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A SARDINIAN BOUNDARY DISPUTE AND AGRICULTURE¹

BY LEVENTE TAKÁCS

Abstract: In AD 69 the proconsul Helvius Agrippa had to settle a boundary dispute between two small Sardinian communities. One of them, the Galillenses, were permitted to produce the tablet pertaining to the matter from the imperial archive. The inscription fails to mention if the Galillenses had taken any action to get the *tabula* from Rome. Specialist literature does not give any viable explanation for this absence. The conclusion may thus be drawn that the reason for the Galillenses' attempt to delay 'handing over' pertains to the anticipated yield of some kind of investment they had made. The article tries to prove that the Galillenses attempted postponing the deadline with the aim of saving crops awaiting harvest.

Keywords: ancient Sardinia, boundary dispute, agricultural year, millet, land surveying

Roman land surveyors depict the foundation of a *colonia* as a process consisting of several phases. One of the terminal phases was the making of the *forma*, the modern cadaster map, encapsulating both graphical and textual information. This map could be turned to in order to settle disputes that may arise. To secure the authenticity of said map, two such documents were made while the cadastral survey was being carried out. One copy remained on site, while the other was taken to Rome for safeguard. Had anybody changed the boundary arbitrarily by moving the marker stone, the original state could be restored with the help of the *forma*. In such cases where its credibility was doubted (*si quis contra dicat*), a possibility existed – to turn to the imperial archive (*sanctuarium Caesaris*) holding all the cadastral's information on land distribution, at least according to Siculus Flaccus (Sic. Flacc. 120, 27-32C.). Such a case is documented on an inscription found near the Sardinian village of Esterzili, which deservedly aroused the attention of special literature.²

In AD 69 the proconsul Helvius Agrippa had to settle a boundary dispute between two small Sardinian communities by the name of Galillenses and

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² ILS 5947 = CIL 10, 7852. For earlier literature cf. to The Roman Law Library (droitromain.upmf-grenoble.fr) and Meloni ANRW 1988, 469.

Patulcenses.³ The conflict was consequential to Galillenses' acquisition of territories by force, refusing to forego the region even after several warnings. At the suit of the Galillenses Caecilius Simplex, the predecessor of Helvius, commissioned the tablet pertaining to the matter be brought forth from the imperial archive (*tabulam ad eam rem pertinentem ex tabulario principis*), consequently granting them a three-month-postponement until the Kalends of December. The tablet also provides us with an insight into the time management of such disputes. The inscription was made on 18 March, AD 69 – recording the decision Helvius Agrippa issued on 13th of March. This inscription also holds references to decisions made by two of his predecessors, first of which was M. Iuventius Rixa who was the last *procurator* of the island before Nero restored Sardinia to the senate in AD 67. Iuventius ordered the Galillenses to withdraw from the occupied lands by the Kalends of October allowing the other party to take hold of the premises. M. Iuventius Rixa was followed by the predecessor of Helvius, Cn. Caecilius Simplex, who was the senatorial governor of Sardinia in AD 67/68. His rank made it possible for him to grant postponement to the Galillenses to produce the tablet in question from the imperial archive. The deadline set for the map to be produced was extended by Helvius, granting the Galillenses a prolongation until the Calends of February, this deadline was not met, and consequently, on 13th March Helvius decreed a withdrawal from the disputed lands by the Calends of April.⁴ It is not known whether Helvius' decree solved the dispute, but the inscription shows clearly that the governors' decisions were based on a bronze tablet available on location. The tablet recorded the boundary resolution performed by M. Metellus at the end of the second century BC (*fines ... in tabula ahenea a M. Metello ordinati essent*). Thus it may be concluded that the provincial or community archive stored a document, quite possibly as old as hundred years; the central archive serves to settle disputes that may arise due to doubts targeted at the authenticity of the map's content.

