INFANTS BETWEEN BIOLOGICAL AND SOCIAL BIRTH IN ANTIQUITY: A PHENOMENON OF THE LONGUE DURÉE*

ABSTRACT: This paper deals with the intermediate period between biological and social birth, the moment the neonate was accepted into the community. The phenomenon will be studied from the early Greek period to the early Middle Ages, with due attention to the Jewish and Christian tradition. I cite all the relevant primary sources. Also, the subject will be tackled from the point of view of socio-cultural history, paying attention to the actual process of decision making. As such, I hope to shed new light on such vital issues as ancient concepts of normality, the individual’s feelings and public response to mourning, the right of life as a moral or a juridical concept, the impact of Christianity and the endurance of tradition, and legislation versus decision making.

1. Introduction

This paper deals with the intermediate period between biological and social birth, the moment the neonate was accepted into the community. This acceptance was often the subject of a public celebration, confirming the family prestige and the parents’ authority, not the least that of the father, though the decision making on the matter was not seldom a women’s affair between the mother and the midwife. As such, the days between birth and social acceptance often belong to women’s history, even secret or hidden history.

Birth and rites of passage of neonates in Antiquity are not really subjects which are in need of scholarly attention – quite the contrary. For at least three reasons, this contribution aims at adding to the existing scholarship. First, the phenomenon will be studied as one of the longue durée, from the early Greek period to the early Middle Ages, with due attention to the Jewish and Christian tradition. By offering an overview of a specific topic covering several centuries and different cultures, I hope to contribute to the dialogue between historians of these different periods. Second, this overview is meant as a practical synthesis for further research. It offers all the relevant primary sources (accompanied by a translation when such translation is not easily available) and

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lists only the essential secondary bibliography. Thirdly, the subject will be tackled from the point of view of socio-cultural history, paying attention to the process of decision-making and grasping each single piece of evidence on the first days of the neonate. As such, I hope to shed new light on such vital issues as ancient concepts of normality, the individual’s feelings and public response to mourning, the right of life as a moral or a juridical concept, the impact of Christianity and the endurance of tradition, and legislation versus decision-making.

Obviously, the subject of this paper is strongly connected with topics such as birth control and/or family planning in Antiquity: abortion, infanticide, child exposure. Due to the insufficiency of the source material, all claims about exact numbers or occurrences of these practices remain somehow speculative. Social historians disagree on almost every single parameter which might settle the question. Also, this article will not deal with the issue of infant burial, which has become a vast subject in the area of archaeology. Here, several new and detailed studies have pointed to immense variety, both regional and chronological. Infants were sometimes buried alongside older children and adults in the same burial places; in other instances remains of infants are found in the vicinity of houses; the fashion of *enchytrismos* or burial in jars is typical of other regions, while special infant cemeteries or even sanctuaries are attested in other places. Studies of Roman epitaphs have emphasised the major importance attached to children and young people in inscriptions which include an indication of age, though newborns and infants are strongly underrepresented in the dossier. Overviews on both Greek and Roman childhood have argued that children were welcomed, highly valued and quite

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1. The literature is extensive, but Eyben (1980–81); Boswell (1988); Harris (1994); Corbier (1999), (2000) and (2001) give systematic overviews and appropriate observations for the Graeco-Roman world. Specific overviews on the Greek (Athenian), Jewish or Christian dossier will be dealt with infra.
2. Kapparis (2002) has conveniently brought together the material.
3. Harris (1982); Brulé (1992); Krausse (1998); Mays (1999) and Scott (2000) particularly focus on infanticide, with due attention to anthropological parallels in other cultures.
4. Again, bibliography is massive. Evans Grubbs (2011) and Vuolanto (2011) offer guidance into the complex issue. Germain (1969) is still very useful for the Greek dossier. See also the debate between Harris (1999), claiming a significant amount of exposure as a source for the slave trade, and Scheidel (1997), emphasising the role of breeding in this matter.
6. See Dasen (2010b) for a convenient introduction with ample bibliography. For Roman Italy, see Carroll (2011) and (2012). See Gusi, Muriel, Olària (2008) for more general observations on death in infancy.
7. The three volumes of he project *L’enfant et la mort dans l’Antiquité* (EMA) offer more than fifty contributions on infant burial in various regions of the Greek world from the Iron Age to the Roman period. See Guimier-Sorbets, Morizot (2010), Hermanny, Dubois (2012) and Nenna (2012). An exceptionally rich case of a special burial place and/or sanctuary for newborns is the Greek island of Astypalaia, on which see Michalaki-Kollia (2010). See also Beilke-Voigt (2010) and Doneus (2010) in a special issue on the matter in the *Mitteilungen der Anthropologischen Gesellschaft in Wien*.
visible in the ancient world. This is all very true, but it needs to be pointed out that studies on children in Antiquity are always more or less studies on survivors. What I intend to do here is focus on the ones for whom survival was not yet guaranteed or a matter which still needed to be decided upon.

2. The Greek Evidence

Apart from a somewhat doubtful passage in Hesiod, the Greek evidence on ceremonies of social birth is heavily skewed towards classical Athens of the fifth and fourth centuries BCE. Lexicographers have again and again referred to the classical passages. In their striving for precision, these antiquarians have somewhat eclipsed the oblique but contemporary literary material.11

The scholiast to Plato’s Theaetetus provides a standard account on the ritual of the Amphidromia:

ἡμέρα πέμπτη τοῖς βρέφεσιν ἐκ γενέσεως, οὖτος κληθείσα παιρ’ ὅσον ἐν ταύτῃ καθαιρόμενα τὰς χεῖρας ἀι συναψάμεναι τῆς μαίωσις, τὸ βρέφος περὶ τὴν ἐστίαν φέρουσιν τρέχουσα κύκλῳ, καὶ τούνομα τίθενται τούτῳ, δώρα τοὔνομα τίθενται τούτῳ, δῶρα τούτῳ πέμπουσι τῷ παιδί, ὡς ἐπὶ τὸ πλείστον πολύποδα, οἵ τε φίλοι τε καὶ οἰκεῖοι καὶ ἀπλὸς ὁ προσήκοντες.

