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SLAVERY FROM A PERSPECTIVE OF ROMAN PRIVATE LAW. REMARKS BASED ON AN UNPUBLISHED PAPER OF 1980 AUTHORED BY KAZIMIERZ KOLAŃCZYK

Introduction

Kazimierz Kolańczyk (1915–1982)[1] is primarily known as the author of a textbook *Roman Law*, which was first published in 1973[2]. The textbook has been published in six editions to date, the latest one appeared in 2021[3]. His works relating to Roman law published both at home and abroad have so far been the only tangible display of his achievements[4]. Fortunately, it turned out that an unpublished text of a paper presented by that scholar survived in his legacy stored in the Archive of the Polish Academy of Sciences in Poznań. The paper of twenty pages in typescript titled *The Legal Situation of the Slave in An-*

[1] On the scholar's life see W. Dajczak, *Kazimierz Kolańczyk (1915–1982)* [in:] *Wielcy historycy wielkopolscy*, ed. J. Strzelczyk, Poznań 2010, pp. 446–454; B. Lesiński, *Kazimierz Kolańczyk 1915–1982*, „Ruch Prawniczy Ekonomiczny i Socjologiczny" 1983, Issue 45(4), pp. 369–373; W. Rozwadowski, *Kazimierz Kolańczyk 1915–1982*, „Czasopismo Prawno-Historyczne" 1983, No. 35(2), pp. 237-240.

[2] K. Kolańczyk, *Prawo rzymskie*, Warszawa 1973. More on that subject see: G. Nancka, *Podręcznik do myślenia. Prawo rzymskie według Kazimierza Kolańczyka*, „Czasopismo Prawno-Historyczne" 2021, No. 73(2), pp. 159–177; *idem*, *Podręcznik na czasy kryzysu. O dwóch wydaniach Prawa rzymskiego Kazimierza Kolańczyka po 1975 roku*, „Studia Prawno-Ekonomiczne" 2022, No. 123, pp. 43–65; K. Kolańczyk, *Prawo rzymskie*, Warszawa 2021 pp. 21–25.

[4] K. Kolańczyk, *O pochodzeniu i stanowisku społecznym prawników rzymskich*, „Czasopismo Prawno-Historyczne" 1955, No. 7, pp. 227–284; *idem*, *Nowy podręcznik rzymskiego prawa prywatnego. Uwagi w związku z pracą Wacława Osuchowskiego, Zarys rzymskiego prawa prywatnego, Warszawa 1962, PWN, ss. 553*, „Czasopismo Prawno-Historyczne" 1965, No. 17(1), pp. 231–255; *idem*, *Über den Bildungswert der römischen Zivilprozesslehre für den sozialistischen Juristen*, „Acta Universitatis Szegediensis. Acta juridica et politica" 1970, No. 17, pp. 277–299; *idem*, *Stanislas Wróblewski, le „Papinien Polonais" et son „Précis de cours de droit romain"* [in:] *Studi in onore di Eduardo Volterra*, Vol. VI, Milano 1971, pp. 329–342.

cient Rome was prepared in connection with a conference "Lesser Known Sources for the Ancient Culture History" organized on 4–6 February 1980[5]. The conference, which was held in Jabłonna, was organized by the Scientific Committee on Ancient Culture of the Polish Academy of Sciences. It can reasonably be assumed that it was the last lecture that Kazimierz Kolańczyk prepared in his life. The aim of this article is therefore to draw attention to the paper unknown to a wider audience, which may serve as a contribution to research on the Romanist's unknown achievements.

