Studies in the History of Law and Justice

Volume 25

Series Editors
Mortimer Sellers, University of Baltimore, Baltimore, MD, USA
Georges Martyn, Law Faculty, University of Ghent, Ghent, Belgium

Editorial Board Members
António Pedro Barbas Homem, Faculty of Law, Universidade de Lisboa, Lisbon, Portugal
Emmanuele Conte, Facolta di Giurisprudenza, Università degli Studi Roma Tre, Roma, Italy
Maria Gigliola di Renzo Villata, Law & Legal History, Università degli Studi di Milano, Milano, Italy
Markus Dirk Dubber, Faculty of Law, University of Toronto, Toronto, ON, Canada
William Ewald, University of Pennsylvania Law School, Philadelphia, PA, USA
Igor Filippov, Faculty of History, Moscow State University, Moscow, Russia
Amalia Kessler, Stanford Law School Crown Quad, Stanford University, Stanford, CA, USA
Mia Korpiola, Helsinki Collegium for Advanced Studies, Helsinki, Finland
Aniceto Masferrer, Faculty of Law, Universidad de Valencia, Valencia, Spain
Yasutomo Morigiwa, Nagoya University Graduate School of Law, Tokyo, Japan
Ulrike Müßig, Universität Passau, Passau, Germany
Sylvain Soleil, Faculté de Droit et de Science Politique, Université de Rennes, Rennes, France
James Q. Whitman, Yale Law School, New Haven, CT, USA
The purpose of this book series is to publish high quality volumes on the history of law and justice. Legal history can be a deeply provocative and influential field, as illustrated by the growth of the European universities and the *Ius Commune*, the French Revolution, the American Revolution, and indeed all the great movements for national liberation through law. The study of history gives scholars and reformers the models and courage to question entrenched injustices, by demonstrating the contingency of law and other social arrangements. Yet legal history today finds itself diminished in the universities and legal academy. Too often scholarship betrays no knowledge of what went before, or why legal institutions took the shape that they did. This series seeks to remedy that deficiency.

Studies in the History of Law and Justice will be theoretical and reflective. Volumes will address the history of law and justice from a critical and comparative viewpoint. The studies in this series will be strong bold narratives of the development of law and justice. Some will be suitable for a very broad readership.

Contributions to this series will come from scholars on every continent and in every legal system. Volumes will promote international comparisons and dialogue. The purpose will be to provide the next generation of lawyers with the models and narratives needed to understand and improve the law and justice of their own era. The series includes monographs focusing on a specific topic, as well as collections of articles covering a theme or collections of article by one author.
Constitutional History of Transylvania
Transylvania as a Space of Legal History

Transylvania lies on the boundaries of “tectonic plates” of multiple cultures, which meet, collide and move beneath and over one another. To continue the geological metaphor, it is a seismic zone. Throughout history, it has witnessed the clashes of many civilizations: Romans and Barbarians, the Steppe states and Western Europe, Eastern and Western Christianity... The Schwarze Kirche (Black Church) in Brașov [Brassó, Kronstadt]\(^1\) is the easternmost example of European Gothic architecture. As nationalism became widespread in Europe in the nineteenth century, the clash of diverse (ethnic) cultures in Transylvania was considered less and less a peculiarity. Cultural rifts did exist also elsewhere in Europe; however, Transylvania was undoubtedly affected to a heightened degree.

Apparently, exploring the legal history of the region has not been an easy task. All concepts are disputable, and all facts can be approached and interpreted in different ways. Even the very definition of what is Transylvania is already a challenge, and this not so simple question can be further complicated by asking if it had a legal history of its own, and if so, why? The plan to write a constitutional history of Transylvania has brought up several problems. From general to specific ones, these should have been considered in order to make the project feasible. In many instances, there were no perfect solutions found, and the decisions reflect rather our preferences and compromises. Yet, making inaccurate, but scholarly choices does not diminish the value of this work. Such choices were simply unavoidable in regard to the very subject of the enquiry. Nonetheless, the Editor is compelled hereby to review the decisions made.

The first and most general problem concerns the chronological framework. The book spans the history—and legal history—of a region commonly referred to as Transylvania, starting from the Roman era until the system change. Yet, from when and until when does Transylvania have a history of its own can be problematic from

\(^1\)In this book in general we used the current Romanian appellation of the settlements, when necessary followed in square bracket by the Hungarian and German language names.
a general point of view. The beginning of the history of Transylvania, as a specific historical and political entity, is apparently tied to the history of the medieval Kingdom of Hungary, thus, in a strict sense, the chapters discussing Roman history and the Migration Period do not connect to the history of Transylvania as a political entity. Nonetheless, they still have a dedicated place in this volume, which is explained by our choice emphasizing rather a geographical viewpoint, instead of a chronological one, and exploring the history of this region also in prehistorical times, before Transylvania appeared as a historical concept.

On the one hand, it has been the least arguable to include in this volume studies concerning the Hungarian Kingdom, the Principality of Transylvania and the Dual Monarchy. On the other hand, it has been difficult to set the chronological boundaries of the chapter concerning the twentieth century history. In Romanian historiography, the canonical end date of historical works discussing the history of Transylvania as a separate entity is December 1918, since the later period is treated as part of “Romanian” history. Those works, which would go beyond that date are considered anachronistic and politically motivated. The viewpoint of Romanian historiography—and, in fact, of the Romanian national ideology and the opinion of the public—has been critically summarized by Sorin Mitu, a historiographer from Cluj [Kolozsvár, Klausenburg]: “From a historical and chronological point of view, the existence of Transylvania as a political-administrative entity is unquestionable already in the 16th century, i.e. much earlier than the political idea of Romania, which crystallized only in the first half of the 19th century, thanks to Romanticism both in Romania and abroad, leading finally to the emergence of the Romanian state in 1859. Although this fact should be clear for every historian, it has not rooted itself in Romanian historical consciousness. The Romanian historiography projected the aspirations of the present onto the past and created an imagined Romania, the concept of which was anchored in the past, manifesting itself continuously, starting with the united states of Burebista—the territory of which was exactly identical to the ideal borders of Greater Romania—until the time of Michael the Brave (Mihai Viteazul), who accomplished the unification of Romanian lands. In a strongly teleological view, this was the ultimate goal of Romanian history, leading logically in this direction, i.e. uniting all Romanian lands in one state, which was accomplished at last in Alba Iulia [Gyulafehérvár, Weissenburg]. All earlier attempts were motivated by this ultimate goal, seen as the fate of the nation, and all cultural achievements were born under the influence of this idea. In the light of this evolutionary theory—and considering that the concept or the plan of Romania always prevailed in those regions, which it now occupies—Transylvania per se simply does not exist in Romanian historical consciousness. The specific formula used by Romanian historians—first by Iorga—to bridge this logical trap was the term Romanian lands, which could be attributed to any political, ethnographical, cultural, or let alone geographical formation in the region...”

