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AM I MY CHILDREN'S KEEPER? EVIDENCE FOR INFANTICIDE IN THE ROMAN EMPIRE

Abstract: Infanticide has been a subject of scholarly fascination, attracting researchers from diverse disciplines, and leading to the abundance of scholarly literature on this topic. However, historians frequently employ the term “infanticide” broadly, encompassing both the deliberate act of murdering one’s new-born child and other forms of child disposal, such as exposure. This article represents the first attempt to comprehensively analyse both textual and archaeological evidence concerning infanticide in the Roman Empire. By examining each source individually and collectively, it aims to determine the prevalence and continuity of infanticide and its socio-cultural implications. Contrary to prior assumptions, the analysis suggests a potential shift in attitudes towards infanticide during the late 2nd to early 3rd century CE, not solely influenced by the rise of Christianity. Additionally, this article pioneers a discussion on infanticide among Early Christians, offering fresh insights into this complex phenomenon.

Keywords: *Infanticide, Roman Empire, exposure, Late Antiquity.*

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Due to conflicting evidence, adverse emotions, and the difficulty in comprehending the phenomenon, infanticide has puzzled, interested, and engaged researchers from all walks of life, with countless articles being penned on this topic.¹ Numerous of them, however, fail to distinguish between exposure and infanticide, particularly when discussing the prevalence of this phenomenon during the Roman period. The term infanticide, i.e. the wilful murder of one’s own new-born child,² was used very liberally by historians writing about the disposal of one’s children, whether through murder or not.³ This term was used interchangeably with exposure, even though infanticide can be seen on a morally different level. One talks about the deliberate ending of a life, while with exposure there is still hope for a bright future for the infant.⁴

This may be observed in locations where the newborns were frequently abandoned, in marketplaces or streets before dawn, to increase the chances of their child being found, sometimes clutching or carrying protective charms and toys. Additionally, there were always parents looking to adopt or purchase an abandoned child for a variety of reasons: an heir for the family, or slave labour (Fig. 1).⁵ The clearest example of this may be found in Roman

¹ See, for example: LANGER 1974; SCRIMSHAW 1984; HUYS 1996; NAKHAI 2008; SNEED 2021.

² ‘Infanticide.’ In *Collins English Dictionary*. Extracted on the 06.08.2020 from: <https://www.collinsdictionary.com/dictionary/english/infanticide>

³ For example: DEMAUSE 1976; WILKINSON 1978; EYBEN 1980/1981.

⁴ For a full discussion on the differences between infanticide and exposure see: BOSWELL 1991, 45.

⁵ WILKINSON 1978.



Fig. 1. Adoption was an integral part of Roman society, and exposure was not necessarily seen as a death sentence. Some of the exposed children would have been adopted into slavery. Marble statuette from 1st or 2nd century CE of a slave boy with a lantern. Part of the Metropolitan Museum of Art collection, Rogers Fund 1923. © Metropolitan Museum of Art/Wikimedia Commons.

Egypt, where nursing contracts indicate that the nurslings were frequently foundlings, with some expressly mentioning that they were found on dung heaps. These foundlings, known as *anairatoi*, were often reared to be exploited as slaves. Moreover, the nurse was sometimes required to locate and replace the infant if they died before the contract expired.⁶ However, slaves were not inexpensive, especially if they had to be cared for and reared when they were infants. Furthermore, there was the question of slaves being liberated without compensation if their parents opted to retrieve them.⁷ Nevertheless, the motif of rescuing exposed infants was a recurring theme in Greek and Latin literature, such as Sophocles' Oedipus (Fig. 2), Euripides' Ion or even the mythological founder of Rome, Romulus, who began his life as an abandoned child who was raised by the she-wolf Lupa (Fig. 3). These stories might have played a part in parents' assumption that exposed children had a fair chance of survival.⁸

On the other hand, infanticide did not leave any hope of the infant's survival. Therefore, the textual evidence gathered from the Roman world will solely concentrate on evidence for infanticide. In addition, the articles discussing this

⁶ EVANS GRUBBS 2011, 25–26.

⁷ WILKINSON 1978, 450.

⁸ EVANS GRUBBS 2011, 27.

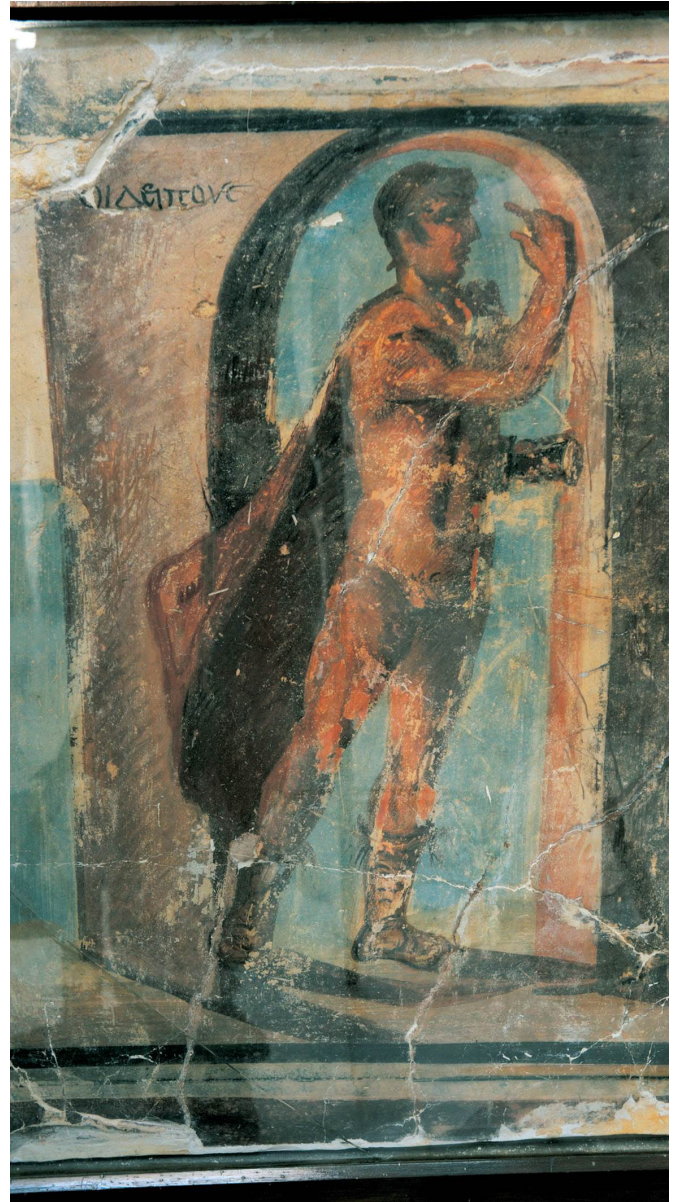


Fig. 2. Many cultural stories, mythology and legends involved children left to exposure, and subsequently adopted. Oedipus is one of the most famous of these children. Detail of a fresco from the 2nd century CE, in which Oedipus solves the riddle of the Sphinx. It is located in the Egyptian Museum, Cairo. © Wikimedia Commons.

phenomenon during the Roman period do not analyse the available textual evidence, nor do they extensively debate the implications which arise from the nature of the different authors and the text's content. This paper attempts to do so by compiling the various textual and archaeological evidence for infanticide and examining each one individually in light of its historical context and author. The reliability of each piece of evidence, as well as the ensemble as a whole, will be scrutinised. These various materials will be used in an attempt to illuminate the extent of infanticide in the Roman Empire. Furthermore, the continuity of this phenomenon and what factors influenced the extent and persistence of infanticide will be investigated.



Fig. 3. In Roman society, exposure was not necessarily seen as a death sentence, and adoption was common practice. The most famous story is about the founders of the city of Rome, Romulus and Remus, who were abandoned and then adopted by the she-wolf Lupa. Campanian relief from the 2nd century CE with a scene depicting the moment when the shepherd Faustulus finds the she-wolf with the twins Romulus and Remus. It is located in the Pergamon Museum, Berlin. © Carole Raddato/Wikimedia Commons.