A Multifaceted Issue

Kazimierz Kolańczyk believed that the issue of the legal situation of slaves was one of the most difficult problems faced by Roman law. Its complexity arises primarily from the interpenetration of many spheres, often difficult to reconcile. Kolańczyk distinguished six planes within which the issue of slavery should be analyzed. He enumerated political, economic, social, customary, moral, and finally, legal planes[6]. He also briefly explained the essence of each of them. He highlighted that it was a political issue because it entailed "maintaining millions of slaves, more than anywhere else in the world at the time; economic – slaves were a core workforce, always in agriculture, and since the Punic Wars, in non-agricultural production; social due to slaves entering the freemen estate; customary given that the development of slavery influenced the continuing breakdown of marriage; moral – recognized by philosophers and raised essentially by Christianity"[7]. In Kazimierz Kolańczyk's opinion, slavery was also a significant legal issue because "the shaping of slave law was an important element of state policy"[8].

He added that slavery had not lost its relevance from the point of view of modern times. Kolańczyk saw it primarily on a scholarly level because "a very significant set of source materials has survived, previously overlooked and disregarded, for the problem of the legal position of Roman slaves"[9].

[5] Archive of the Polish Academy of Sciences, branch in Poznań (hereinafter referred to as APAN Poznań), file no. P. III-76, Kazimierz Kolańczyk's materials, file 11(hereinafter referred to as materiały KK, vol. 11), Invitation of 14 December 1979, p. 1.

[6] APAN Poznań, K. Kolańczyk, *Sytuacja prawna niewolnika w starożytnym Rzymie* [The legal situation of the slave in ancient Rome], p. 1.

[7] *Ibidem*, p. 1.

[8] *Ibidem*.

[9] *Ibidem*. At the time when K. Kolańczyk prepared his lecture, the fundamental works included, among others: E. Ciccotti, *Il tramonto della schiavitù nel mondo antico*, Torino 1889; W.W. Buckland, *The Roman Law of Slavery. The Condition of the Slave in Private Law from Augustus to Justinian*, Cambridge 1908; O. Robleda, *Il diritto degli schiavi nell'antica Roma*, Roma 1976; *Schiavitù antica e moderna: problemi, storia, istituzioni*, ed. L. Sichirollo, Napoli 1979.

Around Public or Private Law?

The scholar held the view that slavery was problematic from the point of view of both public and private law. However, he added that "public law was the domain of general oppression of slaves, yet the Roman state placed the main burden of oppression of millions of slaves in the hands of private persons operating under private law"[10]. He expressly argued that in terms of public law, the situation of slaves was clear. They were not included in constitutional law – they did not take part in governing and did military service only on an occasional basis. In terms of criminal law, the slave did not participate in the administration of justice. He was also punished more severely than a freeman. As Kolańczyk indicated – only slaves were subjected to torture and whipping[11].

The situation of slaves in the area of private law was much more interesting, but also complicated. This was due to the fact that "the power over slaves was (…) decentralized and dispersed among many private owners in the Roman state"[12]. Kolańczyk noted that "it was immense power, though protected only by private law rules. Private law was a sphere reserved for the protection of the interests of individuals, the state exercised only general control over it. Its rules gave individual owners more than enough measures to subdue slaves being subject to their owners"[13].

Kazimierz Kolańczyk decided to refer more broadly to private law in his lecture. He based the plan for his paper on Gaius' Institutes system *personae-res-actiones*[14]. He also put family law in the first part because he argued that "Roman jurists did not distinguish systematically between personal and family law, both divisions fell within the broad concept of law "relating to persons"[15]. He emphasized that "for the clarity of the picture it is better to follow the distinction of contemporary law and differentiate family law as a separate division"[16]. Then the Poznań scholar went on to discuss the situation of the slave in terms of the law of things. He argued that "the then *ius quod pertinet ad res* corresponds to our concept of «property law». It is made up of three traditional code divisions: the law of things, law of obligations and succession law. They are three branches of property law, which Roman jurists viewed as a unit – given the broad concept of «thing» (res)"[17]. At the end he referred to procedural law, devoting one paragraph to it. In his lecture, Kazimierz Kolańczyk adopted a problem-oriented

[10] APAN Poznań, K. Kolańczyk, *Sytuacja*…, p. 3.
[11] *Ibidem*, pp. 2–3.
[12] *Ibidem*, p. 4.
[13] *Ibidem*.
[14] *Ibidem*, pp. 4–5.
[15] *Ibidem*, p. 8.
[16] *Ibidem*.
[17] *Ibidem*, pp. 10–11.

method, also known from his textbook, and put emphasis on more important issues. They included the issue of the specificity of the general situation of slaves, problem of slaves' relationships, their status *in rem*, participation in economic turnover and the role of natural obligations.

