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AGE AND NOTIONS RELATED TO IT IN GREEK  
NON-LEGAL SOURCES – THE CONTRIBUTION  
TO THE RESEARCH OF ROMAN LAW I

I

The age of human is not a subject reserved for demographic or sociological research. It can also be a subject of research performed by the legal point of view. There can be found provisions exactly referring to the categories and age limits in almost all branches of law. Still, the legal stage of human is based on age. The justification of each solution in the law should be found in the legal background of a particular legal system. Particular stages of age were not introduced in legal systems randomly. Social reasons stood behind such decisions. It needs to be underlined that examining the categories of age from the legal point of view, should be linked to an analysis of non-legal sources presenting social

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and demographic aspects. Consequently, it can be determined what stood behind the acceptance of particular solutions and legal provisions determining the limits of age.

In the Roman law, the ages of 7, 12, 14 and 25 were characteristic together with notions such as *infantes*, *impuberes* i *puberes*<sup>2</sup> linked to it. While conducting research on the categories of law in the Roman law, an analysis of non-legal sources of Roman law which pointed towards those aspects, was conducted. The scope of the above mentioned research was pointed as very wide, as it not only focuses on Roman sources but also on Greek sources.

Below, divisions distinguished in non-legal Greek sources are presented. In ancient Greece, the dominant division of human life was the division of two, three, four, seven or ten stages.

## II

The division being the smallest one in its number was the one which functioned in ancient Greece and it divided human life into two stages. This division was performed by the Greek philosopher Aristotle, who pointed out a classification in his work *Politics*<sup>3</sup>, which was conducted to the ability to perform military duty in reference to human age.

Aristot., Pol. 7.1329a, (...) *τιμᾶσθαι τοὺς θεοῦς; ἐπεὶ δὲ διήρηται τὸ πολιτικὸν εἰς δύο μέρη, τοῦτ' ἐστὶ τὸ τε ὀπλιτικὸν καὶ τὸ βουλευτικόν, πρέπει δὲ τὴν τε θεραπείαν ἀποδιδόναι τοῖς θεοῖς καὶ τὴν ἀνάπαυσιν ἔχειν περὶ αὐτοὺς τοὺς διὰ τὸν χρόνον ἀπειρηκότας, τούτοις ἂν εἴη τὰς περὶ αὐτοὺς ἰερωσύνας ἀποδοτέον. (...)*

Aristotle explains that while looking at the society there can be two groups of people distinguished: the ones that are capable of military duty (τὸ ὀπλιτικόν, *hoplitikon*) being warriors and those whose weapon is word, who are scholars capable of politicking (τὸ βουλευτικόν, *bouleutikon*<sup>4</sup>). The criteria being utilized in this matter are: the human body and the age<sup>5</sup>. The name of hard-armed walkers in ancient Greece, commonly called hoplites, comes from the cited passage (τὸ ὀπλιτικὸν, *hoplitikon*). On this basis, it is possible

<sup>2</sup> About age categories in Roman law, compare: M. Kuryłowicz, A. Wiliński, *Rzymskie prawo prywatne. Zarys wykładu*, Warszawa 2008, p. 101 and other; A. Dębiński, *Rzymskie prawo prywatne. Kompendium*, Warszawa 2011, p. 147 and other; K. Kolańczyk, *Prawo rzymskie*, Warszawa 1986, p. 208 and other; W. Wołodkiewicz, M. Zabłocka, *Prawo Rzymskie. Instytucje*, Warszawa 2009, p. 114 and other; W. Osuchowski, *Rzymskie prawo prywatne. Zarys wykładu*, Warszawa 1981, p. 186 and other; W. Dajczak, T. Giaro, F. Longchamps de Brier, *Prawo rzymskie. U podstaw prawa prywatnego*, Warszawa 2009, p. 191 and other; R. Taubenschlag, *Rzymskie prawo prywatne*, Warszawa 1969, p. 109 and other; W. Litewski, *Rzymskie prawo prywatne*, Warszawa 1990, p. 143 and other; M. Żołnierczuk, *Zarys prawa rzymskiego*, Lublin 1998, p. 96 and other; M. Kaser, *Das Römische Privatrecht*, München 1955, p. 238-240; И.Б. Новицкий, *Римское право: учебник*, Москва, 2009, p. 60-61; R. Świrgoń-Skok, *Kategorie wieku w prawie rzymskim*, „Zeszyty Naukowe Uniwersytetu Rzeszowskiego, Seria Prawnicza”, 77/2013, p. 144 and other; W. Kosior, *Kategorie wieku w prawie rzymskim okresu królewskiego*, „Zeszyty Naukowe Uniwersytetu Rzeszowskiego, Seria Prawnicza”, 89/2015 p. 9 and other.