PARALLEL CIVILIZATIONS, CULTURES AND RELIGIONS DURING THE ROMAN EMPIRE

The Romans noted several nations and cultures neighbouring the Roman Empire as not practising infanticide or exposure. The Germanic tribes' stance against infanticide, for example, was briefly mentioned in Tacitus' *Germania*, a work wholly dedicated to the inhabitants and cultures of this area:

"...to limit the number of their children, to make away with any of the later children is held abominable..."⁹

Similarly, Dio briefly notes in his *Historia Romana* the anti-infanticide view of the Caledonian tribes, who inhabited modern day Scotland:

"...and in common rear all the offspring."¹⁰

A further example are the Egyptians. The Ancient Egyptian society despised infanticide and everything related to child abandonment.¹¹ They were so opposed that it was customary for Egyptian households to adopt children who had been abandoned on the streets.¹² This fact was so well

known that various ancient writers mentioned this fact, such as Diodorus:

"...and the Egyptians are required to raise all their children in order to increase the population..."¹³

Diodorus' account of their attitude to children is further emphasised by an account he gives of the punishment a parent receives when murdering their child:

"... the offenders had to hold the dead body in their arms for three successive days and nights, under the surveillance of a state guard..."¹⁴

Similarly, Strabo highlighted in his *Geographica*, written in the 1st century CE, that the Egyptians took great care in raising all of one's children:

"One of the customs most zealously observed among the Aegyptians is this, that they rear every child that is born, and circumcise the males, and excise the females, as is also customary among the Jews, who also Aegyptians in origin, as I have already stated in my account of them."¹⁵

In the above, Strabo compares the Egyptian practices to ones practised by the Jews, who were also famously known in the Roman world for being staunchly against infanticide.

⁹ TACITUS, *GERMANIA* 19.

¹⁰ DIO 77.12.

¹¹ SUMNER 1906, 318.

¹² ROWLANDSON/LIPPERT 2019, 335–336.

¹³ DIODORUS SICILIUS 1.80.3.

¹⁴ DIODORUS SICILIUS 1.77.7

¹⁵ STRABO, *GEOGRAPHY* 17.824.

Jews during and after the Second Temple Period were against any form of disposing of undesired children and saw the rearing of children as part of their religious duty.¹⁶ Marriage was viewed as an obligation given by God to man, with raising children as its honourable goal. However, in extreme cases, such as if the mother's life was in danger, the Jewish religion allowed abortion.¹⁷

The topic of infanticide was well discussed among Jewish philosophers and religious leaders, such as in the Talmud, where it is stated that a pagan midwife should not be employed as she might kill the newly born child.¹⁸ A further example can be found with Philo, a famous Alexandrian philosopher who was especially known to have been very vocal in his opposition to infanticide, as will be seen later. He was of the view that sex for pleasure created unwanted children who risked being disposed of or even murdered.¹⁹ Furthermore, he viewed the practice of exposure and infanticide as a tool that causes the moral and physical degradation of a city and its people.²⁰ Another notable figure is Flavius Josephus, probably the most famous Jewish historian, who wrote "Against Apion," a text that was produced in order to counter the slanderous text written by Apion, which some scholars see as the first anti-Semitic text ever written. In this book, Josephus denounces any woman who disposes of her child through abortion or infanticide.²¹

Such was the Jews' attitude to the importance of raising all their children, various Roman historians took note of it, such as Strabo as was previously shown, and Tacitus:

"However, they take thought to increase their numbers; for they regard it as a crime to kill any late-born child, and they believe that the souls of those who are killed in battle or by the executioner are immortal: hence comes their passion for begetting children, and their scorn of death."²²

A main reason why Jews, and then Christians, a religion that was born out of Judaism, abhorred infanticide and exposure was due to the fifth commandment: thou shalt not kill. Yet, another reason was connected to the view on the existence or nature of children. In the eyes of Jews and Christians, all humans were created by God and have a soul, therefore existing before they were even born. As a result, parents did not have the right to kill or expose their own child. On the other hand, the Romans and the Ancient Greeks did not view a child as existing previously. Moreover, it was seen as the parents' rights to even decide whether or not they wanted to raise their new-born. For them, a birth did not automatically signify the addition of a family member.²³

It is important to remember that this was the general view, and not everyone followed these rules. There were Jews and Christians who disposed of and murdered their child.²⁴ Yet, the difference is that Early Judaism and Christianity

did their utmost to limit these actions among their people.²⁵ During famine, Jewish children may have also been abandoned, although probably not on the same scale as what was happening in Roman society.²⁶

It is important to highlight the considerable differences between the acts of exposure and infanticide, with the main differences being that exposure is not actively killing the child and death is not certain. Moreover, the parents may have always hoped and believed that their child, like in Greek and Roman mythology, managed to survive and prosper in a better, wealthier family. Perhaps these various mythological stories were told to pacify parents, or may have even been used to encourage parents in difficult situations to abandon their children, in the hope they may find a better life. On the other hand, infanticide would certainly lead to the death of the child, as this was a death by the hand of the parents in the first few weeks after birth. The term a few weeks is essential, as any later would be considered part of the phenomenon filicide.

Unfortunately, in most cases, the two terms were used incorrectly by various scholars who used the terms interchangeably, without considering the deep implications of the two words. Yet, when comparing these acts with the neighbours of Rome, it is clear that mentions of exposure far exceed those that mention infanticide. Moreover, the ones who do explicitly mention infanticide are Roman authors who do so to highlight and contrast the differences between the cultures. Rome's neighbours did not necessarily partake in either exposure or infanticide, as many of these cultures, such as Judaism, Ancient Egyptian and the Germanic cultures, viewed the raising of all children as an important duty, where every single child was viewed as essential. In contrast, in the main cultures, powers and empires that existed before Rome, such as in Ancient Greece or Assyria, exposure and infanticide were practised.

ARCHAEOLOGICAL EVIDENCE

Despite the extensive size of the Roman Empire, and the vast numbers of excavated Roman sites, there are very few cases where the archaeological record contains evidence for infanticide.²⁷ From amongst the various case studies,²⁸ the most striking evidence was found in Ashkelon, where a bathhouse built and used from the 4th to the 6th centuries CE was uncovered and nearly 100 infant skeletons were discovered in its sewer. Many of the infants' teeth buds were stained brown, which is possible evidence for drowning or suffocation. As none of the bones had the same staining, this was interpreted as strong evidence of infanticide.²⁹

There were a few other sites excavated with possible evidence for infanticide. One of these sites was a villa from the 1st to the 4th century CE at Hambleton, excavated in 1912.

¹⁶ COOPER 1996, 35.

¹⁷ KOSKENNIEMI 2009, 56–58.

¹⁸ Tosefta, *Avodah Zarah* 3.3.

¹⁹ PHILO, *THE SPECIAL LAWS* 3.112–113.

²⁰ Philo, *On The Virtues* 132.

²¹ Josephus, *Against Apion* 2.24; COOPER 1996, 39; KOSKENNIEMI 2009, 35.

²² TACITUS, *HISTORIES* 5.5.16.

²³ KOSKENNIEMI 2009, 158.

²⁴ For Jews in the ancient world, see: KOSKENNIEMI 2009, 79–81; for Christians in the ancient world, see: KOSKENNIEMI 2009, 140–145.

²⁵ KOSKENNIEMI 2009, 159.

²⁶ COOPER 1996, 41; for an extensive discussion on the size of Jewish families in antiquity, and what this highlights about infanticide and exposure practices in Jewish circles, please see: KOSKENNIEMI 2009, 81–86.

²⁷ ²⁷ If one wanted to look for evidence for exposure in the archaeological evidence, one could examine the garbage mounds of the cities.

²⁸ It is important to note that the discovery of mass infant graves does not necessarily mean it was infanticide: LISTON/ROTROFF 2013, 63, 70–76.

²⁹ SMITH/KAHILA 1992.

During the excavation, 97 of the 103 individuals found were infants.³⁰ A further Roman-British site with evidence was found in Winchester, Hampshire, where 69 infants under a year old were found in five separate areas.³¹ A prevalent method for discerning instances of infanticide entails analysing the age distribution of deceased individuals, with assessments based on subtle variations in femur length and dental development.³² In alignment with this approach, the sites under previous scrutiny, as well as those examined in May's analysis encompassing six Roman-British sites, comprising two villas, two settlements, and two cemeteries,³³ yielded findings suggesting that the deceased infants were uniformly of newly born age at the time of demise. Consequently, it is inferred that these sites harbour evidence indicative of instances of infanticide.

A common assumption regarding infanticide is that there was a higher proportion of girls among the intended victims.³⁴ To test this hypothesis, further sex-identification via DNA was undertaken on some of the skeletons from Ashkelon and a few Roman sites from Britain. Of the 43 femurs tested from Ashkelon, only 19 produced results and of them, 14 were males and 5 were females. In this specific case, the gender ratio is assumed to reflect a process of selective breeding of females over males due to the nature of the speculated, sex-related work of the mothers.³⁵ From the Roman British sites, 31 individuals were tested. Of these, sex identification was possible in only 13 cases: 9 were identified as males and 4 as females. As of now, the reason for this phenomenon is still under discussion and the results may be circumstantial.³⁶

During antiquity, there was a significant infant mortality rate, particularly during the first two years of life. Consequently, there should be a high number of older infants found in cemeteries, or alongside these infants. Yet, there is a disproportionately high percentage of infants in many of these case studies, implying an unnatural phenomenon such as infanticide.³⁷ Furthermore, only a small percentage of premature infants were found in the sites previously mentioned. In cemeteries from the Roman period, such as the Late Roman cemetery at Kellis, a high percentage of premature infants were buried.³⁸ Therefore, the lack of premature infants in the above-mentioned case studies further suggests the presence of infanticide.