The fifth day after birth for neonates. It is called as such because those who have been involved in the birthgiving cleanse their hands. They carry the baby around the hearth while they run around in a circle, and give the child its name. Friends, acquaintances and relatives also send presents to the child, most often octopuses.

(Sch. Pl. Tht. 160e)

The fifth day, washing the hands and cleansing by the midwives, running around the hearth holding the child, granting of social identity by giving a name12, sending of presents (mostly octopus) by friends and relatives: these are elements which seem to be part of the standard description of the Amphidromia.13 Hesychius equates the Amphidromia

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9 Golden (1990); Rawson (2003); Laes (2011).
10 Hes. Op. 802–804: Πέμπτας δ’ ἐξαλέασθαι, ἐπὶ χαλεπά τις καὶ αἰνεῖ· ἐν πέμπτῃ γάρ φασιν Ἐρινύας ἀμφιπολεύειν / Ὅρκον γεινόμενον, τὸν Ἐρίς τέκε πῆμ’ ἐπιόρκοις. When ἀμφιπολεύειν is understood as ἀμφιδρομεῖν, this may be a reference to the Erinyes performing the Amphidromia around the infant Oath. However, the passage has often been understood as if the Erinyes were tending Oath, born on the fifth day. See Hamilton (1984) 247.
11 Hamilton (1984) remains the fundamental study, fully acknowledging the “basic harmony of the classic sources” (p. 251). See also Binder (1976) c. 83–89; Paradiso (2003); Dasen (2010a); Gherchanoc (2012).
12 On name giving in Athens and Greece in general, see Golden (1986) and Wilgaux (2008).
13 Hsch. s. v. Amphidromia omits the fifth day (cf. infra note 14 on his equation of the Amphidromia with the Dromiamphion which he situates at the seventh day). Sud. s. v. Amphidromia does not mention the name giving; Paus. Gr. Att. 101 line 1 is in full accordance with the scholiast to Theaetetus.
to the Dromiamphion, which he sets at seven days after the birth of a child.\textsuperscript{14} According to the scholiast to Aristophanes’ Lysistrata the Amphidromia took place at the tenth day of the neonate’s life: he mentions name-giving and running around the child lying on the ground.\textsuperscript{15} In all likelihood, the putting the child on the ground was done by the midwives, immediately after birth as a viability test.\textsuperscript{16} Didymus the Grammarian connects the Amphidromia with the annual Spring festival of the Dionysia in Athens: as such he cannot link the ceremony to a fixed number of days after birth.\textsuperscript{17}

There is strong evidence in the fifth and fourth century writers on the ceremony of the tenth day or the Dekatè. From their texts, it is clear that this celebration of name giving truly involved social birth, in the form of recognition of the baby by the father.\textsuperscript{18} At this important ceremony, family members were present, the testimonies of whom could later be used in court.\textsuperscript{19} Consequently, lexicographers and antiquarians mention the Dekatè as a day of offering, feasting and naming.\textsuperscript{20} One may wonder about the different traditions (the fifth or the tenth day). It is possible that the late sources may have confused a single feast originally, that their dates varied according to cities, or that the difference between the fifth and the tenth day reflects the practice of differentiating girls and boys (as it happened in Rome), but not acknowledged as such by the lexicographers.\textsuperscript{21}

Yet another tradition is linked with the famous Aristotelian saying that most children only get their name after the seventh day, since most of them succumb before this moment.\textsuperscript{22} When the mythographer Apollodorus mentions the cruel fate of young Meleager
which was predicted to mother Althaea, he writes that the prediction was done when Meleager was seven days old.23 Following the Aristotelean tradition, the lexicographers also mention the seventh day as the marker for name giving.24

All this does not mean that the ancient Greeks did not know birthday celebrations or that a person was remembered as having entered the social world only on the fifth, seventh or tenth day of his life. Though evidence on birthdays is quite limited for Classical Greece and mainly confined to celebrations for gods or royals, the Hellenistic and later material gives ample proof of the existence of such feasts in the Greek tradition. In the Augustan age, Dionysius of Halicarnassus considers the day of birth (and orations in honour of it) as important a stage in human life as marriage (and rhetorical praises on the wedding day). When Flavius Josephus wants to set off Jewish custom against Graeco-Roman mores, he mentions that law does not permit the Jews to make festivals at the births of their children, and thereby affording an occasion for drinking to excess.25

Also, the admission of children into family-based social groups was more gradual than just the naming day. In Athens, they were introduced to the genè and the phratries. The latter introduction probably happened on the Apaturia, a festival held each autumn. The sources do not agree on the age of those introduced. Also the Anthesteria, more specifically the second day of this festival called Choès with the crowning of children at age three, need to be mentioned in this context. Again the literary sources disagree on many details and are often contradictory.26 But these complicated issues do not really impact on the subject of the present paper: one of the first stages of social birth undoubtedly consisted of the ceremony of naming.

