RAISING AND KILLING CHILDREN:
TWO ROMAN MYTHS

BY

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Often the purpose of historical research is to create by explanation and description; occasionally, however, it is destruction that is required. In the present case, two intertwined historical myths are the problem. One is easier to dispel than the other, but both are so deeply rooted in modern scholarship and in popular consciousness that the hope of eradicating them by this brief exposition is not very great. The first myth is the claim that the Roman father, especially as delineated in the legal model of the paterfamilias, maintained in his hands a formal power, the so-called ius vitae necisque—the ‘right of life and death’—by which he could legally kill his children.\footnote{W. V. Harris, \textit{The Roman Father’s Power of Life and Death}, in: R. S. Bagnall & W. V. Harris (ed.), \textit{Studies in Roman Law in Memory of A. Arthur Schiller} (Leiden 1986), 81-95; at 93 he explicitly connects the two, with the one explaining the other: the \textit{ius vitae} is the father’s ceremonial ritualistic lifting up of the newborn infant.} The emphasis must be on ‘legally’ since no sensible historian of antiquity has ever sought to deny the pervasive reality of infanticide or, more commonly, the exposure or setting out of unwanted newborns. Closely related is the second myth: the widespread acceptance, again by both scholars and the informed laity, of a liminal ritual by which the father formally accepted the newborn child into his possessions and power, which is to say into his \textit{familia}. The ritual, we are told, consisted of the father ceremonially lifting the newborn up from the ground after it had been placed at his feet, and then raising the infant in his arms for all to see. The scene is dramatic and worthy of a DeMille or a Mankiewicz, but not, alas, of mundane history despite constant allusion, description, and detailed analysis by reputable historians. The ritual, so it is claimed, was designated by the technical phrase \textit{tollere liberum}, or sometimes by its equivalent \textit{suscipere liberum}. Recent standard treatments of the Roman family have
affirmed, occasionally in intriguing detail, the nature of the liminal ceremony itself.2)

*Raising the Newborn: Tollere Liberum*

By the turn of the century, eminent Romanists had come to accept that a formal ‘lifting’ ceremony was necessary for a Roman father to accept a newborn child into his family.3) Joseph Declareuil, for example, argued that the father had the final right of disposition over the infants produced for him by his wife. *Iustae nuptiae* or formally recognized marriage was not the sole determinant of the status of the children born to a legally married couple. Without legal marriage, it is true, the father could not claim the infant as his own, but *iustae nuptiae* did not impose on him the requirement to receive into his *familia* the infants born from his wife. Declareuil continues:4)

“Let us say, rather brutally, that the head of the *domus* engaged with his *uxor iusta* in a labour over which he maintained the right either to accept or to reject the results that were thereby produced. This is, in fact, what he did. The newborn child was placed on the ground in front of the father: if he raised the infant and took it up into his arms in an act that was called *liberum tollere* or *suscipere*, the infant was then admitted into his lineage; it became the *heres suus*. Then, after the divinities favorable to infancy and living things within the household had been invoked, the *paterfamilias* made his wishes and inten-

2) For example, S. Dixon, Tollere liberos: the Birth of the Roman Child, appendix 1, in: The Roman Mother (Norman Okl. 1988), 237-40. Dixon quotes the standard literary sources; cf. at 238: “Literary sources refer to the father as raising (*tollere* or *suscipere*) the child in this way [i.e., from the ground] as a formal acknowledgment of his paternity and, by implication, of his decision to rear the child”, citing Cic. *Tusc. Disp.* 3.1.2 in support; and E. Cantarella, La vita delle donne, 1. La famiglia e il potere del ‘pater’, in: E. Gabba & A. Schiavone (ed.), Storia di Roma, 4: caratteri e morphologie (Turin 1989), 557-608, at 558: “Al momento della nascita, i neonati venivano deposti per terra, ai piedi di *pater*, che senza bisogno di giustificazione alcuna, poteva decidere se sollevarli prendendoli nella braccia (*tollere* o *suscipere liberos*), o vederli ove erano stati deposti . . .”.


4) Declareuil, op. cit., 326 [my translation from the French].