

LOYALTY AND THE *SACRAMENTUM*  
IN THE ROMAN REPUBLICAN ARMY

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IN THE ROMAN REPUBLICAN ARMY

By

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## ABSTRACT

Despite the large corpus of scholarly writing about the Roman army, the military oath, or *sacramentum*, of the late Republican legions has not been studied at length. Since the fall of the Republic was rooted in the struggle for political and military dominance by individuals, the loyalty of the legions to these commanders is of utmost historical importance. The first chapter focuses on the geographic and social origins of the soldiers of the late Republic, which have been studied extensively and provide a background from which to assess the composition of the army. As well, the conditions of service for this period are significant factors affecting the obedience of soldiers to their commanders, and the second chapter of this thesis places particular emphasis on problems of length of service, pay, booty and plunder, and military discipline. This framework of conditions and characteristics supports the analysis of the *sacramentum* itself in the third chapter. The textual evidence for the oath, both direct and indirect, are gathered for comparative purposes and applied to historical anecdotes of loyal and disloyal behaviour for the period in question. Conclusions about the religious and psychological impact of the *sacramentum* complete this assessment of the effectiveness of the Roman military oath in the late Republic.

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This thesis is dedicated to my mother.

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## INTRODUCTION

There have been many comprehensive studies written about the Roman army in the past century. The recordkeeping of army officials, archaeological evidence from forts and outposts, and the descriptions of military endeavours given by ancient authors have all contributed to the wealth of information which has come down to us, and have made these studies possible. We are reasonably well-informed about even minor aspects of military life, procedures, and tactics.

The Roman army described in most modern scholarly works is that of the early to mid-empire. It is the army of Vindolanda and Hadrian's wall, the army whose accomplishments are recorded on the columns of Trajan and Marcus Aurelius. There is, unsurprisingly, more information and evidence available from these later periods. Individual legions are also easier to track in the imperial period after legion numbering became permanent. Nevertheless, scholars have acknowledged the important role of the Roman military in the late Republic. The period from the time of the Gracchi brothers to Octavian's accession as emperor was one of vast sociopolitical change, the wheels of which were greased by military power. The nature and characteristics of the Roman army, following the so-called Marian reforms in the late second century BC, allowed generals of the late Republic to use legions of soldiers to personal and political advantage. The resulting civil wars were a crucial element in the dissolution of the Roman Republic

and its violent transition to a monarchical empire.

Few of the scholarly works on the army itself, however, extend far beyond examining the complement and logistics of the army, analyzing battle narratives and providing basic information about the training and military traditions of the Romans. It is common enough in introductory-level history texts on the Roman Republic to describe the strength, training, efficiency, discipline and loyalty of the Roman soldier as an individual and of the army as a whole. Consideration of the primary textual evidence for these attributes demands greater skepticism and paints a far more complex picture of the Roman military of this period.<sup>1</sup>

Many of the events of the Republican civil wars hinged on the shifting loyalties of the soldiers and armies. Unsurprisingly, and yet notably, the loyalty of the Roman soldier was inextricably intertwined with his own characteristics and environment. Geographical and social background, age, quality of training, military experience, terms of service, pay scales, enforcement of discipline, quality of leadership and looting privileges were principal factors governing the obedience of a legion or legions. Scholars have previously addressed most of these factors and debated their finer points.

This thesis focuses on a feature of the Roman military which left its evidence largely in the ancient texts and which receives only cursory treatment in almost all major works on the subject. The quasi-religious obligations of soldiers to commanders were

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<sup>1</sup> A. Goldsworthy, *The Roman Army at War: 100 BC - AD 200* (Oxford and New York, 1996), 281.



expressed in an official sense in the military oath or *sacramentum*. Few explicit references to this oath are found in the ancient texts, and of these, most date to the imperial period; implicit references to expectations of loyal behaviour, often connected with the conditions listed above, are more plentiful. In addition, personalized oaths administered by individual generals, which must have deviated from the official formula, are attested, particularly during the civil wars of the Late Republic.

The purpose of this thesis is to evaluate the ties of loyalty, both explicit and implicit, within the armed forces of the late Roman Republic in the context of service conditions as well as oaths. The first chapter examines the socio-geographical origin and character of the legions following the “Marian reforms”, to help us understand who it was that entered the service and took the oath of loyalty. The second chapter is devoted to the conditions of service in the late Republican army, particularly the terms of service, pay, booty and discipline. These factors, which can be studied in and of themselves as characteristics of the Roman army, relate in important ways to issues of loyalty.

The final chapter provides the history of the *sacramentum* and contains a discussion of the texts of the oath. The chapter includes case-by-case studies of situations where the loyalty of the legions to their commanders is at issue, since the most potent evidence for this topic lies in descriptions of troop behaviour under particular circumstances both on and off the field of battle. The thesis ends with an analysis of the psychological and religious influence of the oath of loyalty and conclusions about its actual effectiveness in the context of other influences on (and from) the soldiers.

The sources used for this thesis are, for the most part, the writings of ancient authors, with some epigraphical evidence. The value of historical anecdotes is always limited by the author's credibility and sources, but these prose accounts are the only sources likely to furnish much information about the attitudes of soldiers and generals towards the oath of loyalty.<sup>2</sup>

For ancient literary sources which address the Republican army, we rely on texts and letters written in either the very late Republic (Caesar, Cicero) or the early empire (Livy, Plutarch, Dionysius of Halicarnassus, Cassius Dio, and Appian). A notable exception is Polybius who, as a Greek hostage of the Romans in the second century B.C., wrote a great deal about the Roman army in his *Histories*. Only a few Roman military handbooks have survived, both from the late empire: Frontinus' *Strategemata* and Vegetius' *De Re Militare*, both of which focus more on tactics and organization than on the more abstract concept of loyalty.

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<sup>2</sup> For a discussion of the usefulness and limitations of anecdotes, see R.P. Saller, "Anecdotes as historical evidence for the Principate", *Greece and Rome* n.s. 27 (1980) 69-83, who points out that historical anecdotes can reveal the "attitudes and ideologies" of a people.

## CHAPTER ONE

### *Marius' reforms, soldier origins and recruitment*

Much of the modern scholarship on the Roman army divides itself roughly along thematic lines. Some scholars focus on the army as a whole, whether by legions or the entire military structure of the Roman world. Others examine the characteristics of “the Roman soldier” in an attempt to establish a general type.<sup>1</sup> Both considerations are important for this thesis. We measure loyalty in the army, in part, by the actions of legions under the command of particular generals. Legions were in turn made up of legionaries with individual backgrounds and characteristics. It would be impossible to give biographies of particular soldiers in the late Republic; we know a very small number of names and can only occasionally connect these with their homelands or other details. It is possible, however, to extract some basic information about the economic and geographical background of groups of recruits from our sources. This information provides a useful context in which to evaluate the behaviour of the troops in their spheres of action, and reaction, on the battlefield.

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<sup>1</sup> Consider titles such as Parker's *The Roman Legions* vs. Watson's *The Roman Soldier*. Harmand divides his work neatly into two parts according to the title of his work, *L'armée* and *Le Soldat*.

## The Marian Reforms

In the late third and second centuries BC, the state of Rome acquired vast territories in Italy, North Africa, the Iberian Peninsula, southern Gaul, and Macedonia. This rapid expansion proved profitable to Rome's senatorial and equestrian orders. In the view of many scholars over the last half-century, including Smith, Brunt, and Crawford,<sup>2</sup> the military machine that had brought about these territorial conquests was damaged because of this expansion. Rome's businessmen sought to secure their wealth in land, and purchased or leased portions of both old and new territories for large-scale farming. Some small landholders who had formed the backbone of Rome's military were unable to compete with the economic power of these *latifundia*, and slipped gradually out of the propertied census class that qualified them for military service.<sup>3</sup> The land allotments following the *leges agrariae* of the Gracchi brothers were insufficient to rebuild the corps of small-scale farmers and were brought to a halt in 119 BC.<sup>4</sup>

Before conducting levies for his African campaign against Jugurtha in 107, Gaius Marius broke with standard military practice and called for volunteers from the *capite censi*--members of the lowest of the old Servian property classes, who held no property at

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<sup>2</sup> R.E. Smith, *Service in the Post-Marian Roman Army* (Manchester, 1958), 1-10; P.A. Brunt, *Italian Manpower* (Oxford, 1971), 75-7; M. Crawford, *The Roman Republic* (Toronto, 1978), 99-108.

<sup>3</sup> P.A. Brunt, *Social Conflicts in the Roman Republic* (Oxford, 1971), 19.

<sup>4</sup> H.H. Scullard, *From the Gracchi to Nero: A history of Rome from 133 B.C. to A.D. 68* (London, 1982), 43.

all, and were thus merely “registered by a head-count”.<sup>5</sup> This act was not without precedent, as the *capite censi* had been enlisted in the aftermath of Cannae in 216 B.C.<sup>6</sup> Rich, however, denies the existence of a “manpower shortage” in the late second century, maintaining that no evidence suggests that Marius could not have filled the ranks without the enlistment of the *capite censi*.<sup>7</sup> The minimum property value required for conscription had been declining gradually over the course of the 2<sup>nd</sup> century, which might suggest that the enlistment of the *capite censi* was merely the next logical step in military recruitment;<sup>8</sup> Rich points out, however, that there is no known enlistment of *proletarii* after 107 and that this practice might not have been repeated on any comparable scale until the civil wars at the end of the Republic.<sup>9</sup> Gaius Gracchus’ military reform requiring the state to pay for soldiers’ equipment implies that the census qualification for conscription was low enough to include large numbers of men too poor to provide their own.<sup>10</sup> In fact, it could be argued that Gaius’ reform rendered meaningless any notion of property qualification for service: at a practical level, any physically able citizen could

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<sup>5</sup> Plut. *Mar.*; Sall. *B. Jug.* 84.2-5. For *capite censi*: see L. Keppie, *The Making of the Roman Army* (Totowa, 1984), 17; also Livy 1.43; Dio. Hal. 4. 16.

<sup>6</sup> Livy 22.59.12.

<sup>7</sup> J. Rich, “The Supposed Roman Manpower Shortage of the Later Second Century B.C.”, *Historia* 32 (1983), 323-326.

<sup>8</sup> Keppie, 61.

<sup>9</sup> Rich, 327-9.

<sup>10</sup> Plut. *C. Gracch.* 5.1: Τῶν δὲ νόμων οὐς εἰσέφερε... ὁ δὲ στρατιωτικὸς ἐσθῆτά τε κελεύων δημοσίᾳ χορηγεῖσθαι καὶ μηδὲν εἰς τοῦτο τῆς μισθοφορᾶς ὑφαιρεῖσθαι τῶν στρατευομένων—“Of the laws which he proposed... one was military and ordained that clothing should be furnished to the soldiers at the public cost, [and] that nothing should be deducted from their pay to meet this charge.”

now be properly equipped to defend the state. However, even the opening of the ranks to volunteers from the landless proletariat did not take the place of regular conscription. No additional laws were passed to reflect Marius' change in procedure, and the *capite censi* were still officially exempt from conscription.<sup>11</sup>

It is difficult to determine the ratio of conscripted soldiers to volunteers in the army after Marius' early campaigns. Brunt estimates that Marius' initial *legionibus supplementum* of volunteers numbered less than 5,000.<sup>12</sup> Nevertheless, propertyless citizens did not rush, desperate for economic gain, into the army.<sup>13</sup> Some scholars suggest that the army after this point functioned as a professional institution. It is more accurate, however, to say that the army had developed more professional elements and characteristics.<sup>14</sup> More will be said later in this chapter about conscription and volunteerism in the Republican army.

## Geographical origins

Brunt provides the most complete textually-based argument concerning the

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<sup>11</sup> M. Marin y Peña, *Instituciones Militares Romanas* (Madrid, 1956), 54.

<sup>12</sup> Brunt, *Italian Manpower*, 407, with Sall. *B Jug.* 84.2.

<sup>13</sup> It seems excessive to suggest that these citizens formed a new socio-political group on account of their number and unique role in the post-Marian military, as suggested by T. Carney, *A Biography of C. Marius, Proceedings of the African Classical Association*, Suppl. 1 (Assen, 1961), 33.

<sup>14</sup> H.M.D. Parker, *The Roman Legions* (Chicago, 1928), 45; F. Adcock, *The Roman Art of War Under the Republic* (New York, 1940), 20; Keppie, 62; G. Watson, *The Roman Soldier* (Bristol, 1969), 11: "Up to [the foundation of the Empire] the Roman army had never been properly secured upon a permanent footing, however professional some of its members may be considered to have been."

geographical origins of soldiers in his seminal article “The Army and the Land in the Roman Revolution”.<sup>15</sup> He estimates that there were 1,500,000 adult male Roman citizens in the late Republic, and that four-fifths of these lived outside the capital. In Rome proper, former slaves, who were under normal circumstances ineligible for military service, outnumbered the free-born. His appendix provides a revealing sketch of areas of recruitment for the Republican army in Italy, based on references in literary sources. Almost all recruiting was done in areas outside Rome proper, for reasons that will be addressed shortly. The appendix also shows that soldiers were recruited predominantly in Cisalpine Gaul and Latium/Campania.<sup>16</sup> The data should, however, be interpreted in light of the fact that recruitment in these areas is simply more frequently attested because of Caesar’s detailed records.

The number of troops enrolled from these areas is difficult to determine, since the literary sources often provide only rough figures. Even when more useful information is given, such as the number of legions or cohorts levied, the total number of soldiers remains unclear, since the normal complement of the legion is still subject to debate.<sup>17</sup> The nominal strength of a legion was supposed to be 4,800, based on six centuries of eighty men each. The average Republican legionary complement, however, was lower

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<sup>15</sup> P.A. Brunt, “The Army and the Land in the Roman Revolution”, *JRS* 52 (1962), 69, 73-4.

<sup>16</sup> *Ibid.*, 85-6.

<sup>17</sup> Caesar *B Gall.* 6.1, for example, gives the number of legions, but for legionary complement see Harmand, 25-32.

than this theoretical number.<sup>18</sup> Presumably, yearly *supplementa* were sometimes recruited but not recorded in literary sources, perhaps because of their regular occurrence and relatively small numbers.