What needs to concern us, is a key passage in Plato’s Theaetetus. In a remarkable comparison which strikes modern readers as odd, Socrates compares the evaluation of an argument put forward by Theaetetus to the examination of a newborn and the ceremony of the Amphidromia:

Well, we have at last managed to bring this forth, whatever it turns out to be; and now that it is born, we must in very truth perform the rite of running round with it in a circle, the circle of our argument and see whether it may not turn out to be after all not worth rearing, but only a wind-egg, an imposture. But, perhaps, you think that any offspring of yours ought to be cared for and not put away; or will

23 Apoll. bibl. 1.65.
24 Hsch. s. v. hebdome: δεκάτην ἢ ἐβδόμην ἡμέραν ἀπὸ γενέσεως παιδίου ἑορτάζουσιν (Lys. frg. 46 Sauppe) (“They celebrate the tenth or the seventh day after the birth of the child”); Et. Magn. s. v. hebdomeuomena ἐβδομευόμενα: Τοῖς ἐπιστηθείσι παιοὶ τὰς ἐβδομάδας καὶ τὰς δεκάδας ἢγον, καὶ τὰ γε ὠνόματα ἐτίθησαν αὐτῶν; οἱ μὲν, τῇ ἐβδόμῃ, οἱ δὲ, τῇ δεκάτῃ (“They bring presents to children who have survived the period of seven or ten days, and they give them a name. Some do this on the seventh day, some on the tenth”). Cf. Suda (supra note 20).
25 Pl. Alc. 121c (birthdays of royals); D.H. Rh. 3.1 (stage of life); J. Ap. 2.26 = 2.204 (Jewish custom).
26 Golden (1990) 25–30 (introductions to genè and phratries; Apaturia); 41–43 (Anthesteria and Choès); Gherchanoc (2012) 150–152.
you bear to see it examined and not get angry if it is taken away from you, though it is your first-born?

(Pl. Tht. 160e–161c; transl. H. N. Fowler) 27

This is an almost unique instance of an author explicitly mentioning what everyone knew but was hardly ever uttered in public. The first days after birth were a period of utmost uncertainty, the realm of difficult deliberations between midwives and doctors on the one side, and parents (mostly mothers) on the other side. In the tradition of Hippocratic medicine, the early second-century physician Soranus, who practiced medicine at Alexandria and Rome, could bluntly state that it was the midwife’s task to find out which neonate was worth the rearing immediately after birth had taken place. 28 But according to Plato, even some days later, the running around in the ceremony of the Amphidromia might prove to be the final test for the newborn’s viability. Perhaps this running around served more as a symbolic test or a remembrance of a tradition of the distant past: otherwise, it is hard to understand why parents would publicly announce the festivity and have friends and relatives send presents for the baby.

3. The Roman Evidence

The Roman side of the matter is quite similar to the Greek dossier. A fixed day, washing and cleansing rituals, running around the hearth and granting of social identity by name-giving also occur in the Roman tradition. In general, the Roman evidence is less skewed towards standard passages belonging to one ‘classical’ period. This possibly suggests that the naming day ceremony was relatively widespread throughout the Empire. On the dies lustricus, the family celebrated not only the purification and naming of the young child, but also its entry into social life. The ceremonial proceedings on the Roman naming day are well documented: deities of birth were involved, amphidromia was held the night before, the baby’s aunt and uncle on the mother’s side played an important role in the ritual. 29

27 Pl. Tht. 160e–161c: μετὰ δὲ τὸν τόκον τὰ ἁμφιδρόμια αὐτοῦ ὡς ἀληθῆς ἐν κύκλῳ περιθρεκτέον τῷ λόγῳ, σκοπουμένους μὴ λάθῃ ἤμας οὖν ἕξον ἄμετρον ἡ τρητεία ἡ γεγονόμενον, ἄλλα ἀνεμιαίον τε καὶ ψεύδος. ἢ στὶς ὅτι πάντως δεῖν τὸ γε σὰν τρέφειν καὶ μὴ ἀποτιθέσθω, ἢ καὶ ἀνέξη ἐλεγχόμενον ὄρον, καὶ οὐ σφόδρα χαλεποτετεις εἰ τοι οὐς ἁπτομόσακι αὐτῷ ἡ ψεύσιμῃ.

28 Sor. Gyn. 2.10: Ἡ τοιών μαία τὸ βρέφος ἑποδεεμένη πρῶτον εἰς τὴν γην ἀποτεθέσθω προεπιθεωρήσασα, πότερον ἄρρεν τὸ ἀποκεκυημένον εστὶν ἢ θῆλη, καὶ, καθὼς γυναῖξιν ἠθος, ἀποσημαίνετο· κατανοείτω δε καὶ πότερον πρὸς ἀνατροφήν ἐστίν ἐπιπέδου ἢ οὐδαμῶς.

The sources seem to agree that the ceremony took place on the ninth day after birth for boys and the eighth day for girls.\textsuperscript{30} Plutarch speculated about the reason for the day’s difference between boys and girls. His possible explanations include the difference in development to maturity and Pythagorean numerology.\textsuperscript{31} While the differentiation between boys and girls is likely to be a Roman peculiarity, the eighth day is obviously connected with the numerological value of the \textit{hebdomadē}, a period of seven days. In the inclusive way of counting, the eighth day after birth refers to a seven-days-old baby. As such, the difference with the Greek tradition does not need to be stressed too much.\textsuperscript{32} It may also explain the possible reference to the seventh day in the biography of Emperor Clodius Albinus in the \textit{Historia Augusta}.\textsuperscript{33}

Other authors only mention the name-giving, without reference to a precise day.\textsuperscript{34} In all likelihood, only the \textit{praenomen} needed to be chosen in the case of a boy.\textsuperscript{35} The \textit{nomen gentilicium} was fixed, and the \textit{cognomen} could be changed during life. Girls did not have a \textit{praenomen} in the strict sense of the word.\textsuperscript{36} Certainly, name-giving was considered an important moment in life. The Church Father Tertullian puts the event on

\textsuperscript{30} Macr. Sat. 1.16.36: Est etiam Nundina Romanorum dea a nono die nascentium nuncupata, qui lustricus dicitur. Est autem dies lustricus quo infantes lustrantur et nomen accipiunt: sed is maribus nonus, octavus est feminis. Festus De sign. verb. 107–108 (Lindsay): Lustrici dies infantium appellantur, puellarum octavus, puerorum nonus, quia his lustrantur atque eis nomina imponuntur. An exception is Plaut. Truc. 423–4: dis hodie sacrificare pro puero volo / quinto die quod fieri oportet. For the mention of the fifth day, Plautus may very well rely on the Greek original of the play.