Given the breadth and scope of the Roman Empire, the archaeological evidence for infanticide appears to be quite sparse. Moreover, there appears to be a concentration of this

occurrence in the western portion of the Empire, notably Roman Britain, where meticulous archaeological excavations are done regularly, and excavating graves is not a legal issue.

To fully understand whether infanticide is evident in the archaeological record, there needs to be a comparison with a standard cemetery which reflects natural infant mortality, such as the Late Roman cemetery in Kellis, Egypt. The 82 infants excavated from the cemetery had ages which mimicked natural infant mortality, causing the archaeologists to conclude that infanticide was not practised. This was attributed to the possibility that the site was inhabited by Early Christians, who strictly forbade infanticide.³⁹

By contrast, there was an unnaturally high percentage of new-borns found in the mentioned case studies, yet this may be attributed to the types of burials given to infants and new-borns. Most of the case studies in Roman Britain were based around sporadic intramural burials, a common burial for young infants as they were not considered a "social being" until they started teething. Therefore, infant burials within homes, villages or cities were not considered physically or spiritually polluting.⁴⁰ Similarly, the large number of infant burials in cemeteries could stem from the fact that infants were rarely cremated and buried instead.⁴¹

Although the evidence for infanticide found at Ashkelon was sensational, it is possibly not indicative of widespread behaviour. The public bathhouses were thought to be a place of prostitution throughout the Roman period, where potential clients could be located.⁴² If this were true, then cases such as Ashkelon should be more widely spread.⁴³ As such findings are not common, one can argue that this was common practice among prostitutes only in the Eastern part of the Empire. Yet, when looking at the archaeological evidence of bathhouses and their surroundings in the eastern part of the Empire, evidence for infanticide cannot be found.

An interesting point to note is that at this period in Ashkelon, Christianity was the Empire's religion, and a large percentage of the Eastern part of the Empire was believed to be Christian. Moreover, infanticide was condemned by Christianity from the beginning.⁴⁴ It is intriguing to find evidence of large-scale infanticide in a part of the Empire where the majority of inhabitants are believed to have belonged to the two monotheistic religions that were fundamentally against the practice.⁴⁵

LITERARY EVIDENCE FOR INFANTICIDE IN THE ROMAN WORLD

Historians who discuss infanticide or exposure include certain ancient literature in their footnotes that discuss the

³⁰ MAYS/EYERS 2011.

³¹ BONSALL 2013, 75–78.

³² These measurements all fell within the range of modern infants in terms of femur length and teeth development, suggesting possible infanticide: SMITH/KAHILA 1992, 673; MAYS/EYERS 2011, 1934; BONSALL 2013, 887.

³³ MAYS 1993; the sites he discusses are two cemeteries: Poundbury, Dorset; Ancaster, Lincolnshire; the two villas: Winterton and Rudston, Humberside; and two settlements: Old Winteringham, Humberside and Thistleton, Leicestershire.

³⁴ RAWSON 2003, 117.

³⁵ FAERMAN *et alii* 1998, 861.

³⁶ MAYS/FAERMAN 2001, 555, 558.

³⁷ MAYS/EYERS 2011, 82.

³⁸ BONSALL 2013, 89; for the excavation at Kellis, see: TOCHERI *et alii* 2005.

³⁹ TOCHERI *et alii* 2005, 337–338.

⁴⁰ GOWLAND/CHAMBERLAIN/REDFERN 2014, 87; for an analysis of the burial of new-borns in and around the home, see: MOORE 2009.

⁴¹ HARRIS 1994, 8.

⁴² DAUPHIN 1996, 62.

⁴³ There has been some discussion on whether the building in Ashkelon has been incorrectly identified as a bathhouse, although there has been no academic publication on this topic yet.

⁴⁴ CLAYTON 2007, 22.

⁴⁵ In the middle of the 4th century, Christians formed around 50% of the population in the Roman Empire. In the 6th century, the numbers were higher, most probably between 70–85%: STARK 1997, 4–13.

subject.⁴⁶ On this occasion, however, a distinction between infanticide and exposure will be essential to the discussion ahead.

There are a vast number of texts on exposure, with many examples and mentions of this practice in literary works and legal texts.⁴⁷ However, since they, and most of the various literary works, only talk about exposure with no reference to infanticide, they are not included in this discussion. As a result, the texts that will be provided will exclusively cover infanticide, and the authors and what they describe will be presented in chronological order. Each text will be debated and the different attitudes towards the phenomenon will be shown to assess whether this phenomenon occurred and what was its extent.

FROM THE FIFTH / FIRST CENTURY BCE TO THE SECOND CENTURY CE

Cicero (106–43 BCE) makes the first reference to infanticide in Roman literature. Cicero's *De legibus* (On the Laws), written between 52 and 46 BCE, has evidence for infanticide.⁴⁸ This work was created to convey and explain the subject of law in the context of an ideal Roman republic.⁴⁹ In book three, he discusses the laws governing magistrates:⁵⁰

“Then, although it was put to death quickly (like a very deformed child, in accordance with the Twelve Tables), in a short time it somehow came to life again...”⁵¹

This quote refers to a law from the Twelve Tables, a Roman legal code dated to 451 or 450 BCE, which was destroyed during the Gallic invasion of 390 BCE. Only fragments of it remain,⁵² and one of these mentions a law on the abandonment of deformed children:

“If he is born deformed, and if he does not pick him up, it is to be without liability.”⁵³

Cicero's citation of the Twelve Tables is tremendously significant because not only is there a phrase in the centuries-old Twelve Tables regulating the disposal of new-borns, but these regulations were most likely in use during Cicero's time.⁵⁴ It seems that Cicero understood the clause

as allowing the killing of a deformed new-born in proximity and almost immediately after birth. On the other hand, the clause in the Twelve Tables that survived only discusses the abandonment of the infant. The difference between the two is highly important. The original law may have been modified and interpreted by later generations as allowing both exposure and infanticide of deformed new-borns. But there may be another option. Cicero may have considered exposure as a form of infanticide, at least in the case of deformed new-borns. If this assumption is correct, it appears that the chances of survival for an exposed child with a disability were dismally low at the time, as no one in Ancient Rome would likely decide to adopt a crippled infant. However, a third option is that the surviving law and the one mentioned by Cicero are two different ones. Surprisingly, it is not the only contemporary text that refers to infanticide. There is a law from 73 BCE from Delphi, in Roman occupied Greece, stating that a freed slave woman could decide whether “to strangle or rear a child born.” There were later laws in Ephesus where arbitrary exposure was forbidden, but not infanticide.⁵⁵ The existence and prevalence of such rules dictating the legality of infanticide or exposure shows that the practice was widespread.

A story described by Suetonius that took place in 63 BCE, as told to him by Julius Marathus, deserves special note. During the said year, there was a decree from the senate to kill every male infant born as, according to various portents, a boy born in that year would become the king of Rome.⁵⁶ To begin, Suetonius provides the identity of the individual he quoted not merely for academic integrity, but also, more likely, because he was sceptical of the account himself. Second, Cassius Dio recalled a similar tale, although he only stated a fear that nearly caused Augustus' father, Octavius, to kill him when he was born that year. According to Dio, Octavius feared his son would become “a master” over the Romans.⁵⁷ Dio's version is probably a form of legend which was formed around the birth of Augustus (Fig. 4). The fact that no other historian from the period in question, such as Tacitus or Josephus, mentions such an event makes it almost likely that Suetonius' narrative was just a story. Yet, this story is significant in the study of infanticide because it depicts the cognitive processes of the period and the individuals of the 1st century CE who may have believed such an edict and myth. As a result, it is most probable that infanticide was accepted as a way of life and that large-scale infanticide could exist, even though it was seen negatively by some.

As previously said, there were laws in Roman society that dealt with infanticide, and in legends, infanticide was utilised to increase a person's godliness. However, the next quote is completely unique, as it is the only one which comes from a poetical work on Ancient Greek and Roman myths penned by the poet Ovidius (43 BCE–17/18 CE). One of the books he wrote, *Metamorphoses*, compiled stories which detailed the move from chaos to order, ending with Julius Caesar's elevation to divine status.⁵⁸ The following extract is taken

⁴⁶ For example: EYBEN 1980/1981, 15.

