LANDED PROPERTY IN EARLY ROMAN PANNONIA

The problem of landed property has hardly been investigated in all details by scholarly research in Pannonia so far. This question can be studied, of course, much better in those eastern provinces, for which we have a rich source material regarding the legal position of land also from the times preceding the Roman conquest and where the duality of the «royal land» and the territories of the cities can, to a certain extent, be compared with the legal categories of the municipal and state or imperial landed property in the Roman Empire. In regard to Pannonia the research of legal and social history is not in such a favourable position. The literary as well as the epigraphic and archaeological sources are very defective, therefore in most of the questions of detail we can only come to hypothetical solutions.

As to the legal position of land we have no direct date concerning Pannonia previous to the Roman conquest. According to Appianos (Illyr. 22) the lands or villages were inhabited by the Pannonians κατά συγγένειαν i.e. in bonds of blood relationship, obviously according to clans.² It seems, therefore, to be likely that Caesar's report regarding the Celts of Gaul can also be held valid for the Pannonians, according to which among the former nobody has an exactly limited landed property of a definite size, but the officials and notabilities year by year distribute there and as much land to the clans and branches of clans, what they deem to be advisable.3 Thus, before the Roman conquest, with the Pannonian tribes we can presume for the most part collective landed property, although the initial phase of privately owned land in the form of allotments just like with the ancient Romans cannot be entirely excluded.

¹ J. Harmatta: Der Alte Orient und das klassische Altertum. Acta Ant. Hung. 7 (1959) 37 and Das Problem der Kontinuität im frühhellenistischen Ägypten. Acta Ant.

Hung. 11 (1963) 203 foll.

² Cf. A. Mócsy: Die Bevölkerung von Pannonien bis zu den Markomannenkriegen.

Budapest 1959. 131 and s. v. Pannonia, PWRE Sp. Bd. IX. 1962. 536.

³ Caes. b. g. VI. 22: neque quisquam agri modum certum aut fines habet proprios, sed magistratus ac principes in annos singulos gentibus cognationibusque hominum, qui tum una coierunt, quantum et quo loco visum est agri, attribuunt atque anno post alio transire cogunt. Cf. also A. Mócsy: Die Bevölkerung von Pannonien. 107.

At any rate, by the Roman conquest the legal position of land in Pannonia was changed considerably. Pannonia was occupied by Augustus, Pannonios stipendiarios adiecit, Aurelius Victor writes in his Epitome (I. 7). The passage of Gaius (2, 7) is well-known, according to which in provinciali solo placet plerisque solum religiosum non fieri, quia in eo solo dominium populi Romani est vel Caesaris, nos autem possessionem tantum vel usum fructum habere videmur. Pannonia was an imperial province, thus its territory was imperial landed property. The difference between the taxation systems of the imperial and senate provinces is known similarly from Gaius (2, 21): provincialia praedia . . . alia stipendiaria, alia tributaria vocamus; stipendiaria sunt ea quae in his provinciis sunt quae propriae populi Romani esse intelleguntur, tributaria sunt ea quae in his provinciis sunt quae propriae Caesaris esse creduntur. Concluded on the basis of this statement, the inhabitants of Pannonia paid tributum. Just therefore is the usage of Aurelius Victor striking, because in accordance with the definition of Gaius we would expect the phrase Pannonii tributarii instead of Pannonii stipendiarii.

The report of Aurelius Victor is therefore important from the viewpoint of the legal position of land, because the terms stipendium and tributum, and stipendiarius and tributarius, respectively, do not mean only a terminological difference, but they also reflect the difference of the taxation system. The stipendium is the expression of the indirect taxation system, in which the communities paid the tax in a lump sum fixed permanently every year, and the collection and levying of this was provided for by the taxpayers themselves. The tributum, on the other hand, means a direct tax, levied from the single tax payers as a certain proportion of their property, their income (crop). Therefore, if Aurelius Victor used the term stipendiarius in his report in the sense of political law in accordance with the definition of Gaius, then we ought to conclude that in Pannonia such native communities were organized by the Romans, which were authorized to indirect taxation, i.e. they themselves provided for the levying and collecting of the tax. Earlier research had really thought of such an interpretation of the report of Aurelius Victor and they presumed that the Pannonian peregrine communities were civitates stipendiariae.4

The clarification of this question is important not only from the view-point of the legal position of land, but it renders also necessary the drawing of certain conclusions from the viewpoint of the level of the social development of the Pannonian peregrine communities. In fact the indirect taxation system could obviously be introduced only there, where it was rendered possible by the development of the social structure of the community. Such were first of all the communities of urban character in the eastern regions of the Mediterranean

⁴ Cf. A. Mócsy: PWRE 1X, Sp. Bd. 605.

