, while the use of artificial means of controlling fertility worked in the other direction. It is important to realize how powerful the first of these factors must have been.¹⁵⁸ We seldom have adequate statistical information about any society in which even the median female age at marriage was lower than twenty — let alone lower than sixteen. When we do, the GRR is, predictably, higher than 2.543.¹⁵⁹ These brief comments should be enough to confirm that a demographic model can readily be constructed that has room for the amount of commonly fatal child-exposure envisaged in this paper.

A fallacious demographic argument has been employed in an attempt to show that child-exposure was practised on no more than a minimal scale.¹⁶⁰ This is to the effect that the 'rate of natural increase' cannot have been large enough to leave room for the fatalities that widespread child-exposure would have brought about.¹⁶¹ It is implied that infanticidal mortality on the level of 2.5 per thousand of the population would be 'minimal', even though this would mean that some 6 to 8 per cent of live births resulted in death by exposure. Since the scholar in question finds in two historical contexts (mediaeval and Renaissance Europe and Ming China) long-term rates of natural increase no higher than 2.5 per 1000 per annum, he concludes that the Roman Empire cannot have known any higher rate for any prolonged period. This is a spectacular misuse of comparative history, which attempts to establish a general law on the basis of two (poorly known) instances. In reality higher levels of nuptiality, lower female ages at marriage, or better medical care, or some combination of these factors,¹⁶² may very well have made the population of the Roman Empire more fertile than the population of mediaeval Europe. About the demographic history of China I shall not dare to speak.

V. CHILD EXPOSURE AND SLAVERY

Exposure was well integrated into the Roman economy, for it contributed on a substantial scale to the supply of slaves.¹⁶³ In the first century A.D. the demand for slaves was enormous, probably of the order of half a million or more, on average, every year. Other sources — principally slaves born to slaves, importation across the frontiers, and warfare — are unlikely to have met the demand adequately after Augustus' time;¹⁶⁴ yet there is no sign of a shortage. The deficit is likely to have been made up by enslaved foundlings. This will sometimes have

¹⁵⁵ But some constituent populations of the Empire, Greeks for instance, may not have reproduced themselves.

¹⁵⁶ Parkin, *op. cit.* (n. 5), 86.

¹⁵⁷ See Parkin, *op. cit.* (n. 5), fig. 10 (p. 160), which derives from the concept employed by E. A. Wrigley and R. S. Schofield, *The Population History of England, 1541-1871* (1981), in their fig. 7.10 (p. 239).

¹⁵⁸ In colonial New England, with female age at marriage about twenty-one, average completed family sizes between 7.32 and 9.3 children are quoted: P. Marcy, 'Factors affecting the fecundity and fertility of historical populations', *Journ. of Family History* 6 (1981), 310.

¹⁵⁹ The U.N. Statistical Office's *Demographic Yearbook* 17 (1965) gives figures for two countries with a median female age at marriage lower than twenty for which it also

provides a GRR of the same or virtually the same date (in the 1960s): Jordan, GRR 3.4, and Tunisia, GRR 3.1. In both countries the average age at marriage was far higher than in the Roman Empire. In both countries it can be assumed that there was a certain amount of fertility limitation.

¹⁶⁰ Engels, *op. cit.* (n. 4).

¹⁶¹ The rate of natural increase is the birth-rate minus the death-rate.

¹⁶² These are not the only possibilities. Child-exposure is quite likely to have increased fertility by curtailing lactation.

¹⁶³ See above.

¹⁶⁴ cf. K. R. Bradley, 'On the Roman slave supply and slavebreeding', *Slavery and Abolition* 8 (1987), 42-64, who, however, scarcely deals with child-exposure.

happened when rescuers wished for slaves for themselves, but more often (presumably) when slave-dealers or their agents were at work.¹⁶⁵

All this is largely a matter of inference, but the inference seems fairly secure. We know not only that most foundlings became slaves, but that very many Roman slaves came from regions in Asia Minor where child-exposure is likely to have been common. Furthermore we possess nursing contracts from Egypt in which it is plain that the slave-owner contracting with the wet-nurse has a supply of slave infants at his disposal. Some of the children who were the subjects of these documents are explicitly said to have been foundlings, and all or most of the others may have been too. Only a small proportion of the children are said to be free.¹⁶⁶ It is clear that most of these infants, if they survived to the age of five or so, passed into the slave market. We also have good reason to suppose that the exposed were a common source of slave prostitutes.¹⁶⁷

Slaves were normally in adequate supply, but to provide the right kind in the right place required an organized supply network, and slave-dealers used foundlings in order to meet this need.