Starting Point

The starting point for the analysis of the situation of the slave from a perspective of Roman private law was a statement showing that the Poznań scholar perfectly understood not only that law, but also the reality of the world of that time that affected it. Kolańczyk argued that "the inhabitants of the Roman state, in particular its capital city, formed a colorful mosaic of social, economic and legal situations. One had to be well versed in the subtleties of that mosaic". Then he added that "a display of such good orientation is given by Gaius in his Institutes, in which the author gives a clear description of that variety"[18].

Kolańczyk started by indicating a fundamental issue that is not so obvious at first glance. Slaves, as he clearly highlighted, were not a uniform category. Interpreting passage I. 1.3.4.[19], he considered that the sentence *in servorum condicione nulle differentia est* not only captures the position of the slave in very general terms, but is a facade statement. The situation of particular slaves could indeed vary, even in significant ways, depending on their specific factual, social, economic and legal position. This was already indicated by the very terminology used in the sources. A general term *servus* was complemented by various types of additions – the terms in use included *servus publicus*, *servus privatus*, *servus communis*, *servus fugitivus*, *servus ordinarius*, *servus vicarius*, *servus sine domino*, *servus usufructuarius*, *servus poenae*, *servus novicius*, etc.[20] Each of those terms encompassed extremely rich content and also defined an entirely different legal position[21].

The Poznań scholar also pointed out that slaves did not differ from Roman citizens in clothing. This led to all sorts of mistakes, such as a vote by an ineligible slave at a People's Assembly[22]. At some point a relevant tribunal on the ap-

[18] *Ibidem*, p. 5.

[19] I. 1.3.4: *Servi autem aut nascuntur aut fiunt. nascuntur ex ancillis nostris: fiunt aut iure gentium, id est ex captivitate, aut iure civili, cum homo liber maior viginti annis ad pretium participandum sese venumdari passus est. in servorum condicione nulla differentia est.*

[20] APAN Poznań, K. Kolańczyk, *Sytuacja*…, p. 6.

[21] *Ibidem*, p. 6. See in detail: A. Berger, *Encyclopedic Dictionary of Roman Law*, Philadelphia 1953, pp. 704–705.

[22] APAN Poznań, K. Kolańczyk, *Sytuacja*…, p. 5. See: J. Linderski, *Rzymskie zgromadzenia wyborcze od Sulli do Cezara*, Wrocław–Warszawa–Kraków 1966, p. 162.

propriation of citizenship was even set up[23]. Such situations provoked discussions about the introduction of a separate outfit for slaves, however, that step was never taken. It was feared that slaves might start counting the free, which could be unfavorable to the latter, who were a minority[24].

Slaves' Relationships – Advantage to Their Owners?

Kazimierz Kolańczyk showed the complexity of the legal situation of slaves when discussing the issue of their relationships. Deprived of the possibility to enter into a marriage, they were allowed to be in a marriage-like relationship (*contubernium*) with the consent from their owners. Although the slaves' owners had the right to "break" such a relationship at any time, they did it reluctantly. First of all, they took into account their own interests, hoping to obtain benefits in the future in the form of their slave's fetus. However, contubernia were particularly attractive due to their admissibility between slaves and the free[25]. As Kolańczyk noted, such contubernia "were very widespread and posed an immense threat to marriage. Many an owner did not enter into a marriage, with all its burdens and duties, did not even form a concubinage with a free person, but contented himself with a completely non-binding relationship with his own slave, whom he changed as he pleased or maintained a real slave harem. The crisis of Roman marriage was clearly linked to the influx of attractive male and female slaves to Rome from the east and north. For that reason the sources are full of references to natural filiation between the free and slaves"[26].