Sea, which to a great extent had a highly developed taxation system also before the Roman conquest. In Pannonia, however, just like in a great part of Gaul, the situation was different. Here the development of the towns was still in its very initial phase, and besides this — as it was shown by A. Mocsy⁵ the Pannonian civitates the peregrine communities, organized by the Romans, did not even correspond to the old Pannonian tribal frames, but their purpose was to decrease the influence of the old tribal aristocracy, which proved to be dangerous in the course of the great Pannonian revolt, or to annihilate it entirely. Thus the Pannonian civitates were partly artificial peregrine communities brought about by the Romans, in which we can hardly count with the existence of an earlier taxation system. Therefore, apart from the obvious difficulty, from the viewpoint of political law, of the assumption that the Pannonian peregrine communities would have paid stipendium, the presumable level of social development and organization of the Pannonian civitates also contradict it.

Thus it does not seem to be likely that after the Roman conquest the Pannonian peregrine communities would have paid the tax in the indirect taxation system, i.e. that they would have paid stipendium. The report of Aurelius Victor very likely has to be interpreted so that the word stipendiarii was used by him not in the sense of political law as defined by Gaius, but in the general meaning «tribute, tax paid by subjects», frequently occurring in historical literature. Since the institution of the stipendium developed originally from the war tribute and the maintenance expenditures of the Roman occupation army,6 the population of Pannonia till the final elaboration of the taxation system of the province naturally paid stipendium. Thus, if Aurelius Victor wanted to stress the conquest of Pannonia, he could not use any other term than Pannonii stipendiarii. Besides this, however, we can also think of the possibility that in the period of Aurelius Victor the terms stipendiarius, stipendium and tributarius, tributum were already felt to be synonyms. One of the passages of the Digesta (50, 16, 27, 1: stipendium . . . etiam tributum appellari Pomponius ait) renders it doubtless that this development really took place.7

It can, therefore, hardly be doubted that the territory of Pannonia was imperial landed property, accordingly her inhabitants surely paid tributum in the direct taxation system. For this purpose, of course, the accurate measuring of the territory of the province and of the possessions of its inhabitants was necessary, what, just like in the case of Gaul, Judaea and Syria, was probably ordered by Augustus in Pannonia (Illyricum) immediately after the annexation. It is not impossible that the initial difficulties of this new taxation system

⁵ PWRE IX, Sp. Bd. 606 foll.

⁶ Th. Mommsen: Römisches Staatsrecht. III. Bd., I. Abt. Leipzig 1887, 728 foll. ⁷ Cf. Th. Mommsen: Römisches Staatsrecht. II. Bd. II. Abt. 1095, note 1.

also contributed to the outburst of the great Pannonian revolt. In his address preserved on the table of Lyon (CIL XIII 1668) Emperor Claudius characterizes the Gallian census, ordered by Augustus much earlier, even in connection with the events taking place in 12 B.C. as novum tum opus et inadsuetum Gallis. Very likely the Pannonian census also required a longer time, even if it did not last perhaps for forty years, like that of Gaul. At any rate it is characteristic of its thoroughness that, as it is shown by the testimony of Hyginus (grom. 205), the lands in Pannonia were classified according to 5 categories of quality, viz.: certa pretia agris constituta sunt, ut in Pannonia arvi primi, arvi secundi, prati, silvae glandiferae, silvae vulgaris pascuae: his omnibus agris vectigal est ad modum ubertatis ad singula iugera constitutum. On the basis of this text it seems to be likely that the inhabitants of Pannonia possessed their earlier lands as lands let on long lease (ager vectigalis), thus they paid ground rent, vectigal.

