

Psychology Behind Slavery and its Legality

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Abstract: *Slavery is, in the strictest sense of the term, any system in which principles of property law are applied to people, allowing individuals to own, buy and sell other individuals, as a de jure form of property. Slavery is therefore an institution solely based on the principle of dominance and submission. Things like where the slaves live, what they eat and above all what work do they do are altogether chosen by the owner. Along these lines, a slave is a person named property who is compelled to work in vain. Slavery existed all through the history and played an important role in economy and society of few countries. Ancient Greeks, The Romans, Incas and Aztecs all had slaves. Slavery began to exist even before the written history. A man could turn into a slave from the time of their birth, capture, or purchase. In this Paper we discuss what slavery was, what was the Psychology behind it and how was it legal.*

Keywords: Slavery Legality, Law of Property

1. Introduction

“Slavery is, in the strictest sense of the term, any system in which principles of property law are applied to people, allowing individuals to own, buy and sell other individuals, as a *de jure* form of property.” [1] Slavery is therefore an institution solely based on the principle of dominance and submission. Things like where the slaves live, what they eat and above all what work do they do are altogether chosen by the owner. Along these lines, a slave is a person named property who is compelled to work in vain. Slavery existed all through the history and played an important role in economy and society of few countries. Ancient Greeks, The Romans, Incas and Aztecs all had slaves. Slavery began to exist even before the written history. A man could turn into a slave from the time of their birth, capture, or purchase.

In spite slavery was earlier recognized by most societies, now all the recognized countries in the world have banned it. [2] Yet, we have more slaves right now than we had at any point in the history of the world. There are around 45 million people in the world involved in slavery worldwide [3].

Another type of enslavement is Chattel slave in which an enslaved person is owned forever and whose children and children’s children are automatically enslaved to the same family. These slaves are never able to get out of enslavement. This form of slavery is still practiced in Islamic State of Iraq and Levant.

2. Types of Slavery

- **Chattel slavery** which often called as traditional slavery, is so named because people are treated as the chattel which means personal property of the owner. Slaves of this kind are also bought and sold at special markets. Under this system even the children of the slave and even their children’s children automatically become the slave of the owners. [4] Even though at a point it was the most common form of slavery around the world, now it has been abolished and can rarely be seen anywhere. As of now it is not upheld by the legal system of any internationally recognized government [5]
- **Bonded labour** also known as debt bondage labour, is a form of unfree labour in which a person pledges himself or herself against a loan which he is unable to pay back. This is the most common form of slavery today. The services or the duration of the services may be undefined. Debt

bondage slavery can also be passed on to the children of the slave if he or she is unable to pay back their loan.

- **Forced labour** or commonly called as unfree labour is when a person is forced to work against their own will, under threat of violence or other punishment [6]. Human trafficking is the fastest growing form of forced labour, with countries like Thailand, Cambodia, India, Brazil and Mexico are leading hotspots of commercial sexual exploitation of children. According to human rights watch estimate around 200-300 thousand children served as soldiers in current conflicts.
- A forced marriage can also be regarded as a form of slavery by the parties involved in marriage as well as by the people observing the marriage. People often forced into marriage can be forced to engage in sexual activity or to perform several other work

3. History of Slavery

Early History

Proof of slavery predates composed records, and has existed in many cultures. Usually among the hunting gatherer population slavery is rare since slavery requires economic surpluses and high population. Slavery widespread around 11 thousand years ago with the invention of agriculture during the Neolithic age. In the earliest written records available, Slavery is treated as an established institution. The Code of Hammurabi is a Babylonian code of law of ancient Mesopotamia which was written around 1754 BC. It is one of the oldest deciphered writings of significant length in the world. It also prescribed death to any person who helped a slave escape or who sheltered a slave. [7] Slavery had previously existed throughout the history. Ancient Greeks, The Romans, Ancient China, Ancient India, Incas and Aztecs all had slaves throughout their history. It is believed that Classical Athens had the largest slave population in the world at that time, with around 80 thousand slaves in 5th century BC. [8]

Aztec Empire

Slavery in Aztec society was in some ways much more humane than in Western cultures. Most of the forced slaves were either prisoners of war or criminals. Others voluntarily sold themselves or sometimes even their children into slavery due to financial hardships. Slaves even had an option to free themselves by repaying the price for which they were bought. They could marry and own property, and their

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children were also born free. Hence, they had legal personhood. Those who did not pay their debts could also be sold as slaves.

Ancient Rome

Slaves were an integral part of ancient Roman empire. They played an important role in society and the economy. Even the government owned slaves and were mostly involved in public service. They did work like building and maintain of roads, bridges, aqueducts and bath houses. Under roman law slaves were considered as property and hence had no legal personhood. Some slaves were even give high skilled jobs and professions _in Ancient Rome The Twelve Tables which is the Rome's oldest legal code, has brief references to slavery, indicating that the institution was of long standing. New slaves were primarily acquired by wholesale dealers who followed the Roman armies. Many people who bought slaves wanted strong slaves, mostly men. Child slaves costed less than adults. [9] After Emperor Constantine became converted to Christianity, the life of slaves improved slightly. For example, a law was passed in AD 319 that made it illegal to kill slaves. Also around the same time branding on the face of the slaves i.e. putting a common mark on them was banned.

