

Manus iniectio

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Manus iniectio (laying of a hand upon a person) was a Roman procedure by which a private citizen formally arrested another person.

According to the TWELVE TABLES (*XII T.1.2*), a plaintiff had the right to arrest a defendant refusing to come to court immediately after having been duly summoned. The plaintiff was then allowed forcibly to compel the defendant to come with him unless a third person (see *VINDEX*) stepped in and guaranteed the defendant's appearance. This procedure remained in place – at least in theory – as long as *IN IUS VOCATIO* remained the standard way to initiate civil proceedings.

Arrest through *manus iniectio* was also used by judgment creditors to arrest defaulting debtors (*XII T.3.2*; *Gai. Inst.* 4.21). If no *vindex* appeared and challenged the lawfulness of the arrest, the *PRAETOR* authorized the creditor to keep the debtor in bondage. The creditor was allowed to sell the debtor as a slave at the third market day following the arrest unless the debt had been paid by this day. In some straightforward cases enforcement by *manus iniectio* was possible without a judgment (*Gai. Inst.* 4.

22–5). The use of *manus iniectio* in the context of this execution procedure, known as *legis actio per manus iniunctionem*, ceased before the classical epoch.

Manus iniectio was also used to exercise the power of a father over his children (*Val. Max.* 5.4.5) or of a slave owner: a slave who lived as a free man was liable to be arrested by his owner (*Livy* 3.44.6). Traces of this survive in classical sources (*Dig.* 18.7.9; *CJ* 4.55.1; *Fragmenta Vaticana* 6). Again, the arrested person needed outside help to regain his freedom: an *adsertor libertatis* was needed to assert the freedom of the alleged slave in court.

SEE ALSO: *Antestatio*; Slavery, Rome.

REFERENCES AND SUGGESTED READINGS

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