\textsuperscript{31} Plut. Mor. 288 c–e3 (Quaest. Rom. 102).

\textsuperscript{32} On Roman inclusive counting, see Parkin (2003) 28–30. For seven in the Greek tradition, see already Hesychius (cf. supra note 14) and the Aristotelean tradition (cf. supra note 22–24).

\textsuperscript{33} Hist. Aug. Clod. Albin. 5.8: Cum raram esset aquilas in his locis videri, in quibus natus est Albinus, septima eius die hora convivili, quod celebrati pueri deputabatur, cum ei fieren nomina, septem aquilae parvae de nidis adlatae sunt et quasi ad iocum circa cunas pueri constituta. The text may be somehow corrupt. See also Tert. an. 39.2: dum per totam hebdomadem luno mensa proponitur, dum ultima die Fata Scribunda aduocantur, dum prima etiam constitutio infantis super terram Statineae deae sacrum est – referring to the \textit{hebdomas}, a period of seven days.

\textsuperscript{34} Suet. Nero 6.2: Eisiedum futurae infelicitatis signum evidens die lustrico exstitit; nam C. Caesar, rogante sorore ut infanti quod vellet nomen daret, intuens Claudium paruum suum, a quo mox princeps Nero adoptatus est, eius se dixit dare, neque ipse serio sed per iocum et aspernante Agrippina, quod tum Claudius inter ludibria aulae erat. Arnob. adv. nat. 3.4: Sed et illud narsus desiderarum audire, a vobis inposita habeant haec nomina quibus eos vocatis an ipsi haec sibi diebus imposuerint lustricos.

\textsuperscript{35} The statement that boys did not receive their \textit{praenomen} before they took on their toga, and girls not before marriage, is undoubtedly referring to a very obsolete tradition. Tractatus de praenominibus 3: Pueris non prius quam togam virilem sumerent, puellas non antequam nuberent, imponi moris fuisse Q. Scaevola auctor est. It caused Theodor Mommsen to interpret “pupus” as a name for boys before the donning of the toga, an assumption which turned out to be wrong. See Schulz (1942) 86. Burnand (2009) points to the use of the names Pupus/Pupa for adult persons. The name was particularly popular in the Gaulish regions of the Voconces and the Ambarres.

\textsuperscript{36} Salway (1994) offers an excellent introduction into the practice of name giving throughout Roman history.
a par with the acceptance of the toga of manhood, engagement and marriage. He even uses the term nominalia instead of dies lustricus, a word which has long been considered a hapax legomenon for Antiquity. In a municipal law from Hispania, candidates for office holding were assessed on the basis of how many children they had. Deceased children were taken into account, but only if they had died after their day of naming.38

Roman birthdays have been studied thoroughly and are well documented. Genethliaca or birthday poems were composed at such occasions. Sacrifices were made to an individual’s personal Genius at birthday celebrations.39 As for the Greek material, we have plenty of evidence for the celebration of the birth of a baby, immediately after delivery. It was certainly not the case that the dies lustricus needed to be waited for. Messages were sent to friends, and doorways decorated with laurels. Two inscriptions from Pompeii are birth announcements: one even contains the exact date and hour of birth.40 Gellius undoubtedly offers the most vivid account. He was in the company of the philosopher Favorinus, when it was announced that the wife of one of Favorinus’ disciples had given birth to a son just a short while before (paulelum ante). The philosopher and his male friends immediately decided to render a visit to their friend who happened to be of senatorial rank: “Let us go to see the mother and congratulate the father (sic)”. When entering the house, they immediately came across the father who told them that his wife had fallen asleep after an exhausting delivery. There is no mention of the dies lustricus in this fragment, and from the context it is very clear that the senator’s friends must have arrived well before the ninth day. It was the birth of the child they wanted to celebrate, not the naming-day.41

There is less diverse information for the gradual admission of Roman infants into various social groups, but the available evidence points unequivocally to a well observed rule throughout the Roman Empire: newborns had to be registered within thirty days after receiving their name or after their birth.42 This time period seems to have been well observed. Numerous birth certificates on papyri have been preserved:

38 CIL II. 1964; AE 2001. 61 (Malaga, Baetica): plures liberos habent/tem paue<o>res habenti praeferto prione/mque nuntiato ita ut bini liberi post no/men inpositum aut singuli puberes am/is si v<e>T>ese potentes amissae pro singulis / sospitibus numerentur (“One should prefer a person who has more children above the person who has less and proclaim him as having priority, in such way that either two children who died after the naming-day or each child in his youth or each full grown man who died are counted as one surviving child.”). See D’Ors (1953) 20–21. See also CIL VI. 20427 for a child from the City of Rome: puer nato et nomine imposito, on which see Carroll (2006) 172–173.
39 On Roman birthday rituals, see the fundamental study by Argetsinger (1992). Censorin. d. nat. 2. 1–3 on offerings for a personal Genius.
40 CIL IV. 8149: Natus Cornelius Sabinus; CIL IV. 294: Ju(v)enilla // nata / die Satu(rni) (h)ora secu(nda) / IIII Non(as) Au(gustas). Texts referring to decorating the house, presents and joyful announcements include Ter. Phorm. 45–49; Stat. Silv. 4.8.35–42; Juv. sat. 6.78–81.
41 Gell. 12.1.1–4
42 The account of the Historia Augusta leaves room for both interpretations. Cf. infra note 43.
they mention the day of birth and the date of registration, with an interval of no more than thirty days. 43