Ancient Greece

Slavery played a major role in ancient Greek civilization. Slaves were everywhere. Not only as domestic servants, but also as factory workers, shopkeepers, mineworkers, farm workers etc. While the most slaves were involved in Agriculture, but hundreds of slaves were also used in other activities like stone quarries or mines, and perhaps two per household were domestic servants. Athens is known to have had the largest slave population, with close to 80,000 in the 6th and 5th centuries BC, with more than 2 slaves per households except of very poor ones. In ancient Greece there were two legal categories of slaves i.e. "Slaves" and "Slaves of the God". Slaves of the god are those slaves which are always mentioned by their own name and own their own land and hence their legal status is close to that of a normal citizen. The nature and origin of their bond to the divinity is unclear. While the "Slaves" were treated as property of their owners and had no personal identity of their own. The female slave carried out domestic tasks, bread baking and textile making. Only the poorest citizens did not possess a domestic slave. [10]

• Middle Ages

Most of the large scale buying and selling of slaves occurred through south and east of Europe. Communities like Viking, Greek, Arab and Jewish all are known to be involved in Slave trade in early middle ages. [11]

The Roman Catholic Church repeatedly prohibited slavery or at least the export of Christian slaves to non-Christian lands. Roughly 10-20 percent of the population of Carolingian Europe were slaves. But by the later middle ages slavery largely disappeared from western Europe. In 1102 slave trade became illegal in England yet England was extremely active in the lucrative Atlantic slave trade from 17th to 19th century.

• Modern History-

1) Europe- It was until late 1700's that the Crimean Khanate continued a massive slave trade with the middle east and the Ottoman Empire [12]. They exported around 2 million slaves over the period of 1500-1700. Also during the time of World war 2 the Nazi Germany enslaved more than 12 million people

2) Ottoman Empire-

Ottoman empire was known to trade slaves on a massive scale. Most of the slaves were captured by conquest and the suppression of rebellions, sometimes also the entire population were enslaved and sold across the empire which eventually reduced the risk of future rebellion. The Ottoman's also purchased slaves from Europe and Africa.

3) Africa

Slavery was widespread across whole Africa. In the capital of Algeria, Many Christians and Europeans were captured and were enslaved. It has been estimated that around 1 to 1.25 million Europeans were enslaved between 16th to 19th century. [13] The use of slavery in agriculture was extensive in Africa. In 1890's World's largest slave population was concentrated in Sokoto caliphate which is located in Africa with an estimated 2 million slaves most of which were involved in agriculture. [14]

4) Asia

- In 1841 according to Sir Henry Bartle Frere there were an estimate of 8 to 9 million of slaves in India. Close to 15 percent of the total population of Malabar were slaves. The slavery was abolished in India in 1906. [15] In China slavery was formally abolished in 1906 while the law became effective in 1910.
- In Constantinople more than 20 percent of the population were slaves. The city was a major centre for slave trade after mid 1400's. [16]

5) United States

Slavery played a major role in American History as it not only triggered revolts but also a war. Slavery was a completely legal institution of human chattel enslavement in America. Most the slaves were African or African American. Slavery was practised even in the British Americas from early colonial days. Also, Slavery was legal in all 13 colonies during the time of Declaration of independence in 1776. Also by that time, slave had been institutionalized as a person with African ancestry. [17] It was the American Civil war which began in 1861 which led of end of chattel slavery.

4. Abolishment of Slavery

It was Ashoka who was the ruler of the Mauryan Empire Abolished Slave trade in 3rd century BC. The Qin dynasty also abolished slavery and discouraged serfdom yet when the dynasty was overthrown, slavery came back. [18]

It was in 1688 when first protests slavery started and were by German and Dutch Quakers in Pennsylvania.

It was in 1772 England where most significant milestones in the campaign to abolish slavery occurred, where a British judge Lord Mansfield's judgement held that slavery is illegal in England. This judgement also stated the principle that

slavery contracted in other jurisdictions cannot be enforced in England [19]. In 1777, Vermont became the first part of the now United States of America to ban slavery. France also abolished slavery in 1784. New Jersey was the last northern state to abolish slavery in 1804. World oldest international human rights organization "Anti-Slavery International" "was formed in 1839 by Joseph Sturge. In United States after the Act Prohibiting importation of slaves went into effect after 1st January 1808 the import of slaves was banned but the internal slave trade wasn't. [20] It was in 1863 when the 13th Amendment to the U.S Constitution banned all sorts of slavery throughout the country. Following which most of the countries in the world banned or abolished slavery. "It was in 2014 when for the first time in history, major leaders of many religions, Buddhist, Anglican, Catholic, Orthodox Christian, Hindu, Jewish, and Muslim met to sign a shared commitment against modern-day slavery; the declaration they signed calls for the elimination of slavery and human trafficking by the year 2020" [21]

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