Concerning the three volumes of the *Erdély története* (*History of Transylvania*)—published in the 1980s in Hungary³—the Romanian historian Lucian Boia rightly pointed out that the reason why there was no Romanian reaction to this (presenting a refutation or an alternative history of Transylvania from the Romanian point of view) was that according to the then and now dominant view Transylvania did not have a history of its own. The history of the Romanian state territory could be studied only as a unity, and from the point of view of how the Romanian principalities (among them Transylvania, under foreign rule) became unified. Boia noted that “writing regional histories was—at a certain point—forbidden, and when the Hungarian edition was published (very inconveniently for the Romanian historiography), it was not possible to react from a similar perspective. Romanian historians were not able to write anything similar, as they concluded that Transylvania does not even exist.”⁴

Looking beyond this ideology, the fact remains that the majority of the population in Transylvania was Romanian already in the eighteenth century. This is one of the reasons why Transylvania was annexed to Romania in the peace treaty that ended WW1. Transylvania is part of Romania, *de facto* since 1918, for 100 years, and *de iure* since 1920, for 98 years. Overarching the different regimes since 1918–1920, the cardinal aim of Romanian politics was to irreversibly integrate Transylvania into the Romanian state. Although this was successfully accomplished in the 1980s, the side effects keep influencing Romanian political thinking (and the relation of the Romanian elite to the minorities) for a long time. Currently, the predominant view is still to consider any concession (beyond the necessary minimum) as risky and dangerous to political integrity. Interestingly, the forced industrialization and urbanization during the period of the Soviet-type dictatorial rule served the very same goal: the quick demographic shift to the ethnic makeup of Transylvanian towns, which had originally no Romanian majority, occurred during that period. As a side effect of ethnic integration, the organic development of town culture has been interrupted. The lack of financial resources, which had been invested in the integration process, is, however, reflected—even today—by the weak infrastructure of the otherwise extensive housing estates—with no parks, playgrounds, or parking lots. Despite this, there is no doubt to the success of the integration process: Transylvania had been a multicultural region for centuries, today, however, only the Hungarian population remained in significant numbers, whereas the ratio of other minorities became—sadly—insignificant. Importantly, the integration of Transylvania has not been considered as a barrier hereby. Discussing the twentieth century history of the region seemed more reasonable. Since there is no ban whatsoever on exploring a history of a region (even when it is just a small part of the territory of a present state), we have opted here to expand the chronological framework of the

³An abridged version was published also in English. See Barta Gábor, Bóna István, Köpeczi Béla, Makkai László, Miskolezy Ambrus, Mócsy András, Péter Katalin, Szász Zoltán, Tóth Endre, Trócsányi Zsolt, Vékony Gábor: *History of Transylvania*. Budapest 1994. The volume is also available online: https://mek.oszk.hu/03400/03407/html/.

study beyond the system change in 1989. Our choice is underlined by the particular legal background of Transylvania. Although it has been gradually weakened and finally abolished, in the twentieth century it was still an unquestionable historical factor.

The second problem—the spatial definition of Transylvania—is similarly relevant. Our preference on the geographical viewpoint has been already underlined above, i.e. looking at Transylvania as a spatial unit, and studying its history also in regard to those periods (i.e. the Roman times and the Migration Period), when Transylvania did not yet exist as a political-administrative entity. Notably, the spatial definition is also complicated. One of the two conflicting interpretations is to consider Transylvania as a historical province, which covers a significantly smaller territory than what was granted to Romania in the Trianon Treaty (approximately 57,000 km² compared to 102,787 km²). Again a compromised choice had to be made, as we decided to refer to Transylvania in the twentieth century sense, i.e. including the territory of Partium as well, as opposed to the historical situation, when Partium was considered separately. This problem has been discussed in detail in the respective chapters.
Transylvania as a space of legal history from year 200 to 2018
The third problem is perhaps the most crucial one. While it is completely feasible to study Transylvania as a geographical unit, which has its own history, can we also automatically assume that it did have a legal history of its own? Considering the strong link between state and law, a separate legal framework could evolve only when Transylvania developed certain characteristics of statehood, i.e. most typically during the period of the Principality. Instead of ignoring all the other periods, however, we decided to look at Transylvania as a peculiar geographical-historical-political entity, which, on the one hand, developed its own legal historical character in the abovementioned periods (i.e. of the Hungarian Kingdom, the Principality and the Dual Monarchy) and, on the other hand, we believe that it is also relevant to explore this in a broader chronological context. Thus, the book is an attempt to reveal the nature of regional characteristics, which defined the peculiarities of the legal history of Transylvania. Such characteristics have been significantly repressed and faded out, typically from the mid-twentieth century on, due to the complex process of integration, the intensity of which was changing constantly, but its goal remained unchanged. In summary, our decision means that the legal history of Transylvania will be studied in its complex historical setting, beyond the period when its local character evolved.

The fourth key issue is periodization. In the history of law, different chronological boundaries apply to different areas of study. Whereas in case of public law, chronological boundaries may overlap with those applied in general historical studies, the history of private law has sometimes completely different chronological boundaries. For example, the Diploma Leopoldinum (1690) set an important chronological boundary for those legal historical processes—dating either before or after the document—due to which the Principality of Transylvania lost its status as an independent state. However, the Diploma did not have any implication on private law, e.g. contracts, inheritance, etc. Similarly, the Treaty of Trianon (1920) was a clear and radical division line in the history of public-constitutional law, which, however, did not influence private law in the short term: the Civil Code of Austria remained in effect for more than two decades following the Treaty of Trianon. In the interwar period, Camil Negrea, a professor of law from Cluj [Kolozsvár, Klausenburg] taught (in Romanian) from the Austrian Civil Code, and judicial courts also made their decisions on the basis of that Code. Thus, it seems that there is no perfect solution to the problem of periodization, but it has been decided to stick with the chronological boundaries of general historical works (based on the history of public law), which could help weaving a coherent and well-paced narrative. A history of private law in Transylvania would require different periodization. In case of constitutional history, the boundaries between historical stages are clearer and in correlation with historian’s periodization approaches.

Our solutions to the above indicated dilemmas are inevitably questionable, yet, decisions had to be made in order to accomplish the work. The book reflects the current state of research into the legal history of Transylvania and discusses several new results. In fact, many unsettled issues persist—also in regard to fundamental research—thus, the book also aims at marking out directions for future research. It is our hope that the authors will continue their research and future generations of legal
historians will set out to analyze yet unexplored issues. As a new edition is being planned, we welcome any correction.