Lastly, and quite unsurprisingly, the Latin sources hardly ever point to tough decision making involved after the first days of birth. Obviously, little is said in the sources about vital decisions which needed to be made. Depending on the case and on the personalities and temperaments involved, midwives, fathers and mothers all had a say in the sometimes heartrending decisions that needed to be made. The role of the father was particularly stressed in the realm of Roman myth and legend. Both referring to reality and dismissing responsibility, midwives are mentioned as crucial actors in the process. 44 Plutarch’s statement that prior to the naming-day, an infant was considered to be “more like a plant than an animal” needs to be understood in the same context. 45 This was obviously just one view among many others, which could be resorted to ad hoc, for instance in the case of a malformed baby who apparently did not have any chance of surviving. Vows for unborn children clearly show that others felt differently about the matter. 46

4. The Jewish and Christian Evidence

In the ancient literary tradition foreign people such as Egyptians, Germans and Jews, are said to rear all their children, a practice which was sometimes explicitly contrasted

43 Schulze (1942); (1943); Geraci (2001), esp. 687. The classic account is Hist. Aug. Marc. 9.7–9: Inter haec liberales causas ita munivit, ut primus iuberet apud praefectos aerarii Saturni unumquemque civium natos liberos profferi intra tricensimum diem nomine imposito. Per provincias tabulariorum publicorum usum instituit, apud quos idem de originibus fieret, quod Romae apud praefectos aerarii, ut, si forte aliquis in provincia natus causam liberalem diceret, testationes inde ferret. Atque hanc totam legem de adscriptionibus firmavit aliasque de mensariis et auctionibus tulit. The account of the Historia Augusta is misleading. Registration of births existed long before Marcus Aurelius, and was established by Augustus in two well known statutes, the Lex Aelia Sentia (A.D. 4) and the Lex Papia Poppaea (A.D. 9). See Dion. Hal. Ant. rom. 4.15.5. The truth in the account is that Marcus Aurelius required registration for every Roman child, legitimate or illegitimate. See Schulz (1942) 80–81. See Gourevitch (1998) for a full account of the legal evidence concerning the first days after birth, in the case of deformity or disability.

44 See Shaw (2001); Laes (2008) 92–99; Laes (2010); Dasen (2011b) on the ‘vital’ role of midwives. Significant texts include: Serv. Aen. 10.76: Varro Pilumnum et Pitumnum infantium deos esse ait eisque pro puerpera lectum in atrio sterni, dum exploretur an vitalis sit qui natus est; Non. Marc. 3.848 (Lindsay): Natus si erat vitalis ac sublatus ab obstetricie, statuaebar in terra, ut aspiceretur rectus esse; dis coniugalibus Pilumno et Picumino in aedibus lectus sternebatur. Amm. Marc. 16.10.18–19 is the account of midwives in Gaul who intentionally killed infants for money by cutting the umbilical cord too short.

45 Plut. Mor. 288 c (Quaest. Rom. 102). Gell. 16.16.2–3 suggests the same (resemblance to a tree): Esse autem pueros in utero Varro dicit capite infimo nixos, sursum pedibus elatis, non ut hominis natura est, sed ut arboris. Nam pedes curaque arboris ramos appellat, caput stirpem atque caudicem.

with Roman practice. The image may not always have corresponded to reality, but remains important.47

Also, the Christian discourse stated that the foetus was already animated in the womb, even from the moment of procreation. Generally spoken, Christian theory was opposed to the pagan views,48 which sometimes held that biological birth was the moment a person came into existence.49 However, many different viewpoints existed, and it is almost impossible to know how physiological or philosophical theories were accepted or followed in everyday life.50 On the one hand, prohibition of abortion based on the argument of the animated foetus also exists in pagan views as in Orphism, while on the other hand Augustine expressed his doubts about the status and the fate of the human embryo.51

Both the Old Testament and the the rabbinic tradition bear traces of the recognition of the foetus being considered as an animate human being,52 though we do find traces of selection of neonates, especially when no chances of survival seem to have existed.53

To the early Christians, the tradition of name-giving on the eighth day seems to have been very vivid. By their reading of the New Testament stories on John the Baptist’s and Jesus’ infancy, they were in any case constantly reminded of it. When it is announced