<sup>3</sup> Compare: W.D. Ross, *Aristotle's Politics*, Oxford 1957.

<sup>4</sup> This case only refers to men. The deliberations about the ability of women to perform disputes and a political career in the views of Aristotle, compare: K.M. Nielsen, *The Constitution of the soul: Aristotle on lack of deliberative authority*, “The Classical Quarterly (New Series)”, 65/02/ 2015, p. 572-586; I. Dertić, *Why Does a Woman's Deliberative Faculty Have No Authority? Aristotle on the Political Role of Women*, “Filozofija i Društvo”, XXVI 4/2015, p. 902-916.

<sup>5</sup> *Aristotle subdivides the adult citizen body into those of military age (to hoplitikon) and those of councilor age (to bouleutikon)* compare: R. Garland, *The Greek Way of Life*, Ithaca, New York 1990, p. 5-6.

to determine how the age border between those two distinguished groups was placed. The proper age for a hoplite was the period between the age of 20 and 40<sup>6</sup>. So, the border between those two divisions for Aristotle, was the age of 40.

Except the two-stage division, Aristotle also performed a three-stage classification, in which the human life was divided into youth, medium and old age. Such a division was contained in the work *Rhetoric*<sup>7</sup>.

Aristot., Rh.2,12: (...) τὰ δὲ ἤθη ποῖοι τινες κατὰ τὰ πάθη καὶ τὰς ἕξεις καὶ τὰς ἡλικίας καὶ τὰς τύχας, διέλθωμεν μετὰ ταῦτα. λέγω δὲ πάθη μὲν ὀργὴν ἐπιθυμίαν καὶ τὰ τοιαῦτα περὶ ὧν εἰρήκαμεν πρότερον, ἕξεις δὲ ἀρετὰς καὶ κακίας, εἴρηται δὲ περὶ τούτων πρότερον, καὶ ποῖα προαιροῦνται ἕκαστοι, καὶ ποίων πρακτικοὶ ἡλικίαὶ δὲ εἰσι νεότης καὶ ἀκμὴ καὶ γῆρας. τύχην δὲ λέγω δυνάμεις καὶ εὐγένειαν καὶ πλοῦτον καὶ τάναντία τούτοις καὶ ὄλως εὐτυχίαν καὶ δυστυχίαν.

The above mentioned text points towards the division of human life into νεότης (*neotes*) which is youth, then ἀκμὴ (*akme*) understood as the culmination point of human life and finally γῆρας (*geras*) which is old age. Aristotle performed such a distinction while describing the nature and character of human<sup>8</sup>.

Youth (νεότης), according to the author of *Rhetoric*, is led by desire and endeavor towards the fulfillment of one's needs, mainly physical ones, which young people are unable to control<sup>9</sup>. The change of desire, impetuosity and transitory eagerness, and excessive self-confidence. Youth is led by impulse and emotion<sup>10</sup>. Young people are more courageous and due to the fact that passion and hope dominate them, they are less timid, which makes it more likely to deceive them. The attribute of youth is also extravagance<sup>11</sup>.

Old age (γῆρας<sup>12</sup>) is a totally opposite stage. Old people, who are experienced by life, do not desire anything except what is absolutely necessary to survive. They experienced how difficult it was to obtain something and how easy it is to lose it. That is why, old people are not generous<sup>13</sup>. People in old age are also more malicious and egoistic<sup>14</sup>. On the contrary to youth, old people are not so courageous and self-confident because they look into future with fear as they are aware that there is not much time left for them<sup>15</sup>.