Studying legal history is not self-serving; it always has actuality. Reviewing how our legal institutions developed and operated in the past is instrumental for understanding the present and for shaping the Romanian-Hungarian relations, with the hope to better accommodate the needs of minority groups in the future. Our legal historical enquiries shall also aim at narrowing the distance—where possible—between the idealized Romanian and Hungarian histories of Transylvania and make them more factual. We do hope that the present volume will contribute—if only modestly—to reinforcing our legal culture.

Cluj-Napoca, Romania

Emőd Veress
Contents

Public-Law Phenomena in Transylvania in the Antiquity ............. 1
Ádám Szabó

The “Migration” Period .................................................. 59
Erwin Gáll and Gergely Szenthe

The Age of the Hungarian Great Principality (ca. 850–1000) ........ 95
György Szabados

Transylvania in the Medieval Hungarian Kingdom (1000–1540) .... 125
Barna Mezey

The Principality of Transylvania (1526–1690) .......................... 193
Károly Kisteleki

Transylvania in the Habsburg Empire and the Austro-Hungarian
Dual Monarchy (1690–1918) .............................................. 237
József Zoltán Fazakas and Károly Kisteleki

Transylvania as Part of Romania (1918/20-Present) ................. 301
József Zoltán Fazakas, Zsolt Fegyveresi, and Emőd Veress
Public-Law Phenomena in Transylvania in the Antiquity

Ádám Szabó

1 Introduction

1.1 Beginnings

Traces of human existence can be evidenced in Transylvania already in Prehistoric times. Before the earliest written data of the Ancient Greeks, our sources are only archaeological finds from settlements and cemeteries, or sporadic finds. These rarely provide valuable data from the point of view of legal history but may illustrate various industrial, commercial, and social activities. Based on the characteristics of objects, it is possible to distinguish “archaeological cultures”—i.e. communities of people living in a specific area for a certain period of time. Archaeological cultures are characterized by the typology of specific archaeological finds, and their regional distribution, demonstrates the territory of the culture. Archaeological data from settlements may indicate spatial relationships, whereas materials from cemeteries and burial practices may be indicative of the organizational principles of the society and social stratification. Artefacts related to industrial and artistic production can be illustrative of engaging in such activities and trade. All these patterns characterizing Prehistoric cultures, certainly reflect the social and organizational structures of the society on the basis of which legal concepts can be outlined, relevant from the point

1For overviews—with further literature—see: Dumitrescu (1974), Bărbulescu et al. (1999); Makkai and Mócsy (2001); Vékony (2000); Protase (2009), pp. 867–879.

Á. Szabó (✉)
Department of Archaeology, Hungarian National Museum, Budapest, Hungary
Department of Constitutional and Legal History, University of Public Service, Budapest, Hungary
e-mail: szabo.adam@hnm.hu; szabo.adam@uni-nke.hu

© The Author(s), under exclusive license to Springer Nature Switzerland AG 2023
E. Veress (ed.), Constitutional History of Transylvania, Studies in the History of Law and Justice 25, https://doi.org/10.1007/978-3-031-22166-8_1
of view of public law. However, this is increasingly true for younger cultures, for which there are more data.

Considering the abstract and general ideological background of legal practices, it is evident that religious ideas did not separate from secular phenomena; religious norms were legal norms and vice versa. There was a complex system of norms that prevailed until the early Roman imperial period, however, in the absence of data, the early, prehistorical phase of the Antiquity which is a significantly longer period than the later one, cannot be studied in an authentic way relying on direct evidence and definitions.² The chronology of the Prehistorical period differed in each region and there is a very limited amount of data concerning religious institutions or social structures. The Paleolithic communities were composed of small and large families, tribal communities, the structures of which are unknown. These ancient societies can be studied only on the basis of social-anthropological analogies. In result of the so-called “Neolithic revolution”, the hunter-gatherer communities of the Paleolithic period were replaced by larger and better organized communities based on agricultural activities. In the Neolithic period presumably matriarchal societies (gynarchy) emerged, however, matrilinealism was, then, replaced in the Bronze Age by patriarchal systems. The religious legacy of the matriarchal system, as a phenomenon, is well illustrated by the well-known prehistorical mother or Goddess figurines.³

At the beginning of the historical period, this legacy can be still identified, yet, patriarchal structures become more and more general, as men took over the coordination of social hierarchies. Tribal alliances and states were formed or disintegrated. Societies became more and more differentiated depending on methods and spheres of production. Sedentary societies and communities based on crop farming separated from more mobile communities based on large scale animal husbandry. More complex social organization required leaders commonly referred as kings, who had administrative functions. Social divisions between the leading social class and lesser categories of subjects emerged. The priests and the warriors were the most distinguished social strata, below them there were men of trade, industry, and agriculture. There were specific characteristics to each culture, in terms of settlement structures and burial rites and the separation of ritual space and social spheres of power can be clearly illustrated.

Despite the variety of cultural forms of functionally identical archaeological finds, the use of public and private space,—and anachronistically, the public and private dimensions of law connected to such phenomena—are roughly identical in case of each Prehistorical culture dating before the Late Iron Age and before the dawn of Antiquity. Organizing the coexistence of communities and of their members required the introduction of rules, which implied the foundations of public and

²Cf. e.g. Sir Henry Sumner Maine: Ancient Law Its connection with the early history of society and its relation to modern ideas. London 1861. Grove Haines (1930); Sauter (1932); Lombardi (1947); Verdross-Drossberg (1948); Lombardi (1950), pp. 254–268; Passerin d’Entreves (1970), especially chapters 2. and 4.; Flueckiger (1954); Verdross-Drossberg (1948). etc.
³Cf. e.g. Delporte (1993); Cohen (2003).
private law. In Transylvania, there was a rich variety of Prehistoric cultures and their social-political-administrative organization required publically acknowledged rules, i.e. early forms of “public law”.4

Around 1000 BC, the end of the late Bronze Age, the eastern part of the Carpathian Basin, Galicia and Bessarabia were populated by the Gava-Holihrad culture. In the Iron Age and the Antiquity, the descendants of this population, as well as immigrant equestrian population groups, Scythian tribes, arriving from the East, who spoke Iranian languages—e.g. the Sygunnas, Agathyrs (Herodotos 4,104.), and the Spargaphrodites—populated this region. From the 4th century BC Celtic invaders became the lords of the Transylvanian territory. The descendants of the former population, together with the posteriors of the Celts formed the basic population of the first “modern” state in the area, the Dacian Kingdom.

