Transforming Greek practice into Roman law: 
manumissions in Roman Macedonia

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Summary
In Roman Macedonia manumissions were performed by provincials at temples and took the form of donation to the divinity. Variations of this form were widespread among Greeks since the fifth century BCE but this practice was unknown to Roman law. A great number of manumissions are preserved from various Macedonian sanctuaries, most importantly from the temple of the Mother of the Gods in Leukopetra. The characteristic features of these deeds are similar to those found in other Hellenistic manumissions. In 212 CE the governor of Macedonia, Tertullianus Aquila, issued an enactment by which the entire procedure of manumission at the temple was adapted to the principles of Roman law. Tertullianus’ regulation organized this old usage on the basis of positive law and introduced some new compulsory steps, most significantly the public display of the manumission deed for a period of thirty days prior to manumission. With this enactment, which continued to be applied for at least five decades, an institution of Greek private law became official Roman law, valid inside the province, and applicable by any inhabitant of Macedonia, regardless of origin. It is likely that the old Greek practice of manumission at the temple of a divinity was in the origin of manumissio in ecclesiis.

Keywords
Manumission, Roman Macedonia, Greek law, Roman law, Provincial governors, legal interaction, Volksrecht

Most of our knowledge about manumission of slaves in Roman law stems from the commentaries on the Edict and other writings of Gaius, Ulpian and Paulus, but an entirely different picture emerges when we turn to the Greek world. In contrast to our Roman sources, whose contribution in the formation of the law is reflected on the Digest, evidence about manumission in Greece comes from those who applied the law, whether they be officials of the polis

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who recorded payments of the manumission tax or masters of slaves who
recorded the act of manumission on stone. Greeks were particularly interested
in displaying publicly various types of legal texts, both public and private,
and this had a fortunate effect on modern research, for hundreds of deeds of
manumission were discovered engraved on walls or other architectural parts
of sanctuaries and other public buildings. The earliest of these, a handful of
inscriptions from the temple of Poseidon at Cape Tainaron, date back to the
fifth and fourth centuries BCE, but the bulk of the preserved material comes
from Hellenistic and Roman Imperial times. Some 1200 manumission
inscriptions, dating from the end of the third century BCE to the first century
CE, compose the corpus from the temple of Apollo at Delphi, and equally
important collections, although not as imposing in number, come from the
regions of Epirus, Boeotia, Thessaly and Macedonia.

The qualitative difference between the learned pronouncements of Roman
experts and the Greek deeds of manumission recorded by men and women
from different backgrounds in texts of varying form, formality, and literacy,
plays a key role to our method of interpretation. Another difference concerns
the time span, as the treatises of Roman jurists cover roughly two centuries,
from the end of the first to the middle of the third century CE, whereas
manumissions in Greek inscriptions range from the fifth century BCE to well
after the Constitutio Antoniniana. More importantly, apart from methodological
and technical divergence, there are significant conceptual differences. A
distinguishing feature of Greek law was the lack of restrictions on the form
and terminology employed in legal deeds; according to the Solonian legislation
in Athens, for example, a testament could take any form (τὰ ἑαυτοῦ διαθέσθαι
εἶναι ὅπως ἂν ἔθελη)\(^1\), and the presence of witnesses only served purposes
of evidence in court. In order for a contract to be valid, it was sufficient that
each party declared willingly his volition\(^2\) and contractual freedom was

\(^1\) Demosthenes 46 Against Stephanus 2, 14; Hypereides 3 Against Athenogenes, 17 (ὅπως ἂν τις
βούληται).
\(^2\) According to the principle ‘whatever one man agrees with another is binding’ (ὅσα ἂν ἔτερος
ἐτέρῳ ὀμολογηθῇ κύρια εἶναι): Hypereides 3 Against Athenogenes, 13; Demosthenes 47 Against
Euripus and Mnesibulus, 77; cf. Isocrates 18 Against Callimachus, 24–25; Aristotle, Rhetoric
1375b 8–10. According to a variant of this principle, ‘whatever one man voluntarily agrees
with another is binding’ (ὅσα ἂν τίς ἔτερος ἔτερῳ ὀμολογηθῇ κύρια εἶναι): Demosthenes
56 Against Dionysodorus, 2; Plato, Symposium 196c 1–2 (ἔχων ἔκοιντι); cf. Demosthenes 48
Against Olympiodorus, 54; Plato, Crito 52d 9–e3; id. Laws XI, 920d 2–3. Presence of witnesses:
Demosthenes 42 Against Phaeonippus, 12; Deinarchos 3 Against Philocles, 4. On the condition
that the terms of the contract are not prohibited by any law or decree: Plato, Laws XI, 920d
1–3; cf. Demosthenes 44, Against Leochares, 7; Aristotle, Rhetoric 1375b 10–11. For different
views on the nature of contract in Greek legislations (especially Athenian) see H.J. Wolff, Die
Grundlage des griechischen Vertragsrechts, ZSS, 74 (1957), p. 26–72; J. Velissaropoulos-Karakostas,
Altgriechische pistis und Vertrauenshaftung, in: Symposium 1993, Vorträge zur griechischen und
hellenistischen Rechtsgeschichte, Köln–Weimar–Wien 1994, p. 187–189; more recently,