<sup>6</sup> In ancient Greece, boys from the age of 7 until 20 participated in military life of their polis. However, they were sent to battles only after the age of 20 (or 21) compare: J. Crowley, *The Psychology of the Athenian Hoplite. The culture of combat in classical Athens*, Cambridge 2012, p. 26 and other.

<sup>7</sup> Compare: W.D. Ross, *Ars Rhetorica*, Oxford, 1959, pp. 206; J.H. Freese, *Aristotele*, Vol. 22, Cambridge and London, 1926, pp. 544. About the significant role of *Rhetoric* in the ancient world compare: L. Cooper, *The Rhetoric of Aristotle*, "Philosophical Review", 42 (3)/1933, p. 334-338; A.O. Rotry, *Essays on Aristotele's Rhetoric*, Berkeley, Los Angeles, London 1996, pp. 443; E. Garver, *Aristotele's Rhetoric*, Chicago 1994, pp. 325.

<sup>8</sup> Aristotle, Rh. 2.12.2.

<sup>9</sup> Aristotle, Rh. 2.12.3.

<sup>10</sup> Aristotle, Rh. 2.12.4-5.

<sup>11</sup> Aristotle, Rh. 2.12.8-9.

<sup>12</sup> Except the term γῆρας (*geras*), which rather meant "old age" to determine an old human being in ancient Greece, the word γέρον (*geron*) being understood as "old man" was used to determine an old person at the ages from 60 to 80, compare: R.L. Overstreet, *The Greek Concept of the "Seven Stages of Life" and Its New Testament Significance*, "Bulletin for Biblical Research", 19.4 /2009, p. 546.

<sup>13</sup> Aristotle, Rh. 2.13.4-5.

<sup>14</sup> Aristotle, Rh. 2.13.3,9.

<sup>15</sup> Aristotle, Rh. 2.13.7-8.

The stage between youth and old age is according to Aristotle *ἀκμῆ*<sup>16</sup>, which is understood as a culmination point of human life. This is the age which shares both the attributes of a young and old human being. People in medium-age are calmer but still courageous. They have some life experience on which they can rely but they still look into the future with hope. They are able to maintain balance in expenses<sup>17</sup>. According to Aristotle, during middle age the time of the biggest physical development falls upon the age from 30 to 35 years and mental development for the age of 50<sup>18</sup>. It should be pointed out that the medium age of life in Greece was about 35 years<sup>19</sup>.

Table 1. Three stages of life according to Aristotle

Stage	Age
Youth (νεότης, <i>neotes</i> )	until 30 years*
Culmination age (ἀκμῆ, <i>akme</i> )	30 – 50 years
Old age (γῆρας, <i>geras</i> )	above 50 years

\* In literature, it can be also found that νεότης lasted from the age of 20 until 40, compare R.L. Overstreet, *The Greek...*, p. 541-545.

Source: own research.

The three stage division was also suggested by the Greek philosopher Plato, in his work *Laws*<sup>20</sup>, in the part dedicated to sport professions<sup>21</sup>, where he pointed the following categorization based on age;

Plat. *Laws* 8.833c, (...) *τριττὰ δὴ ταῦτα ἀθλήματα διανοηθῶμεν, ἐν μὲν παιδικόν, ἐν δὲ ἀγενείων, ἐν δὲ ἀνδρῶν (...)*

From the above mentioned it arises that the sport professions were performed for men in three age categories: the category of children (*παιδικόν, pedikos*), the category of adolescents (*ἀγένειος ageneios*) and the category of adults (*ἀνδρος, andros*). In case of women the categorization in sport events, was also based on age. Women below the age of 13 were excluded from professions, those between the ages of 13 and 18 or 20 were admitted unless they had got married before<sup>22</sup>.

<sup>16</sup> The term *ἀκμῆ* was commonly used by Greek authors in order to determine an adult man, compare: R.L. Overstreet, *The Greek...*, p. 541-545, p. 545.

<sup>17</sup> Aristotle, *Rh.* 2.14.1-3.