48 E. g. Clem. Alex. strom. 3.83.2; Cyrill. Hieros. catech. 9.15 (PG 33.653 B); Aug. civ. D. 12.23. Scholarly literature on pagans’ and Christians’ views on right to life for the foetus is endless. See Dölger (1934) (still a most valuable collection); Kapparis (2002); Congourdeau (2000); (2004) and (2009); Balin (2009). For apt summaries, see Binder (1976) k. 148–150 or Bakke (2005) 110–151.
49 For contradictory statements on the birth of the Genius, see Cens. d. nat. 3.5: genius autem ita nobis adsiduus observator adpositus est, ut ne puncto quidem temporis longius abscedat, sed ab utero matris acceptos ad extremum vitae diem comitetur (from the womb); Serv. Aen. 6.743 cum nascimur duos genios sortimur (from birth); Serv. Aen. 3.65: duosque manes corporibus ab ipsa statim conceptione assignatos fuisse (from conception); Censorin. d. nat. 3.: Genius est deus, cuius in tutela ut quisque natus est vivit. Hic sive quod ut genamur curat, sive quod una genitur nobiscum, sive etiam quod nos genitos suscipit ac tutatur, certe a genendo genius appellatur. (...) Genio igitur potissimum per omnem aetatem quotidie sacrificamus (conception or biological birth).
50 Passages that take into account a gradual formation of the foetus in the mother’s womb include Hier. Ep. 121.4 and August. Quaest. in Hept. 2.80 (PL 34.626).
51 Tuor-Kurth (2010) 60–66 on pagan cultic prohibitions. Aug. de pecc. merit. et remiss. 2.27.43 expresses doubts on the status of embryos: they are not born yet, and cannot become ‘reborn’ by baptism. Schanzer (2009) has demonstrated how in the fifth century, after the Pelagian controversy, the attention began to shift from the unborn to the unbaptized. See also Audano (2010).
52 Witness the stories on twins colliding or disputing in the mother’s womb: Gen. 25.22 and 38.28. See also Lc. 1.41–45 on Jesus jumping up in the mother’s womb when Mary meets Elisabeth. According to bNiddah 30b religious education should start from the womb.
53 bSabbat 134a advocates giving up a neonate who does not cry or who is too tiny, by not smearing it with the afterbirth. See also Ez. 16.1–7a (Israel compared to a foundling “in sanguine” according to the Vulgate version) or Vulg. Ps. 58.10 (quasi abortivum mulieris quod non vidit solum). See Tuor-Kurth (2010) 84–149 (on Gen. 21.8–21; Ex. 2.1–10; Ez. 16.1–7a).
that Elisabeth will have a son, Zacharias is punished by muteness for his disbelief “till the day all it will happen”. It is clear that by this day, Luke means the eighth day, when the infant is circumcised and given a name.54 Indeed, when this day arrives, the neighbours seem to have taken over the father’s power of giving a name to the child. When they want to call it Zacharias, the mother objects that he should be called John, as the angel had told her before. They turn to Zacharias, who agrees with Elisabeth by writing the name John on a wax tablet; after this he is again able to speak, to the great astonishment of the bystanders.55 In the case of Jesus, the same pattern appears. Before birth, he had been named by the angel, but the naming and circumcision ceremony took place on the eighth day, together with the presentation in the temple.56 The tradition went on, even in one of the Infancy Gospels of Mary from the fifth or sixth century, where another reference to the ceremony of the nominalia is found.57 The late antique references to the dies lustricus make it very much possible that Christians at least knew the ceremony.58 In the endless discussions on infant baptism and the appropriate age for baptism in the Early Church, the eighth day is sometimes referred to, with reference to the Jewish circumcision practice.59 Several other texts mention the importance attached by Christians to naming, without reference to a special day.60

However, the early Christians did not live in a separate world. Like their contemporaries, they were subject to the harsh demographical regime, where death in childbed was an impending danger for both the mother and child.61 They had recourse to midwives as well. Therefore, we need not be surprised to read with Ambrose about the vital and central role of the midwife for the life of a child. She is put on an equal footing with the

54 Lc. 1.13 and 20.
55 Lc. 1.13 (name given before); Lc. 1.58–65 (story of the eighth day).
56 Mt. 1.18–25 and Lc. 2.21 (name-giving by angel); Lc. 2.21–40 (name-giving, circumcision and presentation in the temple, combined with the purification of Mary).
59 Greg. Naz. Or. 40.28, refers to Gen. 17.12 (circumcision on the eighth day) and Exod. 12.22–23 and 29 (anointing the doorpost) as evidence of sealing that which had no use of reason! See Ferguson (2009) 595; 690 and 712–713.
60 Origin. c. Cels. 5.45 (GCS 3.48–50) and c. Cels. 1.25 (GCS 2.75–77) opposes the magical power attributed to a name. According to Joh. Chrysost. Act. hom. 52.5 (PG 60.365) children were preferably given names of saints. Joh. Chrysost. in 1 Cor. hom. 12.7 (PG 61.105) mentions that several candles were given different names. The child received the name of the one which had lasted the longest. Cf. supra note 37 (Tertullian on nominalia).
61 Greg. Nyss. de virg. 3.5 on a young wife in childbed: the focus of the narrative is on the expectation of death, not on the joy of having a baby!
astrologist; and the mention of viability testing is very much similar to the observations one encounters in Soranus.62


So far, the practice of the naming day or the interval between biological and social birth has appeared as a social or folkloristic custom. For the survival of the baby, the relevance of it was probably very much connected to ad hoc decision making.

The Byzantine tradition seems to have preserved very well the tradition of the eighth day. The female demon Gello was believed to be particularly aggressive towards babies and mothers immediately after delivery.63 According to the tenth century Book of Ceremonies, the empress’s bedroom was hung with cloth of gold and candles on the eighth day following the child’s birth. There was a benediction ceremony in the atrium of the church and a public announcement of the name of the newborn. While mother and child were covered with gold-woven bedspreads, the wives of the court dignitaries passed through to show their respects and offer gifts.64 Also the tradition of drinking lochozema (a nourishing soup given to women who had just given birth, but also to the visitors in homes of newborn babies) over a seven-days period goes back to Byzantine times, and survives now in Turkey.65 Possibly, death before baptism placed infants in a liminal position. Perfunctory baptism on a five or six months old fetus with lamp oil is attested in a record of 1443.66 A cemetery from the middle Byzantine period at Amorion suggests separate burial for fetuses and newborns in the church or the baptistery; in Athens even beneath the floor of the house.67