1.2 The Dacians

According to historical sources, the Dacians were loosely connected to the Getae (Gets), who inhabited the Lower Danube region. There is much uncertainty about what this connection implied. In 6th c. BC the Getae appeared in the area enclosed by the Balkan Peninsula, the Carpathians and the Black Sea. They were primarily connected to the Greeks and the Hellenistic world. Their extensive network is evidenced by more than 100 settlements discovered so far, as well as fortresses and many cemeteries. However, it seems that there is no settlement, fortress or cemetery in the area within the Carpathians that would clearly indicate the presence of this population in Transylvania in this period.5 In 5th c. BC, Herodotus is the first to report about them in connection to the campaign of Darius, the Persian King against the Scythians (Herodotos 4.93.). The Dacians were mentioned for the first time—under their own name—by Iulius Caesar in the middle of the 1st c. BC (Caesar De bello Gallico 5.25.2.). It is possible that there were Dacians among the barbarian opponents of Marcus Minucius Rufus, who defeated them between 109 and 106 BC (Livius Periochae 65.; Florus 1.39.5.; Rufus Festus Breviarium 9.2.; Ammianus Marcellinus 27.4.10.; Eutropius Breviarium 4.27.5.; Frontinus Stratagemata 2.4.3.; Iordanes Romana 219.). Nonetheless, they were not mentioned by this name (see also CIL I 2.2 692; SEG 41, 570).6 Pompeius Trogus regarded the Dacians as descendants of the Getae (Iustinus 32.3.16.). In the 1st c. AD, Strabón described the Getae as people living to the East from Rome, towards the Black Sea and the Dacians as people to the West. He also emphasized that they spoke the same

---

4In general, see e.g. Childe (1925); Childe (1958); Childe (1950); Renfrew (1973); Claessen and Skalník (1978); Coles and Harding 1979; See also Gilman (1981), pp. 1–23.
language (Strabón *Geógraphika* 7.3.12-13.). In the middle of the 1st c. AD., Pliny the Elder considered the Getae and the Dacians as the same people, who were called by different names by the Greeks and the Romans (see Plinius *Naturalis Historia* 4.80.).

According to certain authors the *Getae* belong among the Thracians. This suggests that those arguments which consider references on the Getae as proof of continuity regarding the later establishment of the Dacians kingdoms in Transylvania, should be considered with caution, or should be completely ignored. The similarity of their languages—as reported by Strabón—does not imply anything in a political sense. It is clear that there was a certain cultural-political relationship between the Gets and the Dacians is, but this is all too obvious since they were neighbors.

Towards the end of the 2nd century BC, i.e. the end of Celtic dominance—who had conquered the region by force (as suggested by the frequent occurrence of military equipments as archaeological finds)—, the Dacian Kingdom emerged in a power vacuum, and united the tribes and population groups in the Transylvanian Basin. The Dacians were dressed in a unique style, typical for Asia Minor, and had peculiar religious-cultural habit, first documented by Herodotus in connection to the Getae (Herodotos 4.94.). Thus, they could have formed an immigrant, aristocratic warrior class within the context of local societies. Although archeological data may contrast the sometimes generalizing opinions of the above mentioned authors, the origins of the population, which defined itself as Dacian, is a scientific problem yet to be ascertained.

## 2 The Dacian Kingdom

### 2.1 Sources, Chronology, Territory

Written and archaeological sources concerning the Dacian state and society as well as their legal history, are poorly supplied. Most of the available texts provide data on public administration and law, whereas private law issues are almost completely absent. Chronologically, the existence of the Dacian Kingdom dates between 1st c. BC and 106 AD. The 200 years of history devides into two phases, but the form of government remains unchanged. The territory of the Kingdom of Dacia (*Dacia*, resp. Δακία) has changed during this period. It reached its maximum in 1st c. BC, when it covered an area bounded by the Carpathians (*Carpates*) and the Danube (*Ister*.

---

7 Bărbulescu (1999), p. 36.
8 For a summary, see Sanie (2000); Sanie (2009). See more Dana (2011).
9 A comprehensive collection of written sources concerning the Dacian Kingdom was presented by Iliescu et al. (1964); See also the following works: Strobel (1998/1), pp. 61–95, 207–227; Petolescu (2000), pp. 209–222; Dana (2000), pp. 48–58; Rustoiu (2004), pp. 31–60; Oltean (2007).
Danubius)—along a north-south axis –, and by the Dniester (Danastris), the Black Sea (Pontus Euxinus) and the Tisza River (Tisia)—along an east-west axis. For some time, it reached even beyond that, to the East, towards the Bug (Hypanis), and to the West, towards the Danube. In the last phase of its history, however, starting at the beginning of the 2nd century BC, its territory shranked to the Transylvanian Basin.

2.2 Historical Framework

The creation of the Dacian Kingdom in Transylvania post-dates the formation of small state like entities of the Getae in the region of the Lower Danube and the Black Sea. Although these are thought to have been associated with the same (Dacian) population, they were politically less well defined entities. In Transylvania, however, the presence of a new warrior type aristocracy can be characterized also in spatial terms, indicated by the archaeological remains of early settlements (oppida). The history of the Dacian Kingdom can be traced back to the first half of the 1st c. BC. The reign of Burebista (Βοιρεβίστας, Βοireβίστας, Βοιρεβίστας) began in 82, who established the “modern” Dacian state, based on a tribal alliance (Strabón Geógraphika 7.3.5., 7.3.11., 16.2.39.; Iordanes Getica 11.67.). His reign lasted until 44 BC, he led multiple campaigns and managed to expand the territory under his control with a zone of influence that reached to the Vienna Basin and the Balkan Mountain (Haemus). Allegedly, he had 200.000 men in his is army (Strabón 7.3.13.), including the peoples he conquered and also his allies.

The capital was in Argedava (Αργεδαυν) (Popeştii, in County Giurgiu), but it was later relocated to Sarmizegetusa (Ptolemaios 3.8.4: “Sarmizegetusa Regia”, today in Grădiştea de Munte / Orăştie, Hunedoara County). Despite territorial changes, the centre remained here later on. In addition to his successful campaigns, Burebista created also an extensive web of allies. He was in contact with the Kingdoms of Pontus and Bosporus (North-Est - Sud-Est region nearby the Black Sea) under the reign of Mithridates VI., and according to the so called Akornión-inscription from Dionysopolis (Bulgaria / Balchik, Балчик) (IGBulg I. 2. ed. 13) he was the first and the greatest among the Thracian rulers. The power made the Roman Empire beware of the Dacian state and Caesar decided to plan a campaign against it.