<sup>18</sup> Compare: Aristotle, *Rh.* 2.14.4. *ἀκμάζει δὲ τὸ μὲν σῶμα ἀπὸ τῶν τριάκοντα ἐτῶν μέχρι τῶν πέντε καὶ τριάκοντα, ἡ δὲ ψυχὴ περὶ τὰ ἐνὸς δεῖν πενήκοντα.*

<sup>19</sup> M.L. Batrinis, *The length of life and eugeria in classical Greece*, "HORMONES", 7(1)/2008, p. 82-83.

<sup>20</sup> Compare: J. Burnet, *Plato. Platonis Opera*, Oxford 1903, pp. 558.

<sup>21</sup> About sport professions in ancient Greece compare: M. Golden, *Sport and Society in Ancient Greece*, Cambridge 1998, pp. 211; S.G. Miller, *Ancient Greek Athletics*, Yale 2004, pp. 293; W.E. Sweet, *Sport and Recreation in Ancient Greece. A sourcebook with translations*, New York, Oxford 1987, pp. 282.

<sup>22</sup> Compare: Plat. *Laws* 8.833d, *στάδιον καὶ δίαυλον καὶ ἐφίππιον καὶ δόλιχον, ἐν αὐτῷ τῷ δρόμῳ ἀμιλλωμέναις, ταῖς δὲ τριακαίδεκέτεσι μέχρι γάμου μενούσας κοινωνίας μὴ μακρότερον εἴκοσι ἐτῶν μηδ' ἑλαττον ὀκτωκαίδεκα: προπούση δὲ στολῆ ταύτας ἐσταλμένας καταβατέον ἐπὶ τὴν ἀμιλλαν τούτων τῶν δρόμων. καὶ τὰ μὲν περὶ δρόμους ἀνδράσι τε καὶ γυναιξὶ ταῦτα ἔστω: τὰ δὲ κατ' ἰσχύν, ἀντὶ μὲν πάλης καὶ τῶν τοιοῦτων, τὰ νῦν ὅσα (...).*

The next division present in ancient Greece was the division of human life into four stages. The classification was suggested in the 6<sup>th</sup> century BC by the Greek scholar Pythagoras. He also searched for analogy between human life and seasons. While observing the seasons: spring, summer, autumn and winter, he came to the conclusion that human life passes similarly starting with childhood, youth, adulthood and finishing in old age. According to Pythagoras, each stage of human life lasted about 20 years<sup>23</sup>.

The division into four stages can be also found in medical works of Hippocrates. Two points of view concerning the stages of life can be found in the works of Hippocrates. One of them, is the less known division into four stages. This theory was later expanded by Galen, a Roman doctor, who based on the works of Hippocrates in terms of this scope. The next point of view is linked to the classification of human life into seven stages, which is presented further in this work.

The first one of those theories, that is the division into four stages is included in the so called humoral theory being a quasi-scientific point of view, according to which a human being consisted of four basic liquids – that is: blood, phlegm, bile and black bile<sup>24</sup>. These elements were called humors, which reflected four seasons, four kinds of human character<sup>25</sup>, four elements and four stages of human life<sup>26</sup>. This concept is based on the statement that the human life is a reflection of nature and the human body is its part<sup>27</sup>. Hippocrates in this work *De Natura Hominis* points towards the correlation of the cycle of nature, seasons and humors. Only one time, Hippocrates points out the relation of humor, seasons and particular age. He blames black bile for high fever which occurs during an illness every four days<sup>28</sup>. He adds that such fever and the illness linked to it touches people between the ages of 25 and 45, and he further links those years with autumn<sup>29</sup>.

The second one of the mentioned theories concerning human life ascribed to Hippocrates is the theory of division into seven stages. It was not the only classification, as it was pointed out above, he also prepared a theory about the division of human life into four stages. The number seven was considered as an ideal number constituting the universe. There were

<sup>23</sup> About the division of human life into four stages by Pythagoras, compare: E. Rosset, *Aging Process of Population*, Oxford 1964, p. 89-90; Ch.F. Trennery, *The origin and early history of insurance*, New Jersey 2009, p. 144-145; A.J. Schutte, T. Kuehn, S. Seidel Menchi, *Time, Space, and Women's Lives in Early Modern Europe*, Kirksville 2001, p. 45-46; Ch. Laes, J. Strubbe, *Youth in the Roman Empire. The Young and the Restless Years?*, Cambridge 2014, p. 24.