⁴⁷ See: BOSWELL 1991, 54–55; EVANS GRUBBS 2013, 86–87; KONIJNENBERG 2014, 4; Pseudo-Quintilian, *Minor Declamations*, 278, 306; Pliny The Younger, *Letters* 10.65–66.

⁴⁸ MANUWALD/STONEMAN 2015.

⁴⁹ ZETZEL 1999, xxii.

⁵⁰ In the context of infanticide, this text was mentioned in: BRUNT 1971, 149, n. 2; EYBEN 1980/1981, 15, n. 36; HARRIS 1994, 5, n. 33, 12, n. 101; RAWSON 2003, 116; VALLAR 2013, 207; it seems that Wilkinson also wrote on the subject, but because of the lack of footnotes, this is not certain: WILKINSON 1978, 445.

⁵¹ Cicero, *De legibus* 3.8.19; translation taken from: ZETZEL 1999.

⁵² BUNSON 1994, 558.

⁵³ frag. *Gaius*, 4.85–86; CRAWFORD/CLOUD 1996, 630.

⁵⁴ This law was also preserved to us in the writings of Dionysus of Halicarnassus: “In the first place, he obliged the inhabitants to bring up all their male children and the first-born of the females, and forbade them to destroy any children under three years of age unless they were maimed or monstrous from their very birth.” (Dionysus Of Halicarnassus, *Roman Antiquities* 2.15); this was mentioned in: EYBEN 1980/1981, 15, n. 37; BOSWELL 1984, 23; EVANS GRUBBS 2013, 90; it seems that Wilkinson also wrote on the subject, but because of the lack of footnotes, this is not certain: WILKINSON 1978, 445.

⁵⁵ VILJOEN 1959, 62–63.

⁵⁶ Suetonius, *AUGUSTUS* 94.4; THIS IS ALSO MENTIONED IN: DEMAUSE 1976, 27–28; HARRIS 1994, 14, n. 121.

⁵⁷ DIO 45.1: this is also mentioned in: HARRIS 1994, 14, n. 121.

⁵⁸ MORGAN 2020.



Fig. 4. Suetonius recorded a story, most probably a legend, that in the year 63 BCE, a son would be born who would become a king of the Roman people, and this story was connected to the birth of Augustus. Dio also wrote a similar story, although in his version Augustus' father, Octavius, feared his son would become a ruler over the Roman people, and so wished to murder him at his birth. The statue of Augustus of Prima Porta from the 1st century CE, located in the Vatican Museum. © Joel Bellviure/Wikimedia Commons.

from the story of Iphis and Ianthe. In the story, Telethusa is about to give birth to her child when her husband, Ligdus, orders her:⁵⁹

“Therefore (and may Heaven save the mark), if by chance your child should prove to be a girl (I hate to say it, and may I be pardoned for the impiety), let her be put to death.”⁶⁰

His face and hers are awash with tears when ordering his wife, and Ovidius takes care to label the command as “impious.” This exact language implies that this was uncommon and not accepted in certain Roman circles, possibly to the point of being considered rare. Yet, because the myths were published in Ovidius’ own words, this may reflect his own opinion. Infanticide, in his opinion, and possibly in the opinion of his generation, is against human nature, even if it is widely accepted and legally permitted. But, due to the nature of the story, its setting, and the entire text of *Metamorphoses*, it cannot be used to prove or disprove infanticide.

Infanticide is mentioned not only in literature, but also in historical works. Such examples can be found in Livy’s (59 BCE–17 CE) writings. He was a Roman historian who published a series of volumes on Roman history beginning with the founding of Rome. This extract is taken from book XXVII, completed after 19 BCE,⁶¹ which follows a list of portents which occurred after Gaius Claudius Nero and Marcus Livius entered the consulship in 207 BCE, including an ill omen which led to infanticide:⁶²

“...men were troubled again by the report that at Frusino there had been born a child as large as a four-year-old, and not so much a wonder for size as because, just as at Sinuessa two years before, it was uncertain whether male or female. In fact the soothsayers summoned from Etruria said it was a terrible loathsome portent: it must be removed from Roman territory, far from contact with earth, and drowned in the sea. They put it alive into a chest, carried it out to sea and threw it overboard.”⁶³

In this case, a hermaphrodite child was born, which was considered a bad omen and a sufficient reason to drown the baby almost immediately after birth. The same event is mentioned alongside a similar event:⁶⁴

“...among the Sabines, a child of uncertain sex was born... but beyond all else the hemaphrodites caused terror, and they were ordered to be carried out to sea, as had been done with a similar monstrosity not long before in the consulship of Gaius Claudius and Marcus Livius.”⁶⁵

As previously stated, the birth of a deformed kid was a valid reason to kill the infant in the Roman world, as evidenced by Livius’ historical record, where the ill omens, in the shape of hermaphrodite children, were immediately disposed of. The fact that this occurred not once, and is mentioned twice by Livius, implies that the belief that it was an

ill omen was common, and that the solution, i.e. infanticide, was widespread and well-practiced in these cases. In addition, the method of murder, drowning, is identical in both cases.

Another text with mentions of infanticide was written by the rhetorician Seneca the Elder (55 BCE–41 CE).⁶⁶ In book 10 of *Controversiae*, the following is mentioned during a dispute about whether a beggar purposely crippling exposed children in order for them to be more successful in begging for him is damaging the state:⁶⁷

“Many fathers are in the habit of exposing offspring who are no good. Some right from birth are damaged in some part of their bodies, weak and hopeless. Their parents throw them out rather than expose them.”⁶⁸

This extract discusses the disposal of unwanted, deformed or weak infants at birth. It is clear from Seneca that one of the parents’ solutions was to expose them (*exponunt*). However, he suggests an alternative and more definitive method, yet it is not exactly clear to what he was referring to. One option that comes to mind is that Seneca meant infanticide. The use of the term, “throw them out” (*proiciunt*), to define the other, more inhumane way, is interesting and in turn puzzling, as the term used to describe this is essentially one that is considered the best description for exposure. However, it is possible that the term *proiciunt* was used here as a more violent, and certain way of disposal of unwanted infants, thus securing death. On the other hand, the term *exponunt* as exposure implies that the child still has a chance of survival, and may be adopted into a family.

Seneca (5 CE–65 CE), the son of Seneca the Elder, was one of the first Roman philosophers to write on infanticide rather than alluding to a law. His philosophical dialogues, which included *De Ira* (On Anger), were composed between 37 and 41 CE.⁶⁹ Seneca examines anger through the lens of stoicism in *De Ira*, as well as what activities must be undertaken to regulate and prevent feelings of rage. In the following remark, he attempts to justify certain crimes as being for the good of society, such as the murder of children, and thus to justify these acts as being motivated by reason rather than wrath:⁷⁰

“For why should I hate the person whom I most benefit at the very moment when I separate him from himself? Surely no one hates his own limbs when he amputates them, does he? That’s not anger but a pitiable form of healing. We destroy rabid dogs and kill a fierce and untamable ox and slaughter sick livestock, lest they infect the herd; we snuff out monstrous births and drown children too, if they’re born crippled or deformed. It’s not anger but reason to segregate the useless from the sound.”⁷¹

⁶⁶ FAIRWEATHER 1981.

⁶⁷ In the context of infanticide, this text was mentioned in: BRUNT 1971, 150, n. 3; DEMAUSE 1976, 26–27; EYBEN 1980, 15, n. 37; HARRIS 1994, 12, 14.

⁶⁸ SENECA, *CONTROVERSIAE* 10.4.16.

⁶⁹ STAR 2017.

⁷⁰ In the context of infanticide, this text was mentioned in: BRUNT 1971, 149, n. 3; EYBEN 1980/1981, 15, n. 36; HARRIS 1994, 12, n. 102; RAWSON 2003; EVANS GRUBBS 2013; it seems that Wilkinson also wrote on the subject, but because of the lack of footnotes, it is not certain: WILKINSON 1978, 445.

⁷¹ Seneca, *De Ira* 1.15 (2); translation taken from: KASTER 2010.

⁵⁹ In the context of infanticide, this text was mentioned in: EYBEN 1980/1981, 15, n. 36.

⁶⁰ OVIDIUS, *METAMORPHOSES* 9.666 ff.

⁶¹ CHAPLIN/KRAUS 2009.

⁶² In the context of infanticide, this text was mentioned in: EYBEN 1980/1981, 15, n. 36.

⁶³ LIVIUS, 27.37.6.