It has been objected that infants would not have been exposed in great numbers if they were valuable as potential recruits to the slave market; they would have been sold.¹⁶⁸ Sometimes in fact they were. But at times demand must have been weak or non-existent. However even when children did possess some commercial value, there was a powerful inhibition in the way of selling a child of citizen parents. That was precisely what could not be allowed to happen to a member of the citizen community. At least some Greeks felt that the selling of children was more abhorrent than exposing them.¹⁶⁹

VI. CHANGING ATTITUDES, 193-374

According to the standard account it was Christian emperors who, in response to their religious concerns, first took steps to prevent child-exposure. They may also have been worried about depopulation.¹⁷⁰ And it is apparently true that the actual penalization of exposure came in 374 from Valentinian.

However some fragments of evidence from the time of the Severi suggest that pagan disapproval had already reached considerable proportions. This was part of a long and slow development, the earlier stages of which we have already examined. It may have been a strictly personal opinion when Claudius Aelianus of Praeneste expressed his approval of the Theban law against child-exposure, which he described in the present tense. Rather more significant is the speech about population that Cassius Dio composed for Augustus to deliver to the childless knights of Rome: it makes him blame them fiercely for 'destroying the greatest of the *anathemata* of the gods, human nature' (LVI.5.2); this may also refer to contraception and abortion, but certainly includes exposure.

The most intriguing piece of possibly Severan evidence, however, is the statement in Paul's *Sententiae* (*Dig.* xxv.3.4) quoted earlier, which equates the exposure of an infant with killing. The authenticity of this text has frequently been questioned,¹⁷¹ probably with

¹⁶⁵ No need to discuss here how much of the trade in slaves was in the hands of specialists. We can count as a slave-dealer anyone who acquires slaves with the intention of selling them, whatever other occupation he may have.

¹⁶⁶ M. Manca Masciadri and O. Montevocchi, have shown ('Contratti di baliatico e vendite fiduciarie a Tebtynis', *Aegyptus* 62 (1982), 148-61; *I contratti di baliatico* (1984), 14-16) that the nursing contracts from Tebtunis are probably disguised loan contracts, but those from more Hellenized places — in the surviving evidence this means mainly Alexandria and Oxyrhynchus — are agreed to be genuine nursing contracts.

¹⁶⁷ cf. Glotz, op. cit. (n. 2), 935; Ter., *Heaut.* 640.

¹⁶⁸ Engels, op. cit. (n. 4), 391, 393. On the economics of raising slaves in this fashion see Manca Masciadri and

Montevocchi, op. cit. (n. 166, 1984), 19, who, however, take too little account of the inevitably heavy mortality of the children who were contracted out.

¹⁶⁹ See the Delphic inscription published in *BCH* 1893, 383 No. 80 (first century B.C.); Aelian II.7.

¹⁷⁰ Bianchi Fossati Vanzetti, op. cit. (n. 48), 187, 199.

¹⁷¹ It is enough to cite Weiss in *RE* s.v. Kinderaussetzung (1921), col. 467, M. A. de Dominicis, 'Satura critica sulle fonti postclassiche', in *Studi in onore di Edoardo Volterra* (1971), I, 540, Kaser, op. cit. (n. 5), II.204 n. 17, T. Mayer-Maly in *KP* s.v. Kinderaussetzung (1969), 214, Eyben, op. cit. (n. 2), 31, Memmer, op. cit. (n. 3), 69. Authentic: A. Mau in *RE* s.v. Aussetzung (1896), col. 2589, M. Radin, 'The exposure of infants in Roman law and practice', *CJ* 20 (1924-1925), 339-40.

sufficient reason,¹⁷² since the *Sententiae* suffered heavily from interpolation¹⁷³ and since in this case there has to be some suspicion that the law had changed between Paul's own time and the construction of the *Digest*.¹⁷⁴ If the quotation were authentic, it would mean that exposers who did not possess *patria potestas* now became criminals, and it would suggest that child-exposure as such was undergoing doubt and scrutiny.

By 312 emperors had taken measures to encourage the bringing up of children, but had not yet criminalized exposure. What happened when the heir of a tradition entirely hostile to child-exposure came to power? The earliest relevant measure known to us is an edict of 322, *C.Th.* XI.27.2, addressed to a certain Menander whose office is not stated, but who was above the provincial governors of Africa. It provided imperial aid to indigent parents in the African provinces, with the stated aim of inducing them not to sell or pledge their children, and with the presumable aim of discouraging exposure. *C.Th.* XI.27.1, which is apparently later (329?), extends similar aid to poor parents in Italy, and explicitly refers to exposure.¹⁷⁵ In other words, Constantine as part of his imitation of Trajan¹⁷⁶ attempted to revive the imperial *alimenta* in a new form. The earlier of the two measures is more explicit about how the financing of these grants would take place,¹⁷⁷ but in neither version is the measure backed up by any permanent system,¹⁷⁸ and the effects are likely to have been no more than very short-lived.