<sup>24</sup> About the points of view concerning medicine, together with the humoral theory, compare: J. Longrigg, *Greek Rational Medicine: Philosophy and Medicine from Alcmaeon to the Alexandrians*, London 1993, p. 308.

<sup>25</sup> In this case it refers to a: sanguine, spittle, phlegmatic and melancholic.

<sup>26</sup> About the division of human life into four stages by Galen and Hippocrates, compare: Ch. Laes, J. Strubbe, *Youth in...*, p. 24-25; Ch. Laes, *Children in the Roman Empire. Outsiders Within*, Cambridge 2011, p. 86-87; G. E.R. Lloyd, *The Hot and the Cold, the Dry and the Wet in Greek Philosophy*, "The Journal of Hellenic Studies", 84/1964, p. 92-106; J.R. Coxe, *The writings of Hippocrates and Galen*, Philadelphia 1846, pp. 692; P. de Lacy, *Galen, On the doctrines of Hippocrates and Plato. Translation and Commentary*, Berlin 2005, pp. 256.

<sup>27</sup> J. Gollnick, *Religion and Spirituality in the Life Cycle*, New York 2005, pp. 35.

<sup>28</sup> High fever which occurred every four days are a characteristic of an illness called a four-day cold or quartana, which is a type of malaria called *Malaria quartana*.

<sup>29</sup> J. Jouanna, *Hippocrates (Medicine and Culture)*, Baltimore 1999, p. 204.

seven planets, seven colors, seven metals and seven spheres<sup>30</sup>. In the whole ancient world, the number seven was considered an exceptional number with a special meaning<sup>31</sup>. Information concerning the division of human life into four stages can be found in two sources. Firstly in *De hebdomadibus*<sup>32</sup>, one of many works which constitute *Corpus Hippocraticum*, secondly in *De Die Natali*<sup>33</sup>, the work of a Roman grammarian and writer Censorinus.

Ps. – Hippocrates, *De hebd.* Ambros. Lat. G 108<sup>34</sup>, *Sic autem in hominis natura Septem tempora sunt; aetat(e)s appellantur puerulus, puer, adolescens, juvenis, vir, senior, senex*<sup>35</sup>. *Haec sunt sie: puerulus usque ad Septem annos in dentium mutationem; puer autem usque ad seminis emissionem, quatuordecim annorum, ad bis septenos; adulescens autem usque ad barbam unum et viginti annorum, ad ter septenos, usque ad incrementum corporis; juvenis autem consummatur in XXXV annos et in quinque septenos; vir autem usque ad XL et VIII annos, ad septies Septem; senior vero LX et III ad VIII ebdomadas; exinde senex in quatuordecim [!] ebdomadas.*

Censor. DN, XIV,3, *Hippocrates medicus in septem gradus aetates distribuit. Finem primae putavit esse septimum annum, secundae quartum decimum, tertiae duodeticensimum, quartae tricensimum quintum, quintae duoetquadragesimum, sextae quinquagensimum sextum, septimae novissimum annum vitae humanae.*

The joint points of the above mentioned texts is the fact that both passages are ascribed to Hippocrates and both refer to the division of human life into seven stages. However, these texts differ from one another in terms of the way of division and ascribed years.

In the work *De hebdomadibus*, the division of human life looks the following way: *puerulus, puer, adolescens, juvenis, vir, senior, senex*. In the translation it means: a little boy, a boy, an adolescent, a young man, a man, a senior and an old man<sup>36</sup>. Early childhood

<sup>30</sup> Ch. Laes, *Children in...*, p. 88.

<sup>31</sup> About the meaning of the number seven in the ancient world, compare: I. Ushakov, *In the beginning was the number...*, San Diego 2012, p. 38-42.