⁶⁴ In the context of infanticide, this text was mentioned in: EYBEN 1980/1981, 15, n. 37.

⁶⁵ LIVIUS, 31.12.6–8.

Seneca not only discusses infanticide as a popular technique to dispose of unwanted new-borns during his time, but he also rationalises these acts. He does so by drawing parallels between infanticide and the slaughter of sick animals to preserve the herd or the disposal of untameable animals, both of which were frequent throughout history since the agricultural revolution. The usage of the phrase “useless” (*inutilia*), as a pretext for terminating the lives of the deformed and disabled, could be viewed as an early form and parallel to the modern eugenics’ movement. Seneca had no motive to write the book the way he did unless he truly believed in the legitimacy of such activities. Furthermore, if infanticide was not generally known and performed in the Roman world, he would not have used it as an example, suggesting that infanticide was a familiar phenomenon in the Roman Empire.

The following text regarding infanticide can be found in Philo of Alexandria’s (30 BCE–50 CE) *Special Laws*. He was a notable Hellenistic Jew from an aristocratic family.⁷² In the *Special Laws*, written in the first half of the 1st century CE, Philo either hails or condemns different human behaviours. One of the behaviours that Philo denounces is infanticide, as can be seen:⁷³

“For no one is so foolish as to suppose that those who have treated dishonourably their own flesh and blood will deal honourable with strangers. As to the charges of murder in general and murder of their own children in particular the clearest proofs of their truth is supplied by the parents. Some of them do the deed with their own hands; with monstrous cruelty and barbarity they stifle and throttle the first breath which the infants draw or throw them into a river or into the depths of the sea, after attaching some heavy substance to make them sink more quickly under the weight.”⁷⁴

As can be seen from this passage, Philo condemns infanticide as dishonourable, which not only reflects his own philosophy, but also more correctly represents his Jewish values and morals, which are strongly opposed to infanticide. The fact that he can elaborate so precisely and graphically implies that he is not fabricating incidents or attempting to discredit his pagan neighbours. Rather, it suggests that it was a common occurrence. Accepting your neighbours and adopting components of their culture was a vital feature of Hellenistic Judaism. Therefore, he did not write this piece to offend his neighbours, but rather to explain the wrongness of their behaviours and, potentially, to discourage Hellenistic Jews from embracing these habits.

Dio Cocceianus (40–114 CE), sometimes known as Dio Chrysostom, was a rhetor and writer who was exiled from Rome during Domitian’s reign owing to his outspoken oratory.⁷⁵ The fifteenth of the 80 discourses produced from his speeches and writings is titled “On Slavery and Freedom II.” This chapter has a relevant passage:⁷⁶

“And the other man replied, “Yes, I know that freeborn women often palm off other persons’ children as their own on account of their childlessness, when they are unable to conceive children themselves, because each one wishes to keep her own husband and her home, while at the same time they do not lack the means to support the children; but in the case of slave women, on the other hand, some destroy the child before birth and others afterwards, if they can do so without being caught, and yet sometimes even with the connivance of their husbands, that they may not be involved in trouble by being compelled to raise children in addition to their enduring slavery.”⁷⁷

There are various things that might be said regarding the text’s nature. To begin, the pertinent section of this excerpt appears to have been included as an anecdote or as a believable way to end the passage, as he never returns to this issue. Second, it appears that Dio Chrysostom followed Thucydides’ rule by writing a speech in the manner in which it was intended to be given,⁷⁸ therefore accurate and reasonable for the time period.⁷⁹ Finally, the excerpt above is part of a conversation between two persons, and it is intended to highlight specific thoughts and subjects that Dio Chrysostom wished to impart. He intended to compose a fluid, natural, logical, and likely conversation of the time, in both the substance and setting of the debate, since he wished to offer these thoughts in the form of a dialogue. It appears that the second half of the paragraph arose as a result of these goals. The portion about female slaves murdering their infants is not mentioned again in this book, and it appears to have been created to make this part of the conversation more natural. As a result, Dio Chrysostom would not have written about an obscure or uncommon occurrence. His goal was to create something natural,⁸⁰ therefore he wrote about something that is usual to discuss in casual conversation, a topic that would be brought up while discussing slavery and adoption. However, this is not proof that it occurred because individuals may have just talked such actions that they felt were genuine and frequent, even if they were not.

Although the final passage is from the historian Plutarch (50–120 CE), it is from his philosophical works known as *Moralia*. He examines moral philosophy, the nature of Platonism, and animal intelligence in this collection of 78 books.⁸¹ The extract itself is taken from the sixth book, titled “On Affection for Offspring,” which ends with how people can destroy not only themselves but also their children, and the reasons why:⁸²

“But these are like those diseases and morbid states of the soul which drive men from their natural condition, as they themselves testify against themselves. For if a sow tears to pieces her suckling pig, or a bitch her puppy, men grow despondent and disturbed and offer to the gods sacrifices to avert the evil, and consider it a portent on the ground that Nature prescribes to all creatures that they should love and rear their offspring, not destroy them... For when poor men

⁷² DANIÉLOU 2014.

⁷³ In the context of infanticide, this text was mentioned in: DEMAUSE 1976, 28; EYBEN 1980/1981, 15, n.36; HARRIS 1994, 6; EVANS GRUBBS 2013, 42; it seems that Wilkinson also wrote on the subject, but because of the lack of footnotes, it is not certain: WILKINSON 1978, 441.

⁷⁴ PHILO, *THE SPECIAL LAWS* 3.113–114.

⁷⁵ BUNSON 1994, 178.

⁷⁶ In the context of infanticide, this text was mentioned in: HARRIS 1994, 14; EVANS GRUBBS 2013, 89.

⁷⁷ DIO CHRYSOSTOM, *DISCOURSES* 15.8.

⁷⁸ Thucydides, *History of the Peloponnesian War* 1.22.

⁷⁹ On Dio’s attempts to write speeches as they were meant to be delivered, see also: OLSHANETSKY 2021, 141–143.

⁸⁰ OLSHANETSKY 2021, 141–143.

⁸¹ LAMBERTON 2001.

⁸² ⁸² In the context of infanticide, this text was mentioned in: EYBEN 1980/1981, 15, n.36.

do not rear their children it is because they fear that if they are educated less well than is befitting they will become servile and boorish and destitute of all the virtues; since they consider poverty the worst of evils, they cannot endure to let their children share it with them, as though it were a kind of disease, serious and grievous. . . .⁸³

As shown, Plutarch's justification for infanticide among impoverished families stems from their poverty and a wish to protect their offspring from such lives. He examines how low-income families that wished to live properly and honourably managed and regulated family size. According to him, the impoverished want to restrict their number of children owing to economic challenges because they do not want their children to live in poverty, which Plutarch considered to be the worst evil. The big question with this extract is how did these families limit the number of children, or ensured that the number of children was never larger than what they could afford.

Because Plutarch argues that their actions are motivated by love, it appears that he implies that the methods utilised include not just standard contraceptive measures, but also infanticide. This is further emphasised by the parallels he draws in the book, such as animals slaughtering their own children, and his explanation for why impoverished families would want to keep their family size small. This metaphor suggests that, in Plutarch's opinion, poor families, like animals, kill their own children, although their reason is to save them from a life of poverty.

To summarise, there are two major groupings of literature and persons who relate to infanticide throughout the Republican Era and the Early Imperial Period. The first category is philosophers, while the second is historians, with the former often debating the morality of infanticide. While the pagans were mainly favourable or defensive of the practise, the Jewish philosopher Philo of Alexandria was understandably harsh, as infanticide was forbidden in Judaism from its inception. Unless this practice existed, there was no reason for Philo to argue it and speak so fiercely against it.

Similarly, if it had not occurred and spread extensively, the other philosophers would not have debated it as frequently. Historians in the context of the stated time typically spoke about events that occurred many years before. Although it is probable that these stories were not fully factual, they most likely reflect widespread views, well-known anecdotes, and legends, thereby expressing a general attitude regarding infanticide as a living and breathing phenomenon.

