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LANDED PROPERTY IN LATE ROMAN PANNONIA

Very likely the edict of Caracalla¹ did not directly bring about changes in the conditions of landed property in Pannonia. According to Ulpianus (XIX. 1 *mancipi res sunt praedia in Italico solo etc.*) the difference between Italian landed property and provincial landed possession invariably existed in the first half of the 3rd century, and from one of the passages of Iulius Paulus dealing with the preparation of wills it also becomes clear that the administrative system connected with the categories of landed possession also existed (IV.6, 2 *testamenta in municipiis, coloniis, oppidis, praefecturis, vicis, castellis, conciliabulis facta in foro etc.*, cf. with the passage of Frontinus quoted in *Grom. vet.* I, 35, 13). A decisive change took place only at the end of the 3rd century B. C., when Diocletian imposed a tax also on Italian landed property. By this the fundamental transformation of the categories of landed property of the Early Imperial Age set in, although from the legal point of view the disappearance of the difference between Italian landed property and provincial landed possession was declared only much later, by the *Institutiones* of Justinian: *vocantur autem stipendiaria et tributaria praedia, quae in provinciis sunt, inter quae nec non Italica praedia ex nostra constitutione nulla differentia est* (*Inst.* II. 1, 40).

Without doubt, however, the transformation of the legal condition of land begins in the course of the 3rd century, and such phenomena can be observed which already clearly show the main trends of the later development. Of these we must mention in the first place that the differences existing from the legal point of view among the different categories of provincial lands begin to disappear in practice. In the provinces the method of surveying of the *ager colonicus* (territory of the *coloniae*) and the *ager arcifinius* (territories of *municipia* and *civitates peregrinae*, imperial and private estates), in accordance with their legal status, was entirely different. According to the testimony of Hyginus Gromaticus (*Grom. vet.* I. 205), however, in Pannonia the *ager arcifinius* was also surveyed with the method usual in the case of the *ager colonicus*, viz.:

¹ See CHR. SASSE: *Die Constitutio Antoniniana*. Wiesbaden 1958. C. B. WELLES: *Another Look at P. Giss. 40 I. Etudes de Papyrologie* 9 (1962) 1–20.

multi huius modi agrum (sc. agrum arcifinium) more colonico decimanis et kardinibus dividerunt, hoc est per centurias, sicut in Pannonia. This development is very likely due to the general tendency that the natives who acquired Roman civil rights (or the Romanized population in general) and the immigrant Roman citizens acquiring landed possession in the province outside the territories of the *coloniae* endeavoured to hold their lands in accordance with the landed possession system of the *coloniae* — *vindicant tamen inter se non minus fines ex aequo ac si privatorum agrorum* states already Frontinus in the 1st century on the proprietors of the *ager tributarius*.² The same tendency is also manifested in the circumstance that the legal content of provincial landed possession was expanded with several elements, which, to a certain extent, brought its possession (enjoyment, selling, mortgaging, inheriting, division, establishment of servitudes on it) nearer to the *praedia in Italico solo*.³

This trend of development as a whole led to the becoming general of the municipal landed possession, and this is well explained by the social development and the increased spreading of Roman citizenship. The becoming dominant of the view based on municipal landed possession is clearly illustrated by the inscription from Aquincum (CIL III 10489) referred to above, which mentions the *territorium* of *legio II Ad.* According to the inscription Emperor Severus Alexander *balneum a solo territorio leg. II. Ad. P. F. S. fecit curante Fl. Marciano cos.*⁴ The word *territorium* is a term of municipal terminology,⁵ as this is clearly shown also the by definition of Pompeianus (Dig. 50, 16, 239,8): *territorium est universitas agrorum intra fines cuiusque civitatis etc.* In fact, the territory of the military units is called by the earlier inscriptions not *territorium*, but *prata*, as it is well-known. If in the age of Severus Alexander on an inscription from Aquincum the word *territorium* still appears as the designation of the territory of the *legio*, then this can only mean that in this period the municipal landed possession system became in Pannonia of such dominant character that the municipal term *territorium* was also deemed to be suitable for the designation of the territory of *legio II Ad.*, as if that also had been a municipal land. Eventually, we can also think that this phenomenon is in connection with the development of the quasi-municipal organization of the *canabae*, as a result of which the landed possessions of those living in the *canabae* could also get into a legal position similar to that of the lands of the municipia.⁶

² *Grom. vet.* I. 36.