However, in the western tradition, the liminal status of the newborn took a very specific shape in the legislative tradition. In a law proclaimed in the year 329, the Emperor Constantine issued specific laws about newborns. The idea of a sanguine or sanguinolentus was alien to classic Roman law; the reference to “the enactments of former emperors” needs to be understood as a reference to the eastern emperor Licinius (the vocabulary of “newly born slaves” indeed frequently appears in Greek manumissions). The Constantine law was not about the act of exposure or the selling of children per se; rather it tried to settle conflicts over property or status which might arise when the father or former master showed up:

62 Ambr. in hex. 4.14: Constitue partum feminae; obstetrix utique eum primo cognoscit, explorat vagium, quo nati vita colligitur, attendit utrum masculus sit, an femina.
67 Talbot (2009) 301.
According to the enactments of the former emperors, if anyone shall purchase in legitimate fashion a newborn infant (a sanguine) or arrange to nourish it, he shall hold the power of obtaining its service. So that, after some years if someone should sue for its freedom or assert property rights over it as a slave, he must hand over a substitute of the same kind or pay the price which it is worth. For whoever has paid an appropriate price and drawn up a title, has such certain rights of possession that he can freely pledge the slave in payment of debt. Any who try to contravene this law will be subject to penalties.68

(CT 5.10.1; transl. K. Harper)

As Harper aptly put it, Constantine’s reform underwrote “an insurance policy on behalf of individual slave-owners”. He admitted a solution which had undoubtedly been practiced for a long time in the case of disputes over ownership. Also, Harper is right to link the terms a sanguine and sanguinolentus with the practice of the dies lustricus.69

Quite remarkably, this passage in Roman law seems to have become popular with the so-called barbaric legislation (leges barbarorum) of the Early Medieval kingdoms.70 The decree is repeated for the Roman citizens who lived in the Franconian state.71 In the Frankish tradition, the link with the naming-day is explicitly made; the child in the womb and the newborn before its naming day are put on an equal footing.72 The Pactus

68 Secundum statuta prionum principum, si quis infantem a sanguine quoquo modo legitime comparaverit vel nutriendum putaverit, obtinendi eius servitii habeat potestatem: ita ut, si quis post seriem annum ad libertatem eum repetat vel servum defendat, eiusdem modi aliquum praestet aut pretium, quod potest valere, exsolvat. qui enim pretium competens instrumento confecto dederit, ita debet firmiter possidere, ut et distraherit pro suo debito causam liberam habeat: poenae subiciendis iis, qui contra hanc legem venire tentaverint. Cf. CJ. 4.43.2 pr.: Si quis propter nimiam egestatemque victus causa filium filiavse sanguinolentos vendiderit, venditione in hoc tantummodo casu valente emptor obtinendi eius servitii habeat facultatem.


70 Discussions are strikingly absent in Coleman (1974) or Kammeier-Nebel (1986).

71 Lex Romana Raetica Curiensis 5.8 (MGH Legum Tomus V, p. 357): Si quis infanatem parvulum a partu acciperit ad nutricandum, in ipsius dominio permanebit, qui eum nutricaverit; et si postea de quo inutritus fuerit, si ipsum infantem aut dominus aut pater suus recipere voluerit, sic aut alteram talem mancipium aut precium pro eo nutritori dent, et sic ipsum infantem recipiant (“If someone picks up a newborn infant in order to feed him, the child will remain the property of the one who fed him. If later the master or the father wants to have the child back from the person who fed him, they have to give either another slave or a compensation to the one who supplied the food. Then they can recuperate the child”).

72 Pact. Legis Salicae 41.20 (MGH Legum Sectio I. Legum nationum Germanicarum Tomus IV. Pars I, p. 161) (between 507 and 511 cr.): Si quis infanatem in utero matris occiderit aut antequam nomen habeat, solidos C culpabilis iudicetur (“If someone kills an infant in the mother’s womb or before it received a name, he will be liable to a penalty of 100 solidi”). L, Ribuar. 40.10 (MGH Legum Sectio I. Legum nationum Germanicarum Tomus III. Pars II, p. 94) (ca. 630 cr.): Si quis partum in feminam interfecerit seu natum, priusquam nomen habeat, bis quinquagenos solidos culpabilis iudicetur. Quod si matrem cum partu interfecerit, septingentos solidos multetur (“If someone kills an embryo in a woman or a newborn infant before it has a name, he will be liable to a penalty of 500 solidi in both
Alamannorum has the same tradition: here the mention of nine nights or eight days returns\(^7\) (counting with nights being a very Germanic tradition).\(^7\) The same laws mention the liminal period of one hour of life for the newborn in the case of the mother’s death in childbed: if the child did not survive this period, the mother’s inheritance seems to have belonged rather to the mother’s father than to her husband.\(^7\) Only the lex Frisionum, which preserved pagan customs, allowed the mother to kill her new-born child.\(^7\)

Frankish formularies confirm the everyday reality of the decrees. Both in Angers (Formulae Andecavenses) and in Tours (Formulae Turonenses) we read about the finding of a newborn near a sanctuary. Since it was not possible to track down the parents, the finder decided to take care of the baby himself or to hand it over to people who were willing to accept it, thereby emphasising the prospect of divine punishment and
the impossibility of reclaiming the child for the natural parents. In both Formulae, the

term *sanguinolentus*, reminescent of Roman law, turns up; the Formulae Turonenses
even explicitly cite the passage from the Theodosian Code.