THE SECOND AND THE THIRD CENTURIES CE

Christians were persecuted and alienated for their views during the birth and spread of early Christianity, with different allegations of libel levelled against them.⁸⁴ As a result, the character of the texts on infanticide shifted. Christian writers were harsh and scathing of pagan behaviours in their works, including infanticide. These debates ranged from historical descriptions to philosophical reflections attempting to rationalise such actions. The first of these types of

writings to espouse infanticide was a pseudonymous work, written soon after 100 CE called the Epistle of Barnabas.⁸⁵

“Do not abort a foetus or kill a child that is already born.”⁸⁶

Tertullian (160–222 CE) was one of the earliest Christian writers to write in this tone, and is often regarded as one of the first western Christian theologians. Born and raised a pagan, he converted to Christianity in 195–196 CE. One of his most famous writings is called *Apologeticus* which was written around 197 CE. The purpose of this text was to rebut the pagans' allegations against Christianity,⁸⁷ where he compared the pagans' desire to kill Christians, as well as their own children, to the Christian faith's entire prohibition on any type of killing.⁸⁸

“—how many even of your rulers, notable for their justice to you and for their severe measures against us, may I charge in their own consciences with the sin of putting their offspring to death? As to any difference in the kind of murder, it is certainly the more cruel way to kill by drowning, or by exposure to cold and hunger and dogs.”⁸⁹

This text, like other Christian literature on infanticide, is straightforward and harshly critical of the pagan way of life, beliefs, and practises. Here, he challenges their acts and questions whether they can justify such murder of infants. As previously stated, Roman philosophers provided many arguments for infanticide, but such acts were not justified in Christian eyes.

Tertullian's disgust at the senseless killing of new-borns is once again shown in *Ad Nationes*, a writing on which the *Apologeticus* was based:⁹⁰

“...only you do not kill your infants in the way of a sacred rite, nor (as a service) to God. But then you make away with them in a more cruel manner, because you expose them to the cold and hunger, and to wild beasts, or else you get rid of them by the slower death of drowning.”⁹¹

Based on these two passages, which are similar in character, several assumptions can be made. Christianity was a new religion that challenged the ancient Roman practises. It is vital to consider that Tertullian, like many other Christian writers and theologians of the time, may have lied. Nevertheless, it can be raised that a paramount concern for early Christians was to maintain a reputation for honesty and integrity, necessitating a commitment to truthfulness. Thus, if Tertullian had indeed spread falsehoods, it would have posed a significant risk to the credibility and trustworthiness associated with the Christian community. However, this still happened in many cases.

Another relevant text was written by Minucius Felix, an early Christian theologian like Tertullian, who wrote the

⁸⁵ KOSKENNIEMI 2009, 89.

⁸⁶ BARNABAS 19.5; very similar wording was used in a statement which can be found in the *Didache*, written between 110 and 120 CE: *DIDACHE* 2.2, trans. Ehrman; KOSKENNIEMI 2009, 90.

⁸⁷ Tertullian, in DUNN 2004.

⁸⁸ It was only mentioned as a footnote in: EYBEN 1980/1981, 15, n.36.

⁸⁹ Tertullian, *Apologeticus* 9.7; translation taken from: SCHAFF 1885.

⁹⁰ Regarding Tertullian, see: BUNSON 1994, 528; this text was also mentioned in: BRUNT 1971, 149, n.4; EYBEN 1980/1981, 15, n.36; HARRIS 1994, 16, n.139.

⁹¹ Tertullian, *Ad Nationes* 1.15.4; the translation was taken from: SCHAFF 1885.

⁸³ PLUTARCH, *MORALIA* 6.497e.

⁸⁴ For further information, see: HELGELAND 1974.

Octavius and lived around the 2nd century CE.⁹² The purpose of this writing was to disclaim the popular arguments against Christianity.⁹³

“And I see that you at one time expose your begotten children to wild beasts and to birds; at another, that you crush them when strangled with a miserable kind of death.”⁹⁴

Minucius Felix, like Tertullian, discusses infanticide in the context of criticising pagan rituals in support of Christianity. The fact that Tertullian alludes to and addresses the topic of infanticide, as he does in his books, is proof enough that this phenomenon existed. It defies sense for him to cite and critique a phenomenon that no longer exists. As stated previously, it is certain that he, like other Christian theologians, was opposed to infanticide and exposure in general. Even if he claims that only non-Christians commit these crimes, it is not possible to rule out the possibility that some Christians were practising infanticide and exposure at the time.

Lactantius (245–323 CE) was another renowned Christian writer who criticised pagan culture and traditions. He had previously taught rhetoric under Emperor Diocletian, but was expelled after converting to Christianity. When Emperor Constantine I came to power, he reinstated Lactantius as his son’s tutor, before which he composed the *Divinae Institutiones* while out of office and work. It was written between 304 and 311 CE, and provides many perspectives on Christian ideas in the intention of attracting Latin readers.⁹⁵ As a Christian apologetic, this work was created in vengeance and response to the Great Persecution. The following passage is from Book Five of the *Divinae Institutiones*, which defines justice in Christianity,⁹⁶ and explains the proper way to live according to Christianity.⁹⁷

“It is always men of theirs, not of ours, who beset the highways in arms, who play pirate on the seas, or, if they cannot pillage openly, brew poisons in secret; who kill a wife to have the dowry, or a husband to wed the adulterer; who either strangle their own children or, if they are too pious for that, expose them.”⁹⁸

He assigns all the horrific crimes in the preceding quotation to the pagan Romans, distinguishing Christianity from them. Strangling children is one of the pagan acts he condemns. It is unclear whether this remark refers to birth, however the next activity described is exposure, which relates to new-borns. Furthermore, he implies that exposure is only done by people who consider themselves to be righteous, implying that infanticide is done by everyone who is not Christian and is impious. This further implies that some parts of Roman pagan society, especially the pious half, did not practice infanticide, and much preferred to expose their infants if they were unwanted. However, this comment cannot be taken at face value. Lactantius labels

⁹² BUNSON 1994, Felix, M. Minucius: 209.

⁹³ In the context of infanticide, this text was mentioned in: EYBEN 1980/1981, 15, n.36; HARRIS 1994, 17, n.148.

⁹⁴ Minucius Felix. *Octavius* 30.2; the translation was taken from: SCHAFF 1885.

⁹⁵ BUNSON 1994, 299.

⁹⁶ BOWEN/GARNSEY 2003, 3, 7, 12.

⁹⁷ It was only mentioned as a footnote in: EYBEN 1980/1981, 15, n.36.

⁹⁸ Lactantius, *Divinae Institutiones* 5.9.15; translation taken from: BOWEN/GARNSEY 2003.

all criminals as Romans with pagan beliefs and assigns the same moral weight to acts that were always considered illegal and behaviours that were accepted in some civilizations, such as infanticide. The text states unequivocally that all the activities were carried out by non-Christians. However, it is certain that there were Christians who were murderers and robbers. As a result, such a broad generalisation calls his statements into question, presumably showing that infanticide and exposure were also practised in Christian societies. Furthermore, because of the intended audience, it implies that, at the time, infanticide was seen as a crime and was less common than in the past. This view may have even been held by the general public and not just the Christian community. On the other hand, the text’s language shows that this section was written for a Christian audience rather than a pagan one, which, as stated previously, considered infanticide and exposure to be murder. However, the fact that he mentions infanticide is proof that the phenomenon was still present at the time.

The following also comes from the same work of Lactantius, from an extract dealing with the ending of another human’s life. The root of this discussion stemmed from a debate regarding the bloodshed in the arena:⁹⁹

“In this commandment of God no exception at all should be made: killing a human being is always wrong because it is God’s will for man to be a sacred creature. Let no one think there is even a concession which permits the smothering of newborn babies; that is the greatest of impieties, because God puts breath into souls for life, not death...”¹⁰⁰

Lactantius explains infanticide is cruel in the sight of the Christian deity with these two quotations. Similar to the preceding book, some assumptions may be made about this work: the debate of infanticide is the greatest proof of its existence. However, unlike the previous one, he makes no mention of such acts occurring only in non-Christian communities. He simply states that such acts are abominations and are banned by the Christian religion, and it may even imply that the magnitude of such instances is not limited to outsiders of the Christian community.

The following extract differs from the rest of the corpus from the 2nd and 3rd centuries CE in that it was not written by a Christian. This passage was preserved within Justinian’s code, which was compiled in the 6th century CE by Emperor Justinian I from various manuscripts from different periods, and he judged which of the texts were pertinent to the legal code of his time.¹⁰¹ This extract was written by Julius Paulus in the 3rd century CE. He was a well-known Roman jurist who served as Severus Alexander’s advisor. Julius Paulus was so well-known that the Law of Citations from 426 CE designated him as a lawyer whose work had ultimate authority. As a result, Justinian’s clerks extracted 2,000 paragraphs from his works, accounting for 17% of the digest from which this extract is from.¹⁰²

⁹⁹ It was only mentioned as a footnote in: EYBEN 1980/1981, 15, n.36.

¹⁰⁰ Lactantius, *Divinae Institutiones* 6.20.17–18; the translation was taken from: BOWEN/GARNSEY 2003.

¹⁰¹ ELTON 2018, 258; for more information, see: HEATHER 2018, 99–102.