The evidence about Constantine seems in one respect quite puzzling: in *C.Th.* XI.27.1 he appears to treat child-exposure by parents as a form of *parricidium*, but in *C.Th.* V.10.1 he allows the father to reclaim an exposed child if, in effect, he pays for it.¹⁷⁹ Thus an exposing father is not yet, as such, a criminal. (Both provisions apply to Italy.) This problem can be tidily resolved, however, if we recognize that the preamble to the first of these edicts, and in particular the phrase 'to keep parents' hands from parricide and change their prayers for the better',¹⁸⁰ is apocryphal.¹⁸¹ The stated purpose of this edict in its transmitted form was to discourage *parricidium*, or rather one form of *parricidium*, the killing of new-born children by their parents, almost all of which had been done by exposure. But child-exposure was not yet legally *parricidium* and this expression was added to XI.27.1 later. The edict appears in the Theodosian Code under the heading 'De alimentis quae inopes parentes de publico petere debent' (On the subsistence that indigent parents should request from the state), and that was its original subject.

C.Th. V.10.1 still allowed a father to reclaim an exposed child, but at a price. One effect of this edict will obviously have been to make it even less likely that free-born foundlings would regain their freedom. Trajan would not have approved. Two years later, in 331, Constantine issued a still harsher edict to the praetorian prefect in the East. This is *C.Th.* V.9.1, to the effect that those who brought up foundlings could decide the free or slave status of the latter in

¹⁷² The absence of this sentiment from our other sources for the *Sententiae* is of no consequence since they are so brief. The more commonly invoked argument is simply that the text contradicts what we know about the law concerning exposure in Severan times. I leave aside here the related problem raised by *Sent.* III.4^B.2.

¹⁷³ cf. E. Volterra, 'Sull'uso delle *Sententiae* di Paolo', in *Atti del Congresso internazionale di diritto romano, Bologna* I (1934), 162–5.

¹⁷⁴ In particular it is almost impossible to think that *Dig.* XXV.3.4 can have been written before the Constantinian edict contained in *C.Th.* V.10.1 (which is discussed later on in the text).

¹⁷⁵ The MS date is 13 May 315. O. Seeck, *Regesten der Kaiser und Päpste* (1919), 54, moved it to 329, and since it has subsequently emerged (cf. T. D. Barnes, 'Lactantius and Constantine', *JRS* 63 (1973), 36, based on numismatic work by P. Bruun) that in 315 Constantine did not yet control Naissus, where the edict is supposed to have been issued, the case for 329 is still stronger. 'IMP. CONSTANTINUS A. AD ABLAVIUM. Aereis tabulis vel cerussatis aut linteis mappis scribta per omnes civitates Italiae proponatur lex, quae parentum manus a parricidio arceat votumque vertat in melius. Officiumque tuum haec cura perstringat, ut, si quis parens adferat subolem, quam pro paupertate educare non possit, nec in alimentis nec in veste inperitenda tardetur . . .'

¹⁷⁶ On this see J. A. Evans-Grubb, '*Munita coniugia*':

the Emperor Constantine's Legislation on Marriage and the Family (unpub. diss., Stanford, 1987), 183–4.

¹⁷⁷ But still quite vague: 'et universis, quos adverterint in egestate miserabili constitutos, stipem necessariam largiantur atque ex horreis substantiam protinus tribuant competentem'.

¹⁷⁸ It is evident that there were no imperial foundations of the old kind: Evans-Grubb, op. cit. (n. 176), 185, and in J. Harries and I. Wood (eds), *The Theodosian Code. Studies in the Imperial Law of Late Antiquity* (1993), 135. Memmer, op. cit. (n. 3), 61, has this wrong, and in support of his view quotes an imaginary inscription from the Arch of Constantine.

¹⁷⁹ The MS date of the latter is 18 August 329. Seeck, op. cit. (n. 175), 65, wished to move it to 319 or 320, but this remains speculative. The arguments of Vanzetti, op. cit. (n. 48), 197–8, for supposing that this did not refer to child-exposure are trivial. See Memmer, op. cit. (n. 3), 62–4.

¹⁸⁰ cf. above n. 175.