The situation also varied depending on who was the free person in a relationship. The relation of a free man and a slave woman was never put in question. The opposite relation: a free woman – a slave man was permissible as long as it was her own slave. Kolańczyk highlighted that the Romans did not know the concept of race defilement (Rassenschande), which was introduced by Nazi propaganda in the 1930s. This could be proved by the fact that in one of his satires Juvenal tells the story of a free owner who successively gave birth to seven children, each of whom looked like her current slave cook[27]. In the post-classical period of Roman law (starting from Constantine the Great), there were sanctions for free women for having intercourse with their own slave, going as far as the death penalty[28]. A delator system, which provided for the reward of granting

[23] APAN Poznań, K. Kolańczyk, *Sytuacja*…, p. 5; J. Linderski, *Rzymskie zgromadzenia*…, p. 162.

[24] Seneca, De clementia 1.24: *quantum periculum immineret, si servi nostri numerare nos coepissent.*

[25] PS. 2.19.6: *Inter servos et liberos matrimonium contrahi non potest, contubernium potest*.

[26] APAN Poznań, K. Kolańczyk, *Sytuacja*…, p. 9.

[27] *Ibidem*.

[28] *Ibidem*.

freedom to delators, was introduced. Children from those prohibited unions were excluded from holding positions and succession, and remained in a state of "bare freedom"[29] (*in nuda maneant libertate*). The slave partner in such union could not be freed and could not inherit from his female partner[30].

More legal problems arose from a relation between a free woman and another person's slave. In such a situation, there was a breach of the owner's rights. That was because – as Kolańczyk emphasized – the interest of a slave owner also included "the right to exploit the reproductive power of one's slaves. One's slave was called to produce slave offspring for his master"[31]. Such quite frequent situations led to the introduction of Senatusconsultum Claudianum in 52 CE. It provided that a free woman who had intimate relations with someone else's slave and did not break them off at the request of the slave owner fell into slavery[32]. Kolańczyk indicated that such relationships were quite strong emotionally (*libera mulier servili amore bachata*), and in order to preserve them, free women entered into agreements with their partner's interested owners. Under the agreement, the woman remained free, whereas a fetus from her relationship was to be the wronged owner's slave. That solution was changed by Hadrian and since that time, a free woman gave birth to a free individual[33]. In turn, Emperor Justinian abolished that arrangement as "unworthy of our times"[34].

[29] C. 9.11.1.2: Imp. Constantinus A. ad populum. *Filii etiam, quos ex hac coniunctione habuit, exuti omnibus dignitatis insignibus in nuda maneant libertate, neque per se neque per interpositam personam quolibet titulo voluntatis accepturi aliquid ex facultatibus mulieris*. D. IIII k. Iun. Serdicae Constantino A. VII et Constantio C. conss. [a. 326].

[30] I. 2.14.pr: *Heredes instituere permissum est tam liberos homines quam servos tam proprios quam alienos. proprios autem olim quidem secundum plurium sententias non aliter quam cum libertate recte instituere licebat. hodie vero etiam sine libertate ex nostra constitutione heredes eos instituere permissum est. quod non per innovationem induximus, sed quoniam et aequius erat et Atilicino placuisse Paulus suis libris, quos tam ad Massurium Sabinum quam ad Plautium scripsit, refert. proprius autem servus etiam is intellegitur, in quo nudam proprietatem testator habet, alio usum fructum habente. est autem casus, in quo nec cum libertate utiliter servus a domina heres instituitur, ut constitutione divorum Severi et Antonini cavetur, cuius verba haec sunt: servum adulterio maculatum non iure testamento manumissum ante sententiam ab ea muliere videri, quae rea fuerat eiusdem criminis postulata, rationis est: quare sequitur, ut in eundem a domina collata institutio nullius momenti habeatur. alienus servus etiam is intellegitur, in quo usum fructum testator habet*.

