

Caveat Emptor: Property and Religious Tumult in the Fourth Century

The legalization of Christianity in the early fourth century had a profound impact not only on the victims of the Diocletianic persecution but also on its beneficiaries. In the 310s, Constantine and several of his fellow emperors ordered those who had obtained property that had been confiscated from Christians to return it. Unsurprisingly, this measure proved unpopular among individuals who had purchased Christian estates at low prices or received them as imperial gifts. It was not the only time that a shift in religious policy at the top had far reaching effects on property interests in the empire. Constantine's nephew Julian famously restored property to the temples during his brief reign in the early 360s. Soon after his death, Valentinian I in turn recalled what the temples had received. This paper traces the relationship between these property revocations and the religious shifts of the fourth century.

Throughout its history, the Roman state acquired enormous amounts of land and goods through legal forfeiture and confiscation, and it frequently sold, leased, or gave it away to petitioners (MacMullen 1976, Boulvert 1982, Maiuro 2012 88-109). Although previous emperors had at times reversed these property alienations for political and procedural reasons, the Constantinian restoration is one of the best documented examples (Millar 1977 577-584, Lenski 2017a, id. 2017b). It also provides some of the earliest evidence that we have for Constantine's use of legal pronouncements to proactively communicate with his subjects (Dillon 2012). Moreover, my analysis of the revocations of the 310s and those under Julian and Valentinian contributes to recent studies on the changing economic fortunes of Christians and polytheists in the late antique world (Brown 2012).

In this paper I argue that although the restoration of the 310s was neither uniformly enforced nor obeyed, it was nevertheless disruptive throughout the late Roman world. Likewise, the later revocations of Julian and Valentinian's reigns demonstrate the continued instability of the position of those who obtained property from the state. These actions were symptomatic of the ongoing tensions between a government that had recently become supportive of Christianity and a population of diverse religious character. In fact, state interference in property ownership during this period was not only a result of those tensions but also a further exacerbation of them. Yet it was consistent with the practices of previous centuries and the scaled-up Roman administrative apparatus of the period. The willingness of the imperial government to order the widespread revocation of sales and gifts that it had made was in proportion to – and perhaps a consequence of – its increased presence in the lives of its citizens.

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