Likely in connection to the assassination of Caesar, Burebista was also killed by conspirators in 44 BC, and upon his death the Dacian Kingdom disintegrated into smaller kingdoms. These kingdoms had separate “governments”, political agendas, but in the next episode of almost hundred years, there is only little information available, mostly what Roman historiographers have seen important to record. Among the smaller states, the one in the middle (in Transylvania, with

---

Sarmizegethusa in its centre) became the successor of Burebista’s state, led by Dicineus (Dekaineos), who was the high priest and councilor of Burebista. Decineus reigned until 27 BC, and was followed by Comosicus (until 28/29 AD), Scorilo (until 68 AD), and Duras. Scorilo avoided interfering in Roman politics after the death of Nero (54-68), and Duras passed on the throne to Scorilo’s son or relative, Decebalus (cf. IDR III/3 272: DECEBALVS || PER SCORILO stamps),13 who was the last king to rule Dacia, from 87 until 106.

The Kingdom had several political and military conflicts with the Empire during the reign of Domitianus (84–96 AD),14 particularly in the years between 85 and 88, and during the reign of Traianus (98–117 AD).15 Following the initial success of the Dacians, the Romans gained victory (Dio Cassius 48.9.3. and 47.10.1–2.) and from 89 AD the Kingdom became a client of Rome, until 102. In 89, Domitianus sent the symbols of power to his client, Decebalus, via the King’s legate, Diegis (Degis), who had come to Rome (Martialis Epigrammaton liber 5.3.; Cassius Dio 67.7.2–3.). This made the Dacian Kingdom a vassal of the Empire, but only affected its foreign politics, and not the internal affairs. As a client state, Dacia received an annual stipend (stipendium) of 8 million sestertius.

From the beginning of the reign of Traianus, this amount was, however, cut back, which resulted in a military expedition by the Dacians. This, in turn, served as a reason for the Roman military to organize a campaign in retaliation. Following the First Roman Dacian War in 101–102, the Kingdom remained formally unchanged, but subjugated to the Empire. When Decebalus was trying to gain back its former status, his Kingdom was conquered by the Romans in the Second Dacian War in 105–106 (AE 1934, 2 Korinthos: ..universa Dacia devicta est...),16 and it was dissolved. Decebalus committed suicide as he did not want to be captured. According to an epigraph, found near Philippi (in Grammeni, Greece), his head was brought to Ranistorum, to the Emperor (AE 1969/70, 583: ..decurio in ala eade(m) quod \ cepisset Decebalu(m) et caput \ eius pertulisset ei Ranissto\ro ...), who sent it to Rome, where it was placed on the Gemonian stairs on September 2nd, 106, and left there for public display. (Fasti Ostienses—Inscr.It.17 XIII.1. p. 199: Decebali [caput — — in scallis Gemonis iacuijt]. Illustrations of the Dacian Wars (a set of relief) survived on triumphal column of Traianus, designed by Apollodorus of Damascus,18 and on the metopae (reliefs) found on a monument in Tropaeum Traiani (Adamclisi, County Conștantă, Romania).19

18 Cf. Cichorius (1896–1900); Coarelli (1999).
19 Cf. Benndorf et al. (1895); Bobu Florescu (1965).
2.3 Population and Society

Already from before the period when the Kingdom was established, there are tribal names indicating the presence of different ethnic groups in Transylvania (see for example Claudius Ptolemaios Geógraphika 3.7–12. and Map 9.). The origin of the Dacians remains an open question. Their language was similar to that of the Getae, who lived in the Lower Danube region (Strabón Geógraphika 7.3.10–13.), and were considered by contemporary authors as Thracians. Burebista was referred as King of Thracia in the above mentioned inscription from Dionysopolis (Balchic). The ethnic name and the name of the state are, however, different from that of the Getae. The symbol of the Getae, the dragon (draco) pierced on a stake, was not their own. The Dacians, from whom the state received its name, and whose dress was of Asia Minor style—shown on several artistic representations—probably were only the ruling class within the “Dacian” society. Their personal names reflect the influence of multiple languages. Their archaeological heritage is also characteristic: the volume of import Greek ceramics is conspicuous, as is the particular style of gold and silver jewellery, dress accessories, and the large amount of gold coins based on Hellenistic monetary standard.

According to Greek and Latin sources, the society in Dacia was divided basically into two classes or castes: the pileati or tarabostes and the comati or capillati. The former were members of the aristocracy, depicted in their pointed hats, the latter were the common people, who wore long hair (Iordanes Getica 11.71–72.). The term comati—referring to the common people—perhaps suggests the Celtic origin of the population, who lived in the territory of the Kingdom, but lost power in the middle of the 2nd c. BC. Notably, the province of Gallia was referred sometimes by the same attribute (comata) as a reminder of the typical feature of the Celts, i.e. their long hair. The archaeological finds also reflect a two-parted society: the presence of Greek import ceramics, from the Black Sea region, and the luxury goods on the one hand, and the locally made rough tableware on the other hand.

2.4 Public Administration

The Dacian Kingdom could be characterized as a Hellenistic type monarchy (arché), whose boundaries were established via mutual agreements with neighbors and also by making them to sign contracts, which guaranteed that each other’s territories would be respected, military conflicts would be avoided and trade would be uninterrupted. The territory of the Dacian state was composed of smaller units, but it is unclear whether these were tribal territories, or more likely smaller and more modern administrative units. The relatively even distribution of placenames—with

---

21 Concerning linguistic issues see Detschew (1928) (Sofia 1952), and Russu (1967).
mostly -dava (-δεβα; -δαβα) endings –, which were mostly fortifications and fortified oppida might confirm this latter option too. There are 32 tribal names known, and Ptolemy lists 43 settlements situated in the territory of the Dacian Kingdom, which suggests that there was perhaps an overlap between the administrative system and the tribal territories. Part of these tribal names (ca. 10) and settlements are in Transylvania. Public administration was based on customary law (Iordanes Getica 11.69. who used the - with him in 5-6 c. AD - contemporary Germanic term for Dacian customary law: “belagines”24), collected and ‘codified’ by Deceneus (Dekaineos), the high priest of the Dacian Kingdom under Burebista (Strabón 7.3.11.).

2.5 Religious System

The Zalmoxis (Σάλμοξις) religion of the Dacians—originally mentioned in connection to the Getae (Herodotos 4.94.)—received particular attention, and is remembered in various earlier and later (i.e. not contemporary) sources, as well (mentioned e.g. by Plato, Aristoteles, Mnaseas of Patra, Diodoros Siculus, Iamblichos, Lactantius, Hesychios etc.). The dogma of death and resurrection, the belief in immortality (ἀθανατίζομαι), the connection of the religion to a central place (Herodotos 4.93-94.), the so called Kógaionón (Κωγαίονον), i.e. 'sacred mountain’ (Strabón 7.3.5.), as well as the connection between Zalmoxis, who was thought to have divine power, and Pythagoras and his philosophy make this religion unique among other religions of the Antiquity. According to tradition Zalmoxis was the slave of the Greek philosopher, and learned from him (see on this Herodotos 4.95-96.; Platón Charmides 156d-157c.; Strabón 7.3.5.).