Needless to say, gaining access to the central archive was no simple task. The tablet from Sardinia bears testimony to the fact that it isn't uncommon to wait as much as three to five months, even in such cases involving a province close to Rome. Turning to the archive must have been common in these types of procedures. It is evident that the governor accepts the request for delay without warning or comment, even though the Galillenses deliberately fail to obey

³ The former can also be found on inscription CIL 10, 8061, which also displays the text *Larum Galillensium*. Cf. Meloni 1975, 340.

⁴ Posner 1972, 199-200. Moatti 1993, 54, 65, 88. Burton 2000, 200-201. Campbell 2005, 328-329. Also cf. Kaser 1966, 366-367.

the previous decrees.⁵ Mysteriously enough, the inscription fails to acknowledge whether or not Galillenses had done anything to obtain the document in question, nor does any special literature give any viable explanation for this absence. It is only Campbell who deals with it and calls it „a skilful delaying action”,⁶ alas; Campbell also fails to provide a satisfactory explanation as to why the inscriptions remain silent about the documents. Why did the Galillenses ask for an extension if they did not take any action to get the *tabula* from Rome? The object of dispute is referred to with the words *finēs* and *praedia* in the inscription, which directly implies lands were in question. A conclusion is thus drawn that the reason for the Galillenses attempt of delaying ‘handing over’ pertains to lands. The Galillenses were presumably trying to save the expectable yield of some kind of investment they had made.

Counting backwards three months starting from the deadline of 1 December, it is evident that the governor’s decree granting postponement must have been issued at the beginning of October or September. That is the *terminus ante quem* the Galillenses must have submitted their request. The reason for requesting delay should be searched for in relation to the period amidst September and December.

Sardinia is mostly mentioned in association with the grain it had sent to the Roman army in the age of the Republic. Partially, the grain was the tax levied under the name of *decima*.⁷ When presenting the events of the Carthaginian mercenary revolt in Sardinia, Polybius calls the crops of the island ‘excellent’. Livy also repeatedly reports about the grain transported to the Roman army or the city of Rome itself, and refers to the island of Sardinia as one of the most important sources.⁸ At the same time, Varro and Cicero assign great importance to said grain from Sardinia in the greater scheme of Roman and Italian grain supply.⁹

Florus, the historian of the second century AD, calls Sicily and Sardinia ‘the guarantee of grain supply’ (*annonae pignora*) when he reports on the measures that Caesar takes after conquering Italy, at the beginning of the civil war between himself and Pompey. The prominence of the role of grain from Sardinia is also mentioned by Horace the poet, closer in time to the inscription, when he speaks in one of his odes about ‘the rich harvests of fertile Sardinia’.¹⁰

⁵ Talbert 2005, 94-96. Campbell 2005, 332-333.

⁶ Campbell 2005, 323.

⁷ Meloni 1975, 101-105. Rowland 1984, 285; Garnsey 1988, 245; Sirag 1992, 246-249.

⁸ Liv. XXIX 36; XXXVI 2; XXXVII 50. Also see Val. Max. VII 6,1. Cf. Meloni ANRW 1988, 461 sqq. Garnsey 1988, 193-194. Sirag 1992, 246-247.

⁹ Polyb. I 79. Varro, *r. r.* 2. *praef.* 3. Cic., *imp. Pomp.* 34. Cic., *Att.* 9,9,2. Cf. Garnsey 1988, 202; Weeber 2000, 84.

¹⁰ Flor. II 13,22. Hor., *carm.* I 31,3-4. Also cf. App., *b.c.* V 66-67.

The significance of the province in the grain supply of Rome must have carried over to the age of the Empire as well. It can be encountered in the case of several governors whose positions prior to their Sardinian governorship were related to the transportation and division of grain. For example M. Cosconius Fronto served as *subpraefectus annonae urbis* before he was appointed governor of Sardinia in the second century.¹¹

The importance of grain production is further attested by the large number of millstones found on the island. However, the region in question has only a few such stones although the presence of Romans in Esterzili is proven archaeologically.¹² Nevertheless, the absence of millstones is a small problem compared to the fact that in the case of the majority of grains – autumn is not the time of the harvest but that of sowing. Palladius, an agrarian writer of late antiquity, who structured his work in a way that each book presents a different month,¹³ recommends the period between September and November as sowing time for the majority of grains and leguminous plants, depending on land attributes.