[31] APAN Poznań, K. Kolańczyk, *Sytuacja*…, p. 10.

[32] G. 1.91: *Item si qua mulier civis Romana praegnas ex senatus consulto Claudiano ancilla facta sit ob id, quod alieno servo invito et denuntiante domino eius <coierit>, conplures distinguunt et existimant, si quidem ex iustis nuptiis conceptus sit, civem Romanum ex ea nasci, si vero volgo conceptus sit, servum nasci eius, cuius mater facta esset ancilla*.

[33] G.1.84: *Ecce enim ex senatus consulto Claudiano poterat civis Romana, quae alieno servo volente domino eius coiit, ipsa ex pactione libera permanere, sed servum procreare: nam quod inter eam et dominum istius servi convenerit, ex senatus consulto ratum esse iubetur. sed postea divus Hadrianus iniquitate rei et inelegantia iuris motus restituit iuris gentium regulam, ut cum ipsa mulier libera permaneat, liberum pariat*.

[34] I. 3.12.1: *Erat et ex senatus consulto Claudiano miserabilis per universitatem adquisitio, cum libera mulier servili amore bacchata ipsam libertatem per senatus consultum amittebat et cum*

Slave's Status *In Rem*

Defining slaves' status *in rem* was an important part of the lecture. Kolańczyk believed that Roman private law was of an "exploitative" nature, which was evident "in stark terms in the area of property law. Gaius, who in principle still counted slaves as persons in the first book of his Institutes, gets rid of his hesitation in the second book and immediately classifies them as things on a par with animals and things of higher value (*res mancipi*)"[35]. Kolańczyk also argued that "the life of Roman slaves was mainly limited to the right to ownership. The owner (*dominus*) exercised direct and absolute power over his slaves, that is without any mediation and interference from third persons"[36].

The Poznań scholar observed that the owner's rights in relation to a slave were the same as in relation to things under his authority and fell within the Roman triad of ownership. Kolańczyk highlighted that *ius utendi* gave the owner the possibility to make use of the slave as he saw fit, and only during the principate, regulations that resemble modern provisions on the protection of animals against maltreatment were created[37]. The scope of *ius utendi* included *ius abutendi*, which was reflected in *ius vitae ac necis*[38]. Owners also had *ius fruendi*, most often in the form of a fetus of a slave and rents for renting slaves to work. Finally, the owner could dispose of a slave thanks to *ius disponendi*. A slave could be an object of a purchase/sale, rental or lending contract. Moreover, a slave could be abandoned, and subsequently appropriated as no one's thing[39]. As Kolańczyk emphasized, "slaves evaded that severe power of owners in droves by running away. The search and recovery of those *servi fugitivi* was a serious social problem, and the state supported owners' efforts to recover fugitives"[40].

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libertate substantiam: quod indignum nostris temporibus esse existimantes et a nostra civitate deleri et non inseri nostris digestis concessimus; APAN Poznań, K. Kolańczyk, *Sytuacja*…, p. 10.

[35] G.2.13: *<Corporales> hae, quae tangi possunt, velut fundus homo vestis aurum argentum et denique aliae res innumerabiles*; G. 2.14: *Incorporales sunt, quae tangi non possunt, qualia sunt ea, quae <in> iure consistunt, sicut hereditas ususfructus obligationes quoquo modo contractae. nec ad rem per<tinet, quod in hereditate res corporales con>tinentur, et fructus qui ex fundo percipiuntur, corporales sunt, et quod ex aliqua obligatione nobis debetur, id plerumque corporaleest, veluti fundus homo pecunia: nam ipsum ius successionis et ipsum ius utendi fruendi et ipsum ius obligationis incorporale est. eodem numero sunt iura praediorum urbanorum et rusticorum. …. ius altius tollendiaedes (?) et officiendi luminibus vicini aediumaut non extollendi, ne luminibus vicini officiatur. item fluminum et stilicidiorum idem ius … ius aquae ducendae. haec iura praediorum (?) tam urbanorum quam rusticorum servitutes vocantur*; APAN Poznań, K. Kolańczyk, *Sytuacja*…, p. 11.

