

THE LEGAL STATUS OF THE SLAVE IN ANCIENT GREECE

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The legal status of the slave in ancient Greece

This paper deals with a problem of describing the legal status of slave in ancient Greece. As the Roman empire is, beside Greece, considered to be the most important ancient state and just this state is well known partly through its wholesale exploitation of the slavish work and partly due to the cruelty which was so typical for the Roman slavers, this article is entirely focused on the confrontation of the legal status of the slave in these two ancient states. This is why even the basic information about specifics of the roman slavery are stated in this treatise.

It seems to be logical that in many aspects of this matter we can find parallels in both mentioned states. In both cases the slave isn't regarded as a subject but as an object of the legal relations. This is really substantial because it predestinates most of other consequences. The slave can't conclude the legal relations, on the contrary the relations are routinely concluded in such a way that the slave himself is their object. Then the slave is an object of the purchase, of rent, even of a deposit etc.

It is also unmistakable that if the slave is thought of as an object, actually as a „thing“, then the slaver's handling with the slave as well as the living conditions of slaves correspond to this fact. Both in Greece and Rome it was possible for the slave to enjoy relatively good social status (depending on his abilities). However, he remained under almost absolute command of the slaver. The striking exposure of this was the Romish *ius vitae necisque*, it means the master's claim on slave's life and death. According to this right the master was allowed to maltreat, torture, sexually abuse and even kill his slave, with impunity. The master was not punishable for this act: the slave is simply a part of his property just like any other „thing“.

It is obvious, from the confrontation of Greek and Roman slavery, that both the origins of slavery as well as the forms of enslavement are very similar (in both cases also the overdraft slavery is documented). From both states are known the situations when the slave, which is intolerably tortured or hacked by his master, can turn away into the temple and enjoy the right of asylum.

Differences between Greek and Roman slavery

Indeed just in the field of the guttural law we can trace up the most important difference between Greek and Roman form of slavery. In the most developed Greek city state, in Athens, the nonpunishable killing of the slave which we mentioned above, didn't exist at all – in contrast to the legal situation in other Greek city states, where much like in the Roman empire the slave is perceived as a part of the master's property.

One of the most considerable ancient philosophers Aristotelés is known for his opinion, that the slavery is a natural part of common life: some of us are born as citizens and some others as slaves. Nevertheless in Athens, in contrast to Rome and evidently thanks to their advanced humane thinking, they realized, that the slave isn't just an instrument, which should serve to his master but the slave is a human being, too.

Even though the master was allowed to castigate his slave and in general to treat him only by his private decision, yet there existed a noted legal regulation in Athens, which made it impossible to kill the slave with impunity. In contrast to the situation in Rome, the greek owner of the slave was called before the judge in case of killing some of his slaves. Anyway he didn't have to answer for the murder, this would happen only in case of killing a free citizen. The slave was qualitatively different from the free citizen: the master was liable for his death as if he killed him inadvertently. Thanks to this he naturally got a lower punishment.

It is necessary to introduce another speciality of the Greek city states. Particular groups of insiders had by some reason the similar position as the classical slave. This category includes perioics, metics, as well as some other insiders. A specific position is partly occupied by the public slaves - because they have a little bit different position than the private slaves, partly also by the helots.

Slavery in Athens and Sparta

There were two best known city states in ancient Greece: Athens and Sparta. Both states were politically and economically very strong, however they presented different conceptions at the very same time. Their dissimilarity is shown also in the point of view regarding the slavery. The economy in Athens as well as in Sparta was built on slaves' work, but the Athenians treated slaves much better. The cruelty of Athenian slaveholders didn't reach such a level as it occurred in Sparta.

Sparta was very famous for its rigid discipline and importance of the army. It presented an antipole, compared with Athens. There was a large number of slaves in Sparta and therefore there existed huge fear for the slaves' rebellions (nevertheless in Greece the rebellion never reached a great importance – the slaves came from various regions and did not understand each other). Therefore the Spartan strongest slaves were killed constantly (so-called *krypteia*).

It is necessary to mention a particular category of resident population in context of Spartan slavery, namely the *helots*. According to some authors *helot* had the same position as slave. However, this opinion seems to be dramatically simplifying: *helots* distinguished from slaves in couple of ways. Some authors comprehend *helot* as a connection link between the slave and medieval serf, others identify them with slaves. This conception is perhaps more logical but the proper definition of the *helot's* position is rather difficult – *helot* stands somewhere between the private and public slave.

The question of the ancient Greece slavery is actually an interesting field of scientific activity: whether watching certain differences compared with some other ancient states (first of all with Rome, as a classical slave's system) or in the matter of some specific groups of the population, which differs from each other by their legal position or factual living conditions. Right on this aspect it is possible to realize to what extent varied mixture the ancient Greek society was. One of these groups of insiders were *helots*. *Helots* obviously represent a connection between the ancient and the medieval world because they resemble the medieval serf.

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