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PROPERTY AND ALLOWANCE RIGHTS OF MILITARY PERSONNEL: BASED ON HISTORICAL SOURCES

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Abstract

The article analyzes the property and allowance rights of military personnel and their social protection based on historical sources. Using the examples of the Code of Hammurabi, Roman law, the Avesta, and the Khwarazmian state, the historical foundations of granting land to soldiers, providing material incentives, and strengthening their social status are revealed.

Keywords: Military personnel, property rights, financial allowance, social protection, historical sources

Introduction

History demonstrates that in every era, military forces and formations—and the figure of the military personnel in general—have played a crucial role in maintaining and strengthening state power, governance, defense, security, peace, and public order. For this reason, rulers since antiquity have treated military potential and army provision as critical socio-political issues.

Analysis of the history of military campaigns and wars, first between tribes and later between established states, reveals that victory depended not only on combat capability and well-chosen martial strategies, but also profoundly on the morale and maintenance of the troops. Key factors included the adequate supply of high-quality weaponry, regular salaries, daily rations, military tents, and clothing,

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alongside the fair distribution of spoils of war. Furthermore, rewarding commanders and distinguished soldiers with orchards, fields, land plots, and housing served as an essential incentive. Through proper maintenance and strategic incentives, states sustained the stable and resilient morale of the 'holy warriors' (ghazis). This pattern is vividly evident in the following historical sources.

For instance, in ancient Egypt, the military, along with the priesthood, constituted a highly privileged class. An analysis of papyri from the Old and New Kingdoms indicates that the pharaohs established a specialized land fund to maintain the economic dependence of the regular army warriors and ensure their absolute loyalty. These lands, designated as 'Nemuu' or 'Khato', were legally exempted from standard taxation. In the event of a warrior's death, provided that his son continued to perform military service in the army, the land plot along with its assigned slaves was transmitted as a hereditary fief from generation to generation. This system effectively institutionalized the formation of hereditary military dynasties in Egypt.

The Laws of Manu (Manusmriti) of ancient India likewise record that the army played a foundational role as one of the seven essential pillars (angas) of the state. Chapters VII and X of this legal monument regulate the matters of warfare and military logistics in meticulous detail. Specifically, there are definitive provisions dictating that spoils of war, including captured valuables, gold, silver, and weaponry, were to be equitably distributed among the warriors who demonstrated direct heroism in battle, following the deduction of the king's official share. According to the Laws of Manu, the sovereign was strictly obligated to guarantee a daily stipend (bhaka) and clothing allowance to each warrior, commensurate with their rank and duties. Commanders or rulers who violated this prescribed obligation were deemed condemned to divine retribution.

In Sparta (Lacedaemon), one of the prominent states of Classical Antiquity, the entire state apparatus and social fabric were explicitly tailored to military service

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and warfare. Under the Laws of Lycurgus, the primary and exclusive occupation of a Spartan citizen (a Spartiate) was military service. Boys were inducted into a specialized state military educational system (the agoge) at the age of seven and remained continuously liable for combat and enrolled in the army until the age of sixty. The vanguard and elite of the Spartan army, the 'Three Hundred Knights'—traditionally so named despite fighting as heavy infantry—directly guarded the kings during wartime and fought in the most hazardous sectors of the battlefield. In peacetime, they functioned as an elite guard securing the domestic realm, maintaining internal order and counteracting insurrections among the helots (the enserfed indigenous population). Their economic maintenance was entirely guaranteed by the state, with the highest quality agricultural provisions systematically allocated to the compulsory communal military mess halls (the syssitia).

The Code of Hammurabi (c. 1792–1750 BCE), which operated in ancient Babylon and contributed immensely to the development of legal thought, features a highly sophisticated system for safeguarding the property rights of military personnel. Sections 26 through 41 of the Code are entirely dedicated to the land allotments and social status of soldiers.

Under Babylonian law, if a warrior was captured in battle or perished, the land or property granted to him by the state as a source of livelihood (property held under the ilku obligation) was transferred to his minor son, strictly on the condition that once the son reached adulthood, he would assume the military service obligations of his father. If the son was a minor and unable to perform military service, one-third of the property was allocated to the mother (the soldier's widow) who raised and nurtured the child, in order to facilitate the child's upbringing and sustain the family.

Furthermore, according to the Code of Hammurabi, a serviceman's rights to real estate and personal inviolability were protected at the level of the sovereign. Specifically, pursuant to Section 34, if a high-ranking military commander (a

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dekum or lubuttum) seized the property of a rank-and-file soldier, perpetrated violence against him, wrongfully prosecuted him, or concealed the soldier from royal service to exploit him for personal labor, said commander was sentenced to death.