Italians made up a significant proportion of the army. Velleius Paterculus states that the Italians before the Social War *per omnis annos atque omnia bella duplici numero se militum equitumque fungi*<sup>19</sup>—“furnished every year and in every war a double number of soldiers and cavalry”; that is, two Italians for every Roman citizen. The proportion of Italian allies to Roman legionaries might be closer to 4:3, based on evidence that the ally-citizen ratio fell in the first half of the second century BC, but there is no evidence to indicate that this significant contribution to Rome’s war efforts decreased after the enfranchisement of the allies.<sup>20</sup> Rather, the figures reinforce this conclusion: even the fact that ancient authors distinguished between legions levied from different geographical areas or Italian peoples (e.g. Marsi, Paeligni, Marrucini), despite the common citizenship, emphasizes their special origin. Italians were familiar with the conditions and equipment of the army and Italian cities continued to provide whole legions to the end of the Republic. Approximately eight percent of the free adult male population was under arms in the first decades of the first century B.C., and as the majority of the burden was carried

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<sup>18</sup> Keppie, 64; Brunt, *Italian Manpower*, 229.

<sup>19</sup> Vell. Pat. 2.15.2.

<sup>20</sup> Brunt, *The Army and the Land*, 74.



by the Italian regions, percentages of men in service there would have been higher.<sup>21</sup>

The socio-geographical composition of the Roman legions was further complicated by the role of non-citizen provincials and auxiliaries. After the Social war, the legions were opened to a new citizenry that had previously made up the auxiliary forces. After this point, auxiliaries consisted of specialized foreign forces accompanying the legions, such as Balearic slingers, Numidian cavalry, and Cretan archers.<sup>22</sup> However, literary references to provincial recruitment are not always clear about whether the levy targeted Roman citizens living abroad or these specialized native fighters. For example, Caesar raised 10 cohorts in Further Spain in 60 BC, and it is not clear whether they were citizens or *peregrini*.<sup>23</sup> The role of the Italian allies before the Social War and foreign auxiliaries in the Roman army does not fit with the focus of this study. We must assume, however, that particularly in times of civil war both they and other non-citizens were occasionally enrolled in the legions proper, and their presence in the army will be mentioned where appropriate, particularly here with respect to foreign recruitment.<sup>24</sup>

Caesar's recruitment during his Gallic campaigns merits special notice. After the Social War, Cisalpine Gaul received Latin rights and thus its population was not

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<sup>21</sup> Brunt, *Italian Manpower*, 108.

<sup>22</sup> Harmand, 44-46.

<sup>23</sup> Plut. *Caes.* 12.1. Smith, 48, acknowledges both possibilities.

<sup>24</sup> Smith, 48-9.

supposed to be subject to conscription, although this could occur in the individual cities which received Roman citizenship.<sup>25</sup> Caesar levied eight legions there before 49 BC, in addition to *supplementa*, and recruited both Roman citizens living south of the Po river and men of “Latin” status to the north, without differentiating between the two. Perhaps because he was able to enlist and pay these men from his own resources, the Senate could not object to their recruitment.<sup>26</sup> He possibly had enlisted men from the Transpadani before taking the significant step of enrolling large numbers of Transalpine Gauls in *praesidia cohortium duarum et viginti*<sup>27</sup>—“a guard of twenty-two cohorts”, presumably as volunteers, just prior to the battle of Alesia in 52 BC.<sup>28</sup> Only in 47 BC, during Caesar’s dictatorship, were these cohorts enfranchised and given the title *Legio V Alaudae*, suggesting that previously a legion could not be entirely enrolled from non-citizens.<sup>29</sup> Generally, Roman commanders mistrusted foreign auxiliaries—a point which will be explored more fully in Chapter III—but Caesar’s *Alaudae* seem to have been a noteworthy exception.<sup>30</sup>

Brunt provides rough estimates of military conscription figures in the East, Africa and Spain, particularly by the Pompeians, for the years 49-45, which total at most 50,000.

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<sup>25</sup> Brunt, *Social Conflicts*, 6.

<sup>26</sup> Keppie, 98.

<sup>27</sup> Caesar, *B Gall.* 7.65.1.

<sup>28</sup> Brunt, *Italian Manpower*, 202.

<sup>29</sup> Parker, 57. Harmand, 33 n. 58, suggests that *Legio V* did not come from these 22 cohorts; *contra* Parker (57) and Keppie (98).

<sup>30</sup> Harmand, 43-5.

This figure is given, moreover, for a period of desperation when few men eligible for recruitment can have been overlooked.<sup>31</sup> In previous decades, the pool of citizens living abroad would have been smaller and the numbers for recruitment that much fewer. The practice of recruiting citizens living abroad was obviously convenient, however, particularly in areas local to the theatre of war. They were not only easily incorporated into existing legions, which were predominantly Italian, but were also easily found among the native populations of the provinces. They were a particularly valuable resource in times of civil war, when the population of the Italian peninsula was not always accessible to generals.<sup>32</sup>

Bibulus and Cicero successfully recruited soldiers in Syria and Cilicia, respectively, in 51 BC. As Cicero reported to the Senate in *Fam.* 15.1.5, reliable troops were difficult to find in the area: the citizens attempted to evade service, and auxiliary units were untrustworthy.<sup>33</sup> Caesar's enemies were responsible for the majority of Republican-period recruitment in the East, which included raising a legion of veterans from Cilicia, one made up from veterans settled in Crete and Macedonia, and two in Syria

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<sup>31</sup> Brunt, *Italian Manpower*, 232.

<sup>32</sup> *Ibid.*, 228.

<sup>33</sup> *in hoc provinciali dilectu spem habeatis aliquam causa nulla est. neque multi sunt et diffugiunt qui sunt metu oblato.... nam sociorum auxilia propter acerbiteratque iniurias imperi nostri aut ita imbecilla sunt ut non multum nos iuvare possint, aut alienata a nobis, ut neque exspectandum ab iis neque committendum iis quidquam esse videatur.*—"There is no reason that you ought to have any hope for a levying in this province. For there are few [citizens] here and those who do exist flee, drawn away by fear.... Similarly, the auxiliaries of allies, on account of bitterness and the injuries of our rulership, are either so weak that they are not of much help to us, or so alienated by us that it seems we ought not to expect anything from them nor to trust them with anything."

under Lentulus' (*cos.* 49) orders.<sup>34</sup> That he was recruiting citizens can be inferred from Josephus' account of his exemption of a particular order of eastern citizens, that is, Jewish Romans—πολίτας Ῥωμαίων Ἰουδαίους.<sup>35</sup> Pompey apparently continued to recruit citizens in 47: Caesar wrote that *numerus ex Thessalia Beotia Achaia Epiroque supplementi nomine in legiones distribuerat; his Antonianos milites admiscuerat*—“[Pompey] distributed a large number of so-called reinforcements from Thessaly, Boeotia, Achaia and Epirus among the legions; among these he had mixed Antonian troops.”<sup>36</sup> In the following lines, Caesar specifically lists the numbers and types of Pompey's provincial native fighters. The previously mentioned reinforcements are not, apparently, meant to be part of the list of native allies, but are probably Roman citizens like the Antonian troops.<sup>37</sup>

At approximately 4,000 men, the average Pompeian legion numbered even fewer than other Republican legions (which, as mentioned above, were rarely at nominal strength); the number of soldiers required for a single *supplementum* is difficult to estimate, but given Brunt's figures for the year 49 and Bibulus and Cicero's enlistments, there cannot have been many more than 15,000 citizen troops called up from the East during the period of 51-49.<sup>38</sup> Military recruiters were largely dependent on areas closer to

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<sup>34</sup> Caes. *B Civ.* 3.4.

<sup>35</sup> Josephus, *Ant. Jud.* 14.228ff.

<sup>36</sup> Caes. *B Civ.* 3.4.2.

<sup>37</sup> Brunt, *Italian Manpower*, 228.

<sup>38</sup> *Ibid.*

Italy, with larger and more established citizen bases.

The involvement of Roman recruits from Spain is similarly problematic. The earliest instance of forces being levied in this province is that of Crassus in 83 BC, who raised a force of 2,500 men to take with him to Africa.<sup>39</sup> Gabba suggests that these would have included Roman citizens who had settled in Spain, as well as natives.<sup>40</sup> A year or two later, Sertorius armed Roman settlers in Spain and very likely enlisted the help of natives.<sup>41</sup> This is supported by Plutarch's comment that he returned with a group of 2,600 survivors "whom he *called* Romans".<sup>42</sup> Brunt assumes, in light of Plutarch's wording, that some of these men were Romanized natives. They may also simply have been of mixed parentage and therefore non-citizens, called up in a context in which strict recruitment policies could hardly have been enforced.<sup>43</sup> Information regarding this period in Spain is sparse; this mixture of citizens and Romanized natives, however, seems typical of Spain's contribution to the Roman military.<sup>44</sup> The ten cohorts raised by Caesar in 60 BC against the Lusitanians were not necessarily part of a legion of citizens; rather, they could be interpreted as ten cohorts of auxiliary, and therefore native, troops.<sup>45</sup>

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<sup>39</sup> Plut. *Crass.* 6.1.

<sup>40</sup> Gabba, 109.

<sup>41</sup> Plut. *Sert.* 6.5.

<sup>42</sup> Plut. *Sert.* 12.2, my emphasis. Gabba, 110, takes Plutarch's statement at face value.

<sup>43</sup> Brunt, *Italian Manpower*, 230.

<sup>44</sup> Gabba, 109; Brunt, *Italian Manpower*, 230.

<sup>45</sup> A.T. Fear, *Rome and Baetica: Urbanization in Southern Spain c. 50 BC-AD 150* (Oxford, 1996), 51.

Caesar's "*Legio Vernacula*" is of equally ambiguous origin; it was most likely a legion of natives (hence the name *vernacula*) despite many suggestions to the contrary.<sup>46</sup> This leaves only the Fifth Legion, raised by Cassius, and possibly the two cohorts *quae colonicae appellabantur*, "which were called colonial", as likely citizen recruits.<sup>47</sup> Indeed, Brunt estimates no more than 10,000 Roman settlers from Spain were conscripted in the last decades of the Republic.<sup>48</sup>

Free-born urban dwellers at Rome were only infrequently called up for service.<sup>49</sup> A fragment of Cassius Dio even suggests that they were considered less fit for military duties than their rural counterparts, as Cato discovered in 88 BC:

“Ὅτι Κάτων ἀστικὸν καὶ ἀφηλικέστερον τὸ πλεῖον τοῦ στρατοῦ ἔχων ἐς τὰ ἄλλα ἦττον ἔρρωτο, καὶ ποτε ἐπιτιμήσαι σφισιν, ὅτι μήτε πονεῖν μήτε τὰ παραγγελλόμενα προθύμος ποιεῖν ἤθελον ἐπιτολήσας ὀλίγου κατεχώσθη βληθεὶς ὑπ’ αὐτῶν.”<sup>50</sup>

“Cato, the greater part of his army coming from the city and being too old, had little authority at best; and when when he censured them because they did not want to work hard or obey orders willingly, he came near being buried under the shower of missiles which they hurled at him.”

While other cities in Italy might not have had this stigma attached to their inhabitants, the majority of recruits seem to have been drawn from rural areas. Two quotations from

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<sup>46</sup> Caesar, *B Civ.* 2.20. See especially Fear, *Rome and Baetica*, 51-3.

<sup>47</sup> [Caes.] *B. Hisp.* 50.

<sup>48</sup> Brunt, *Italian Manpower*, 231.

<sup>49</sup> Brunt, “Army and the Land”, 74.

<sup>50</sup> Dio fr. 100.

Cicero describe Caesar's veterans as "*homines rustici*" and "*homines agrestes*".<sup>51</sup> It is certainly conceivable that men accustomed to farm labour would be more physically fit for military service than some members of the proletarian class at Rome.

In some cases, a general's relationship to the locals in a given recruiting area affected the outcome of the levy. Pompey was able to recruit a legion from Picenum κατὰ κλέος τοῦ πατρὸς ἰσχύσαντος ἐν αὐτῇ μάλιστα<sup>52</sup>—"because of the fame of his father, who had been very powerful in the area." During the civil war, Pompey's officer Attius Varus collected two legions in Africa, having previously held a praetorship there.<sup>53</sup> It is also likely that Caesar's renown in Gaul attracted citizen recruits from the province.<sup>54</sup>

### *Economic backgrounds*

As mentioned above, it is difficult to fix a figure on volunteerism in the late Republic. Assuming conscription was not always necessary, however, the economic character of volunteers must be self-evident: at least up to the time of Caesar's doubling of legionary pay, only the poorer citizens would have volunteered for service from a strictly economic motivation. In Cicero's day, a manual labourer earned up to 12 *asses*

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<sup>51</sup> Cicero, *Fam.* 11.7.2; *Phil.* 8.9, with Brunt, "Army and the Land", 74-5.

<sup>52</sup> App. *B Civ.* 1.80.

<sup>53</sup> Caes. *B Civ.* 1.31: *delectuque habito duas legiones effecerat, hominum et locorum notitia et usu eius provinciae nactus aditus ad ea conanda*—"By holding a levy he had formed two legions, having obtained access for this undertaking by means of his acquaintance with the people and the area and his association with the province."

<sup>54</sup> Adcock, 113, suggests that Caesar's awareness of Cisalpine Gaul's potential as recruiting grounds influenced his dealings with the province.

daily;<sup>55</sup> before Caesar's adjustment, a legionary earned only 5 *asses* per day, and that for far more hazardous work and difficult living conditions.<sup>56</sup> The example of the Fimbrians is instructive. They rallied to Sulla in 84 and followed him through Asia with no agreement as to the length of the expedition, perhaps suggesting that these were men who had very little wealth, property or other interests to begin with that would draw them back home.<sup>57</sup> Sallust's scathing denunciation of the plebeian body at Rome, whose members included those who had "squandered their patrimony", also mentions that in the 60s BC, *iuventus, quae in agris manuum mercede inopiam toleraverat, privatis atque publicis largitionibus excita urbanum otium ingrato labori praetulerat*<sup>58</sup>—"the young men, who had suffered poverty through manual labour in the fields, drawn by private and public largesses had come to prefer idleness in the city over the hated work." Seemingly, the young rural laborer alleviated his wretched state either by joining the poverty-stricken inhabitants of the city and enjoying the corn-doles, or taking on the dangerous work of military service in the hope of bonuses and plunder beyond the regular pay. Even before Marius invited the landless *capite censi* to enlist, the average soldier did not own much, as can be inferred from Sallust's comment that military service and poverty seem to be equated, and a soldier's family was easily parted from its home to make way for

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<sup>55</sup> Cic. *Pro Rosc.* 10.28.