¹⁰² In the context of infanticide, this text was mentioned in: EYBEN 1980/1981, 15, n.36; HARRIS 1994, 10–11.

“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 a person who exposes one in a public place to attract pity – which he does not show himself.”¹⁰³

This document is particularly significant to our topic since the *Codex Justinianus* represents an authoritative compilation of legal provisions aligned with the Christian ethos, and reflective of the prevailing legal discourse among jurists in sixth-century Constantinople. For them, infanticide, or the murder of infants of whatever age, was a serious crime with a theological foundation, as can be seen in previous works written by the Church Fathers in prior centuries. Justinian’s clerks frequently endeavoured to uncover the oldest examples of legislation, legal documents, and trial transcripts that expressed the regime’s religious and moral position. It is intriguing that they could not uncover an earlier related document, which might imply that the activities detailed, including infanticide, were at the very least acceptable and/or allowed by law, if not frequently practised until the beginning of the third century. Furthermore, this text suggests that there was a drastic change in attitude and a decline in the phenomenon as early as the early third or late second century CE,¹⁰⁴ possibly due to the influence of monotheistic religions. This is more than a century before Christianity became the state religion. Because laws are usually changed by the nobility, it is possible that this change was caused by the importance of Judaism rather than Christianity. Until the year 200 CE, Christianity had no foothold in the upper classes, and the religion primarily attracted the lower classes throughout its existence in the Roman Empire.¹⁰⁵

As Christianity was a new religion, it was looked down on and pushed aside, with the Roman world never looking kindly on any religion newer than their own, while greatly admiring older religions.¹⁰⁶ All of the previous works were written during a time when Christianity was not the norm. As a result, while contacting potential converts and explaining their ideas and deeds to the pagan world, Christian authors possibly had to be as honest and sympathetic as possible. Their candour and critique of real-life pagan traditions were critical in defending their views and gaining new worshippers. Furthermore, the texts imply that infanticide was also practised by some Christians.

THE FOURTH CENTURY CE

The Roman Empire altered dramatically after Constantine the Great seized power as sole emperor of the Roman Empire in 324 CE. From being the underdogs, Christianity became the state religion. The continued decline of paganism intensified the already falling incidence of infanticide, which, as

previously stated, may have begun during the rule of pagan emperors as early as the late 2nd or early 3rd century CE.

The first text from the fourth century that will be given is an outlier since it is from an astrological book written by Firmicus Maternus, a writer and astrologer who lived during that time period. During the reign of Constantine I, he began writing *Mathesis*, an astrological guidebook.¹⁰⁷ The book itself is seen as a compilation of fourth-century trends, an amalgamation of late Hellenistic astrology and science with Neo-Platonic and Stoic doctrine.¹⁰⁸ In this guidebook, under book 7, he devotes a whole chapter on exposed children, with some of the statements implying infanticide. The relevant chapter, Chapter 2, is organised as an explanation of the stars and their angles, as well as the fate of the child born beneath those stars. Infants born under the astrological parameters indicated in sections ten and eleven will die very shortly after birth by drowning.¹⁰⁹

Firmicus Maternus’s two manuscripts were so dissimilar that some researchers thought they were authored by two separate persons, one Christian and one Pagan. Today, both works are widely accepted to have been written by the same individual, with the exception that the first (*Mathesis*) was written while he was still a pagan and the second (*De errore profanarum religionum*) after he had converted to Christianity.¹¹⁰ If they are correct, then these passages demonstrate that infanticide was still regarded as acceptable and a part of religious life in some pagan circles.

Finally, the last passage from this period that references infanticide is in the *Codex Theodosianus*, which was created by Emperor Theodosius II (401–450 CE) and signed and completed in 438 CE. It comprises of 16 volumes that provide a codified collection of prior years’ decrees and enactments, effectively providing a perspective of Roman law in the 5th century CE. However, the law dates back to the late 4th century CE, to the year 374 CE:¹¹¹

“If anyone, man or woman, should commit the crime of killing an infant, such an evil deed shall constitute a capital offense.”¹¹²

Some scholars believe that this law specifically prohibited infanticide in pagan rituals.¹¹³ However, there is no real reason to make this assumption. It is important to remember that infant and children murders occur in all civilizations and at all times, whether legal or not.¹¹⁴ This clause exists outside of a general legislation prohibiting murder, implying

¹⁰⁷ BUNSON 1994, 212.

¹⁰⁸ BRAM 1975, 2–3.

¹⁰⁹ Firmicus Maternus, *Mathesis* 7.2.9–11; it was only mentioned as a footnote in: EYBEN 1980/1981, 15, n.36.

¹¹⁰ BUNSON 1994, 212.

¹¹¹ In the context of infanticide, this text was mentioned in: BRUNT 1971, 144, n.8; HAENTJENS 2000, 262, n.12; EVANS GRUBBS 2013, 98, n.26.

¹¹² *Codex Theodosianus* 9.14.1; translation taken from: PHARR 1952.

¹¹³ BOSWELL 1991, 163.

¹¹⁴ In Justinian’s Code, which was sealed in the first half of the 6th century, there was a law from the first century BCE, passed under the consulship of Pompeius, which punished the murders of children by their parents. However, this law was a general law for parricide, murder in the family, which included the murder of the parents by their child. Moreover, only the mother or grandfather were punished with the murder of a child, and not the father. This law does not specify, nor does it not seem to refer to, infants: The Institutes of Justinian, LIB. IV. TIT. XVIII.6; according to Obladen, this law was expanded to include infants only in 319 CE. However, the source

¹⁰³ Paulus Digest of Justinian, 25.3.4; translation taken from: HARRIS 1994.

¹⁰⁴ It is possible that another indication for this change in attitude can be seen by the establishment of orphanages during the reign of Hadrian and Antoninus Pius: RAMSAY 1936.

¹⁰⁵ STERN 1980, 380–383.

¹⁰⁶ OLSHANETSKY 2018, 13.

that, unlike other types of murder, the murder of toddlers and new-borns was allowed in the past. As a result, adding this clause was required in order to rectify this. Furthermore, it does not necessarily show a change brought about by the rise of Christianity, as a shift in attitude was already visible in the previous centuries. The necessity to add or renew a provision, on the other hand, is proof that instances of this sort continued to exist, not necessarily because it was a widespread practise or an acceptable phenomena, but because such actions occur at any time and in any location. An unmarried mother, for example, may have been compelled to dispose of an illegitimate child, or she may have suffered from post-partum depression.¹¹⁵

DISCUSSION AND CONCLUSION

One of the most common counterarguments against infanticide is that because dead children were grieved and missed, infanticide could not have occurred.¹¹⁶ However, it is important to keep in mind that the Roman world was made up of many completely different cultures from the modern western world, and each culture saw things differently. The Roman Empire was exceptionally large, populous, and diversified. For example, if a child or new-born died in Japan today, there would undoubtedly be a funeral and a mourning period. Furthermore, there have been reports of mothers grieving and holding memorial services for their miscarried and aborted children.¹¹⁷ In contrast, at the conclusion of WWII, the Japanese farmers who had been dispatched to populate China were recalled. On their return, many parents chose to leave their children behind for a variety of reasons.¹¹⁸ As a result, it is best to avoid using a Western perspective in an anachronistic manner. It is vital to constantly keep in mind that there is no absolute right or wrong, that various nations and cultures are unique, and that nothing is universally accepted or adhered to in any group, nation, or culture at any time.

As shown, the little archaeological evidence from the Roman period is quite restricted, coming largely from Britain and with only one site from Judea/Palaestina. The sites in Britain are not fully suggestive of infanticide, with indications that the forms of burials found for the children were usual for infants in the Roman Empire, due to infants not yet being considered social creatures in the Roman family.¹¹⁹ Nonetheless, the Ashkelon, Israel, site had clear skeletal and physical evidence that the infants were murdered. The location of their interment suggested a hurried disposal, whether by prostitutes or otherwise, and the discoloration on the tooth buds indicated asphyxia.¹²⁰ However, this is only one specific case over a large area and time period.

Finding archaeological evidence, on the other hand, is a lot

like looking for a needle in a haystack. Even if the evidence exists, the region being excavated is tiny in contrast, and the evidence may have worn away completely or partially over time. This is true for all archaeological investigations, but notably for skeletal evidence, and especially for newborns. Infant bones are not even fully developed, hence they are more likely to be damaged or poorly preserved than adult bones.¹²¹ Additionally, even if infant remains were discovered, determining the cause of death is extremely unlikely. As a result, age must be assessed, which is problematic in and of itself.¹²² Due to all of these difficulties, detecting infanticide in archaeological sites is extremely difficult.