[36] APAN Poznań, K. Kolańczyk, *Sytuacja*…, p. 11.

[37] *Ibidem*, pp. 11–12.

[38] *Ibidem*, p. 12.

[39] *Ibidem*.

[40] D.11.4.1.1 (Ulpianus libro primo ad edictum): *Senatus censuit, ne fugitivi admittantur in saltus neque protegantur a vilicis vel procuratoribus possessorum, et multam statuit: his autem,*

The Romans came to understand fairly quickly that the exploitation of slaves' physical forces produced the best results in each case. Kolańczyk pointed out that it was worth "exploiting them in a more subtle manner, by taking advantage of their talents, e.g. trade or sailing, and at the same time of their drive to gain freedom"[41]. *Peculium* was meant to be such a path. Although the ownership of that property remained with a slave's owner, slaves handled considerable assets. Slaves with a *peculium* – Kolańczyk recalls – were a true slave aristocracy (*servi peculiosi*), given that their *peculium* often included other slaves[42].

Slave Only as an Object of Obligation?

A slave's status *in rem* stood in contrast to his situation in terms of the law of obligations. In reference to the law of obligations, Kolańczyk pointed out that it may seem "that a slave cannot do anything, that he can only exist as an object of obligations contracted between free persons"[43]. As it turns out, "Roman slaves took active part in obligations", which the scholar indicated in his discussion of slaves' status *in rem*[44]. The introduction into legal relations of so-called natural obligations, which were of special significance in particular in the context of *peculium*, was a great merit of Roman jurisprudence. In his lecture, in the area of the law of obligations, the Poznań scholar limited himself in principle to interesting remarks on that subject. Kolańczyk pointed out that "those obligations differed from ordinary civil or praetorian obligations in their lack of procedural protection. It was not possible to sue a debtor for payment on the basis of a natural obligation because they were non-actionable. A slave could freely incur natural obligations, and they were incurred in particular by slaves with a *peculium* (*servi peculiosi*). Slaves incurred obligations – as debtors or creditors – even to their own master who established their *peculium*. In that case it was a form of a specific economic settlement between two pools of assets, which were a unity in legal terms. For example, an owner whose crops failed in a given year could borrow from his slave farming in his *peculium* when the latter had surplus crops that year. Conversely, a slave whose, for example, olives failed in his *peculium*

qui intra viginti dies fugitivos vel dominis reddidissent vel apud magistratus exhibuissent, veniam in ante actum dedit: sed et deinceps eodem senatus consulto impunitas datur ei, qui intra praestituta tempora, quam repperit fugitivos in agro suo, domino vel magistratibus tradiderit. See: C.6.1.1: *Servum fugitivum sui furtum facere et ideo non habere locum nec usucapionem nec longi temporis praescriptionem manifestum est, ne fuga servorum dominis suis ex quacumque causa fiat damnosa*; APAN Poznań, K. Kolańczyk, *Sytuacja*…, p. 12.

[41] APAN Poznań, K. Kolańczyk, *Sytuacja*…, p. 12.

[42] *Ibidem*, p. 13.

[43] *Ibidem*, pp. 14–15.

[44] *Ibidem*, p. 15.

could borrow a proper amount from the property managed directly by the owner – with the obligation to return in times of greater prosperity. A slave could carry out similar operations with other economic entities.