The priests were generally called zeutas (concerning this term see Iordanes Getica 5.39.), and there were also three Greek terms used in reference to them (on Poseidónios, see Strabón 7.3.3-5., as well as Pomponius Mela 2.2.21.): kapnobatai, ktistai and polistai. The first one, meaning cloudwalkers (kapnobatai), was used in reference to diviners and ascetics, who did not marry and did not eat meat. The second (ktistai) referred to founders, and the third (polistai) refers to founders of cities. The term pleistoi (Josephus Flavius Antiquitates Iudaicae 18.22.) was the equivalent of the kapnobatai or the polistai. Their exact function remains unknown, and their relation to social classes or administration remains unknown. The second group (ktistai) could have belonged to the circles of the royal court, perhaps serving as the kings’ counselors, similarly to the Roman senate. The third group could be associated perhaps to the territorial units and their centers—whose names end with the –dava (or occasionally with –sara) suffix.

Concerning cultic ceremonial events, sources mention the sending off of “messengers”, which was a ritual sacrifice, taking place in every 4 years, when someone worth of sacrificing was thrown on spikes, taking messages and requests to the god(s). Another ritual was the shooting of arrows into the clouds (Herodotos 4.93–94.). It is unclear, whether these rituals were seen by contemporaries (in the Antiquity) as specifically Dacian, or Getic.  

We know about Dicineus (Dekaineos), the high priest of the state of Burebista, that he allegedly spent ten years studying in Egypt, then returned home and taught philosophy and astronomy to his disciples (Strabón 7.3.11.; Iordanes Getica 11.67.). The circular sanctuaries in Sarmizegethusa are testimonies of sophisticated astronomical knowledge. The list of Dacian names of various herbs (47)—recorded by Traianus' physician Pedanius Dioskorides in ca 70 AD (De materia medica), and mentioned in the 4th c. by Pseudo Apuleius (De herbis)—demonstrates advanced knowledge of medicine. Medical practices could have been among the activities of the priests. One of the last scenes (no.120) on Traianus’ column is interpreted as the collective suicide of the aristocracy (tarabostes, pileati), including the priests, and indirectly this suggests that the priests had a profound knowledge of herbal active substances. The lack of archaeologically identified cemeteries suggests that funerary rituals did not leave behind graves, skeletons, or ashes. They probably just put out the bodies of the dead.

2.6 The Ruler

The supreme ruler was mentioned in the sources as king (Lat. rex resp. Gr. βασιλεύς; and more Lat. dux). From Burebista to Decebalus, all appear as sovereign decision makers and warlords. In the early phase of the Dacian Kingdom, the king had a high priest/councilor (Dekaineos; Deceneus) and a council was also advising him (Iordanes Getica 11.71.). The kings also had legates—when needed—to handle foreign affairs (cf. IGBulg I. 2. ed. 13; Martialis, Epigrammaton liber 5.3.; Cassius Dio 67.7.2–3.).

2.7 The High Priest

During Burebista’s reign, sources also mention the high priest, named Deceneus (Dekaineos), who was also the king’s councilor (Iordanes Getica 5.39., 11.67., 11.69., 11.71., 11.73.). Following the death of the king, he became the supreme ruler (Iordanes Getica 11.73.). From this point on, sources mention only kings and no high priests, which suggests that the king was then acting in two roles. The

---

27 Cf. Bobancu et al. (1980).
primary function of the high priest as noted by coeval Diodoros Siculos (Bibliothéké 1.94.), was to administer the Zalmoxis (Ζάλμοξις) cult. The prominent position of the high priest suggests that this religion can be interpreted as a state religion.²⁸

2.8 The Royal Council

Members of the royal council were from the class of the pileati or tarabostes. In the time of Burebista, they were mentioned as “the king’s friends” and there was also a ranking made among them. This is indicated by the already mentioned Akornión-inscription from Dionysopolis (Bulgaria / Balchic, Балчик: IGBulg I. 2nd ed. 13), which refers to one "first friend" (πρῶτος φίλος), who however was not Dacian. The phenomena may also illustrate that perhaps the members were not exclusively from the Dacian high class. The council is mentioned during the reign of Scorilo (Coryllus, dux – Iordanes Getica 12.73–78) as well. The sources refer to it as “the people” (Frontinus Stratagemata 1.10.4.), but the context implies that it is rather the council concerned. Among the known high born, Degis (Diegis) was likely also a member of the council, who, as a representative and legate of the king, brought the royal diadem, a symbol of clientele, to Decebalus (Martialis Epigrammaton liber 5.3.; Cassius Dio 67.7.2–3.). Apart from him, Bikilis (Βίκιλις), who was the king’s guard or friend, was probably a member too, who also knew the place where the royal treasures were hid—in the bed of the River Sargetia (Strei; Strell) (Cassius Dio 68.14.4–5.).

2.9 People’s Assembly

Before Burebista’s “Hellenistic type” monarchy, the Dacians had likely established institutions in Transylvania, e.g. the people’s assembly—or the assembly of the warriors –, which made decisions in all important matters and had also iurisdictional role. There is no direct reference on this, but a similar institution—although chronologically far, but geographically close, and culturally related—was described by Diodorus Siculus (Διόδωρος Σικελιώτης) in 1st c. BC (Bibliothéké 21.11–13.), who mentioned that the assembly of warriors decided about the fate of a captive Macedonian king.

2.10 Territorial Leaders

The smaller administrative units (as indicated by placenames with -dava and -sara endings) could be the seats of the high born pileati or tarabostes. The titles and

administrative tasks of these persons remain unknown. There is no information whether they were “the kings’ friends”, council members, priests, or holders of religious offices, yet, it seems very likely. Some of the treasure finds in Transylvania were maybe hidden by them during the wars with the Romans (e.g. the treasure from Csíkszentkirály / Sâncrăieni Ciuc, Harghita county etc.).

2.11 Economy

Apart from the booty of war, the economy of the Dacian Kingdom was based on crop farming, animal husbandry, and crafts and trade—as this was generally the case everywhere in that period. Taxes were collected from territories annexed to the Kingdom—among them the most significant were the taxes from the Greek colonies along the shores of the Black Sea, as well as the stipendium sent from Rome in the late years of the 1st c. and the early years of the 2nd c. AD. Metal industry was significant, based on local mining of precious metals. Among the archaeological finds, most of the silver and gold objects—apart from the coins—are jewelleries or dress accessories. Most of these were found in the capital—Sarmizegethusa Regia (Grădiștea de Munte / Orăștie, Hunedoara County)—and its surroundings, and some in various other parts of Transylvania.