<sup>56</sup> See Ch. 2, p. 35.

<sup>57</sup> Harmand, 253.

<sup>58</sup> Sall. *B Cat.* 37.5-7.



*latifundia*.<sup>59</sup> Assuming, as Rich and other scholars do, that conscription was common in the late Republic, the *assidui* whose property qualified them for obligatory service may still have possessed very little, and so we need not assume that soldiers in a conscripted army were much better off than a corps of volunteers.<sup>60</sup>

Although they formed a small percentage of the army's complement, centurions should also be treated briefly from an economic perspective. Centurions were paid more than rank-and file soldiers.<sup>61</sup> The centurionate in the Roman legions seems to have evolved from a post that was appointed every year and dissolved at the end of each campaign, to a prestigious career in the period following the Marian reforms.<sup>62</sup> It also was the only office to which common soldiers could be regularly appointed. Centurions are mentioned relatively frequently in literary sources, particularly as examples of loyalty and bravery, and occasionally their names are reported.<sup>63</sup>

Unfortunately, as Harmand notes, the information is insufficient for a prosopographical study, and the specific geographical origins of centurions are never

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<sup>59</sup> Sall. *B Iug.* 41.7-8: "*populus militia atque inopia urgebatur, praedas bellicas imperatores cum paucis diripiebant. interea parentes aut parvi liberi militum, uti quisque potentiori confinis erat, sedibus pellebantur.*"—"The people were hard-pressed with military service and poverty, and the generals shared the spoils of war with a few men. Meanwhile the parents or small children of the soldiers, if one was neighbour to a more powerful man, were driven from their property."

<sup>60</sup> Rich, 329.

<sup>61</sup> Polybius 6.39.12. Centurions were paid twice the wage of other soldiers; a small differential compared to the pay scale in the imperial period: J. Patterson, "Military organization and social change", in *War and Society in the Roman World*, eds. J. Rich and G. Shipley (New York, 1993), 99.

<sup>62</sup> Harmand, 324.

<sup>63</sup> Caesar writes of the brave acts of Titus Balventius and Quintus Lucanius (*B Gall.* 5.35.6-7), Titus Pullo and Lucius Vorenus (44.1), and others.

reported.<sup>64</sup> Presumably, they were drawn fairly evenly from the ethnic composition of the legions. The relative permanence of the rank of centurion, and its increasing prestige and higher pay, may have increased the willingness of veteran soldiers to remain in service, in the hope of attaining or maintaining this position.

Other military posts, such as the military tribunate, prefecture, quaestorship and legateship, drew upon men of wealthier backgrounds, including the equestrian and senatorial orders. Sons of senators served as tribunes or quaestors to begin political careers.<sup>65</sup> In the mid-second century BC, candidates for the military tribunate were required to have a certain amount of experience in the ranks.<sup>66</sup> By the late Republic, however, this prerequisite was no longer enforced, and young men of high birth and little military background were often elected to these posts.<sup>67</sup> This also reduced the already low number of positions that could be filled by the occasional high-achieving soldier after reaching the centurionate and *primus pilus*.<sup>68</sup>

## Conscription and Volunteerism

As has been said above, conscription continued to be a chief method of filling the

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<sup>64</sup> Harmand, 328.

<sup>65</sup> Keppie, 39-40; J. Suolahti, *Junior Officers of the Roman Army in the Republican Period* (Helsinki, 1955), 28.

<sup>66</sup> Polybius 6.19.2-3.

<sup>67</sup> Parker, 51; Harmand, 354.

<sup>68</sup> The *primus pilus* was the senior centurion of the first cohort in a legion. See Keppie, 35.

ranks of the late Republican army, despite an apparently significant body of volunteers. Volunteers received the same treatment and terms of service as those who were conscripted; there were no benefits to volunteerism beyond what the rest of the army, including conscripted soldiers, would also receive (booty, donatives etc.).<sup>69</sup> Five examples from ancient texts, occurring within only a few years of one another, demonstrate the use of conscription by various commanders. Pompey resorted to a levy for the pirate wars of 67: συνέπεμψαν δὲ καὶ παρὰ σφῶν στρατὸν πολλὸν ἐκ καταλόγου<sup>70</sup>—“[The Romans] sent with him a large army from their own enrolment”. Murena conscripted soldiers for the Umbrian levy in 64: *habuit proficiscens delectum in Umbria*<sup>71</sup>—“On his way to [his province] he held a levy in Umbria”. Caesar levied troops from the Province during his initial campaigns in Gaul against the Helvetii in 58: *Provinciae toti quam maximum potest militum numerum imperat*<sup>72</sup>—“[Caesar] ordered as many troops as possible from the Province”. Crassus and Pompey, in what must have been a fairly large conscription, ordered troops for their respective provinces in 55: Πομπήιος... τοὺς δὲ δὴ καταλόγους μετὰ τοῦ Κράσσου πρὸς τὰ ἐψηφισμένα σφίσι ποιούμενος πλεῖστον αὐτοὺς ἐλόπησε<sup>73</sup>—“Pompey... in making with Crassus the levies for the campaigns assigned to them displeased them exceedingly”. The emergency

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<sup>69</sup> Smith, 45.

<sup>70</sup> App. *Mith.* 14.94. Is it possible that some potential volunteers balked at the prospect of service at sea, as did the knights enrolled by Cassius (*B. Alex.* 56.4—see below, p. 21)?

<sup>71</sup> Cic. *Mur.* 42.

<sup>72</sup> Caes. *B Gall.* 1.7.2.

<sup>73</sup> Cass. 39.39.1.

levy following the murder of Clodius in 52 required the use of conscription—perhaps due to the great speed and tight control required for a *senatus consultum: cogniscit de P.*

*Clodii caede, de senatusque consulto certior factus ut omnes iuniores Italiae*

*coniurarent*<sup>74</sup>— “[Caesar] learned of the murder of P. Clodius, and was informed of the senatorial decree to swear in all young Italian men [of military age].” Caesar, blocked from further levies in Italy, immediately conscripted soldiers in Cisalpine Gaul.<sup>75</sup> Since these instances of conscription follow so closely on one another, it is possible that in the later levies the number of eligible men already in service, or having served their due time in previous levies, necessitated compulsion. While the *tumultus* at Rome in 52 certainly called for the immediate recruitment of *omnes iuniores Italiae*, it could be argued that some of these other instances, especially the levies for Crassus and Pompey in 55, were not crises, therefore suggesting that strict conscription was not an abnormality reserved for emergencies. In addition, during the crisis of 90 BC poor city dwellers and freedmen were recruited.<sup>76</sup> Conscription must already have been used to compel all other eligible citizens into service.

Smith suggests that the term *dilectus* included, by the late Republic, the process of volunteerism.<sup>77</sup> With the exception of explicit references to conscription, in addition to

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<sup>74</sup> Caes. *B Gall.* 7.1.1.

<sup>75</sup> Ibid.: *delectum tota provincia habere instituit*—“He carried out a levy in the whole Province.”

<sup>76</sup> Dio fr. 100, App. *B Civ.* 1.82.373; with Brunt, *Italian Manpower*, 95 and 408.

<sup>77</sup> Smith, 46.

those above, it is impossible to know whether a particular levying as recorded in historical sources involved primarily conscription or volunteerism, or both.<sup>78</sup> Brunt explores the nuances of the *dilectus*, which translates as “choice” but which, he argues, may be taken to imply the use of conscription if an insufficient number of volunteers came forward.<sup>79</sup>

Cicero described the hatred of the people for conscription.<sup>80</sup> Perhaps for this reason, Ser. Sulpicius (*cos.* 51) refused to allow the levying of a *supplementum*, however badly needed, to be sent to the east.<sup>81</sup> Even though the opportunities for enrichment in the east had been exemplified earlier in the century, there was insufficient interest in volunteering for service both in this instance and four years earlier, when Crassus was forced to conscript soldiers for his campaign in Syria.<sup>82</sup>

## Recruitment

The process of levying is imagined to run roughly as follows: those conducting

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<sup>78</sup> Harmand, 245.

<sup>79</sup> Brunt, *Italian Manpower*, Appendix 20: “The Meaning of the Term ‘Dilectus’”, 635ff.

<sup>80</sup> Cic. *Att.* 9.19.1: “*dilectus habentur, in hiberna deducuntur. ea quae etiam cum a bonis viris, cum iusto in bello, cum modeste fiunt, tamen ipsa per se molesta sunt.*”–“Levies are being held, men are being led into winter camps. These things are bothersome enough when they happen to good men, when the war is just and when it is undertaken with reservation.”

<sup>81</sup> Cicero *Fam.* 3.3.1: “*censebant enim omnes fere, ut in Italia supplementum meis et Bibuli legionibus scriberetur. id cum Sulpicius consul passurum se negaret... tantus consensus senatus fuit, ut mature proficisceremur, parendum ut fuerit.*”–“For practically all were of the opinion that reinforcements should be enrolled in Italy for my legions and those of Bibulus. When Sulpicius as consul declared that he would not allow it... so unanimous was the Senate on the point of our early departure that we had to comply.”

<sup>82</sup> Brunt, *Italian Manpower*, 412, with Dio 39.39.1 (see above).

the *dilectus* would first fill the ranks with any available volunteers, considered preferable to conscripts, and would only then exercise forced conscription if the numbers enrolled were insufficient. The numbers of volunteers would be largely dependent on the general's reputation and the nature of the operation being undertaken, issues to be addressed in the next chapter.<sup>83</sup>

Polybius describes the process of recruitment as he knew it, which consisted of the announcement in the popular assembly by the consuls of the day of enrolment and the equitable division of recruits into the (then four) legions.<sup>84</sup> Naturally we may assume some changes in the process when levies were undertaken in the provinces or used only to supplement one depleted legion rather than four. According to Smith, the levying of troops was typically authorized by the Senate or the popular assembly and conducted by the general and his agents;<sup>85</sup> this can also be inferred from Cicero's denouncement of Piso's levying: *habebas exercitum tantum, quantum tibi non senatus aut populus Romanus dederat, sed quantum tua libido conscripserat*<sup>86</sup>—"You held a great army, not so great a one as the senate or the people of Rome had given to you, but so great as your own inclination had called up". Because of the need to levy troops from all over Italy, the use of recruiting sergeants came into practice. The Latin term *conquisitor*, or recruiting

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<sup>83</sup> Smith, 46.

<sup>84</sup> Polyb. 6.19-20.

<sup>85</sup> Smith, 47-8.

<sup>86</sup> Cic. *In Pis.* 37.

officer, appears rarely in Latin texts.<sup>87</sup> It is unclear whether they were common soldiers or junior officers.<sup>88</sup> Though the word *conquisitor* is not used in this context, Caesar's recruitment of troops in 53 involved the use of his *legati*, perhaps acting in the capacity of *conquistores*.<sup>89</sup>

Was it possible for wealthier citizens to avoid conscription or to have family members exempted through bribery? The only piece of evidence for this, in *De Bello Alexandrino* 56.4, is only indirectly helpful: Cassius ordered Roman knights to pay to be discharged from their military oath in order to fill his own coffers.<sup>90</sup> This may mean that bribes for such discharges were not unheard of, especially among the wealthier classes, but the incident was not in the context of a regular levy and therefore has limited application.

Since the typical legion required only a *supplementum* each year to replace fallen soldiers, a small levy could, and probably was, held in a single area of Italy—most conveniently avoiding gathering recruits from disparate locations. Murena did this among the Umbrians, and Crassus among the Marsi.<sup>91</sup> Volunteers might also be drawn

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<sup>87</sup> Plut. *Am.* 65, Var. 50.6.79, Cic. *Mil.* 67, [Caes.] *B. Alex.* 2.1, Liv. 21.21.13.

<sup>88</sup> Harmand, 247; Smith, 50.

<sup>89</sup> Caes. *B. Gall.* 6.1.1.

<sup>90</sup> "*equitum autem Romanorum dilectum instituit; quos ex omnibus conventibus coloniisque conscriptos transmarina militia perterritos ad sacramenti redemptionem vocabat.*"—"Moreover, he held a levy of Roman knights. These were conscripted from all the corporations and colonies and, since they were thoroughly scared of military service overseas, he invited them to purchase their discharge."

<sup>91</sup> Cic. *Pro Mur.* 20.42; Plut. *Crass.* 6.

from the sons of veterans who had settled in the provinces in which they had been stationed, providing an almost automatic source of recruits; this is more frequently attested in the Imperial period.<sup>92</sup>

The length of time required for the levying of a legion varies widely depending on the urgency of the situation and, again, possibly the popularity of the commander.<sup>93</sup> Caesar's legates, mentioned above, completed the enrolment of three legions in a few months.<sup>94</sup> Pompey's army against Sertorius was raised in a mere 40 days.<sup>95</sup> Both instances suggest that the levings were completed with remarkable speed, perhaps in part due to the magnetism of the general in charge of the campaign.

With this information it is possible to identify a typology for the Roman Republican soldier: normally of rural origin and poor; often Italian and most likely serving under obligation. If a volunteer, he may have been attracted by the potential for enrichment while under arms. By virtue of the social, political and military instability of the late Republic, some legions were recruited under such unusual circumstances that we must consider them individually, apart from the general conclusions normally drawn concerning legionary conduct. Whether a given soldier or soldiers within a legion fit this typology or not, they were not disconnected from these characteristics at the time of

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<sup>92</sup> Smith, 48.

<sup>93</sup> G.M. Paul, *A Historical Commentary on Sallust's Bellum Jugurthinum* (Liverpool 1984), 206.

<sup>94</sup> This period is given under the assumption that the events of *B Gall.* 6.1.1 take place in early 53, and taking "*ante exactam hiemem*" into account, suggesting that the levy was completed before the end of the winter season.

<sup>95</sup> Smith, 48; Brunt, *Italian Manpower*, 409.



enlistment, regardless of the emphasis in the Roman military lifestyle on uniform behaviour and obedience. The combination of socio-geographic and economic background with the conditions and terms of service experienced by soldiers, to be discussed in the next chapter, forms the essential backdrop from which to analyze and comment on their response to the *sacramentum* and their loyalty to commander and state.