³ See K. VISKY: *Ager vectigalis és tartományi földtulajdon (Ager vectigalis and Provincial Landed Property)*. Ant. Tan. 3 (1956) ff. who, however, gratuitously opposes these two concepts to each other.

⁴ The form *territorio* in this text can be Abl. loci on the analogy of *loco*, cf. STOLZ—SCHMALZ (M. LEUMANN—J. B. HOFMANN): *Lateinische Grammatik*.⁵ München 1928. 450.

⁵ Cf. TH. MOMSEN: *Römisches Staatsrecht*. III. Bd. I. Abt. Leipzig 1887. 825.

⁶ As this can to some extent be concluded from the Regensburg inscription quoted often as an evidence for the history of the *canabae*.

Besides the spreading of the municipal landed possession, however, another trend of development can also be observed, which is fundamentally contrasting with the former. This is the appearance of the allotted land for military service. Although this appears probably still sporadically in the course of the 3rd century, but at any rate it already reflects one of the important categories of medieval landed possession. The SHA reports about this in connection with Severus Alexander: *sola, quae de hostibus capta sunt, limitaneis ducibus et militibus donavit, ita ut eorum essent, si heredes eorum militarent, nec umquam ad privatos pertinerent, dicens attentius eos militaturos, si etiam sua rura defenderent. addidit sane his et animalia et servos, ut possent colere, quod acceperant, ne per inopiam hominum vel per senectutem possidentium desererentur rura vicina barbariae . . .* (Alex. Sev. 58, 4- 5). A similar event is mentioned by the SHA in connection with Probus, who implemented similar arrangements in Isauria: *veteranis omnia illa, quae anguste adeuntur, loca privata donavit addens, ut eorum filii ab anno octavo decimo, mares dumtaxat, ad mili iam mitterentur . . .* (Prob. 16,6). Here we have to do with a new category of land-owning, which appeared at first perhaps at the end of the 3rd century, and it was spreading in the course of the 4th century in the forms of the *fundilimitrophî*, *terrae limitaneae et castellorum* and *terrae laeticae*.⁷ Scholarly literature has frequently discussed the development and significance of the allotted lands for military service from the viewpoint of Roman military history, but without doubt this also had a far-reaching significance in respect of the formation of the legal state of land. The allotted land for military service, as a category of the state (imperial) lands with a limited right of usufruct subject to conditions, stood in sharp contrast with the legal categories of the *ager colonicus* or the *ager municipalis*. Since the legal state and organization of the *coloniae* and *municipia* was based on the legal category of land-owning, *viz. ager colonicus* and *ager municipalis*, therefore if a change took place in the legal state of the land, inasmuch as the *agri colonici* or *agri municipales* became *terrae limitaneae*, then this necessarily involved that the *colonia* or *municipium* essentially ceased to exist, *i.e.* it became a district of allotted lands for military service, a military settlement. But in fact, in general this development took place in the course of the 4th and 5th century in the camp cities along the *limes*, and very likely this is the explanation for the phenomenon that municipal life ceased in the course of the 4th century in these settlements, while it continued to exist further in the towns of the inner territories of the Empire. Thus we can think that in Pannonia the discontinuation of the signs of municipal life in the course of the 4th century in Aquincum and in other towns

⁷ See already A. RUDORFF: Die Schriften der römischen Waldmesser. II. 371 foll., from the more recent literature cf. R. MACMULLEN: Soldier and Civilian in the Later Roman Empire. Cambridge (Man.) 1963. 13 foll., A. CHASTAGNOL: Le Bas-Empire. Paris 1969. 80-83.

along the *limes*⁸ was not only the consequence of war-time destructions, but perhaps in the first place of the fact that in the *territoria* of these towns the municipal landed possession was replaced by the allotted land for military service, and this necessarily involved the discontinuation of municipal life.