In accordance with Hammurabi's laws, the plot of land, orchard, and house granted to a serviceman for use in exchange for his service could not be sold, pledged, or otherwise disposed of in civil commerce to satisfy any debt. Such transactions were recognized by law as null and void (void ab initio). During this era, military personnel were principally divided into the following categories:

Redum (Akkadian for 'soldier' or 'companion') – a professional, heavily armed warrior who received movable and immovable property, including a plot of land, from the king for life-long use but without the right of alienation, and who was obligated to deploy to war upon the first summons.

Bairum (Akkadian for 'catcher' or 'hunter') – a class of warriors whose legal and property status closely mirrored that of the redum, yet who were clearly distinguished from them by the nature of their military service and branch of service (acting as lightly armed archers or coastal guards).

Dekum and Lubuttum – the officer corps who occupied commanding and administrative positions in the army, possessing higher maintenance and the authority to supervise soldiers.

The purchase of a field, house, or orchard belonging to a redum or bairum by any individual in exchange for silver was strictly prohibited. If anyone purchased a field, orchard, or house belonging to a redum, bairum, or a tax-paying soldier, the contract was rendered void; the buyer forfeited the silver they paid and was compelled to return the field, orchard, or house to its previous owner—the military serviceman—without any compensation.

The soldier, as the holder of this land excluded from civil commerce, could not alienate this property by inheritance at his own discretion; a redum or bairum could not bequeath his field, house, or orchard, or any portion thereof, to his

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spouse (wife) or daughter via a will. This was because the land was granted exclusively in exchange for military obligations, and women did not serve in the army during that era. Likewise, transferring these properties to another individual in exchange for a debt promissory note (debt obligation) was legally prohibited. If a soldier, seeking to evade or escape the hardships of military service, abandoned his field, house, or orchard, the state provided him an opportunity to rectify his error. He retained his rights over the land plot for a period of one year. If he failed to return for three years and another individual took possession of the land and performed the service, the right was permanently forfeited. However, should he return to his property and service within one year, his field, orchard, and house had to be unconditionally restored to him. This regulation served not only to prevent desertion within the army but also to facilitate the reinstatement of professional cadres.

In Roman statehood—which reached the pinnacle of civilization as a military empire in world history and serves as a model for the statehood and legal systems of many modern nations today—the issues of army logistics, social protection, including the allocation of pensions to military personnel, and the provision of land and housing, were distinguished by their unique systemic characteristics. Specifically, while warriors during the Roman Republic were armed at their own expense, by the era of Emperor Augustus (the late 1st century BCE), the army was transitioned entirely to a professional basis. The military personnel were maintained through the state treasury (*aerarium Saturni*), the personal treasury of the princeps and emperors (*fiscus*), and a special military treasury (*aerarium militare*) deliberately established for military logistics. This military treasury was funded by an inheritance tax (*vicesima hereditatum*) and a 1 percent sales tax. Roman legionaries received a regular stipend (*stipendium*) throughout their service period of twenty to twenty-five years, and upon discharge, they were allocated a substantial monetary discharge benefit or a designated plot of land as a pension (*donativa / veteranorum*). Senior military personnel who completed

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their term of service retired with the supreme title and status of a 'veteran' (veteranus). They were exempted from numerous taxes and compulsory civic duties (munera), and by virtue of the land and property granted to them by the state, they transformed into local nobility and the political elite within the provinces.

Conversely, the lower-ranking auxiliary detachments (auxilia) were recruited for 25 years of service from among the non-Roman population and were paid one-third or two-thirds of a legionary's stipend. However, upon completion of their service, they and their children were granted Roman citizenship (civitas), which constituted the highest social incentive. Due to Emperor Augustus's profound focus on creating a strict legal and financial foundation for the military, the Roman army sustained stability without structural crises for over four hundred years and acquired the status of the first regular professional army in history.

In its own era and for several centuries thereafter, within Roman statehood and its direct successor, the Byzantine (Eastern Roman) Empire, the codification of laws known as the Code of Justinian (Codex Justinianus, 534 CE) served as the primary legal source governing not only the relations of free citizens but also military affairs, along with the property rights and obligations of military personnel. Specifically, Book 49, Title 16 of the Digests of Justinian (Digesta), titled 'De re militari' (Concerning Military Affairs), is entirely dedicated to military offenses and the privileges of soldiers.

For instance, as recorded in the Code of Justinian and historical chronicles:

During the early years of his reign, as a consequence of certain liberties and imperial edicts previously enacted, military personnel had acquired vast landed estates in the localities where they served and resided. Utilizing their privileged military status and armed force, they began to enrich themselves excessively through the predatory purchase or commercial leasing of others' property. This situation paved the way for them to inflict oppression and coercion upon their neighbors, ordinary peasants, and other vulnerable individuals who had become

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economically dependent on them. The commercialization of the army significantly degraded its combat readiness. Subsequently, Emperor Justinian implemented rigorous reforms and succeeded in completely prohibiting military servicemen from engaging in commerce, private leasing, and trade, under the threat of permanent forfeiture of their military rank and all privileges accumulated during service in their respective units. It was strictly decreed that a warrior must dedicate himself exclusively to the military arts.