<sup>32</sup> It is not certain whether Hippocrates was the author of *De hebdomadibus*. This work was at first discovered in 1837 by a French historian and philosopher Emil Littré, who collected, prepared and translated the works of Hippocrates. *De hebdomadibus* was fully dedicated to the meaning of the number seven and its special role, and it is one of the volumes of *Corpus Hippocraticum*, which is a collection of medical works, the author of which is supposed to be Hippocrates. Due to lack of sureness of Hippocrates being the author of *De hebdomadibus*, while citing this work, the term Pseudo-Hippocrates (Ps.-Hippocrates) is used, compare: W.H. Roscher, *Die hippokratische Schrift von der Siebenzahl in ihrer vierfachen Überlieferung zum erstenmal herausgegeben und erläutert*, Paderborn 1913; M.L. West, *The Cosmology of 'Hippocrates', De Hebdomadibus*, "The Classical Quarterly" Vol. 21, 2/1971, pp. 365-388.

<sup>33</sup> Compare: P. Forisek, *Censorinus és műve a Die natali*, Debrecen, 2003, pp. 225; K. Brodersen, *Censorinus. Das Geburtstagsbuch. Übersetzt und erläutert von Kai Brodersen*, Darmstadt 2011, pp. 118; H.N. Parker, *The Birthday Book by Censorinus*, Chicago, London 2007, pp. 102.

<sup>34</sup> *De hebdomadibus* according to a passage included in *Codicis Ambrosiani* which are Gothic biblical manuscripts of the VI-IX century.

<sup>35</sup> Except the passage included in *Codicis Ambrosiani*, there is also a text being part of *Codex Parisinus Graecus*, where the division into seven stages looks the following way: *puerulus, puer, adolescens, juvenis, vir, junior, senex*. The difference between these two sources refers to the sixth stage, because according to the first source it was a "senior" and in the second one it was a "junior". The solution of this problem may lay in the work itself and the false reading of the letter "s". However, it cannot be excluded that "junior", preceding "senex" should have been translated as "younger" which is younger than an old man.

<sup>36</sup> J. Sondel, *Słownik łacińsko-polski dla prawników i historyków*, Kraków 2009 (s.v. *puerulus, puer, adolescens*,

lasted until the age of 7 which was the moment of teeth development. Childhood ended at the age of 14 which was at the age of obtaining procreative abilities. The third stage falls at the period of adolescence, which lasted until the age of 21 that was until the human being grew, an additional feature was the appearance of a beard for men. The culmination point of the next stage that is youth, occurred at the age of 35. The fifth stage of human life which was maturity, lasted until the age of 49. Later, the process of aging commenced, which lasted until the age of 63. The last stage being old age lasted until the age of 98<sup>37</sup>.

Censorinus presents the numbers a different way in his work *De Die Natali*, where he wrote that Hippocrates divided life into seven stages, where the first one ended at the age of 7, the second one at the age of 14, the fourth one at the age of 28, the fifth one at the age of 42, the sixth one at the age of 56 and the seventh stage did not have a numerical limit and lasted until death.

There is also a third theory presented in the translation of *De hebdomadibus* performed by Emil Littré. According to this one, early childhood ended at the age of 7, childhood at the age of 14, adolescence – 21, a then youth lasted until the age of 28, maturity until 49, and aging was a process lasting until the age of 56, and after passing this last border, old age commenced without any numerical limits<sup>38</sup>.

Table 2. Seven stages of human life according to Hippocrates

Stage	Age		
	<i>Codicies Ambrosiani</i>	<i>Censorinus De Die Natali</i>	<i>De hebdomadibus (E. Littré)</i>
Early childhood ( <i>puerulus</i> )	0-7 years	0-7 years	0-7 years
Childhood ( <i>puer</i> )	7-14 years	7-14 years	7-14 years
Adolescence ( <i>adolescens</i> )	14-21 years	14-28 years	14-21 years
Youth ( <i>juvenis</i> )	21-35 years	28-35 years	21-28 years
Maturity ( <i>vir</i> )	35-49 years	35-42 years	28-49 years
Aging ( <i>senior</i> )	49-63 years	42-56 years	49-56 years
Old age ( <i>senex</i> )	63-98 years	above 56 years	above 56 years

Source: own research.

The suggestion of dividing human life into seven stages can be also found in *Onomasticon*<sup>39</sup>, that is in the work of Julius Pollux, a Greek grammarian and learned sophist of the

*iuvenis, vir, senior, senex*).