In the Late Roman Age, besides the categories of the municipal landed possession and the allotted lands for military service, a more and more important part is played by the large estates. These three categories of landed property differed from each other not only in their structures but also in their taxation systems and in their legal state. The large estate was an old phenomenon in Italy, but in Pannonia its final development on the basis of research work carried out so far is dated to the 3rd century.⁹ In connection with its origin three conceptions have been raised: 1. the large estates came into being as a result of the concentration of landed possessions in the territories of the *municipia* and *coloniae*, 2. after the great Pannonian revolt part of the tribal territories became imperial property, 3. at the end of the 3rd century by the regulation of the water level of Lake Balaton large areas of land were drained and these became imperial estates.¹⁰ This conception, however, needs a certain modification. In fact it is doubtless that the large estate, *i.e.* the large estate as a separate legal category, could not come into being on the *ager colonicus* or the *ager municipalis*, because municipal landed possession and private large estate are legal categories mutually excluding each other. Similarly, it cannot be imagined that the *silvae dominicae* mentioned in the CIL III 4219 could have situated on the *territorium* of Savaria, since the imperial estate and the municipal *territorium*, from the legal point of view, were also categories of landed property mutually excluding each other. All this becomes clear from the exposition of Frontinus on the controversies connected with the right of the *territorium* (*de iure territorii controversiae*): *inter res p. et priuatos non facile tales in Italia controuersiae mouentur, sed frequenter in prouinciis, praecipue in Africa, ubi saltus non minores habent priuati quam res p. territoria: quin immo multis saltus longe maiores sunt territoriis: habent autem in saltibus priuati non exiguum populum plebeium et uicos circa uillam in modum munitioum. tum r. p. controuersias de iure territorii solent mouere, quod aut indicere munera dicant oportere in ea parte soli, aut legere tironem ex uico, aut uecturas aut copias deuehendae indicere eis locis quae loca res p. adserere conantur. eus modi lites non tantum cum priuatis hominibus habent, sed et plerumque cum Caesare, qui*

⁸ See A. Mócsy: PWRE IX. SpBd. 612, 697 foll. The last municipal inscription in Pannonia (CIL III 3522) originates from the year 307.

⁹ See A. Mócsy: Die Bevölkerung von Pannonien bis zu den Markomannenkriegen. 39.

¹⁰ On the different origin of the large estates see E. M. ŠTAERMAN: Кризис рабовладельческого строя в западных провинциях Римской империи. 98 ff., A. Mócsy: Die Bevölkerung von Pannonien bis zu den Markomannenkriegen. 39, 42, 48, 54, 91, 104, G. ALFÖLDY: Ant. Tan. 6 (1959) 21 foll., J. HARMATTA: Ant. Tan. (1971) 264 foll.

in provincia non exiguum possidet (*Grom. vet.* I. 53).¹¹ Of course, this does not exclude the possibility of senators or *equites* holding landed possession in the territories of *coloniae* or *municipia*. These, however, from the legal point of view were not regarded as *saltus privati*.

Thus, the coming into being of large estates in Pannonia can only be imagined so that at the time of the occupation of the province significant uncultivated areas of land remained in the direct possession of the Emperor. Part of these, later on, could be donated by the Emperors to their followers. This fits in with the observation of A. Radnóti, according to which in Pannonia place-names derived from personal names pointing to the existence of large estates occur only in unurbanized regions,¹² and it is also supported by the observation of A. Mócsy, according to which among these place-names we seldom find such which could be derived from native personal names *i.e.* major part of the holders of these large estates were not of native origin.¹³ At any rate it is doubtless that these large estates could never belong to the *territoria* of the *municipia*. And the conception of A. Mócsy, according to which in the region of Lake Balaton the spreading of Romanization was hindered by the large estates,¹⁴ becomes interesting in this context. As a matter of fact, if the large estates had belonged to the territory of the *municipia*, then they would not have impeded Romanization, inasmuch as we understand by it Roman urban culture, municipal organization and landed possession relations. At any rate it seems to be likely that in Pannonia in the last century of the Roman rule the different categories of the allotted lands for military service and the large estates assumed larger and larger territories at the cost of the municipal territories and by this they prepared the development of medieval landed property relations.

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¹¹ A. Mócsy: Die Bevölkerung von Pannonien bis zu den Markomannenkriegen. 43 already thought of the possibility that in the region of Lake Balaton a great part of the large estates did not belong to any municipal territory.

¹² A. Radnóti: MTA II OK 5 (1954) 492.

¹³ A. Mócsy: Die Bevölkerung von Pannonien bis zu den Markomannenkriegen. 42, note 185.

¹⁴ A. Mócsy: *op. cit.* 98, 125.