What was the practical sense of natural obligations (*obligationes naturales*) if they were deprived of any procedural and enforcement sanctions? It should be remembered that an obligation was fulfilled in Rome most often on a voluntary basis, without resorting to trial and forced execution. This was prescribed by the Roman faithfulness to a given word (*fides Romana*), and not only the free subjected themselves to its strictness, but primarily slaves, who had an eye to gaining freedom, and the route to it was through, among others, reliable repayment of debts incurred in slavery. The (voluntary) fulfillment of natural obligations was the fulfillment of a legal obligation. There could therefore be no demand for repayment of what a natural debtor fulfilled in relation to his natural creditor. The second practical value of a natural obligation was that it could be secured by the usual methods of strengthening obligations, such as guarantees or pledges. A slave could get credit without problems if his debt was guaranteed by a free person. It was often the case that owners guaranteed the obligations of their own slaves, especially those with a *peculium*. And the guarantors' liability, as free persons, was of a civil nature, which meant that the main debtor (slave) could not be sued, but it was possible to sue a free guarantor.

Natural obligations were not without practical significance and their practical value for slaves was that they enabled them to participate in turnover in obligations on a large scale and grow accustomed to the world of the free even before being freed"[45].

Instead of an Ending

Kazimierz Kolańczyk's lecture was not intended to show only a modest part of the matter concerning slavery. Kolańczyk outlined the complicated matter with meticulousness known from his previously published textbook. The scholar's paper, which dealt with the situation of slaves in a cross cutting dimension, showed the real complexity of the issues under analysis. It is clear that the method of presenting the matter known from and used in other works by the author, with its problem-orientation and emphasis on important issues, enhanced the plasticity of the picture.

The scholar, who aimed to present the slave's situation in terms of private law, indicated that it was far from uniform and was influenced by all sorts of factors. It can thus be concluded that Kolańczyk's remarks are getting closer to the recently expressed views that the Romans viewed slavery in an ambiguous

[45] *Ibidem*, pp. 15–16.

manner[46]. Kolańczyk successfully showed that the existence of that institution was a common and obvious thing for the Romans. Slaves – especially those with the ability to do profitable business – could gain freedom thanks to their skillful activity. Kazimierz Kolańczyk highlighted that "put in the hands of private owners, slaves still had great opportunities to gain their owners' favor and trust and in that way – by developing effective purchasing activity at different posts – open the door to freedom through self-purchase with accumulated assets"[47]. This amply demonstrated the contrasts of the world of that time, where from the category of thing one could at one moment gain the attribute of person, and vice versa.

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Summary

Kazimierz Kolańczyk was one of the best-known Polish 20th century Romanists. He was primarily known as the author of a textbook *Roman Law*, he did not leave behind many published Romanist works. An analysis of archival materials in the Archive of the Polish Academy of Sciences, branch Poznań, resulted in a discovery of an unpublished paper "The Legal Situation of the Slave in Ancient Rome", which was prepared and presented in 1980. This article aims to draw attention to the paper unknown to a wider audience and serve as a contribution to research on the Romanist's achievements.

Keywords: Roman law, slavery, Kazimierz Kolańczyk

NIEWOLNICTWO Z PERSPEKTYWY RZYMSKIEGO PRAWA PRYWATNEGO. REFLEKSJE NA KANWIE NIEPUBLIKOWANEGO REFERATU KAZIMIERZA KOLAŃCZYKA Z 1980 ROKU

Streszczenie

Kazimierz Kolańczyk był jednym z najbardziej znanych polskich XX-wiecznych romanistów. Znany był przede wszystkim jako autor podręcznika *Prawo rzymskie*. Nie pozostawił po sobie zbyt wielu ogłoszonych drukiem prac romanistycznych. Analiza materiałów archiwalnych znajdujących się w Archiwum Polskiej Akademii Nauk, oddział w Poznaniu, doprowadziła do odnalezienia niepublikowanego referatu *Sytuacja prawna niewolnika w starożytnym Rzymie*, który został przygotowany i wygłoszony w 1980 r. Niniejszy artykuł ma na celu zwrócenie uwagi na ten nieznany szerszemu gronu odbiorców referat, a także ma służyć jako przyczynek do badań nad osiągnięciami tego romanisty.

Słowa kluczowe: prawo rzymskie, niewolnictwo, Kazimierz Kolańczyk