The provisions of the Code of Justinian originated during the reigns of earlier Roman sovereigns and evolved progressively over centuries. For example, Emperor Marcian had previously prohibited legionaries from arbitrarily purchasing land within the provinces where they performed their military service. The only exception to this rule, permitted by the earlier emperors Septimius Severus and Antoninus Caracalla, was restricted to cases where the treasury (fiscus) confiscated the property of a debtor soldier or his father and put it up for public auction, thereby allowing a legal and transparent acquisition.

The most humanitarian aspect of Roman military law manifested in the principle that if a legionary purchased a plot of land unlawfully (for example, within a prohibited territory), but was honorably discharged as a veteran upon completing his term of service before formal judicial proceedings regarding this illegal act were initiated, it was legally forbidden to prosecute him retroactively or confiscate said property. This legal prerogative was regarded as a unique honorary reward and amnesty granted to the legionary for his long-standing, impeccable service and duty to the Fatherland.

In Roman law, there were three primary types of discharge from military service and retirement (missio) Table 1.:

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Table 1. Three Primary Types of Discharge from Military Service and Retirement

Type of discharge	Conditions and causes of emergence	Legal and property-related effects
Honorable discharge	It was granted upon the full and impeccable completion of the term of service (20–25 years).	The status of a veteran, a land allotment (donativa), exemption from taxation, and full civic privileges.
Medical discharge	It was granted when a warrior was deemed unfit for service due to physical injury or mental illness.	Partial pension and land property granted commensurate with years of service; socially protected.
Dishonorable discharge (missio ignominiosa)	Issued upon committing a military offense, displaying cowardice, or violating the military oath.	Stripped of military rank; prohibited from residing in the city of Rome or at the imperial residence; property confiscated.

In the sources of our national history, particularly within the statehood of the Oriental Renaissance from the 9th to the 14th centuries, the military played a paramount role in state governance and administrative structure, with military officials holding a substantially high status and political weight in society.

For instance, in the Ghaznavid Empire, which flourished during the 10th and 11th centuries, the army consisted of professional standing soldiers and the elite guard known as ghulams (slaves specially trained for military service). This system reached its zenith during the reign of Sultan Mahmud of Ghazni. In return for their rigorous and loyal service, the ghulams received a regular annual salary (bisti), high-quality provisions, and clothing directly from the central state treasury (diwan al-ard).

As the Grand Vizier Nizam al-Mulk observed in his treatise *Siyasatnama*, if ghulams demonstrated exemplary and commendable service, they could receive official manumission (mansur) by Sultanic decree. Furthermore, they were granted private land property (iqta), horses, and weaponry, and could even ascend to the highest state and military offices, such as provincial governor (hajib). This

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constituted a highly potent mechanism of social mobility and institutional incentive.

Conversely, in the Khwarazmian (Anushteginid) Empire (the 11th to the early 13th century), the iqta (land tenure) system was widely implemented as the most advanced form of material incentive for the military. Lucrative lands and entire villages were granted to military-administrative officials, amirs, and commanders in exchange for their obligation to levy and mobilize troops during wartime.

These matters and military-legal relations were directly managed by the Diwan al-Jaysh (Military Department), which served as the central military ministry of the Khwarazmian state. This supreme military organ executed the following wide-ranging responsibilities:

Maintaining the continuous military readiness and combat efficiency of the army. Supervising the domestic life of all categories of military personnel—ranging from rank-and-file soldiers to middle and high-ranking military dignitaries—and ensuring the timely disbursement of their stipends.

Keeping rigorous accounts of the Iqta—namely, real estate and its derived tax revenues—granted by the Sultan to high-ranking military dignitaries (amirs) during their active service tenure, in addition to their regular salaries, as a reward for extraordinary bravery and merit.

Conducting strict inventory and auditing of weapons, provisions, clothing, warhorses, and fodder reserves.

For example, examining the structural composition of the Khwarazmian army reveals a stark contrast in logistics: unlike the regular standing cavalry (suwari), who received fixed salaries, the ordinary infantry units (mutawalliya) were mobilized through emergency conscription (hashar) of the general population (peasants and artisans) only when dictated by strategic necessity or tactical imperatives. Consequently, although they were temporarily provided with weapons, mounts, and daily rations by the state during wartime, they never received a regular stipend from the treasury. Their primary economic source

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consisted of a legal share of the military spoils (ghanimat) seized from the population of the war zone. Once military campaigns and combat operations ceased, these infantry units were swiftly disbanded, allowing them to return home and resume their civilian economic activities.

In conclusion, we can observe that in the past, much like today, immense importance was attached to highly rewarding military personnel – whether a commander or a common soldier—for their courage and loyal service. Securing their property rights, ensuring decent social protection, and, above all, granting a homeland 'dwelling' to the soldier and his family as a supreme form of incentive, remained paramount.

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