¹⁸¹ It could also be resolved by dating *C.Th.* V.10.1 before XI.27.1 (as Seeck, op. cit. (n. 175), 65 does for other reasons) and supposing that in the interval the emperor had decided to treat child-exposure as *parricidium*. But this seems much less likely, not least because *C.Th.* V.9.1 of 331, though it nullifies the rights of exposing fathers, shows no sign of regarding them as *parricidae*.

perpetuity; the fathers of enslaved foundlings could never assert claims to their freedom. Thus Constantine sacrificed the long tradition of safeguarding the freedom of the free-born to the interests of slave-owners. His motives he does not spell out, and scholars have freely supplied them. But it is a serious distortion to say that this was the beginning of the penalization of child-exposure, or the beginning of its gradual repression.¹⁸² The edict will have had the effect of discouraging some parents from exposing infants, since they could now no longer hope they might eventually recover their children. But the great majority of exposing parents in this period probably felt that they were acting under duress, and had few illusions even before 331 about recovering their children. On the other hand, the emperor is likely to have hoped that as a result of his edict more slaves would be reared. If this was a new morality,¹⁸³ it was certainly double-edged.

It is true, however, that events were leading in the direction of penalizing child-exposure. The traditional *vita ac necis potestas* was effectively dead by the first years of Constantine's reign, as *C.Th.* IX.15.1 of the year 318 demonstrates.¹⁸⁴ More important still, Lactantius had not long before branded exposing parents as parricides (*Inst.* VI.20.24: the book was dedicated to the emperor), which suggests that powerful voices would soon want it to be made into a crime. Why this apparently did not happen until 374 we cannot explain with certainty;¹⁸⁵ the most likely conjecture is that emperors were too sensible to suppose that such a deeply-rooted practice could be effectively controlled by legal enactment.

Between 312 and 374 an important change had taken place which had helped the supply of slaves, and probably somewhat reduced the incidence of exposure. Beginning in 313, Constantine legalized the selling of free children into slavery.¹⁸⁶ Such sales were not unknown in the High Empire, but they were illegal, and being quite risky for the purchaser were probably not numerous. The ruling Constantine gave to a certain Flavia Aprilla in 313, in which he told her that if she had bought an infant from its parents 'we hold that you possess *ius domini* [over it]' destroyed a fundamental principle of the ancient city-state. 'No price can be set on the head of a free person', so Paul had written (*Sent.* V.1.1), and under Diocletian this rule was still respected.¹⁸⁷ The apparent hesitations in Constantine's legislation on this subject no doubt resulted from some awareness in his circle that a basic principle was at stake.

To support the view that the incidence of exposure increased in the fourth century¹⁸⁸ there is nothing except a picture of general economic decline. However it certainly remained common. In Firmicus Maternus' *Mathesis*, the astrological handbook written in the last years of the reign of Constantine, probably in Sicily, one of the longer sections (VII.2) is devoted to the exposure of infant children. It was evidently a fate that awaited a far from trivial number of Firmicus' contemporaries; it was an ordinary part of existence.

Nearly forty years after Constantine's death, on 5 March 374, Valentinian and his fellow Augusti, Valens and Gratian, issued their edict:¹⁸⁹

Unusquisque subolem suam nutriat. quod si exponendam putaverit, animadversioni quae constituta est subiacebit. sed nec dominis vel patronis repetendi aditum relinquimus, si ab ipsis expositos quodammodo ad mortem voluntas misericordiae amica collegerit: nec enim dicere suum poterit, quem preuentem contempsit.

Let everyone give nourishment to his own progeny. If, however, anyone thinks of exposing it, he will be subject to the statutory punishment. But we leave no opportunity open to masters and patrons (sc. to reclaim children), if a decision based on pity collects those whom they have exposed

¹⁸² Vanzetti, op. cit. (n. 48), 200 and Memmer, op. cit. (n. 3), 67 respectively. Vanzetti, 202, 211, must be alone in thinking that there was no significant change in the law regarding child-exposure between 331 and 529.

¹⁸³ Vanzetti, op. cit. (n. 48), 199–201.

¹⁸⁴ Harris, op. cit. (n. 16), 92.

¹⁸⁵ It was Iustus Lipsius who realized, and Gerard Noodt who first argued at length, that there was such a long delay: see G. C. J. J. van den Bergh, *The Life and Work of Gerard Noodt (1647–1725)* (1988), esp. 207–13.

¹⁸⁶ The earliest evidence is *Frag. Vat.* 34 (*FIRA* II, p. 469) and *C.Th.* V.10.1. See W. W. Buckland, *The Roman Law of Slavery* (1908), 420–1, M. Humbert, 'Enfants à louer ou à vendre: Augustin et l'autorité paren-

tale (Ep. 10* et 24*)', in *Les lettres de Saint Augustin découvertes par Johannes Divjak* (1983), 189–204, esp. 195–6 (not convincing on all points, however), Evans-Grubb, op. cit. (n. 176), 192–202 (also in Harries and Wood, op. cit. (n. 177), 134).

