

A Fisco Petit: The Alienation of State Property in the Roman Empire

Throughout the Roman imperial period, emperors obtained possession of property that was found to be “ownerless” (*bona vacantia*), lacked persons legally qualified to inherit it (*bona caduca*), or had been confiscated from condemned individuals (*bona damnatorum*). This accounted for an enormous influx of property to the state throughout the first four centuries CE (MacMullen 1976). While the emperors retained some of this property for their personal use, they chose to alienate much of it through sales, gifts, and – especially in the fourth century – permanent leases. Nor was the initiative for such transactions one-sided. At Rome and throughout the provinces, the emperor and his officials were constantly petitioned by inhabitants of the empire for imperial property. This process, then, was one of the most frequent means by which the imperial government engaged with its subjects. It was also a major mode of wealth redistribution in the Roman world.

Modern scholarship has long taken an interest in the status of the emperor’s holdings throughout the empire (Crawford 1976, Millar 1977, Lo Cascio 2015). Specific studies have been made of the lease of imperial estates in North Africa (Kehoe 1988) and the sale of imperial property in Egypt (Parássoglou 1978, Alessandrì 2005, id. 2012, id. 2017). Yet there remains a need to take stock of the social, political, and economic impact of the process of state property alienation throughout the empire and the imperial period. There is an abundance of evidence for this in the surviving literary, legal, epigraphic, and papyrological sources. In particular, the imperial rescripts and constitutions preserved in the Digest, Code of Justinian, and Theodosian Code provide direct insights into the priorities of the emperor and his chancery, as well as clues to the types of petitions that they received on the matter (see Boulvert 1982 for their bearing on the legal rights of the imperial treasury). These sources inform our understanding of why the

emperor chose to sell, give, or lease a particular property. They also show how he attempted to regulate the transactions and keep both his own officials and the petitioners in line.

In the centuries between the reigns of Augustus and Theodosius I, the reasons for which the emperors chose to alienate their property remained remarkably stable. In all instances, they primarily desired either to raise funds or show the favor that was expected of them in their autocratic position. The incredible draw that the availability of imperial property exerted on petitioners bound them closer to the emperor, and legitimized the means by which he had acquired that property in the first place. In particular, by offering confiscated goods and estates to others, the Roman emperors invited their subjects to tacitly assent to the circumstances under which the previous owners had been condemned or penalized. It was also this process that most often incited informers (*delatores*) to report crimes and property owed to the imperial government. Yet for all that this served to enhance the emperors' power, they were nevertheless responsive to the petitions and expectations of their subjects. They made efforts to regulate the process and ensure that it occurred according to legal forms. They were even willing to reverse property alienations when these conditions were not met. Ultimately, the alienation of state property served as one of the pillars of political coherence in the Roman Empire.

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