## CHAPTER TWO

### *Terms and Conditions of Service, Pay, Plunder, and Discipline*

This chapter will provide evidence for a number of aspects of Republican military life which directly influence the soldiers' willingness and capacity to serve and to fight. Although a detailed study of the logistics of the army in this period might reveal much about the conditions of service, the elements chosen for this chapter are those which seem to have the greatest bearing on the relationships between soldiers and their commanders.<sup>1</sup>

#### **Terms of Service**

This section addresses the length of time required for military service in the Roman Republican army. The evidence for actual length of service has little to do with legal limits, explicit or implied, especially in the later period. Rather, the length of time varies widely and depends on many outside factors. Troops were occasionally dismissed early, and some overseas operations were unusually long. These anomalies make it difficult to estimate an average period of service.

An examination of this topic starts, once again, with Polybius: τῶν λοιπῶν τοὺς μὲν

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<sup>1</sup> For army logistics, see J.P. Roth, *The Logistics of the Roman Army at War (264 B.C.-A.D. 235)* (Boston, 1999).

ἰππεῖς δέκα, τοὺς δὲ πεζοὺς ἕξ καὶ <δέκα> δεῖ στρατείας τελεῖν κατ' ἀνάγκην ἐν τοῖς τετταράκοντα καὶ ἕξ<sup>2</sup>—"Of the rest, those in the cavalry must serve for ten years in all and infantry soldiers for sixteen years by the age of forty-six". The numbers given refer to campaigning seasons and not years.<sup>3</sup> In the late Republic, soldiers were on active duty year-round, and so we may expect that the total required number of years' service was smaller. The logical problems associated with determining length of service for such soldiers are fairly clear: legions were rarely, if ever, collected *and* disbanded as entire groups.<sup>4</sup> Rather, fallen soldiers had to be replaced, disabled soldiers might be sent home periodically, and new recruits and *supplementa*, as well as re-enlisting soldiers, would be added on a regular basis.<sup>5</sup> However, some significant percentage of the legions' manpower had to have been in active service for the duration; hence their occasional complaints (see below) when the length of the legion's operation exceeded what they had expected or felt was reasonable.

The oath of loyalty taken at outset of a soldier's service did not include any stipulation regarding the length of time to which he was committing himself.<sup>6</sup> Despite the fact that soldiers demanded release after periods of different lengths of service, no record

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<sup>2</sup> Polyb. 6.20.

<sup>3</sup> Brunt, *Italian Manpower*, 399.

<sup>4</sup> Smith's perspective on the terms of legionary service is marred by his insistence on the distinction between standing armies and "emergency" armies; see for example p. 28-9ff. See Brunt, "Army and the Land", 75, for the impracticalities of this model.

<sup>5</sup> Brunt, *Italian Manpower*, 400.

<sup>6</sup> Smith, 29; see also Ch. 3, p. 72ff..

exists of any man being charged for breaching an obligation to the state relating to the period of enlistment. However, when Augustus enforced a legal minimum of sixteen years,<sup>7</sup> the number must have already had some significance in the military system, since it would otherwise have been an arbitrary figure.<sup>8</sup> Some of Caesar's troops might actually have served for that length of time by the year 47, including his four oldest legions.<sup>9</sup> Caesar's legions might have been encouraged in various ways to extend their service beyond the normal terms. If Polybius' stated length of service was still in effect, the troops did not call on a constitutional right to be discharged.

As a potential legal maximum, we might cautiously cite the unusually long period of twenty years for L. Valerius Flaccus' (later Lucullus') legionaries in Asia (86-66 BC).<sup>10</sup> Polybius' analysis allows for this length of time: ἐὰν δέ ποτε κατεπείγῃ τὰ τῆς περιστάσεως ὀφείλουσιν οἱ πεζοὶ στρατεύειν εἴκοσι στρατείας ἐνιαυσίους<sup>11</sup>—"If ever matters of circumstance should be pressing, the infantry are obliged to serve twenty annual campaigns." Certainly, after twenty years' service, legionaries could be vocal in demanding release, as the Fimbrian soldiers were: οἱ Φιμβριανοὶ στασιάζσαντες ἀπέλιπον τὰς τάξεις, ὡς ἀφειμένοι δόγματι τῆς στρατείας καὶ μηκέτι τῷ Λουκούλλῳ προσῆκον ἄρχειν<sup>12</sup>—"The Fimbrians, rising in rebellion

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<sup>7</sup> Cass. Dio. 54.25.6.

<sup>8</sup> Smith, 35.

<sup>9</sup> Harmand, 259.

<sup>10</sup> Brunt, *Italian Manpower*, 401.

<sup>11</sup> Polyb. 6.19.3-4.

<sup>12</sup> Plut. *Luc.* 25.3, my emphasis.

abandoned the ranks, inasmuch as they were disbanded *by a public decree* and that it no longer belonged to Lucullus to command them.” This public decree refers to earlier comments in the Senate made by φιλοστρατιώτης Publius Clodius, the “soldiers’ friend”, in their defense, ἀγανακτεῖν προσποιούμενον ὑπὲρ αὐτῶν, εἰ πέρας οὐδὲν ἔσται πολέμων τοσούτων καὶ πόνων, ἀλλὰ παντὶ μὲν ἔθνει μαχόμενοι, πᾶσαν δὲ γῆν πλανώμενοι κατατρίβουσι τὸν βίον οὐδὲν ἄξιον ἐκ τηλικαύτης φερόμενοι στρατείας<sup>13</sup>—“pretending to to be angry on their behalf, if there were to be no end of their wars and labours, but rather if they would exhaust their lives fighting with all nations and wandering over every land, bearing away no worthy reward from so great campaigns.” Had there been a firm legal limit to length of service still employed regularly in military management, Clodius would surely have emphasized the infraction of this law in his speech.

One body of evidence, though perhaps too self-contained, argues for a much shorter typical length of service: the mutiny of Caesar’s legions in 47 BC. According to Chrissanthos, the legions involved in the revolt just before Caesar’s planned campaign against the Pompeian refugees in Africa were V, VII, VIII, IX, X, XI, XII, XIII, and XIV. The lengths of service already given by these legions were eight years (V), at least eleven years (VII, IX, X, XI, XII), ten years (XIII) and finally six (XIV), in various theatres of war including Gaul, Italy, Spain and Greece.<sup>14</sup> Interestingly enough, the soldiers of Legion XIV apparently felt as justified in their mutiny as those who had served five years

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<sup>13</sup> Plut. *Luc.* 24.3.

<sup>14</sup> S.G. Chrissanthos, “Caesar and the Mutiny of 47 B.C.” *JRS* 91 (2001), 63-75.

longer.

The Table of Heraclea, a bronze table listing four measures which were given the force of law in June 44, corroborates the finding that typical terms of service were lower than the theoretical norm. The third measure defines an minimum age requirement for magistrates in communities of Roman citizens outside the capital, with an exception for veterans:

*Quei minor annos XXX natus est erit, nei quis eorum post k.  
Ianiuar(ias) secundas in municipio colonia prae|ctura  
IIvir(atum) IIIIvir(atum) neve quem alium mag(istratum)  
petito neve capito neve gerito, nisei quei eorum stipendia|  
equo in legione III, aut pedestria in legione VI fecerit.*<sup>15</sup>

No person who is or shall be less than thirty years of age, shall, after the first day of January in the second year from this date, stand for or accept or hold the office of *duovir* or *quattuovir* or any other magistracy in a municipality or colony or prefecture, unless he has served three years as a cavalryman in a legion, or six years as an infantryman in a legion.

These drafts had been under consideration at the time of Caesar's death, and we can assume that he was well aware of the implications of their contents; six years must have been a sufficient length of time to earn discharge, although three years earlier the same amount of time served did not guarantee dismissal for his army: only Legions VII, VIII, XI and XII did not go on with Caesar to Africa.<sup>16</sup> The statement in the draft concerning the right to stand for election after six years as an infantryman certainly precludes any

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<sup>15</sup> M. Crawford, *Roman Statutes* Vol. 1 (London, 1996), no. 24 ll. 89-91.

<sup>16</sup> Chrissanthos, 71.

penalty for this seemingly short period of service.

Furthermore, this section of the Table of Heraclea includes a definition of a year's service which also suggests that tours of duty could be shorter:

*quae stipendia in castris inve provincia maiore<m> |  
partem sui quousque anni fecerit, aut bina semestria, quae  
ei pro singulis ann<u>eis procedere oporteat.*<sup>17</sup>

Such service will be done in a camp or a province during the greater part of each year, or during two periods of six months, which ought to pass as equivalent to two years.

This shows first that a year's service was to consist of the better part of the year, meaning that some furlough must have been granted, and that service for a full year without taking any leave should be credited for two years, suggesting that a man who had served in the infantry for "six years" could have served a total length of only three before becoming eligible for public office and, perhaps, exemption from further service.

If a period of six years is more typical for late Republican army service, the terms of service suggested in the 2<sup>nd</sup> century by Polybius might still be construed in such a way as to match it. Some soldiers were discharged after only six years in Spain in both 180 and 140, and this might have been a regular practice in the 2<sup>nd</sup> century.<sup>18</sup> In addition, if early campaigns of the sort mentioned by Polybius lasted about six months, then the length of service required would be closer to eight years in all. This is a far more

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<sup>17</sup> Crawford, *Roman Statutes*, no. 24 l. 91-92.

<sup>18</sup> Livy 40.36; App. *Hisp.* 78. Walbank, however, notes that the mutinous nature of the troops in this period incited their commanders to accept shorter than normal periods of service from them: *Commentary on Polybius, Vol. III* (Oxford, 1957), 698. Brunt, *Italian Manpower*, 401.

conservative figure than Smith's full sixteen years. This model also assumes that at some point Rome's military administrators recognized that year-round service in the legions made the sixteen years' liability for duty far more onerous than it had been when campaigns were only seasonal. For this reason they may have allowed for, or been pressured into accepting, a shorter term of service.

The issue of length of service is crucial to the study of military conditions in the late Republic. Clearly, the amount of time served became a grievance for soldiers and a ground for mutiny, and any period longer than six years, depending on the hardships or rewards of duty (as shown below), gave potential grounds for complaint. Because the soldiers undertook terms whose execution was inconsistent, these complaints were relatively common.

## **Pay**

As shown in Chapter 1, the rural poor formed the largest and most stable element in the Republican army. The issue of pay, or *stipendium*, thus looms large in any study of the conditions of service in the late Republic.<sup>19</sup> In general, the financial organization of the army was in disorder up until the Principate;<sup>20</sup> this is perhaps most clear in the number

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<sup>19</sup> The term *stipendium* first meant the indemnities exacted by the state to pay for war, then the soldiers' pay, and later a year's service (see, for example, the use of *stipendia* in the Table of Heraclea above): Marin y Peña, 35.

<sup>20</sup> Harmand, 262.



of reforms instituted by Augustus to correct the problems.<sup>21</sup>

Polybius recorded the pay of Roman soldiers as follows: 'Οψώνιον δ' οἱ μὲν πεζοὶ λαμβάνουσι τῆς ἡμέρας δύο ὀβολούς, οἱ δὲ ταξίαρχοι διπλοῦν, οἱ δ' ἵππεῖς δραχμὴν<sup>22</sup>—"The footsoldiers take as wages two obols per day, the centurions double, and the cavalrymen a drachma." Two obols were worth approximately 1/3 of a denarius, the equivalent of about 5 asses.<sup>23</sup> Caesar doubled legionary pay early in his dictatorship, and from Tacitus, we know that daily pay for a soldier was 10 asses at the end of the Augustan age.<sup>24</sup> Thus the daily pay of a soldier did not increase from the Second Punic War until its doubling by Caesar.<sup>25</sup>

Although it is difficult to determine the real value of the *stipendium* in relation to cost of living, the consensus among scholars is that it was a poor wage.<sup>26</sup> The daily wage of a slave labourer at Rome, cited by Cicero, has been used for comparison: of Roscius' comic actor-slave, Cicero says, *nam illa membra merere per se non amplius poterant duodecim aeris*<sup>27</sup>—"Those limbs of his, by themselves, could not earn more than twelve asses", suggesting that this was a typical daily wage for manual labour.<sup>28</sup> The cost of

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<sup>21</sup> Suet. *Aug.* 49.

<sup>22</sup> Polyb. 6.39.12.

<sup>23</sup> K. Harl, *Coinage in the Roman Economy, 300 B.C. to A.D. 700* (Baltimore, 1996), 47.

<sup>24</sup> Tac. *Ann.* 1.17.6; Suet. *Iul.* 26.5.

<sup>25</sup> Harmand, 263-8.

<sup>26</sup> e.g. Brunt, *Italian Manpower*, 411; Harmand, 268; Marin y Peña, 87.

<sup>27</sup> Cic. *Q. Rosc.* 10.28; cf. Brunt, *Italian Manpower*, 411 n. 5; Harmand, 264.

<sup>28</sup> Harl, 48.

food, clothing and arms probably continued to be deducted from the *stipendium*, as they were according to Polybius: τοῦ τε σίτου καὶ τῆς ἐσθῆτος, καὶ τινος ὅπλου προσδεθῶσι, πάντων τούτων ὁ ταμίας τὴν τεταγμένην τιμὴν ἐκ τῶν ὀψωνίων ὑπο λογίζεται<sup>29</sup>—“The quaestor deducts from their wages the fixed price of their corn, clothes, and any additional arms they require.” Brunt suggests that Gaius Gracchus’ law providing free clothing was short-lived, and there was certainly no possibility of savings.<sup>30</sup>

It is perhaps because of the fixed rate of official pay that donatives, booty and plunder came to be more important; they represented not only a greater opportunity for enrichment, but more importantly in the context of the late Republic, an economic tie between soldier and general and an incentive for personal loyalty.<sup>31</sup>

## Booty and Plunder

Both the general poverty of the typical Roman soldier and the constraints of low pay have been discussed above. However, depending on the purpose and scope of a particular campaign, soldiers might also have had the additional incentive and reward of plunder. In situations where total annihilation or subjugation of the opponent was

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<sup>29</sup> Polyb. 6.39.15. Roth, 14-15, states that these deductions continued throughout the Republic.

<sup>30</sup> Brunt, *Italian Manpower*, 411, with Plut. *C. Gracch.* 5; Brunt, “The Army and the Land”, 77.