The ideas of Palladius are confirmed by the *Menologium Rusticum Colotianum*,¹⁴ which is an agricultural and religious calendar preserved in an inscription, and mentions the most important agricultural tasks laid out month by month. Although the inscription was found in Rome, the time of the agricultural activities mentioned within it begs of us to consider that it does not refer to the lands around Rome, but rather refers to territories north of Rome, presumably the Po valley.¹⁵ It sets the sowing time of wheat and barley to November, and their harvest time to July or August, depending on crops.

This means that the time when the Galillenses applied for postponement does not correlate with the time of any important agricultural activity related to the most commonly grown grains. At the time of their application bread wheat had not been sown yet, which means their action must not have been driven by their intention of postponing the proceedings until the will have harvested what they had sown.

There were, however, some plants whose harvesting was ongoing in the period in question. Palladius reports that millet (*milium, panicum*) was sown in March and harvested in September. Unfortunately his presentation is rather short. Millet matures quickly, has high yields but low needs in terms of soil,

¹¹ For further examples see Rowland 1984, 286. Also cf. Garnsey 1999, 31.

¹² Cf. Rowland 1984, 293. Williams Thorpe, Thorpe 1989, 89-113.

¹³ White 1970, 30.

¹⁴ ILS 8745

¹⁵ Cf. Broughton 1936, 353-356.

which was already known in antiquity.¹⁶ Isidore explains the etymology of the word *milium* from the word *mille* by saying that the name comes from the multiplicity of the crops (*a multitudine fructus*).¹⁷ In Columella's view millet favours mild weather over dry soil, thus it is best to sow at the end of March. Columella does not think too much of millet but remarks that there are several regions (*multis regionibus*) where it is the primary sustenance of peasants. He adds that it is not too costly to grow since it requires a low amount of seed for sowing. When introducing Northern Italy, Strabo remarks that the millet produced in this region resists harsh weather, therefore suitable for preventing famine in the region. It is also known it was common for the farmers to grow the less demanding millet for their own consumption and produce wheat or other grains to meet the needs of the market.¹⁸ Pliny the Elder also mentions Campania among the regions producing millet.¹⁹ Pliny's inference is confirmed by archaeological findings. In the containers found at the villas at Boscoreale, north of Pompeii, archaeologist also found millet besides other grains.²⁰

Other sources mention millet when describing barbarian or nomadic tribes.²¹ The place where the inscription was found, the modern village of Esterzili, is situated in the middle of the island, roughly 60-70 km from the eastern coast. This coast of Sardinia is not ideally structured geographically and does not have a good natural harbour, diminishing its commercial values. Today it belongs to the administrative province of Cagliari, however, in antiquity it corresponds to the part of the island that Romans called Barbaria. While the coast was intensively Romanized, the inner part of the island was mostly inhabited by aborigines, who must have supplied with staff the military unit whose name appears as *CIVITATES BARBARIAE* on the inscription of their commander Sex. Julius Rufus.²² The lower extent of Romanization in this area was not the sole reason due to which Romans consider it barbarian. The local inhabitants were causing serious problems as far as two centuries past the occupation of the island. Tiberius expelled four thousand libertines of Egyptian or Jewish religion to Sardinia. Antique historians agree that the location was not chosen for their use solely because of its harsh weather conditions, as the Emperor wanted to

¹⁶ Garnsey 1988, 55. Hoffmann 1998, 99.

¹⁷ Isid., *Etym.* XVII 3,12.

¹⁸ Garnsey 1988, 51.

¹⁹ Colum. II 9,17; Strab. V 1,12; Plin., *Nat.* XVIII 10,24,100. We have information on growing millet in further Mediterranean regions as well e.g. in the Bible: Vulg. Ez. 4,9. Cf. White 1970, 67; Garnsey 1988, 52.