Since under Augustus there were no municipia or coloniae in the territory of Pannonia as yet, it seems to be obvious that, apart from the exception to be discussed later, the legal position of land was rather uniform, viz.: the province became imperial landed property, the land was possessed by the native population in the form of long lease, and the persons liable to pay tax paid vectigal. fixed in direct taxation system, in accordance with the 5 categories of the lands and its quality (bonitas agrorum). In connection with this two problems arise. One of them is that to what extent the new legal position of land influenced the landed property conditions of the native population. The Pannonians lost their property rights over the land and could possess their earlier lands at the most as ager vectigalis.8 At the same time, however, as a result of the direct taxation system, which demanded the payment of the tax (ground rent) from the individual liable to pay tax, the eventually earlier existing collective possession of land had to be discontinued soon. Thus, if the private possession of land did not exist earlier, it must have developed now, and the Roman legal system made it possible for the population to increase its cultivated land by occupation. In the period of the Roman conquest a significant part of the territory of Pannonia was very likely not yet under cultivation. The area of pastures and forests could be very large so that there were still great possibilities for the increase of the cultivated area.

The second problem is connected just with this phenomenon. Since in Pannonia there were still large uninhabited and uncultivated areas, at the fixing of the territories of the peregrine communities the emperor undoubtedly had the possibility to maintain significant parts of the territory as direct imperial property for himself. Unfortunately, for the time being we do not have any foothold to answer this question, although the solution of this problem

 $^{^8}$ K. Visky: Ager vectigalis and Provincial Landed Property. (In Hungarian.) Ant. Tan. 3 (1956) 257 foll.

would also be important from the viewpoint of the origin of the imperial landed properties. In uninhabited and uncultivated territories the formation of large imperial estates was naturally possible only if the required manpower, slaves or coloni were insured. At the time of the conquest of Pannonia, however, the possibility for this could be rather small. Thus in this early period we can hardly count with the coming into existence of imperial large estates directly under the imperial administration, even if otherwise there would have remained such territories, which did not belong to the territories of the peregrine communities.

The territories occupied or utilized by the army, the territorium legionis (and eventually the territorium alae or cohortis) very likely meant an exception as compared with the uniform legal position of the provincial land. Historical research has dealt a lot with this question, however in certain relations we do not see clear even today. The reason for this is partly that the attention of investigation was concentrated first of all on the canabae, the civil settlements established beside the military camps, and thus the legal condition of the land of the territorium legionis was pushed into the background. It seems at any rate doubtless that the military troops disposed of a certain area of land, which appears in the inscriptions earlier under the denominations pratum (or prata) legionis, prata cohortis, later as territorium legionis, etc. (cf. CIL III 10489, AE 1946, No. 17—19, AE 1937, No. 13, etc.).

It also seems to be selfevident that the military troops required places of encampment and drill grounds, kept permanently occupied by them. These territories of land must have definitely been outside the legal category of the ager vectigalis, because the establishment of private landed possession was very likely impossible on them, and thus obviously no vectigal or tributum was paid after these territories by anybody either. Thus the assumption is unlikely that the military territories were delimited only, when in the province the territories of municipal landed possession developed. It is, however, obvious that the legal position of the ager vectigalis was just as different from the territories possessed by the army as that of the municipia, and at the same time not only the land of the peregrine communities, but also the land of the municipia and even that of the coloniae could be utilized for military purposes, as this is shown by the case of Dura-Europos, which was a colonia invested with ius Italicum, and still part of the internal territory of the city was utilized for the purpose of the military camp. 10

⁹ Cf. A. Schulten: Das Territorium legionis. Hermes 29 (1894) 482 foll., R. Egger: Bemerkungen zum Territorium pannonischer Festungen. Anz. ÖAW Phil.-hist. Kl. Wien 1951. 209 foll., A. Mócsy: Das Territorium legionis und die Canabae in Pannonien. Acta Arch. Hung. 3 (1953) 179 foll., A. Mócsy: Zu den Prata Legionis. Studien zu den Militärgrenzen Roms. Limeskongreß 1964. Köln—Graz 1967. 211 foll., H. v. Petrikovits: Das römische Rheinland. Archäologische Forschungen seit 1945. Köln Opladen1960. 63—72. etc.