<sup>31</sup> Caesar acknowledged the importance of economic links within the army in another way before meeting Pompeius in Spain, *B Civ.* 1.40: *a tribunis militum centurionibusque mutuas pecunias sumpsit; has exercitui distribuit. quo facto duas res consecutus est, quod pignore animos centurionum devinxit et largitione militum voluntates redemit*—“He borrowed money from the military tribunes and centurions and distributed it to the army. In this way he achieved two things, because he bound the centurions to him by a security and bought by largesses the goodwill of the soldiers.”

necessary, legionaries stood the best chance of acquiring some property or other valuables from the defeated enemy. Obviously, the desire for plunder could have a deleterious effect on a soldier's obedience, and the potential for other disciplinary problems such as the hoarding of booty and the overeagerness to protect it was equally dangerous. Indeed, the general impoverishment of the legions was at the root of their lack of discipline.<sup>32</sup>

Plunder provided only an occasional source of extra income in most cases, dependent on the campaign undertaken and the permissiveness of the general, but was still the best available supplement to regular pay.<sup>33</sup> It was a factor in the eagerness of some men to enlist from the time of Marius' first campaign: *Sese quisque praeda locupletem fore, victorem domum rediturum alia huiusmodi animis trahebant*<sup>34</sup>—"Each man considered that he would become enriched by plunder, returning home as a victor, and other notions of this kind." Hopes of material gain, such as those entertained by Marius' recruits, were perhaps more appropriate in the later campaigns in the east, which were among the most lucrative undertaken in the first century BC. Sulla allowed his troops to plunder Athens, if Plutarch is to be believed, with abandon: he led his army into the city in a moment described as φρικώδης ὑπὸ τε σάλπιγξι καὶ κέρασι πολλοῖς, ἀλαλαγμῷ καὶ κραυγῇ τῆς

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<sup>32</sup> Harmand, 286.

<sup>33</sup> Ibid., 410.

<sup>34</sup> Sall. *B Jug.* 84.4. See also Paul, 205-206.

δυνάμεως ἐφ' ἄρπαγὴν καὶ φόνον ἀφειμένης ὑπ' αὐτοῦ<sup>35</sup>—“terrible with the trumpets and horns, and the noise and shouting of his forces let loose by him to plunder and slaughter.” The peace of Dardanus was received poorly by Sulla’s troops, partially because they had now lost opportunities for enrichment:

τὸν γὰρ ἔχθιστον τῶν βασιλέων καὶ δεκαπέντε μυριάδας  
ἡμέρᾳ μιᾷ τῶν ἐν Ἀσίᾳ Ῥωμαίων κατασφαγῆναι  
παρασκευάσαντα δεινὸν ἡγοῦντο μετὰ πλούτου καὶ  
λαφύρων ὅρᾳν ἐκπλέοντα τῆς Ἀσίας ἣν ἔτη τέσσαρα  
ληηλατῶν καὶ φορολογῶν διετέλεσεν.<sup>36</sup>

“They thought it terrible to see the most hostile of kings, having caused 150,000 of the Romans in Asia to be killed on a single day, sailing away with his wealth and spoils from Asia, which for four years he had continued despoiling and levying tribute from.”

The juxtaposition of these complaints raises questions as to which was the most lamentable tragedy to Sulla’s soldiers—the loss of life or the loss of wealth.

The types of booty taken were as varied as the peoples whom the army attacked. Besides money, there was silver and gold, many slaves, horses, cattle and other beasts, grain, armour, statuary, and even books.<sup>37</sup> At least some of this material must have been sold quickly so as to avoid excessively large baggage trains. Merchants may have followed the army, buying the spoils and returning more transportable coinage.<sup>38</sup> Troops

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<sup>35</sup> Plut. *Sull.* 14.3.

<sup>36</sup> Plut. *Sull.* 24.4.

<sup>37</sup> Cic. *Leg. Agr.* 2.59; Caes. *B Gall.* 7.89; Caes. *B Gall.* 6.43, *B Civ.* 2.39; Caes. *B Civ.* 1.55, 2.25; *B Civ.* 3.42; Plut. *Luc.* 7.4; Pliny *NH* 34.93; Plut. *Pomp.* 4.1, *Aem.* 28.6.

<sup>38</sup> Harmand, 216.

must also have bought materials from one another. In at least one instance, this mobile market was saturated by overabundant booty.<sup>39</sup>

The consul or general appears to have held discretion, legally and traditionally, over booty and its possible distribution, even though soldiers to some degree expected occasional rewards.<sup>40</sup> In instances where plunder is described as being “given” to the soldiers, or perhaps divided amongst them, it had to have first been brought to the general or his legates and tallied.<sup>41</sup> At the battle of the Taurus river in 69, the slave of Tigranes, carrying his royal diadem, was specifically brought to Lucullus, and the diadem made part of the booty.<sup>42</sup> In another example, after Vercingetorix’s surrender in 52, Caesar gave one Gallic slave to each soldier.<sup>43</sup> If this even division is similar to the distribution of donatives, greater parts of the spoils were likely given to officers and centurions and smaller portions to the ordinary soldiers.<sup>44</sup>

Cavalry were often used for pillaging and plundering. They were an obvious choice for these tasks because of their mobility and ability to carry off greater quantities of goods, but must have been obliged to surrender the booty to their commander for

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<sup>39</sup> Plut. *Luc.* 14.1. This occurred again after the sack of Jerusalem in AD 70: see Goldsworthy, 259, with Josephus *BJ* 6.317.

<sup>40</sup> Cf. I. Shatzman, “The Roman General’s Authority Over Booty”, *Historia* 21 (1972), 177-205.

<sup>41</sup> E.g. Caes. *B Gall.* 6.3, 7.89. Diod. Sic. 38/39.8.2: ὁ Φιμβρίας... χρήματα τὰς πόλεις εἰσεπράττετο καὶ τοῖς στρατιώταις τὰυτὰ διένεμεν—“Fimbria... took monies from the cities and divided these among his troops.”

<sup>42</sup> Plut. *Luc.* 28.4.

<sup>43</sup> Caesar, *B Gall.* 7.89.5.

<sup>44</sup> E.g. App. *B Civ.* 4.12.100; Caes. *B Gall.* 8.4.

division among the troops.<sup>45</sup> They were often auxiliary forces whose opportunity for pillage came only after the efforts of the citizen legionaries, and so it does not seem reasonable for a general such as Caesar to have allowed them to keep what they found for themselves. It has been suggested that booty was distributed by officers to the rank-and-file. This must have been the case at least in the cavalry division at Caesar *B Civ.* 3.59, where two Allobrogan brothers put in charge of the cavalry are accused of appropriating plunder for themselves.

Several passages imply, on the other hand, that legionaries were allowed to keep whatever they found while plundering. Certainly this must have been the case at the end of Lucullus' siege of Mithridates at Cabira, when one of the fleeing king's gold-laden mules happened to cross the path of his Roman pursuers: rather than chasing after Mithridates, ἀρπάζοντες καὶ συλλέγοντες τὸ χρυσίον καὶ διαμαχόμενοι πρὸς ἀλλήλους καθυστέρησαν<sup>46</sup>—“seizing and collecting the gold and fighting amongst themselves, they fell behind.” Their desire could not have been so single-minded had they been required to surrender the gold and assured of an equal division.

As this study concerns itself ultimately with the effect of military conditions on troop behaviour, it might be most instructive to organize the anecdotal evidence of plundering along these lines. Harmand cautions against categorically negative criticism

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<sup>45</sup> Caes. *B Gall.* 5.18, 6.43, 8.5; *B Civ.* 1.55, 2.25, 3.59.

<sup>46</sup> Plut. *Luc.* 17.6.

of the practice of plundering, noting its importance in securing troop loyalty;<sup>47</sup> it is fairer to say that in the hands of different commanders, giving licence to plunder could have a positive or negative effect depending on the general's permissiveness.

Pompey's and Caesar's soldiers appear to have exercised the most restraint in their plundering expeditions. Cicero, in support of the bid to give Pompey the Mithridatic command in 66, praised the fact that his soldiers differed from their predecessors in their treatment of lands through which they passed:

*Itaque propter hanc avaritiam imperatorum quantas calamitates, quocumque ventum sit, nostri exercitus ferant, quis ignorat?.... Hic miramur hunc hominem tantum excellere ceteris, cuius legiones sic in Asiam pervenerint, ut non modo manus tanti exercitus, sed ne vestigium quidem cuiquam pacat nocuisse dicatur?*<sup>48</sup>

Who then does not know how great is the ruin which our armies bring wherever they may go, owing to this avarice of our generals? .... Do we wonder, then, that [Pompey] is so far superior to others, when it is said that his legions arrived in Asia in such manner that no one being peaceful suffered either at the hands of so great an army or even from its passage?

Similarly, Cassius Dio commented on the noteworthy restraint of Pompey's soldiers on the way to the Abas in Albania in 65 during his offensive against Mithridates, carrying only supplies of water: τὰ γὰρ ἄλλα παρ' ἐκόντων τῶν ἐπιχωρίων ἐλάμβανον, καὶ διὰ τοῦτο οὐδ' ἑκακούργουν οὐδέν--"For they received everything else from the willing natives, and

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<sup>47</sup> Harmand, 410.

<sup>48</sup> Cic. *Leg. Man.* 13.38-9.

because of this they did not ravage the country.”<sup>49</sup> Though perhaps not strictly considered as booty, the theft of edibles from armies or bystanders could be just as devastating to local populations.

Perhaps the most notable instance of self-control on the part of soldiers occurred during Caesar’s campaign in Gaul. Early in 52, the Carnutes had attacked and slaughtered Roman settlers at Cenabum.<sup>50</sup> This was apparently still on the minds of Caesar’s men when they made a successful assault on Avaricum after a long siege: *nec fuit quisquam, qui praedae studeret. Sic et Cenabi caede et labore operis incitati non aetate confectis, non mulieribus, non infantibus pepercerunt*—“There was no one who was eager for booty. They were stirred up by the slaughter at Cenabum and the labour of the siegeworks and spared neither old men nor women nor children.”<sup>51</sup> These extraordinary conditions, according to Caesar, produced a more emotional reaction than a mercenary one—the latter, it is implied, being typical under different circumstances.

Caesar appears to have used plunder to placate his troops before making unusual demands on their strength. In 53, he realized that the Germans and Gauls alike were preparing for war:

*maturius sibi de bello cogitandum putavit. itaque nondum hieme confexta proximis quattuor coactis legionibus de improviso in fines Nerviorum contendit... magno pecoris atque hominum numero capto atque ea praeda militibus*

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<sup>49</sup> Dio 37.3.6.

<sup>50</sup> Caes. *B Gall.* 7.3.

<sup>51</sup> *Ibid.*, 7.28.4.



*concessa.*<sup>52</sup>

He therefore decided that he must take the field earlier.  
Accordingly, before the winter was over,  
he assembled the four nearest legions and made an  
unexpected attack on the country of the Nervii... a large  
number of cattle and prisoners were captured and handed  
over as booty to the soldiers.

He then brought his legions back into winter quarters before moving against the Gauls.

This quick attack, for the primary purpose of obtaining booty for the soldiers, may have allowed them to make extra money, possibly softening their reaction to an early (and perhaps climatically uncomfortable) start to the season. The same interpretation may be made of his early attack on Cenabum, which he acknowledged as risky: *si maturius ex hibernis educeret, ne ab re frumentaria duris subvectionibus laboraret*<sup>53</sup>—"If he withdrew the troops from their quarters so early in the year, he might be hard put to it to supply them with food". Here again he distributed the booty and prisoners among his soldiers.<sup>54</sup>

The obedience of even these Roman troops was by no means automatic. Caesar ordered his legates to maintain tight control over the soldiers on the march, in camp, and in battle, to insure they did not wander in search of treasures and thereby put the operation, or the legionaries themselves, in jeopardy. In the country of the Eburones (53 BC), Caesar commented, (*nullum enim poterat universis perterritis ac dispersis periculum accidere*), *sed in singulis militibus conservandis; quae tamen ex parte res ad*

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<sup>52</sup> Caes. *B Gall.* 6.2.3-2.2.

<sup>53</sup> Ibid., 7.10.1.

<sup>54</sup> Ibid., 7.11.9.

*salutem exercitus pertinebat. Nam et praedae cupiditas multos longius evocabat*<sup>55</sup>—"So long as they kept together, no danger could come to them from a frightened and scattered enemy; but danger to the army might easily be sustained from individual soldiers. For the hope of booty tempted many far afield." Similarly, speaking to his lieutenants at Gergovia in 52, *in primis monet ut contineant milites, ne studio pugnandi aut spe praedae longius progrediantur*<sup>56</sup>—"he warned them above all that they restrain the soldiers, lest they advance too far by eagerness for fighting or by the hope of plunder." At the battle of Pharsalus, Caesar urged the soldiers themselves to exercise self-control: *Caesar... a militibus contendit, ne in praeda occupati reliqui negotii gerendi facultatem dimitterent*<sup>57</sup>--"Caesar entreated the soldiers, lest preoccupation with plunder cast down their capability for carrying out the remaining business." His need to insist on this obedience implies that there was an existing problem with legionaries attempting to seek their own riches. It is possible that, hearing of the enrichment of soldiers in the eastern legions, their appetite for the extra bonuses now associated with service had become more important than the tradition of obedience.

In contrast to these examples of positive or obedient responses to the management of plunder, the sources mention negative consequences to the legionaries' desire for booty and wealth much more often. Lucullus had very little overall success in controlling his

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<sup>55</sup> Caes. *B Gall.* 6.34.3-4.

<sup>56</sup> Ibid., 7.45.8.

<sup>57</sup> Caes. *B Civ.* 3.97.1.

troops, particularly in the episode mentioned above in which his troops allowed Mithridates to escape in order to plunder his mule. In the case of over-plundering mentioned above, his soldiers immediately began to complain when Lucullus refused to take cities by storm on the grounds that they could no longer enrich themselves.<sup>58</sup> Possibly they hoped for other kinds of booty which might have some value even in a flooded market.

Besides allowing Mithridates to escape, some of Lucullus' soldiers turned on his own adjutant Callistratus when they discovered he was in possession of 500 gold pieces. Plutarch criticizes, οὐ μὴν ἀλλὰ τούτοις μὲν ἐπέτρεψε τὸν χάρακα πορθῆσαι<sup>59</sup>—“However, Lucullus allowed such soldiers as these to plunder the enemy's camp.” They disobeyed Lucullus' order to save the burning city of Amisus; ἐξαιτουμένων τὰ χρήματα καὶ μετὰ βοῆς ὅπλα κρουόντων, ἕως ἐκβιασθεὶς ἐπέτρεψεν<sup>60</sup>—“Demanding the booty and striking their weapons together with a shout, until having been forced, he yielded.” In pursuit again of Mithridates after the battle at Artaxata in 68 BC, the soldiers failed to catch him, since οὐ μόνον κτείνοντες αὐτούς, ἀλλὰ καὶ ζωγροῦντες καὶ φέροντες ἀπείπον<sup>61</sup>—“they sank from exhaustion, not only from killing [their enemies], but also with taking captives and carrying off booty.” There is no record of Lucullus punishing these soldiers, and their

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<sup>58</sup> Plut. *Luc.* 14.2.