¹⁸⁷ See *C.J.* IV.43.1 (A.D. 294).

¹⁸⁸ L. Cracco Ruggini, *Economia e società nell'Italia annonaria* (1961), 72, Boswell, op. cit. (n. 1), 428 (after A.D. 250).

¹⁸⁹ *C.J.* VIII.51.2. It was addressed to Probus, PPO in command of Illyricum, Italy, and Africa. Note that after 374 *patroni* and *domini* were still allowed to expose: Memmer, op. cit. (n. 3), 70–1 (they were, however, denied the right to recover the victims).

(as it were) to death: he will not be able to call his own a being whom he held in contempt when it was at the point of death.

The words 'quae constituta est' seem to show that parents who exposed were *already* liable to punishment. The reference is probably but not certainly to the edict issued shortly before, on 7 February, *C.Th.* ix. 14. 1, which made it a capital offence to kill an infant.¹⁹⁰ It should not surprise anyone who considers the history of punishment in the fourth century that the penalty for exposure was capital.¹⁹¹ As for what dictated Valentinian's legislation on exposure, the texts give only slight hints. The word *piaculum*, 'an act that requires expiation', in the edict of 7 February suggests that moral indignation was to the fore, but it is very possible that more material considerations about population also carried weight. The latter notion is supported by the fact that the emperor had already been in power for ten years and might therefore have dealt earlier with any matter over which he had strong feelings.

The criminalization of child-exposure, with its potentially considerable repercussions in the spheres of marriage and sexuality, can easily be seen as an attempt on the part of Christian emperors to assert ideological control in the reproductive lives of their subjects.¹⁹² They made many other incursions into this territory.¹⁹³ But both the chronology and the apparent ineffectiveness of the edict of 374 suggest that the reality is still more complicated and included a good deal of puzzlement about how to proceed.

There is, of course, no way of knowing whether under the influence of imperial edicts and Christian doctrine child-exposure decreased in the period before or after 374. In any case it presumably fluctuated in response to local economic conditions. It clearly continued on quite a large scale. Ambrose, for example, seems to take it for granted (*Hexaemer.* v. 18) that the *pauperiores* in Italy were exposing many of their infant children. There can be no attempt in this paper to describe the fifth- and sixth-century history of child-exposure in detail. The relevant legislation, which has often been described,¹⁹⁴ is interesting partly because some of it shows a renewed interest in saving the *expositus* from slavery.¹⁹⁵ But a number of other topics deserve examination or re-examination, such as the increasing role of the church and churches in dealing with *expositi* (by Augustine's time some of them were being collected by 'sacred virgins', *Epist.* 98.6), the changing requirements of the labour market, and the relative importance in new conditions of the various reasons for exposing infants that had operated in earlier centuries.

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¹⁹⁰ 'IMPPP. VALENTINIANUS VALENS ET GRATIANUS AAA. AD PROBUM PPO. Si quis necandi infantis piaculum adgressus adgressave sit, erit capitale istud malum . . .'. Cf. Eyben, *op. cit.* (n. 2), 31. There is admittedly a slight gap in the story (discussed by Memmer, *op. cit.* (n. 3), 69–70), since the edict of 5 March seems to take for granted, rather than plainly asserting, that exposure counted as *necatio*, the point supposedly made by Paulus (*Dig.* xxv. 3.4).

¹⁹¹ Vanzetti, *op. cit.* (n. 48), 214, cannot believe that child-exposure was a capital offence as early as 374 or indeed until Justinian. E. Herrmann-Otto, 'Die Reproduktion der Sklaverei auf dem Wege der natürlichen

Aufzucht', in O. Kraus (ed.), *Regulation, Manipulation und Explosion der Bevölkerungsdichte* (1986), 95 n. 44, claims that exposure as such was still *straflos* after 374. As for Valentinian, Ammianus says of him 'nec enim usquam reperitur miti coercionem contentus', xxx. 8. 3.

¹⁹² But the silence of the Canons of Elvira about child-exposure presumably means that those present at the council were not greatly concerned about it.

¹⁹³ See in brief R. MacMullen, 'What difference did Christianity make?', *Historia* 35 (1986), at 326–30.

¹⁹⁴ See recently Vanzetti, *op. cit.* (n. 48), 202–23, Memmer, *op. cit.* (n. 3), 67–82.

¹⁹⁵ *C.ŷ.* viii. 51. 3 (529). Cf. *N.Val.* 33 of 451.