Following the fall of the Dacian Kingdom, the Roman Empire managed to collect a booty of 5.000.000 libra (2200 tons) gold and 10.000.000 libra (4500 tons) silver (see on this Ioannes Lydus De magistratibus 2.28. based on Titus Statilii Kritón from the 2nd c. AD). See also Traian’s column, scene 138). This amount of precious metal had been accumulated in the royal treasury and could have come from the local mines. The contemporary measurements were maybe overstated in the above mentioned sources as Jérôme Carcopino calculated only 165 tons of gold and 331 tons of silver. There is no data on the output of crop production and animal husbandry, or concerning the volume and frequency of trade.

Coinage in Transylvania can be evidenced from the early 1st c. BC. It was likely a royal monopoly, and as such, a function of centralized power. The chronology of local coins copying Greek designs correspond to Burebista’s rise to power. Coins were used both as currency and for thesauration. The Kozón and Lysimachos golds known from certain assemblages in the territory of the Dacian Kingdom (e.g. Sztrigy / Strell / Strei River 1543; Gredistye Castle Hill = Grădiștea de Munte / Orăștie 1803 etc.) were definitely not used as currencies but were part of royal treasures.

29 Cf. e.g. Popescu (1958), pp. 157–206. See more the next note.
30 Mândescu (2014), pp. 84–99 and 100–123.
31 See Carcopino (1924), pp. 28–34 and particularly 31–33.
2.12 The Background of Provincial Organization

After the Roman conquest, there was no considerable population, administrative system or settlement network in place, on which the organization of the new province could be based—as was the case for example earlier in Gallia or Pannonia.

Chronology
- 2,600,000–9,500 BC Paleolithic Age
- 9,500–7,500 BC Mesolithic Age
- 6,600–3,500 BC Neolithic Age
- 3,500–1,100 BC Bronze Age
- 1,100–BC – 1st c. AD Iron Age
- 1st c. BC – 106 AD Dacian Kingdom
- 82–44 BC the reign of King Burebista
- 44–ca 27 BC the reign of King (and high priest) Dicineus
- ca 27 BC – 28/29 AD the reign of King (and high priest) Comosicus
- 28/29–68 AD the reign of King (and high priest) Scorilo
- 68–87 AD the reign of King (and high priest) Duras
- 87–106 AD the reign of King (and high priest) Decebalus
- 81–96 AD the reign of Emperor Domitianus
- 85–88 AD Roman-Dacian wars
- 89 AD Dacian Kingdom becomes a client state of Rome
- 98–117 AD the reign of Emperor Traianus
- 101–102 AD Roman-Dacian war
- 105–106 AD Roman-Dacian war
- 106 AD Dacia becomes a province of the Empire

3 The Roman Province of Dacia

3.1 Context

As Ulpianus argued in the beginning of the 3rd century, “Publicum ius est quod ad statum rei Romanae spectat... Publicum ius in sacris, in sacerdotibus, in magistratibus constitit” (Digesta 1.1.1.2.) that is ‘Public law is which attend to state of the Roman affairs... Public law in cultual ordinance, in priests, in officials stands’. That means, the public law pay attention to the condition of the Roman statal affairs which comprises the affairs of the official religions’ practice, the affairs of the official priests and the affairs of the elected officials. These three categories stand, in

33 Cf. recently the studies in the: Nemeti and Dana (2019) volume.
fact, for broader legal contexts—otherwise, such a laconic or schematic note on the whole question of public law would not have made sense. The sacra refer to normated religious practices relating to the gods worshipped within frames of the state religion, included the legal cult places as well; the sacerdotes refer to the religious offices i.e. priests respectively priestly corporations, and their rights and responsibilities; the magistratus refer for statal respectively imperial i.e. formal offices, and their rights and responsibilities.

This definition of public law is relevant to understand the legal framework of provincial administration. Originally, the term provincia refered to the the authority of the magistrate over a certain territory, later meant the territory itself. Provinces, as legal entities of the Empire, can be studied from the point of view of public law both internally and externally.

The external viewpoint is how provinces were integrated into the Roman state, what status they had, what secular and religious offices formed the background of their administration. Regarding Dacia, there is no such information known to us, however, we know for instance that in case of the two neighbouring provinces (Pannonia- Inferior and Superior) an internal boundary line was established in 213/214 by a iudex vice caesaris, who was also a consul, pontifex and augur. These titles and duties illustrate that matters concerning the provincial boundaries belonged to spheres associated with both secular and religious administration.

As Dacia was a so called imperial province, it was governed directly by the Roman Emperor, who held the office of the proconsul (a promagistratus) there and appointed his legates and procurators. All administrative matters concerning the province as a whole belonged to his administrative authority. In the 2nd century, the territory of the province was still administrered separately from that of the Roman State, which—until the early 3rd century—consisted only of Italy. From then on, however, Dacia as the other provinces became also part of this, and the concept of provincia also started to acquire an additional dimension too, i.e. as a geographical and not only as a legal-administrative category.

Parallel to the imperial administration, as a uniform system, the local administration was “independent” in the municipia and colonia of the provinces, - and from the point of view of public law—it concerned religious rules/obligations and ecclesiastical and civil offices (priests and magistrates). The framework of this local administration was the provincial assembly (concilium provinciae), where towns (municipia, coloniae), smaller settlements (vici, pagi) were represented. Further,
from the province documented local religious establishments respectively doings-types (loca sacra and sacra), the different priestly offices (sacerdotes), and the elected magistrates (magistratus) belong to the provincial public law, correspondently for the frame presented by Ulpian (cf. Digesta 1.1.1.2., see above).

The Roman legal system differentiated between the ius civile, that was the law of a given civitas (with reference to Rome), and the ius peregrinus, i.e. the law of non-Roman citizens. The use of the ius Latii—the rights granted to the Latins (originally in Latium)—can be also documented in different provinces based on epigraphical evidence. These private law categories are relevant for public law administration in as much as they represent different degrees of participation in public law matters (ius sacrum, ius sacerdotium, ius honorum and ius suffragii). Parallel with the ius civile, the peregrini had their own law until 212 AD, when the Constitutio Antoniniana edited by Emperor Caracalla (212–217 AD) came into force, which—with a few exceptions, e.g. the dediticii of Aegyptus—set the Roman law as a standard for everyone. In other words: all freemen were given Roman citizenship. In the now available codified source materials, there are entries in the Digesta concerning the province of Dacia, apart from this, however, sources from the 2nd and 3rd centuries, e.g. the codex Gregorianus, survived only fragmentarily, in the volumes of the Codex Theodosianus and the Corpus Iuris Civilis.