<sup>59</sup> Ibid., 17.7.

<sup>60</sup> Ibid., 19.3.

<sup>61</sup> Ibid., 31.8.

apparent freedom to do as they liked may have sparked more acts of disobedience.

The rebel legate Fimbria gave perhaps the greatest licence to his troops: καὶ σπεύδων τοὺς στρατιώτας ἰδίους κατασκευάσασθαι ταῖς εὐνοίαις συνεχώρησεν αὐτοῖς τὴν χώραν τῶν συμμάχων ὥς πολεμίαν διαρπάζειν καὶ τοὺς περιτυχόντας ἐξ ἀνδραποδίζεσθαι. ἄσμένως δὲ προσδεξαμένων τῶν στρατιωτῶν τὴν συγχώρησιν, ἐν ὀλίγαις ἡμέραις περιεποιήσαντο χρήματων πλῆθος<sup>62</sup>—“Being eager to win the affections of his troops he gave them licence to plunder the territory of their allies as if it were enemy country, and to enslave those they encountered. The soldiers received this permission gladly and within a few days amassed much wealth.” His depredations continued as he encouraged his troops to commit acts of violence, and turned noncompliant cities over to his men to be plundered.<sup>63</sup>

Although Cassius Dio and Cicero praised Pompey’s control over his soldiers, they disobeyed him directly upon first arriving in Africa. A story was passed around the army that there was hidden treasure buried by the Carthaginians, οὐδὲν οὖν ὁ Πομπήϊος εἶχε χρῆσθαι τοῖς στρατιώταις ἐπὶ πολλὰς ἡμέρας θησαυροὺς ζητοῦσιν<sup>64</sup>—“And so for many days Pompey could do nothing with his soldiers who were all busy looking for treasure.” Additionally, despite Caesar’s warning to his generals to keep their troops in line at Gergovia, some soldiers were immediately tempted to look for plunder against orders. Caesar writes that the king of the Nitobroges, Teutomatus, surprised in his tent, *vix se ex manibus*

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<sup>62</sup> Diod. Sic. 38-39.8.1.

<sup>63</sup> Ibid., 38-39.8.2.

<sup>64</sup> Plut. *Pomp.* 11.4.

*praedantium militum eriperet*<sup>65</sup>—"only just managed to escape from the soldiers who entered in search of plunder." These may have been only a few rebellious individuals, but the incident still suggests some discipline problems in Caesar's army.

While there was no legal requirement to provide soldiers with booty, it is clear that generals could gain favour with their troops, and therefore more obedient behaviour, by allowing them to plunder the cities and peoples they fought. However, the accumulation of excessive wealth in the field led to discipline problems. The best policy regarding booty was controlled generosity on the part of the general.

## Discipline

Discipline in the Republican army varied greatly from general to general; the harshness which brought the Roman army to renown was more a product of the early second century, and practices such as decimation had largely vanished by our period. While Marius kept order partially by forcing soldiers to do manual labour, later commanders such as Sulla and Pompey sometimes gave in to soldiers' complaints or tried to appeal to them through lax discipline and other comforts.<sup>66</sup> The best discipline, in many cases, was self-driven on the part of the soldiers, as frequently occurred in Caesar's army.<sup>67</sup> A policy of mild discipline was no guarantee that the soldiers would be loyal to

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<sup>65</sup> Caes. *B. Gall.* 7.46.5.

<sup>66</sup> Plut. *Sull.* 12; *Pomp.* 11. On Roman soldiers' readiness to be critical of their commanders, see M. Grant, *Army of the Caesars* (New York, 1974), xxiii-xxiv.

<sup>67</sup> Caes. *B. Gall.* 1.41; 7.28.4.

their commander; in some cases it seems the opposite was true. Because there is so much variation in practice between generals, it may be useful to examine the evidence for each of Marius, Sulla, Pompey, Lucullus, and Caesar, in turn, as examples, after citing Polybius' appraisal of the disciplinary system.

Polybius outlines the standards of discipline and types of punishment meted out in the army of the second century BC. The *fustuarium*, a “cudgeling”, referred to in Greek as ξυλοκοπία, was administered by other soldiers on men condemned for neglecting night patrols, as well as for theft, giving false evidence, prostitution and repeat offenses. It was apparently possible to survive the *fustuarium*, but the guilty man was barred from returning home. Polybius includes a list of other offences with the introduction, εἰς δ' ἀνανδρίαν τιθέασι καὶ στρατιωτικὴν αἰσχύνην τὰ τοιαῦτα τῶν ἐγκλημάτων<sup>68</sup>—“The following of these charges [the Romans] reckon as unmanly acts and disgraceful in a soldier”: they were supposedly punished by disgrace, but the attendant punishment according to other sources was sometimes death. These last violations of soldierly behaviour include false claims of valour and abandoning one's station or retreating from battle out of fear.<sup>69</sup>

On the whole, ancient writers, notably Plutarch and Sallust, presented Marius as a strict disciplinarian after the manner of his own upbringing and early military career:

*at illa multo optima rei publicae doctus sum: hostem ferire,  
praesidia agitare, nihil meture nisi turpem famam, hiemem  
et aestatem iuxta pati, humi requiescere, eodem tempore*

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<sup>68</sup> Polyb. 6.37.10.

<sup>69</sup> Polyb. 6.37.10-13.

*inopiam et laborem tolerare. His ego praeceptis milites hortabor.*<sup>70</sup>

But I have learned by far that which is most important for my country's good—to strike down the foe, to keep watch, to fear nothing save ill repute, to endure winter and summer alike, to sleep on the ground, to bear privation and toil at the same time. It is with these precepts that I shall encourage my soldiers.

He was inflexible in meting out punishments, and his justice pleased the soldiers, particularly when it was not influenced by personal ties, as when he acquitted a soldier who had murdered Marius' nephew for his repeated and unwanted sexual advances.<sup>71</sup> He also managed to enrich his soldiers, and allowed some plundering of cities: *Sed consul... in agrum fertilem et praeda onustum proficiscitur, omnia ibi capta militibus donat*<sup>72</sup>—“But the consul... marched into a district which was fertile and rich in booty and there gave everything that was taken to the soldiers.” Harmand suggests that these passages somehow represent two opposed perspectives of Marius' disciplinary policies.<sup>73</sup> This view is problematic, however, particularly since Marius used these early raids as training missions: *interim novi milites sine metu pugnae adesse.... sic brevi spatio novi veteresque coaluere et virtus omnium aequalis facta*<sup>74</sup>—“Meanwhile the raw soldiers learned to enter battle fearlessly.... Thus in a short time the old and the new soldiers united and became

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<sup>70</sup> Sall. *B Jug.* 85.33-34.

<sup>71</sup> Plut. *Mar.* 14.3-5.

<sup>72</sup> Sall. *B Jug.* 87.1.

<sup>73</sup> Harmand, 274-5.

<sup>74</sup> Sall. *B Jug.* 87.2-3.

equally courageous.” Part of the soldiers’ willingness to be subject to harsh conditions and to be unwaveringly obedient might well have been as much because of the assurance of gain as because of the fear of punishment.

Conversely, an exceptional lack of discipline characterizes the military during the Social War and the civil war of the 80s. Some of the reasons given range from the frustration of discontented recruits forced into service because of a manpower shortage to the influx of Italians into the ranks after the Social War who were unfamiliar with the disciplinary procedures of the Roman legions.<sup>75</sup> The murder of Sulla’s legate Albinus went unpunished,<sup>76</sup> as did the attempted stoning of Cato.<sup>77</sup> Soldiers also killed the consul Q. Pompeius and Cinna without repercussions.<sup>78</sup>

Oddly enough, despite the murder of his legate Albinus, Sulla’s standards of discipline were fairly high and included the execution of pillagers and more strict night watches, as well as Marian-style work projects.<sup>79</sup> Consequently, perhaps, his soldiers’ obedience to him manifested itself in a voluntary, unofficial oath of loyalty to him when he returned to Italy in 83.<sup>80</sup> Sulla himself noted, however, that his army’s success at

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<sup>75</sup> Harmand, 275, *contra* (obviously) J. Rich, “The Supposed Roman Manpower Shortage”; Harmand, 276. It seems unlikely that native Italians were unfamiliar with Roman military discipline, given their long exposure to the Roman army as auxiliary troops.

<sup>76</sup> Plut. *Sull.* 6.9.

<sup>77</sup> Dio 31.100.

<sup>78</sup> App. *B Civ* 1.7.63; 1.9.78.

<sup>79</sup> App. *B Civ* 1.7.59, Plut. *Sull.* 16.5-6.

<sup>80</sup> Plut. *Sull.* 27.3; Vell. Pat. 2.25.1; App. *B Civ.* 1.9.78.



Capua against the consul Norbanus was what kept his soldiers from returning to their homes.<sup>81</sup> It may still be argued that his enforcement of discipline enabled them to perform at Capua in the first place; either way, Sulla was able to inspire personal loyalty in a manner that other commanders of his day could not, and his increased control of his troops cannot be separated from his successes.

Accounts of Pompey's mastery, or lack thereof, over his soldiers are coloured by the history of the Fimbrian legions, which were transferred to him from Lucullus in 66. Several episodes suggest a certain laxness on his part, but on the whole they do not appear to be serious breaches of conduct, and are perhaps simply recorded for their novelty rather than as characteristic of Pompey's leadership style. One instance that is indicative rather of strict discipline occurred before the influx of ex-Fimbrians into his forces: ἀκούων δὲ τοὺς στρατιώτας ἐν ταῖς ὁδοιπορίαις ἀτακτεῖν, σφραγίδα ταῖς μαχαίραις αὐτῶν ἐπέβαλεν, ἣν ὁ μὴ φυλάξας ἐκολάζετο<sup>82</sup>—“And again, on hearing that his soldiers were disorderly in their journeys, he affixed a seal upon their swords, and anyone not keeping the seal was punished.” By this restriction, Pompey clearly manifested his authority over the soldiers' use of their own weapons for purposes outside his military plans. This restraint was surely prompted by unauthorized pillaging en route. The treasure-hunting episode at Utica in 81 BC. was mentioned above.<sup>83</sup> Pompey's reaction to the delay seems

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<sup>81</sup> Plut. *Sull.* 27.6.

<sup>82</sup> Plut. *Pomp.* 10.7.

<sup>83</sup> p. 46.

unfitting of a Roman general: ἀλλὰ περιήει γελῶν καὶ θεώμενος ὁμοῦ μυριάδας τοσαύτας ὀρυσσούσας καὶ στρεφούσας τὸ πεδῖον<sup>84</sup>—“But he went about laughing at the spectacle of so many myriads of men digging and stirring up the ground.” It is possible, however, that realizing the entire force had become consumed with lust for riches, and that there was little he could do without support, his outwardly casual treatment of the situation resulted in an army that was better disposed to him in the end: ἔως ἀπειπόντες ἐκέλευον αὐτοὺς ἄγειν ὅπη βούλεται τὸν Πομπήϊον, ὥς δίκην ἱκανὴν τῆς ἀβελτερίας δεδοκότας<sup>85</sup>—“At last they grew weary of the search and bade Pompey lead them where he pleased, assuring him that they had been sufficiently punished for their folly.” Pompey thus enjoyed more reasonable troop behaviour after this point. Of the pre-Caesarian generals, Pompey’s disciplinary attitudes were perhaps the most successful. His military victories and good reputation were also helpful, so that he still had many loyal troops upon whom to call at the time of the civil war.

There is one vague account of Lucullus’ use of discipline at the time of his expedition to Asia with new troops to take command of the Fimbrians, πάντων μὲν πάλαι τρυφαῖς διεφθορότων καὶ πλεονεξίαις, τῶν δὲ Φιμβριανῶν λεγομένων καὶ διὰ συνήθειαν ἀναρχίας δυσμεταχειρίστων ἐγονότων<sup>86</sup>—“of which all had been long spoiled by habits of luxury and greed, and being called Fimbrians, had become hard to manage, through the habit of

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<sup>84</sup> Plut. *Pomp.* 11.4.

<sup>85</sup> Ibid.

<sup>86</sup> Plut. *Luc.* 7.1.

lawlessness.” Plutarch describes how

βραχεὶ χρόνῳ καὶ τούτων τὸ θράσος ὁ Λουκουλλὸς  
ἐξέκοψε καὶ τοὺς ἄλλους ἐπέστρεψε, τότε πρῶτον, ὥς  
ἔοικε, πειρωμένους ἄρχοντος ἀληθινοῦ καὶ ἡγεμόνος·  
ἄλλως δ’ ἐδημαγωγοῦντο πρὸς ἡδονὴν ἐθιζόμενοι  
στρατεύεσθαι.<sup>87</sup>

In a short time Lucullus pruned off their impudence, and reformed the rest. Then for the first time, as it would seem, they had the experience of a genuine commander and leader, having otherwise been cajoled into taking the field, being accustomed to pleasure.

The last part of this statement is not borne out by the evidence: Lucullus yielded at almost every turn to the murmurings and stubbornness of his troops. Most of these instances have been mentioned above.<sup>88</sup>

The only exception Plutarch cites followed a skirmish between a few troops of Mithridates and Lucullus at Cabira, in which a few Roman soldiers tried to flee:

ἐπανελθὼν δὲ Λούκουλλος ἀτιμίαν τινὰ τοῖς φεύγουσι νενομισμένην προσέβαλε, κελεύσας ἐν χιτῶσιν ἄζώστοις ὀρύξαι δώδεκα ποδῶν τάφρον, ἐφεστῶτων καὶ θεωμένων τῶν ἄλλων στρατιωτῶν<sup>89</sup> – “When he came back, however, Lucullus inflicted the customary disgrace upon the fugitives, ordering them to dig a twelve-foot ditch, working in ungirt blouses, while the rest of the soldiers stood by and watched them.” This might have been the ‘customary disgrace’ in Lucullus’ legions, but certainly was not mentioned by Polybius, nor is it in any other sources. As far as the sources suggest, Lucullus administered no other disciplinary

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<sup>87</sup> Ibid., 7.2.