6. Conclusions

In this paper, I aimed to carefully bring together all the evidence on the intermediate
period between biological and social birth from Greek antiquity up to the early Mid-
dle Ages for the West, and the Byzantine tradition for the East. However, striving for
academic accuracy does not need to obscure that what we have been dealing with is es-
sentially a very ‘human’ subject, involving difficult and painful decision-making, which
can hardly be captured in ‘rules’ of sociological or legal performance. One needs only
to think of the first days after childbirth of what is diagnosed as a ‘handicapped child’ or
a neonate whose life is in immediate danger in our present day society. Are birthday
cards distributed? Do friends and relatives come to pay a visit at the hospital? In what
ways is the matter openly discussed or covered in discreet silence?

This collection of source material elicits some conclusions which are worth being
pointed out explicitly. The very different cultural traditions dealt with in this paper all
seem to have distinguished between biological and social birth. This distinction ap-
ppears as a cross-cultural phenomenon, which has a biological basis. Indeed, the drying
up and falling off of the umbilical cord happens anywhere between five and fifteen days
after birth. This is also the period in which neonates suffer from some little weight loss.
People in the past perceived the same things happening, numerology did its task in fix-
ing a ‘symbolic’ time interval.

There is no need to search for uniformity in cases such as the exact number of days.
Here a certain flexibility seems to have been the rule, while a preference for ‘rounded’

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77 Form. Andecavenses 49 (MGH Legum Sectio V. Formulae Merovingici et Karolini aevi, p. 21)
(seventh century): invenimus ibidem infantolo sanguinolento, qui adhuc vocabulum non habetur,
et de sumpto populo parentes eius invenire non potuimus (“and there we found a newborn infant,
who had no name, and among all the people we could not find the parents”). Form. Turonenses 11.
Epistola collectionis 1 (MGH Legum Sectio V. Formulae Merovingici et Karolini aevi, p. 141)
(eighth century): Nos quoque in Dei nomine matricularii Sancti Martini, dum matutinis horis ad
hostia ipsius ecclesiae observanda convenissimus, ibique infantulo sanguinolento, periculo mortis
imminentem, pannis involutum invenimus, et ipsum per triduum seu amplius apud plures homines
inquisivimus; quis suum esse diceret, et non invenimus, cui nomen ipsum ipso auimus (“In the
name of God, in the public register of Saint Martin, when we went for an inspection at the gates of
Saint Martin’s church in the morning hours, we found a swaddled newborn infant, who was in life-
threatening conditions. For a period of three days, or even more, we did research with several people,
in order to find out who claimed that this was his child. We found no such person. We therefore gave
it a name ourselves”).
78 See e.g. Rigo, Stuy (2006).
79 As ethnographers have discovered for many cultures. Rollet, Morel (2000) 79–82 for a general
account. See also in Bonnet, Pourchez (2007) 109 (Ivory Coast); 215–216 (Mali); 291 (Mexico).
or ‘sacred’ numbers such as five, seven or nine is clear. The evidence for celebrating birthdays and making visits shortly after birth in any case points to the fact that the intermediate period was not regularly regarded as a moratorium period, with parents eagerly waiting for the day of the ‘real’ social birth. On the contrary, the naming day was much more one out of many steps. It has been argued that the phrase tollere liberos refers not so much to the lifting up newborns as a ritual gesture of acceptance by the pater familias; much more likely the father was just one out of the others who had a say in sometimes heartrending decisions that needed to be made.80 But other steps are clearly attested: the viability test by the midwife, the first bath, the first swaddling, massage and feeding.81 Social birth is a gradual process, not to be fixed at one certain point of time.82

Needless to say, ancient historians should be very much aware of not making the emotional leap, claiming parental indifference in the case of the death of neonates who had not yet reached social birth. Here, cross-cultural evidence has proved that a similar claim is instead evidence of a narrow western-centred view of societies which are considered ‘different’. In reality, human behaviour and emotions are much more varied; the interpretation of them is in need of constant nuance and empathy. The Jewish and Christian evidence on the naming day convincingly shows that the practice should not be primarily interpreted as a cover-up for infanticide or selection; at least these people were supposed by their contemporaries not to kill any of their newborns. That the practice came to be connected with selection is due to late ancient legislation which tried to protect property rights of slave-owners: it is one of the many heritages of Roman law which survived into medieval legal corpora.

In times of refined medical diagnosis, both prenatal and neonatal, parents nowadays find themselves more and more confronted with heartbreaking decision-making. In this, medical science and the doctor’s advice can act as a tool to somehow soften the burden of responsibility. “After all, doctors said it was best to act in this way.” But of course, on the basis of such practice, few would support parental indifference towards infants in present-day western society. In a period which lacked the extended knowledge which is offered by modern neonatal medical science, in a culture which by consequence did not have an equivalent term for what we label as ‘normal’, parents did not have this kind of ‘refined diagnostic argument’ as a consolation for the decision of not keeping their baby, or for the fact that the infant did not survive. Of course, there was some relief in the belief that the eight-month-child could not survive, while the seven-month-baby could.83 Also, the rite of passage of social birth and name giving might act as a substi-

81 Dasen (2011b) 122–128; the cutting of the umbilical cord is never depicted in iconography, while the first bath is. Quite often the Parcae are depicted in the process of the first days. See Gellius 16.16.2–4 and 3.16.9–10 (parca, nona, decima); see Dasen (2011b) 129–138.
82 Dasen (2009) and (2011a) have convincingly illustrated this point.
83 Hanson (1987).
tute constituted by a society which was faced with massive infant death. In no way was it an automatic mechanism or an unequivocal reaction. But undoubtedly in some cases it helped to cope with the harsh reality. And no doubt, in other instances, it brought as little relief as the the medical argument nowadays.

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