¹⁰ C. B. Welles - R. O. Fink - J. F. Gilliam: The Parchments and Papyri. The Excavations at Dura-Europos. Final Report V, Part 1. New-Haven 1959. 25.

Thus the assumption seems to be necessary that in the territory of Pannonia the territories required by the military troops were delimited from the ager vectigalis from the very beginning, or at least as from the first census. However, the theory has to be held unproved, according to which the territorium legionis (or cohortis, etc.) would have been an extensive area serving the self-sufficiency of the legio (cohors, etc.), with peregrine communities, which insured the supply of the legio (cohors, etc.). This would have meant that the military troops would have disposed directly of the vectigal or tributum collected from their territoria, and even that they themselves could have arranged for the collection of this, directly, within their own jurisdiction. This, however, was not the case even after the introduction of the taxation in nature.

Already the fact contradicts it, according to which as a rule, supply of the military troops could not be insured from the immediate vicinity, inasmuch as the territories directly adjacent to the camps could eventually not produce or manufacture all that was needed by the troops. Thus according to the Pridianum Hunt the Cohors I Hispanorum Veterana sent soldiers from the Danube region to Gaul for the acquisition of clothing and grain (vestitum, frumentatum), in Dura Europos in the morning reports of the Cohors XX Palmyrenorum the soldiers charged with the acquisition of grain or with the escort of grain consignments were always indicated as detached (missi), ie. as departed from the territorium cohortis. The self-sufficiency of the military troops could very likely occur at the time of the state of war, but of course this cannot be taken into consideration at the examination of the legal position of the territorium legionis existing also at the time of peace.

The supply of the troops with provisions, clothing and armament at peace time was probably organized centrally. However, there was a field of the supply of the troops, for which they had very likely to provide mostly themselves. This was the supply of the stock of horses and the beef cattle serving the provision, as well as the eventual supply with forage of the draught animals. According to the *Pridianum Hunt* the *Cohors I Hispanorum Veterana* commanded soldiers ad Haemum ad armenta adducenda, and its soldiers were absent (absentes) also in custodia iumentorum. Just therefore it seems to be likely that the territoria of the military troops, besides the places of encampment and drill grounds, comprised first of all territories suitable for pasturing of stock of animals, i.e. pastures. This is supported by those data, which mention the military territories as prata cohortis (AE 1937, No. 13) or as prat(a) legionis (AE 1946, No. 17—19).

 $^{^{11}}$ R. O. Fink: Hunt's Pridianum; British Museum Papyrus 2851, JRS 48 (1958) 104, Col. II, 18 – 19.

¹² C. B. Welles - R. O. Fink - J. F. Gilliam: The Parchments and Papyri. 275, No. 82, Col. II, 4-5.

¹³ R. O. Fink: Hunt's Pridianum. JRS 48 (1958) 104, Col. II, 35.

¹⁴ R. O. FINK: loc. cit. Col. II, 36.

However, it is not likely that the legal position of the pastures of the military troops would have been the same as that of the ager vectigalis in general. Therefore the interpretation of the frequently quoted Carnuntum inscription (CIL III 14356, 3 a) can hardly be correct, which mentions C. Iulius Catulinus, soldier of legio XIIII Gemina, as conductor prati Fur(iani). 15 This used to be interpreted that C. Iulius Catulinus, solder of the legio, was the tenant of the pasture of his own legio. It is perhaps not necessary to underline the absurdity of this assumption from the legal point of view, but at any rate it is worth while to point out that in case the pasture hired would have belonged to the legio, then we ought to expect the term pratum legionis. The denomination pratum Furianum refers quite clearly to a private possession, the conductor of which was C. Iulius Catulinus. And as this lease case could hardly be of private character, we must presume that the pratum Furianum was hired and managed by the soldier on authority of the commander of the legio for the supply of the forage requirement of the legio. It is possible that in the territorium of the Carnuntum legio there was no land suitable for pasture, and therefore they resorted to this exceptional solution.