<sup>88</sup> Ibid., 19.3, 24.3, 30.2-4, 32.2, 34.4, 35.3.

<sup>89</sup> Plut. *Luc.* 15.7.

action, of his own style or otherwise, to his rebellious troops.

The only recorded instance of the use of decimation by one of the major generals of the late Republic occurred during the war against Spartacus (73-71 B.C.), and the source gives a telling indication of the sliding standards of discipline over the last century. Many soldiers out of the two legions under Crassus' legate Mummius threw aside their arms and fled from a battle with Spartacus' forces:

πεντακοσίους δὲ τοὺς πρώτους, καὶ μάλιστα τοὺς  
τρέσαντας, εἰς πεντήκοντα διανείμας δεκάδας ἀφ'  
ἐκάστης ἀπέκτεινεν ἓνα τὸν κλήρῳ λαχόντα, πατριὸν τι  
τοῦτο διὰ πολλῶν χρόνων κόλασμα τοῖς στρατιώταις  
ἐπαγαγόν. καὶ γὰρ αἰσχύνῃ τοῦ θανάτου τῷ τρόπῳ  
πρόσεστι, καὶ δρᾶται πολλὰ φρικώδη καὶ σκυθρωπὰ περὶ  
τὴν κόλασιν ἀπάντων θεωμένων.<sup>90</sup>

The five hundred who were the first to flee and the most cowardly, he divided into fifty decades, and put to death one from each decade, on whom the lot fell, thus reviving, after the lapse of so many years, an ancient mode of punishing the soldiers. For disgrace also attaches to this manner of death, and many horrible and repulsive features attend the punishment, which is witnessed by everyone.

Clearly, the practice of decimation had fallen out of use, but Plutarch's language suggests that the manner of administering the punishment was well-remembered and standardized even after many decades of more lax punishments for fleeing battle, as in Plut. *Luc.* 15.7.

The accounts of Caesar's dealings with his troops rarely mention serious breaches of conduct of the type encountered above. Suetonius described, in vague terms, his style of discipline, stating that *delicta neque obseruabat omnia neque pro modo exequebatur*,

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<sup>90</sup> Plut. *Crass.* 10.2-3.

*sed desertorum ac seditiosorum et inquisitor et punitor acerrimus coniebat in ceteris*<sup>91</sup>—"He did not take note of all of their misbehaviour, nor enforced the rules according to any fixed method, but he did not overlook the investigation and severe punishment of deserters or mutineers". Caesar apparently disdained the disciplinary rules described by Polybius, and exercised his own authority as he saw fit. This individualization of procedure might itself have drawn his troops more personally to him.

There seems to have been, for his soldiers, no difficulty in adjusting to the different standards of obedience required by circumstance in Caesar's legions: *non enim ubique ac semper, sed cum hostis in proximo esset, coercebat: tum maxime exactor grauissimus disciplinae*<sup>92</sup>—"for not everyone and always, but only when the enemy was present, did he force them: then most of all he exacted the strictest discipline". No concrete examples accompany Suetonius' broad statements; in his own writings, Caesar does not describe general camp life or these supposedly lax everyday standards.

There are, however, two instances of legionary disobedience with which Caesar dealt directly; the first consists more of disobedient sentiments, at Vesontio in 58. His officers and soldiers feared the rumoured strength of the German forces, and *non nulli etiam Caesari nuntiabant, cum castra moveri ac signa ferri iussisset, non fore dicto audientes milites neque propter timorem signa laturos*<sup>93</sup>—"some even reported to Caesar

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<sup>91</sup> Suet. *Div. Iul.* 67.1.

<sup>92</sup> *Ibid.*, 65.1.

<sup>93</sup> Caes. *B Gall.* 1.39.

that when he gave the command to strike camp and carry the standards, the soldiers would neither listen to his order nor carry the standards on account of fear." The prevailing fear was obviously apparent enough to Caesar that a harangue was in order, in which he minimized the threat posed by their opponents and shamed them by stating he would go ahead with the attack even if only his loyal 10th legion would accompany him.<sup>94</sup> The unanimous support and loyalty of his troops following his harangue would appear to demonstrate his effectiveness as an orator, if not the reality of the ties between himself and his soldiers.

The incident at Gergovia in the spring of 52 is more telling of Caesar's attitude in dealing with disobedience. Here, many of his troops rushed ahead into battle after a recall was sounded, an act which resulted in great loss of life on the Roman side.<sup>95</sup>

*Postero die Caesar contione advocata temeritatem cupiditatemque militum reprehendit.... Quanto opere eorum animi magnitudinem admiraretur... tanto opere licentiam arrogantiamque reprehendere, quod plus se quam imperatorem de victoria atque exitu rerum sentire existimarent.*<sup>96</sup>

The next day Caesar called a meeting and reprimanded the soldiers for their rashness and greed.... Much as he admired the heroism that they showed... he condemned their bad discipline and presumption because they thought that they knew better than their commander-in-chief how to win a victory or to foresee the results of an action.

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<sup>94</sup> Ibid., 1.40.

<sup>95</sup> Caes. *B Gall.* 7.47.

<sup>96</sup> Ibid., 7.52.1-3.

Whereas similar acts might have incurred harsher punishment than a simple speech, Caesar might have been aware of the value of their courage and eagerness to fight and perhaps did not wish to restrict it too severely: punishments such as those administered by Lucullus and Crassus, mentioned above, were largely penalties for attempted desertion. As well, many of the perpetrators of the disobedient charge at Gergovia were likely killed in the attack;<sup>97</sup> the best response might then have indeed been a warning speech, the proof for which already lay before them on the battlefield.

Military discipline in the Late Republic resembled a tug-of-war between the impulses of the soldiers and their generals and the old standards of discipline and punishment. Harmand tries to credit the chaos of the early first century BC to the general discontent and treachery associated with the social war, and perhaps also with the changing demographics of the army.<sup>98</sup> It seems more likely, however, that the growing expectation of financial gain through booty and donatives created an environment within the military in which the general was expected to keep furnishing these unofficial perquisites. When he did not, the result was discontent and revolt. The general reluctance to administer old styles of punishment, even to deserters, might reflect fear of assassination by subordinates, as occurred early in the first century.

The factors of length of service, pay, pillaging rights and discipline became more

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<sup>97</sup> Harmand, 296. Cf. *Caes. B Gall.* 7.50.6; 51.1.

<sup>98</sup> Harmand, 275-6.

and more the prerogative of the individual general in the Late Republic, rather than being governed by a uniform set of standards to which all parties were responsible. The link, then, between soldier and commander grew ever stronger, though the authority over the terms of this bond did not always lie completely with the commanding officer. As shown above, generals sometimes held tenuous sway over their legions, who might act with safety in numbers against the wishes of their superiors. These variations in behaviour existed despite the administration of the military oath of loyalty. We can best determine the efficacy of the *sacramentum* in the context of the conditions which have been examined in this chapter.



## CHAPTER THREE

### *Loyalty and the Sacramentum*

The previous chapters have focused on the general conditions of recruitment and service which influenced the makeup and behaviour of late Republican soldiers. While certain theoretical parameters for military policies have come down to us from authors such as Polybius, the disparity between theory and reality has been obvious in such matters as conscription, pay and discipline. The examination of the *sacramentum*, the oath of loyalty sworn by all soldiers to obey their commanders and not desert the ranks, reveals the same disparity. While ancient and modern authors alike have extolled the loyalty of the Roman soldier to his superiors, evidence suggests that this loyalty was extremely fluid and ill-defined.

#### **Origins**

A few early Italian social and military institutions and traditions may have served as forerunners to the formal military oath of the late Republic, although direct epigraphic and literary evidence is somewhat lacking.

During the early Republic, warlords, or *condottieri*, led bands of “armed personal dependants”, functioning independently from state government. These followers are

referred to as *clientes* or *sodales*.<sup>1</sup> One inscription in particular, the Lapis Satricanus, may demonstrate the solidity of the relationship between the early warlord Publius Valerius and his *sodales* in a joint dedication to Mars.<sup>2</sup> Another warlord, Coriolanus, had ‘many clients banded together for warlike gain’.<sup>3</sup> This reciprocal relationship was an early form of the patron-client arrangement so common in later centuries.<sup>4</sup>

In turn, the concept of extrajudicial obligation between patrons and clients can be linked to the *sacramentum*. A clause in the Twelve Tables reads, *si patronus clienti fraudem fecerit, sacer esto*<sup>5</sup>—“If a patron shall have done wrong to a client, let him be accursed”. The clause assigns no legal penalty, but rather suggests that the patron must answer to a higher law for committing *fraus*. The reciprocal warning, that clients be just in their dealings with their patrons, is unnecessary, as patrons had the weight of law and socio-economic power behind them.<sup>6</sup> This same formula, *sacer esto*, was applied to those

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<sup>1</sup> T.J. Cornell, *The Beginnings of Rome: Italy and Rome from the Bronze Age to the Punic Wars (c.1000-264)* (Routledge, 1995), 143-4.

<sup>2</sup> CIL I<sup>2</sup>, 2832a: [—] *ieisteteraipopliosiovalessiosio/suodalesmamartei*—“[—] as companions of Poplios Valesios [=Publius Valerius] set this up to Mamars [=Mars].”

<sup>3</sup> Dio. Hal. 7.21.3: ἦν δὲ περὶ αὐτὸν ἑταιρία μεγάλη νέων εὐγενῶν οἷς ἦν τὰ μέγιστα τιμήματα βίων, καὶ πελάται συχνοὶ συνεστηκότες ἐπὶ ταῖς ἐκ τῶν πολέμων ὠφελείαις—“Around him there was a large companionship of well-born young men of the greatest fortunes, and many clients who had joined themselves to him for the sake of warlike gain.”

<sup>4</sup> Cornell, 290-91. L. Ross-Taylor, *Party Politics in the Age of Caesar* (Berkeley, 1971), 47, states unequivocally that the soldiers “were turned into clients of the general” in the late Republic. The commander-soldier and patron-client relationships have many similarities, but the explicit parallel may be excessive.

<sup>5</sup> Crawford, *Roman Statutes*, 582 (VIII, 10).

<sup>6</sup> Cornell, 289.

who harmed the tribunes of the plebs, whose authority thus rested on the *lex sacrata*.<sup>7</sup>

The other uses of the *lex sacrata* pertained to emergency military conscriptions among earlier Italic peoples, in which soldiers swore obedience to their leaders.

The elements of these laws and social constructs seem to appear in combination in the form and implications of the *sacramentum*: obedience to leadership, penalties for disobedience, and the sacred dimension of the oath. Later in this chapter, I shall argue that another aspect – the anticipation of ‘warlike gain’ – makes its way into the equation: soldiers’ behaviour and attitudes towards the oath suggest that their loyalty is conditional upon certain implicit expectations of their generals.

### **The text of the *sacramentum***

Polybius gives us the earliest description of the Roman military oath, to which he assigns no special term (note only the use of the word ἐξορκίζουσιν for taking an oath):

Ἐπιτελεσθείσης δὲ τῆς καταγραφῆς.... ἀθροίσαντες  
τοὺς ἐπιλεγμένους οἱ προσήκοντες τῶν χιλιάρχων καθ’  
ἑκαστον στρατόπεδον καὶ λαβόντες ἐκ πάντων ἓνα τὸν ἐπιτηδειότατον, ἐξορκίζουσιν ἢ  
μὴν πειθαρχήσῃν καὶ  
ποιήσῃν τὸ προσταττόμενον ὑπὸ τῶν ἀρχόντων κατὰ  
δύναμιν. οἱ δὲ λοιποὶ πάντες ὀμνύουσι καθ’ ἓνα  
προπορευόμενοι, τοῦτ’ αὐτὸ δηλοῦντες ὅτι ποιήσουσι  
πάντα καθάπερ ὁ πρῶτος.<sup>8</sup>

The enrolment having been completed... those of the

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<sup>7</sup> Cornell, p. 259, notes, “In a Roman context the *lex sacrata* has affinities with the military oath; the fact that the plebeian leaders were called tribunes perhaps encourages the analogy (since the senior officers of the Roman armies were known as *tribuni militum*).”

<sup>8</sup> Polyb. 6.21.

tribunes on whom this duty falls collect the newly-enrolled soldiers, and picking out of the whole body a single man whom they think the most suitable make him take the oath that he will obey his officers and execute their orders as far as is in his power. Then the others come forward and each in his turn takes his oath simply that he will do the same as the first man.

This text approximates the terms of the oath as administered at least in the early to mid-second century BC. It had probably undergone some development since the time of its traditional inception, just before the battle of Cannae in 216 BC.:

*Tum, quod nunquam antea factum erat, iure iurando ab tribunis militum adacti milites; nam ad eam diem nihil praeter sacramentum fuerat iussu consulum conuenturos neque iniussu abituros; et ubi ad decuriandum aut centuriandum conuenissent, sua uoluntate ipsi inter sese decuriati equites, centuriati pedites coniurabant sese fugae atque formidinis ergo non abituros neque ex ordine recessuros nisi teli sumendi aut petendi et aut hostis feriendi aut ciuis seruandi causa. Id ex uoluntario inter ipsos foedere ad tribunos ac legitimam iuris iurandi adactionem translatum.*

“An oath was then administered to the soldiers by their tribunes, which was a thing that had never been done before. For until that day there had only been the oath to assemble at the bidding of the consuls and not depart without their orders; then, after assembling, they exchanged a voluntary pledge amongst themselves—the cavalrymen in their decuries and the infantry in their centuries—that they would not abandon their ranks for flight or fear, but only to take up or seek a weapon, either to smite an enemy or to save a fellow citizen. This voluntary agreement amongst the men themselves was replaced by an oath administered formally

by the tribunes.’’<sup>9</sup>

Here, the word *sacramentum* is used to refer only to the promise soldiers made to assemble when called upon by the consuls. The soldiers also originally made voluntary pledges of loyalty to one another. Although the terms of the new and official *ius iurandum* administered by the tribunes is not explicitly described here by Livy, he seems to be suggesting that it replaced the voluntary pledge to remain in the ranks. Such an oath, taken to the consul, would likely incorporate elements such as are found in Polybius’ description of the military oath: obedience to officers and their orders.