<sup>37</sup> In the text the sentence „(...) *senex in quatuordecim [!] ebdomadas*.” Appears, which means fourteen sevens, which gives 98 years. In the determination of the end of human life at the age of 98, significant demographic information should be noticed, as this was probably an approximate amount of years, which was reached by old men, which was noticed and registered.

<sup>38</sup> Compare: Ch. Laes, *Children in...*, p. 89; Ch. Laes, J. Strubbe, *Youth in...*, p. 27.

<sup>39</sup> Compare: *Iulli Pollucis Onomasticon cum Annotationibus Interpretum curavit Guilielmus Dindorfius*, Leipzig 1824, pp. 1198.

2<sup>nd</sup> century. Similarly, as it took place in the above mentioned divisions, he distinguished the stages of early childhood (0-7 years), childhood (7-14 years), adolescence (14-21 years), youth (21-28 years), adulthood (28-35), maturity (35-42 years) and old age (42-49 years)<sup>40</sup>. Pollux, in distinction to other authors, pointed out that old age commenced after obtaining the age of 42, that is unusually early<sup>41</sup>.

The oldest and numerically biggest division of human life into stages is the classification performed by Solon, an Athenian legislator and politician of the 6<sup>th</sup> century BC. Solon performed a ten-stage division. The source concerning this classification is the passage of Censorinus, who wrote the following in his work *De Die Natali*:

Censor: DN, XIV,7 (...) *in elegia Solonis cognoscere datur. Ait enim in prima hebdomade dentes homini cadere, in secunda pubem apparere, in tertia barbam nasci, in quarta vires, in quinta maturitatem ad stirpem reliquendam, in sexta cupiditatibus temperari, in septima prudentiam linguamque consummari, in octava eadem manere — in qua alii dixerunt oculos albescere — in nona omnia fieri languidiora, in decima hominem morti fieri maturum.*

As it arises from the above mentioned, Solon suggested the discussed division in one of his elegies. The characteristic feature of this classification is the lack of particular names to determine each of the stages. It based on the seven-year unit of division named *hebdomas*, which confirms that in the ancient world the number seven was very popular. However, it should be pointed out that the above mentioned division suggested by Solon only referred to legally entitled citizens of polis<sup>42</sup>.

According to Solon, human life passed the following way: until the age of 7, a human being lost his first teeth, in the second stage counted from the age of 7 until 14 – first symptoms of adolescence occurred, in the third stage lasting until the age of 21, for men – a beard started to appear. Between the ages of 21 and 28, that is in the fourth stage of life, a human being obtained the maximum physical strength. After the age of 28 until 35, a human being entered the age of maturity and this was the proper time to procreate. In the sixth stage, that is until the age of 42, there was a change of the point of view towards life and what was linked to it – a modification of ambitions and desires. The seventh stage lasted until the age of 49 and was the perfect stage. In this period, the mind and oratorical skills of human were on the top of his abilities. This stage lasted also during the next, eighth stage – that is until the age of 56, where the first symptoms of vision worsening appeared. The period between 56 and 63 was the ninth stage and that was when the weakening of all obtained features and capabilities of human occurred, especially strength. The last and tenth stage led towards death.

In this place, an interesting point of view of Solon concerning old age should be quoted, in the passage of Cicero:

Cic. Sen. 76, *senectutis autem nullus est certus terminus, recteque in ea vivitur, quoad munus officii exsequi et tueri possit mortemque contemnere, ex quo fit ut animosior etiam*

<sup>40</sup> Compare: Pollux, *Onom.* 2,4.

<sup>41</sup> Ch. Laes, J. Strubbe, *Youth in...*, p. 27.

<sup>42</sup> Ch. Laes, *Children in...*, p. 92.

*senectus sit quam adulescentia et fortior. hoc illud est, quod Pisistrato tyranno a Solone responsum est, cum illi quaerenti qua tandem re fretus sibi tam audaciter obsisteret respondisse dicitur "senectute."*

The above mentioned text presents the answer of Solon, who asked by Peisistratos, an Athenian Tiran ruling in the 6<sup>th</sup> century BC, in what Solon finds his courage and stubbornness, he answered: in old age. This means that the passing time and awareness that except death there is nothing waiting for Solon, gave him internal courage. As it was presented in the previous extract of this work, Aristotle presented an opposite view which stated that the passing time and the inevitability of death take the courage away from old age and makes human being fearful.