In contrast, there is a substantial selection of textual evidence, dating from the 1st century BCE through the 4th century CE. The materials themselves vary significantly, from historical records and legislation to poetry and intellectual debates. Nonetheless, all of these texts provide compelling evidence of infanticide in the Roman Empire.

Infanticide was explored in philosophical debates to argue a point or moral dilemma. Existing and well-known events and acts are referenced and described as evidence in such disputes. As a result, the usage of infanticide in this context is significant evidence that this act was prevalent and well-known. This idea is reflected in historical texts such as Livy, who only conveyed what happened, or was widely thought to have happened, during the time period he was writing about. The church fathers' writings, such as Lactantius', had quite varied motivations behind them, and they may have been economical with the truth. Nonetheless, their goal was to combat Christian defamation and, whenever possible, convert pagans to the monotheistic faith. As a result, their use of infanticide may have been meaningless in their arguments if such actions were not frequent in the Roman Empire. This would have severely disgraced them and undermined their goal of converting pagans to Christianity. More importantly, the church fathers' writings may indicate that infanticide occurred among Christians. All of this textual evidence supports the presence of infanticide in the Roman Empire. Furthermore, it demonstrates that infanticide was not limited to the early days of the empire. This was a continual phenomena that remained even after Christianity's ascent and establishment as the state religion.

Some argue that if infanticide was practised in the Roman Empire, it was largely female infanticide.¹²³ This is owing to the fact that many ancient and modern societies, such as China and India,¹²⁴ have a high prevalence of female infanticide as a result of cultural causes ranging from economic factors such as dowries, to gender constraints such as inheritance. However, it is incorrect to assume that female infants were killed at a higher rate than male infants. In many countries where child sacrifice was practised, for example, a male infant was favoured over a female child.¹²⁵ Furthermore, according to the archaeological evidence, more than half of

for this statement is unclear as the footnotes do not directly point to this; OBLADEN 2016, 56–61.

¹¹⁵ For more about post-partum depression, see: MILLER 2002.

¹¹⁶ GOWLAND/CHAMBERLAIN/REDFERN 2014, 70.

¹¹⁷ HARRISON 1995.

¹¹⁸ TAMANOI 2006, 3; for more information, see: ITOH 2010; even today, many Japanese view these actions as logical and acceptable for the situation at the time.

¹¹⁹ GOWLAND/CHAMBERLAIN/REDFERN 2014, 87.

¹²⁰ SMITH/KAHILA 1992, 669, 673.

¹²¹ GOWLAND/CHAMBERLAIN/REDFERN 2014, 78.

¹²² BONSALL 2013, 79–81.

¹²³ BRUNT 1971, 150–152.

¹²⁴ For discussions on infanticide in the 20th and 21st century, see: JIMMERSON 1990; CORNELL 1996; OBERMAN 1996; SEN 2002.

¹²⁵ SCOTT 2001, 149.

the remains connected to infanticide discovered in the territories of the former Roman Empire were of males.¹²⁶

One may also argue that the absence of disfigured children in archaeological evidence indicates that infanticide did not occur, even though it was expressly mentioned in written sources. According to the textual evidence, it was permitted under Roman law to kill a disabled child.¹²⁷ However, this may be a widely held misconception, as the reality appears to have been quite different. It is clear from the archaeological data, case studies, and cemeteries that this was not the case, with little to no indication of children with skeletal malformations.¹²⁸ This may be related to poor preservation of newborn skeletal remains, or to the fact that the percentage of disabled infants is a small proportion of the total number of children born each year.¹²⁹ As so many infants died during birth or in the first few years of their life,¹³⁰ the chances of finding the remains of a deformed child are extremely low. Furthermore, there are references in ancient literary sources throughout the Roman Empire for disabled adults rather than infants. These adults were shown as entertainment or companions to Rome's high society, particularly the Roman Imperial court. There was a wide range of terms used to distinguish these people from others, such as *deformis* or *retortos*, and they included overweight ladies, hemaphrodites, hunchbacks, and dwarfs, to name a few. So, not only could deformed infants be raised to adulthood, but they were prized possessions among the Roman elite.¹³¹ Although some of these disabilities, such as hunchback from tuberculosis, may occur later in life, this is an important factor which has often been overlooked in infanticide research.

Even though Jews and native Egyptians dominated the area of Judea/Palaestina, and considered infanticide to be abominable, infanticide still occurred. The most definite archaeological evidence for infanticide comes from the Roman East, specifically Ashkelon. Ashkelon epitomises and demonstrates all of the issues associated with uncovering infanticide. The possibility of discovering infanticide is reliant on soil, climate, and a large enough variety of newborns in a limited region to elevate the possibility of infanticide. The fact that infanticide existed and was commonly practised at Ashkelon in a very late era (4th–6th centuries) is conclusive evidence that it existed and was widely practised before and throughout this period. It is demonstrated by the fact that so many infants were killed and disposed of in such a small geographical area. It is especially perplexing given that the occurrence lasted for many years, potentially decades or centuries, without being halted by authorities, despite the fact that Christianity already governed the empire and infanticide was technically forbidden since 374 CE. Furthermore, it is particularly shocking that so many cases of infanticide

occurred in such a small area in Ashkelon. It demonstrates that infanticide was perhaps all too common. This is odd because the eastern section of the Empire was thought to be considerably more monotheistic, presumably comprising of not just a high number of Jews (up to a quarter of the population),¹³² but also Christians, who constituted 50% or more of the Eastern Empire's population.¹³³ If indeed 75% or more of the East followed monotheistic religions that opposed infanticide and infanticide was illegal, how could there be so many cases of infanticide in Ashkelon?¹³⁴

Thus, three probable explanations can be provided. The first is that infanticide may have been frequent not just among pagans, but also among Christians, which is consistent with the new interpretations of Christian writings written by some church fathers. Second, while infanticide had been prohibited from 374 CE, it was not enforced until Justinian's rule in the sixth century. Finally, the Ashkelon mass grave could indicate that Christianity was not as widely practised in Ashkelon, or even in the entire east, as previously suggested. Many people who were thought to be Christians were either not Christians or were pagans in hiding.

To summarise, while archaeological evidence is scarce, literary evidence suggests that infanticide occurred continuously in both the Roman Republic and the Roman Empire. The demise of this phenomena began before the Empire became Christian, and it is possible that this fall was caused by both Christian and Jewish influences. We should use the archaeological evidence we have to augment the literary evidence. The findings in Ashkelon are extremely significant because they point to one of three possibilities. Either infanticide was prevalent among Christians, or/and the legislation against infanticide was not enforced until Justinian's reign, or/and Christianity was less common in Ashkelon, and potentially in the East, than previously supposed.

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¹³² If the Jews in the Roman Empire represented 5–15% of the population of the entire Empire, while the majority of them lived in the East, we can safely say that they consisted of around 25% of the population in the Eastern Empire: MCGING 2002.

¹³³ In the middle of the 4th century, Christians formed around 50% of the population in the Roman Empire. In the 6th century, the numbers were higher, most probably between 70–85%: STARK 1997, 4–13.

¹³⁴ Infanticide can be found in every country and every period, including Christian, western European countries. However, the question on Ashkelon is necessary as there is a huge difference in the number of cases for infanticide per 100,000 people. For example, in the United Kingdom: "There were 298 cases of infanticide initially recorded between 1995 and 2002 in England and Wales, which translates to an average of 37 infant homicides per year" (BROOKMAN/NOLAN 2006, 869); as there were 65 million residents in the UK during this period, we can assume that there were less than 0.058 cases of infanticide per 100,000 people per year; BROOKMAN/NOLAN 2006: 871; if we assume that the murder of the infants in Ashkelon occurred across the span of 50 to 100 years, and the population of the city was between 10,000 to 20,000 people, this would imply that there would have been a frequency of 5 to 20 cases of infanticide per 100,000 people in a year. Therefore, the frequency of these cases was between 100 to 400 times more than those occurring in the modern UK.

¹²⁶ FAERMAN *et alii* 1998; SIMON MAYS / FAERMAN 2001.

¹²⁷ Cicero, *De legibus* 3.8.19.

¹²⁸ SCOTT 2001, 148; as Aristotle recommends a law which forbade the raising of deformed children, the lack of these finds may suggest that this phenomenon was actually happening quite frequently; Aristotle, *Politics* 7.4.10.

¹²⁹ For an estimate of the modern period, which could be extrapolated to various other populations and periods, see: MAI *et alii* 2019.

¹³⁰ During the Roman period, 30–50% of infants up to the age of five died: SCHEIDEL 2007, 426.

¹³¹ TRENTIN 2011, 2.

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