²⁰ White 1970, 425.

²¹ Herod. IV 17, Dio Cass. XLIX 36,4. Cf. Garnsey 1999, 66 and 71.

²² ILS 2684. Cf. Meloni ANRW 1988, 468-469.

use the ex-slaves for the suppression of the brigandage on the island (*coercendis illic latrociniiis*).²³ The boundary dispute quoted in the inscription might have also been preceded or accompanied by aggressive actions, as the governor refers to the Galillenses as ‘*auctores seditionis*’ and ‘*per vim occupaverant*’. Special literature deems them a local community, while the other party is reckoned to consist of inhabitants settled onto a *latifundium*.²⁴ The fact that the area was so remote with rather unfavourable economic environment makes the presence of millet in the local production a feasible idea. Furthermore, the territory had been at disputed for a long time, rendering the land dwellers more careful as far as growing plants whose unabridged life cycle was long. Crops harvested in the period in question were not limited to millet.

Palladius makes note of two undertakings to be done in the month of November, which do not seem to be of great importance at a first glance, namely the collection of acorn and wood cutting. Elaborating on the former task, he only mentions its time additionally to the fact that it is a task reserved for women and children (*femineis et puerilibus operis*).²⁵ Specialist writers regarded acorn as valuable due to its ability to provide fodder for animals. Information has been ascertained as for its use for pigs and cattle.²⁶ Moreover, acorn could be used simultaneously to feed both animals and human populations alike.

Ovid’s account of the golden age contains references to the notion that people living in times void of agriculture used acorn as aliment. No doubt a repetitive motif with several authors.²⁷ Likewise, people could turn to such nourishment in times of need. Following their defeat by Pompey, parts of Spartacus’ army tried escaping via forested routes and were subsisting on acorn.²⁸ Mediterranean agriculture struggled to attend the demand in an environment overburdened by multitudes of adversities, derivatives of climate and weather shifts. The risk of crop failure due to drought was elemental to these hardships that resulted in problems.²⁹ In the struggle to prevent famine, certain plants became indispensable from several aspects. For example, by using acorn, people could barter some plant goods for human consumption (formerly used for fodder as well). Stated in the above source (*R. II 4.6.*) Varro also enumerates bean, barley and further grains (*deinde faba et hordeo et cetero frumento*) alongside acorn as

²³ Tac., *Ann.* II 85,5. Suet., *Tib.* 36. Dio Cass. LVII 18,5a. Cf. Meloni 1975, 147-150.

²⁴ Meloni 1975, 155 and 264. Meloni *ANRW* 1988, 470-1.

²⁵ Pallad. 12,14.

²⁶ Var., *R. II 4,6. Pl., Truc.* 646. Cf. White 1970, 318.

²⁷ Ov., *Met.* I 106. Juv. VI 10. Tib. II 3,69. Cic., *orat.* 31.

²⁸ App., *b.c.* I 50,216. Galenos 6,620. Also cf. RE V 2068 (s.v. Eiche). White 1970, 137.

²⁹ Cf. Horden, Purcell 2000, 272 sqq.

being suitable for feeding pigs. By substituting these plants for acorn, the amount of food available for people expanded. Acorn, however, was suitable and directly used for human consumption as well. It could be roasted, smashed or ground to use as ingredient for pies or porridge.³⁰ Its importance is further substantiated by two independent types of sources.

One of the fragments by Ulpianus which ultimately goes back to the ‘Laws of the Twelve Tables’ states that it is lawful for a man to gather his acorns that has fallen upon the land of another within three days, additionally forbidding this action to be denied by force. Ulpianus conjointly adds that the idea of acorn applies to all kinds of fruits.³¹ Although little information is obtainable on the inception of this law verbatim, going back to the archaic age of Rome, it may be speculated that legislators would not have elected acorn be stipulated in the text had it not been important in commonplace agricultural practice.