### III

In this work, Greek non-legal sources treating about the division of human life into stages were presented. The research concerning Greek non-legal sources have a significant meaning due to the following reasons. Firstly, in comparison with Roman sources, they enable to reproduce the main theories and their grounds concerning the division of human life in the Greek-Roman ancient world. Secondly, this juxtaposition reveals some demographic aspects of this world as it delivers knowledge about the length of life and presents aspects of development and interests of an ancient human being in each stage of life. Thirdly, it enables us to determine a dictionary of Greek notions utilized to determine human and the stages of his life. Just the sole analysis of chosen sources presented in this article and other ones performed in the Greek language enabled to determine if the following notions were used in ancient Greece in order to determine childhood and the circum-childhood period: βρέφος (*brepfos*), παῖς (*pais*), μειρακιώδης (*meirakiodi*), for youth and the medium age after it: νεότης (*neotes*), νεανικός (*neanikos*), ἀκμή (*akme*) ἀνδρώδης (*andrades*), and for old age: γῆρας (*geras*), πρεσβυτικός (*presbitikos*), γεροντικός (*gerontikos*).

The research performed in the above mentioned scope is valuable from the Roman law point of view. The Romans distinguished three stages of life on the basis of law: *infantes*, *impuberes* i *puberes*, which were designated by the ages of 7,12,14 and 25. The analysis of non-juridical Greek sources will enable to determine if the Greek way of thinking about human life and its division influenced legal solutions which functioned in the Roman law. Based on the passages which have been analyzed in this article, it is possible to reach the following conclusions. Legal divisions are less expanded than the social ones. It is quite obvious, because for legal purposes the human life division is based on the legal capacity indicator, whilst in the social life those indicators are different like character, human's demands etc. The closest division to the Roman legal one, was the Hippocrates division into seven stages. It is because of the first four divisions. From the Hippocrates theory, early childhood, childhood, adolescence and then youth were quite similar to the legal division. Those stages were set on 7, 14, 21 - 28 years – depending on the source we work on. In the Roman legal division those numbers were 7, 14 and 25 years. To have a full and

complete point of view on this subject, it is necessary to conduct a wide research simultaneously within Greek sources and Roman law. This article partly presents the results of this research.

The creation of a dictionary of Greek notions used within the division of human life also has a meaning if we take into consideration the fact that the Greek language played a meaningful role next to Latin in public and private life in the Roman Empire. This way, while performing research of the sources of Roman law created in the Greek language, it will be possible to determine if notions referring to people and age on the basis of law have direct roots in ancient Greece or if maybe they emerged as a result of evolution of Latin notions utilized in Rome, or if they were only its translation. That is how this article performs its aim expressed in the title and constitutes a contribution to further research concerning Roman law.

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**Summary:** The age of human is not a subject reserved for demographic or sociological research. It can also be a subject of research performed by the legal pointed of view. In this work, Greek non-legal sources treating about the division of human life into stages were presented. The analysis of non-judicial Greek sources will enable to determine of the Greek way of thinking about human life and its division influenced legal solutions which functioned in Roman law.

**Keywords:** age, Roman law, ancient Greece, ancient Rome, non-legal sources

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## WIEK I POJĘCIA Z NIM ZWIĄZANE W GRECKICH ŹRÓDŁACH NIEPRAWNICZYCH – PRZYCZYNEK DO BADAŃ NAD PRAWEM RZYMSKIM

**Streszczenie:** Wiek człowieka nie jest przedmiotem zastrzeżonym dla nauk demograficznych lub socjologicznych. Może on również stanowić przedmiot badań prowadzonych z punktu widzenia prawa. W przedmiotowym artykule poddano analizie greckie źródła nieprawnicze traktujące o podziale ludzkiego życia na fazy. Analiza niejurydycznych źródeł greckich pozwoli na ustalenie, czy grecki sposób myślenia o ludzkim życiu i jego podziale miał wpływ na prawne rozwiązania funkcjonujące w prawie rzymskim.

**Słowa kluczowe:** wiek, prawo rzymskie, starożytna Grecja, starożytny Rzym, źródła nieprawnicze