The legal position of the land of the territorium legionis was very likely influenced in the course of the later development by the circumstance that canabae were established on it, which gradually received a quasi-municipal organization. It is not impossible that this circumstance asserted itself in the direction that the differences of the legal position of the territorium legioni and the municipal territory or the ager vectigalis to a certain extent faded away in practice. The circumstance that part of the canabae became later municipia, 16 shows that already earlier such conditions developed in the military territories, which in practice could come close to the municipal conditions. We can perhaps interpret in this sense the Regensburg inscription from the year 178, according to which an aedil(is) territo(rii) contr(ibuti) et c(anabarum) R(eginensium) set an altar to Vulcanus. Under the territorium contributum from the viewpoint of political law we must understand such a territory annexed to the canabae, which belonged earlier obviously to a peregrine community, i.e. it was ager vectigalis. As regards the reason of the contributio only as a possibility

¹⁵ Cf. e. gr. A. Alföldi: Arch. Ért. l (1940) 230 foll., A. Mócsy: Acta Arch. Hung. 3 1953) 189 foll., etc.

 ¹⁶ See A. Mócsy: Acta Arch. Hung. 3 (1953) 194 foll., and PWRE IX. Sp. Bd. 611.
 17 CIL III 14370, 10. Cf. e. gr. A. Mócsy: Acta Arch. Hung. 3 (1953) 188, H. v.
 Ретвікоvіть: Das römische Rheinland. 63, etc.

¹⁸ Regarding contribution of Th. Mommsen: Römisches Staatsrecht. III. Bd. I. Abt. 765 foll. Recently U. Laffi: Adtributio e contributio. Studi di lettere, storia e filosofia 28 (1966) 90 foll. tried to prove that no adtributio occurred in Italy after Augustus, and not any one can be evidenced north of the Alps. The fact is, however, that among the conditions of Roman citizenship generally spread in Italy, the adtributio (or contributio) as a subordinate relation lost its actuality at the end of the 1st century B. C. but it has preserved its validity as a separate juristic category of subordination in the provinces even during the 1st and 2nd centuries A. D. as it is proved e. gr. by Pliny the Elder

we can raise that the Roman citizens living in the canabae acquired landed possession in the territory of the neighbouring peregrine community, and then they succeeded in achieving that their possessions were annexed to the canabae. If this assumption will turn out to be correct, than we can see here already such a transitional condition, which directly prepared the reorganization of the canabae into municipia.

The first colonia, viz. Colonia Iulia Emona, is established in Pannonia under the reign of Tiberius, and as a result of this the municipal landed possession also appears beside the ager vectigalis of the peregrine communities. Since, to our present knowledge, no colonia in Pannonia received ius Italicum¹⁹ even later on, and we do not know either about the granting of immunitas to any colonia, the difference between the legal position of the land of the peregrine communities and the municipia is expressed first of all in the differences of the taxation systems. In Pannonia landed property could not be acquired in the municipia either, and also in their territories only the possibility of the possessio existed. Thus from the classification of landed property of Agennius Urbicus, to be traced back very likely to Frontinus (grom. 35, 13 foll. (prima enim conditio possidendi, haec est ac per Italiam, ubi nullus ager tributarius, sed aut colonicus aut municipalis aut alicuius castelli aut conciliabuli aut saltus privati, at si ad provincias respiciamus, habent agros colonicos Italici iuris, habent et colonicos qui sunt immunes, habent et colonicos stipendiarios.habent autem provinciae et municipales agros aut civitatium peregrinarum, only the last three items, viz. the agri colonici stipendiarii, the agri municipales and the agri civitatium peregrinarum can be applied for Pannonia. The problem of the municipal landed possession was in recent times elucidated in detail by the works of A. Mócsy,²⁰ G. Alföldy²¹ and Yu. K. Kolosovskaya.²² Thus, referring in general to their results, I confine myself only to a few remarks.

In Pannonia the adsignations the veterans played an important part in the development of the municipal landed possession. Thus it is very likely not an accident that we find references to Pannonian adsignationes for veterans also in Hyginus (121): nuper ecce quidam evocatus Augisti, vir militaris disciplinae, professionis quoque nostrae capacissimus, cum in Pannonia agros veteranis ex

 A. Mócsy: PWRE IX. Sp. Bd. 600 foll., 671 foll.
 G. Alföldy: Municipal Medium-Sized Farms in the Environs of Aquincum. (In Hungarian.) Ant. Tan. 6((1959) 19 foll.