The sacra was one of the basic elements of public law. In the provinces, the use of the concept was closely related to property rights over land, in connection to loca sacra—places of formalized religious worship. In the 2nd c. AD, the territory of the province was the property of the Roman State (i.e. including Rome itself and Italy) and there were no private lands. Still, ownership and usufruct rights were recognized, and pro sacra facilities/institutions—which were functionally of equal value as formal ones—could be also established (cf. Gaius Institutiones 2.2–11.) The territories of those towns which had the ius Italicum were exceptions to this (cf. Ulpianus, Digesta 50.15.1. pr. and 1–11.). Consequently at the Constitutio Antoniniana the territory of the Roman State was extended to the frontiers of the Empire. Thus, the former legal status of the provincial territories, have changed. Following the second decade of the 3rd c. AD, the legal conditions mentioned by Gaius in 160 did not apply anymore and private properties and sacral establishments were allowed in the provinces too (cf. more Pomponius—Ulpianus—Marcianus, Digesta 1.8.2–9.).

---

40 Cf. Codex Theodosianus 1.1.5.; 1.4.3.; Codex Iustinianus: De novo codice componendo and De Iustiniano codice conformando.
3.2 The Province, as a Public Law Entity Within the Empire

Traianus (98–117 AD) conquered the Dacian Kingdom in the second Dacian War (105–106), after which the territory was taken by force (Dacia capta). The province was established in 106 (Dacia Provincia Augusti or η επαρχία της Δακίας) and existed until 271, when Emperor Aurelianus (270–275 AD) pulled back the boundaries of the Empire behind the Danube, and the population of Dacia (Transylvania and Oltenia/Romania), as well as the military and administrative personnel were relocated to the right side of the river. The territory was given over to the Tervingi, i.e. the Visigoths (cf. Eutropius Breviarium 9.15.3.; Rufus Festus Breviarium 8.; Historia Augusta vita Aureliani 3.39.7.; Iordanes Romana 217.).

In a broad geographic context, Dacia was one of the provinces in the Middle Danube region—referred by contemporaries as the Illyricum. The territory conquered by the Romans was apparently the whole of the Dacian Kingdom. For this reason, some maps show the Province of Dacia as covering this territory, however, the size of the province established by Traianus was much smaller than the size of the Kingdom. In the early years, the Romans surveyed the topography of the conquered territory and prepared a cartographical representation (formula provinciae) showing the boundaries of the future province, as well as its geographical and geopolitical features. Later, they introduced the lex provinciae, which was approved by the senate in Rome. The new province of the Empire was formally established before August 11, 106 AD. It was border by the Danube (Danubius, Hister) to the south, beyond which the provinces of Moesia-Superior and Inferior were situated. To the north, it was bordered by the Carpathians, to the East by the Carpathians and the River Olt. To the west, the border stretched through the Banat region, towards Viminacium (Serbia, Kostolac). A stone bridge was built on the Danube at Drobeta, that connected Dacia to the main territory of the Empire. Otherwise, it was surrounded by the Barbaricum on all sides.

3.3 Administrative Organization

From an administrative point of view, the territory became an imperial province (see above), owned by the Roman State. Between 106 and 118, its territory remained undivided. In 118, however, following Emperor Hadrianus’ (117–138 AD) decision, it was divided into two parts (Dacia Inferior in the south and Dacia Superior in the

---

north). Sometime before 123 *Dacia Porolissensis* was also established. *Dacia Inferior* was the southernmost region, *Dacia Superior* was in the middle, and *Dacia Porolissensis* was situated in the north. Their internal boundaries are not known exactly. In 169, Marcus Aurelius (161–180 AD) reorganized the administration: *Dacia Superior* was renamed as *Dacia Apulensis*, and *Dacia Inferior* as *Dacia Malvensis*, with seats in Apulum, and respectively in Romula / Malva. The seat of *Dacia Porolissensis* was in Napoca. The new names probably indicate administrative changes too, however, the earlier names also appear later in the official documents. Perhaps the changes could have concerned initially only the economic administration of the province (in the hands of the *procuratores*), while the administrative tasks of the provincial governor seated in Apulum, overseeing the subprovinces, was left unaltered. The border areas, as well as the zones around military facilities were administered separately from civil administration, directly by the Roman military.

The territory of Transylvania as part of the Roman Empire in year 200

---

3.4 Imperial Administration of the Province

As has been mentioned above, imperial provinces, such as Dacia, were governed by the Emperor himself, who, in his rank as promagistratus was authorized (by the senate) with the supreme executive power (imperium proconsulare maius). Since it was impossible for him to be present as governor (proconsul) in all of these provinces at the same time, he delegated legates—of senatorial rank (legatus Augusti pro praetore)—to his provinces, who had the executive power (imperium) and could exercise also the right of dedication (dedicatio). The legates were of lower rank (propraetor) than the Emperor (proconsul), and were selected mostly from among those, who formerly held praetorial or consular offices. The official title of the legate defined how many legions could be stationed in the respective provinces. An ex-praetor could be given command of one legion only, whereas an ex-consul could command more than one legion relying on his subordinate legates, the legiolegati (cf. LED 329–330). Between 106 and 118 there were two legions in Dacia and the governor was a legatus Augusti pro praetore consulari potestate.47 Until 168, there was only one legion in Dacia Superior, so the title changed to legatus Augusti pro praetore (cf. LED 330–332). From 169, however, there were again two legions and the title changed back again to legatus Augusti pro praetore consulari potestate. His non official title was consularis as well (cf. LED 134–136). The residence of the governor in Apulum (praetorium consulare) was separately located from the town (the municipium and later colonia: so called Apulum I) and from the legionary camp (canabae legionis, later also municipium: so called Apulum II).

After 118, the sub-provinces,—Dacia Inferior / from 169 Dacia Malvensis and Dacia Porolissensis / Dacia Apulensis—, were administered separately by governors of different ranks.48 Since there were only auxiliary troops (cohortes, alae, numeri) in these sub-provinces, they could be administered by procuratores (cf. LED 499–501), i.e. ’Präsidialprokuratoren’,49 who did not have supreme executive power (imperium), but were members of the equestrian order (equites), i.e. knights. From 169, the two sub-provinces also became subordinate to the consul (consulari potestate), who became to be named as legatus Augusti pro praetore Daciae trium. The function of the procuratores was then limited to taking care of economic/financial administration only (‘Finanzprokuratoren’): book keeping, accounting etc. They were assisted by financial experts, such as the tabularii, librarii and the dispensatores. The seats of the procuratores were in Sarmizegetusa (Dacia Apulensis), in Malva (Dacia Inferior) and in Napoca (Dacia Porolissensis). Following the reforms of Emperor Gallienus (253/260–268 AD), praeses were appointed to

---

46 LED = Piso et al. (2016).
48 In general, see Hurlet (2006). About imperial administration of Dacia see in general: Stein (1944); Piso (1993); Piso (2013).