Cato structures nine categories while grouping estates. His outlook among the estates of 100 *iugera* features the vineyard as most lucrative, second to irrigated kitchen garden and *et cetera*. The ninth on the list is acorn wood, *glan-daria silva*. Cato’s enumeration is taken over as quotation by Varro approximately a hundred years later.³² Apart from being a source for fodder, woods could be used in any number of ways.

It suffices to contemplate the general marketing of wood as principal material for tools or construction at any time. Pliny the Elder mentions shingles, for example, elucidating that high quality shingles can be made of oak while the wood of resinous trees is of lesser longevity for this purpose.³³ Nearly one fifth of the territory of Sardinia is dominated by woods, a percentage that may have been much greater in ancient times.³⁴ According to Palladius, November is the best month for cutting down trees, albeit the optimal time may have varied from region to region, it is still worth noting the fact that the agrarian writer mentions Sardinia when portrayed this activity. As an exposition he elaborates as to how the humidity of wood can be decreased to the minimum prior to cutting down the tree. After which he details the different types of wood alongside their characteristic features. When presenting the pine (*pinus*) he describes a

³⁰ Garnsey 1999, 40-41. Cf. Hoffmann 1998, 65, who mentions Sardinia, but unfortunately without specifying the sources.

³¹ Dig. 43,28. Dig. 50,16,236. Plin., *Nat.* 16,5. (*leg. XII tab.* 7,10.)

³² Cato, *Agr.* 1,7. Var. *R.* I 7,9. The foreword written to the Hungarian translation only highlights its prominent role in animal fodder. (M. Porcius Cato: *A földművelésről* [On agriculture]. Budapest, 1966, 59.

³³ Plin., *Nat.* XVI 10,15,36.

³⁴ Sirag 1992, 241. The Sardinian honey referred to by Horace (*Ars* 374-6) may also be related to the utilization of woods.

unique way of drying that was used in Sardinia, in which the beams of pine-wood were submerged in water for a spell, and then buried by the seashore under a pile of sand, thus rendered suitable for use with the help of the ebb and flow of the tide carrying salty water. Highlighting Sardinia may be due to the particular feature of the method, or perhaps a relationship between the writer and the island – as the writer himself admits to have had an estate on the island (IV 10,16.). At any rate, the formidable importance of wood processing on the island is most definitely an insight to be reckoned with.

At the time of postponement the most pivotal harvesting activities were ones relating to olive trees and fruit, as well as grapes. Obviously it is needless to state the importance of these two crops in Mediterranean polyculture. Additionally, it is fairly established that harvest took place in autumn.³⁵ In regions of mild climate or on the coast, Palladius advocated the harvest be started in the month of September, adversely to colder regions in which it is merely time for preparations (X 11,1). In October, olive is harvested and processed, an activity that carries over to the month of November (XI 10 and XI 17-22). The *Menologium Rusticum* appoints the month of October for grape harvest to, and that of oil to December. The two crops were among the most easily marketable ones, thus it is not by chance that there is archaeological evidence for their production in certain parts of Sardinia.³⁶

As the inscription fails to yield information, we can only assume that the Galillenses attempted postponing the deadline in pursuance of saving crops waiting for harvest. This may very well be a primary issue regarding a community living on agriculture. Unfortunately, no such textual or otherwise material evidence exists, that would potentially educate us as for which parcel of land was disputed by the two villages, as well as the variety of crops grown on their territory. However, it is evident that there were several plants awaiting harvest in the months in question, playing an important role in Mediterranean agriculture and economy. Grapes, olive, acorn and millet were widespread and important crops in this economy, be it either as a result of their marketability, role in human catering or animal feeding, the risky climate or the prevention of famine. Their harvesting, processing and transportation were time consuming excursions. These factors mentioned may be elemental to our understanding of the request brought to the governor for postponement, all the while maintaining a shroud of silence regarding the documents and resolution.

³⁵ Garnsey 1999, 13-15; Hoffmann 1998, 100.

³⁶ Rowland 1984, 289-290.

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