²² Ў U. К. Колозоузкача: Ветеранское эемлевладение в Паннонии. ВДИ. 1963/4. 96 foll.

n. h. III. 3, 18 (civitates provincia ipsa [sc. Hispania Citerior] praeter contributas aliis CCXCIII continet) and by the decree from Tergeste (CIL V. 532 according to which Pius granted the permission uti Carni Catalique attributi a divo Augusto rei publicae nostrae (viz. to the city) . . . per aedilitatis gradum in curiam nostram admitterentur ac per hoc civitatem Romanam apiscerentur), cf. otherwise already Th. Mommsen: loc. cit.

19 See K. Visky: The ius Italicum and Pannonia. (In Hungarian.) Ant. Tan. 10

voluntate et liberalitate imp. Trajani Augusti Germanici adsignaret. The adsignatio could be made, of course, mostly from the lands of the peregrine communities or eventually from the free territories of land standing under the direct administration of the emperor. The shifting caused by this in the landed possession conditions can be realized if we consider that, on an average taking a period of 25 years as a basis and 25000 veterans, then theoretically in 100 years round 100 000 municipal landed possessions had to come into existence.²³ This might very likely promoted also the increase of the differences of property in the circle of the population of Pannonia, since the earlier proprietors of the lands received only modest compensations (cf. Ulpianus Dia, 6, 1, 15, 2; ager . . . militibus adsignatus est modico honoris gratia possessori dato).

According to a wide-spread assumption, the category of ager exceptus was also known in Pannonia, and we meet even with the generalization that the landed possessions of the veterans taken from the territory of the peregrine communities, usually became ager exceptus. This opinion is based on an inscription from Beočin²⁴ the text of which runs as follows: age(r) vici Iosista adsig(natus) Tib. Cl. Prisco praef. alae I c. R.) CAE. At the fore-part of the inscription the letters AGE were interpreted instead of age(r) as ag(er) e(xcentus)by E. M. Staerman who also regarded the letters CAE as the abbreviation of the phrase c(aput) a(gri) e(xcepti). This theory was rather generally adopted by scholarly literature.²⁶ This attractive assumption, however, will be refute by the simple fact that ager adsignatus and ager exceptus represent two terms excluding mutually each other. According to the testimony of Siculus Flaccus, De conditionibus agrorum (Grom. vet. I. 157, 6 - 7) inscribuntur quaedam excepta quae aut sibi reservavit auctor divisionis et assignationis aut alii concessit.27 If, therefore, one part of the territory of vicus Iosista as ager adsignatus became the landed possession of Tiberius Claudius Priscus, then the same land could by no means be ager exceptus. Thus the interpretation ag(er) e(xceptus) of the letters AGE cannot be accepted.

Not even in the case of the letters CAE seems the interpretation c(aput)a(gri) e(xcepti) probable because even if we relate these signs to the neighbouring territory, there exists no basis for the assumption that this would have been an ager exceptus. It is more likely to think of the possibility that we have to do with an indication marking the extent of the landed possesion. In this case on the basis of the testimony of the Expositio podismi (Grom. vet. I.

 $^{^{23}}$ Of course, not every discharge was *missio agraria*. 24 AÉ 1911, 237. 25 E. M. Staerman: Қ вопросу о крестьянстве в западных провинциях Римской империи. ВДИ 1952/2. 107.

²⁶ Cf. E. M. Staerman: Кризис рабовладельческого строя в занадных провинциях Римской империи. Moscow 1957. 244, A. Mócsy: Die Bevölkerung von Pannonien bis zu den Markomannenkriegen. 90. Yu. K. Kolosovskaya: ВДИ. 1963/4. 102.

²⁷ Cf. also A. Rudorff: Die Schriften der römischen Feldmesser. II. Berlin 1852. 388.

358, 19) «E limes hains litterae habet in longo ped. DC» it would be tempting to interpret the letter E as 600 feet. Accordingly the interpretation of the letter CAE may be c(aput) a(gri) (habentis in longo ped.) DC. However it may be, on the basis of the inscription from Beočin the existence in Pannonia of the category of ager exceptus cannot be assumed.

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