Modern scholars, however, consistently refer to the military oath of loyalty as the *sacramentum* and not the *ius iurandum*, a practice justified primarily by Caesar’s use of the term *sacramentum*. Although he never explicitly gives the terms of this oath, his references to it clearly describe pledges of loyalty, not simply for soldiers to assemble as ordered. For example, Pompey’s officer Domitius, after being captured by Caesar in 49, left behind troops at Corfinium, and *milites Domitianos sacramentum apud se dicere iubet*<sup>10</sup>—“Caesar ordered Domitius’ soldiers to take the oath of allegiance to himself.” The meaning of *sacramentum* in this case cannot mean an oath to assemble at Caesar’s command, since the troops are already assembled. Other references to the term

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<sup>9</sup> Livy 22.38.2-5. The exchange of pledges in small groups is notable in light of information gathered by the U.S. Army after World War II which suggests that individuals in combat consider themselves as equals within a small group of men, and will fight for the survival of themselves and that group rather than for the larger unit to which they belong: J. Keegan, *The Face of Battle* (London, 1976), 53. The units of men in Roman armies who shared a tent in the field were the *contubernia*, each made of up 8 men (Keppie, 173).

<sup>10</sup> Caes. *B Civ.* 1.23.5.

*sacramentum* in Caesar's works are of a similar nature.<sup>11</sup> On the other hand, Caesar never uses the term *ius iurandum* to refer to the Roman military oath, but frequently for oaths sworn by Gallic tribes and leaders or one another in both diplomatic and military contexts.<sup>12</sup> More will be said about oath terminology in the section below on late imperial texts of the military oath.

Polybius's description may very well be the best representation of the wording of the oath as it existed in the late Republican period, since most of Livy's description pertains to the oath taken *sua voluntate*, which best fits the description of a *coniuratio*, an equilateral agreement among a group of men rather than a promise to be loyal to a specific commander.<sup>13</sup>

Dionysius of Halicarnassus also provided some information about the content of the *sacramentum*. His account must be handled delicately in light of its early imperial date and the fact that Dionysius' extant works cover the history of Rome only up to the First Punic War. In addition, his references to the military oath accompany events dated to the 5<sup>th</sup> century BC, long before the battle of Cannae. While I have considered the possibility that Dionysius was aware of the distinction between the earlier and later oaths, and meant his descriptions to apply only to one of the earlier forms of the oath (that is, the

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<sup>11</sup> Ibid., 1.86.4, 2.28.2, 2.32.8-10.

<sup>12</sup> e.g. Caes. *B Gall.* 1.3.8, 6.2.2, 7.66.7.

<sup>13</sup> Note that the soldiers *coniurabant sese*—"made an agreement among themselves". See also A. Momigliano, review of S. Tondo, *Il 'sacramentum militiae' nell'ambiente culturale romano-italico* (Rome, 1963), in *JRS* 57 (1967), p. 253-4.

oath to assemble at the bidding of the consuls), his references appear to me to be closer in content and implication to the oath of obedience to the consuls, as described by Polybius. His interpretation may be the result of the fact that Dionysius came to Italy just as Octavian was ending the civil war (late 30 or 29 BC).<sup>14</sup>

The section of Dionysius most commonly referred to in scholarly commentary on the *sacramentum* relates the story of Appius Claudius, a *decemvir*, who exerted his political influence unjustly to claim a young woman who was already betrothed to another man.<sup>15</sup> The girl's father, Verginius, after killing his daughter to prevent her loss of virtue, returned to the camp where he was a centurion, and encouraged the troops and his fellow-centurions to rise up against the tyranny of the decemviral generals.<sup>16</sup> Some, however, were hesitant to follow him back to Rome:

ὁρρωδούντων δ' ἔτι τῶν πολλῶν τὰ ἱερὰ σημεῖα κινεῖν,  
ἔπειτα τοὺς ἡγεμόνας καὶ τοὺς στρατηγοὺς καταλιπεῖν  
οὔτε ὅσιον οὔτ' ἀσφαλὲς εἶναι παντάπασιν νομιζόντων (ὃ  
τε γὰρ ὄρκος ὁ στρατιωτικός, ὃν ἀπάντων μάλιστα  
ἐμπεδοῦσι Ῥωμαῖοι, τοῖς στρατηγοῖς ἀκολουθεῖν  
κελεύει τοὺς στρατευομένους ὅποι ποτ' ἂν ἄγωσιν, ὃ τε  
νόμος ἀποκτείνειν ἔδωκε τοῖς ἡγεμόσιν ἐξουσίαν τοὺς  
ἀπειθοῦντας ἢ τὰ σημεῖα καταλιπόντας ἀκρίτως).<sup>17</sup>

But most of them were still afraid to remove the sacred standards, and, again, did not think it either right or safe at all to desert their commanders and generals. *For not only does the military oath, which the Romans observe most*

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<sup>14</sup> Dio. Hal. 1.7.2.

<sup>15</sup> Ibid., 11.28.

<sup>16</sup> Ibid., 11.37.

<sup>17</sup> Ibid., 11.43.2. Emphasis added in English translation.

*strictly of all oaths, bid the soldiers follow their generals wherever they may lead*, but also the law has given the commanders authority to put to death without a trial all who are disobedient or desert their standards.

In a variation on the previous texts of the oath, this reference includes the penalty affixed to infractions. We may, however, take the section of Polybius outlining punishments for misbehaviour, described in the previous chapter, to cover instances of offense against the oath of loyalty.<sup>18</sup> Issues related to breaking the *sacramentum* will be addressed later in this chapter.

Dionysius also describes the oath as follows: the Roman soldiers took the military oath (ὄρκος στρατιωτικός), ἀκολουθήσειν τοῖς ὑπάτοις ἐφ' οὓς ἂν καλῶνται πολέμους καὶ μήτε ἀπολείψειν τὰ σημεῖα μήτε ἄλλο πράξειν μηθὲν ἐναντίον τῷ νόμῳ—“to follow the consuls in any wars to which they should be called and to neither desert the standards nor do anything else contrary to law”.<sup>19</sup> This formula emphasizes loyalty to the consuls and indirectly, perhaps, loyalty to the state by requiring that soldiers obey the law.

The *sacramentum* appears to have been binding without renewal, insofar as the soldiers were bound to their commanders not for a single year or other set period of time, but until released from the operation or until given a new general.<sup>20</sup> It does not appear that the oath was binding after dismissal from the legions. Dionysius, however, records an instance in 460 BC in which the consul Quintius, faced with popular agitations and

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<sup>18</sup> p.48, cf. Polyb. 6.36-7.

<sup>19</sup> Dio. Hal. 10.18.2.

<sup>20</sup> Watson, 169.



disturbances, threatened to keep his army in the field for the duration of his consulship, including the winter season, since they were bound to obey him because they had all once taken the military oath.<sup>21</sup> This seems to be a great stretch of their legal obligations to him as consul—a rhetorical twisting of an important military institution for the purpose of calming civil disturbance. We have no way of knowing how potent the threat really was without seeing the results of its execution.

No evidence suggests that the oath was renewed on a yearly basis in the Republic, as it may have been during the imperial period.<sup>22</sup> The oath was administered yearly as new soldiers were added to the legions at the beginning of each campaigning season, but there seems to be no reason for veteran soldiers to take the oath again.

### *Late Imperial texts*

The *sacramentum* continued as a military institution into the Augustan period and beyond. Several imperial writers, most very late, described the content of the oath in

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<sup>21</sup> Dio. Hal. 10.18.2: συναγαγὼν τὸ πλῆθος εἰς ἐκκλησίαν εἶπεν ὅτι πάντες ὁμωμόκασι τὸν στρατιωτικὸν ὄρκον ἀκολουθήσειν τοῖς ὑπάτοις ἐφ' οὓς ἂν καλῶνται πολέμους.... παραλαβὼν δὲ τὴν ὑπατικὴν ἐξουσίαν αὐτὸς ἔχειν ἔφη κρατούμενους ἅπαντας τοῖς ὄρκοις.... “Καὶ ἵνα,” ἔφη, “πάσαν ἀπογνώτε δημαγωγίαν ἐπὶ τῆς ἐμῆς ὑπατείας, οὐ πρότερον ἀναστήσω τὸν στρατὸν ἐκ τῆς πολεμίας πρὶν ἢ πᾶς ὁ τῆς ἀρχῆς μοι διέλθῃ χρόνος. ὥς οὖν ἐν ὑπαίθρῳ χειμάσσοντες παρασκευάσασθε τὰ εἰς ἐκεῖνον τόνκαιρὸν ἐπιτήδεια.” τοῦτοις καταπληξάμενος αὐτοὺς τοῖς λόγοις, ἐπειδὴ κοσμιωτέρους εἶδε γεγονότας καὶ δεομένους ἀφεθῆναι τῆς στρατείας, ἐπὶ τούτοις ἔφη χαριεῖσθαι τὰς ἀναπαύλας τῶν πολέμων—“He called an assembly of the populace and declared that since they had all taken the military oath, swearing that they would follow the consuls in any wars to which they should be called... and since he had assumed the consular power, he held them all bound to him by their oaths.... “And to the end,” he added, “that you may renounce all agitation by demagogues during my consulship, I will not withdraw the army from the enemy’s country until my whole term of office has expired. Expect therefore, to pass the winter in the field....” Having terrified them with these threats, when he saw that they had become more orderly and begged to be let off from the campaign, he said he would grant them a respite from war.”

<sup>22</sup> Watson, 49, with R.O. Fink, “The Feriale Duranum”, *Yale Classical Studies* Vol. 7 (New Haven, 1940), 51 n. 114.

terms which are sometimes applied to analyses of the *sacramentum* in the late Republican period.<sup>23</sup> These reconstructions are potentially misleading. A brief overview of the imperial texts concerning the *sacramentum* is appropriate here.

Frontinus (ca. A.D. 30-100) was the author of the *Strategemata*, a loosely organized military handbook drawing on accounts and anecdotes of earlier historians.

The fourth book of the *Strategemata* includes a reference to military oaths:

*L. Paulo et C. Varrone consulibus milites primo iure iurando adacti sunt; antea enim sacramento tantummodo a tribunis rogabantur, ceterum ipsi inter se coniurabant se fugae atque formidinis causa non abituros neque ex ordine recessuros nisi teli petendi feriendive hostis aut civis servandi causa.*<sup>24</sup>

In the consulship of L. Paulus and C. Varro, soldiers were for the first time required to take the *ius iurandum*. For before that time they had the *sacramentum* administered to them by the tribunes, but they swore to each other that they would not flee out of fear nor abandon the ranks except to seek a weapon, either to slay an enemy or to save a citizen.

This passage matches Livy's account in most respects. Although Frontinus does not explain what the term *sacramentum* entailed, it seems likely that it referred to a formality unrelated to loyalty within the legion, since he goes on to describe the pledges the soldiers made to one another. He does not suggest that the term *sacramentum* in a military context was phased out after this point, although his commentator Bennett states

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<sup>23</sup> Parker (25) uses Servius 8.1 in a Republican context.

<sup>24</sup> Front. *Strat.* 4.1.4.

that the two oaths were merely combined on the eve of Cannae and given the name *ius iurandum*.<sup>25</sup> As stated above, Caesar used the term *sacramentum* to refer to the oath of loyalty. The best explanation seems to be that the term *sacramentum* remained in use in connection with military loyalty, and by Caesar's day had either replaced the term *ius iurandum* in reference to the oath of loyalty, or was interchangeable with it.

Scholars also cite three passages from Servius' commentary on the *Aeneid* of Virgil which describe the terms of the *sacramentum*. Servius, writing in the late fourth century AD, cannot have been free of the influence of imperial military practice.

*nam miles legibus sacramentorum rogabatur, ut exiens ad bellum iuraret, se nihil contra rem publicam facturum.... plerumque sacramento rogati, quia post electionem in rem publicam iurant, sicut dictum est. Et hi sunt qui habent plenam militiam; nam viginti et quinque annis tenentur.*<sup>26</sup>

For a soldier was called to the legions by the *sacramentum*, which he swears going out to war, that he will do nothing against the state.... For the most part soldiers are called up by the *sacramentum*, in which after their selection they swear to the state just as it was said above. And these are they who are in full service, for they are liable for twenty-five years.

References to a stipulated length of service clearly post-date Augustan military reforms, as will be shown below, and so its value for Republican practice is dubious.<sup>27</sup> This

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<sup>25</sup> Charles E. Bennett, trans., *Frontinus: The Stratagems and the Aqueducts of Rome* (New York: 1925) 270 n. 1. For commentary on the authenticity of the fourth book, see Brian Campbell, "How to be a General", *JRS* 77 (1987), 15 n. 10.

<sup>26</sup> Servius *ad Aen.* 2.157.

<sup>27</sup> p. 72.

passage mentions only the promise to do nothing to injure the state (including, presumably, its laws), and that the oath is sworn as the soldier goes out to war. The timing of the oath as it is described here may support Vegetius' comments below, and must also date to the imperial period.

Later references in Servius give the terms of the oath more specifically:

*sacramentum, in quo iurat unusquisque miles se non recedere nisi praecepto consulis post completa stipendia, id est militiae tempora.*<sup>28</sup>

The *sacramentum*, in which each soldier swears not to leave the ranks unless by permission of the consul after having completed his *stipendia*, that is the term of military service.

*legitima erat militia eorum, qui singuli iurabant pro republica se esse facturos, nec discedebant nisi completis stipendiis, id est militiae temporibus: et sacramentum vocabatur.*<sup>29</sup>

There was the legitimate military service of those who swore as individuals that they would act for the good of the state, and would not leave the ranks until after they had completed their *stipendia*, that is their term of military service: and it was called the *sacramentum*.

Both passages stress the importance of *completa stipendia*, the completion of the term of service which Servius gives as 25 years. Again, as will be shown in the next section, it is unlikely that any such stipulation, whether with a set term of service or not, existed in the Republican form of the oath.

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<sup>28</sup> Servius *ad Aen.* 7.614.

<sup>29</sup> *Ibid.*, 8.1.

Vegetius, who named Frontinus as one of his sources,<sup>30</sup> wrote that

*additis etiam exercitiis cotidianis quattuor vel eo amplius mensum.... iurant autem milites omnia se strenue facturos quae praeceperit imperator, nunquam deserturos militiam nec mortem recusaturos pro Romana republica.*<sup>31</sup>

“After daily training has been added for four or more months.... The soldiers swear that they will enthusiastically do whatever the emperor commands, that they will never desert the army and that they will not shrink from death for the sake of the Roman state.”

If Vegetius made use of Frontinus’ account of the *sacramentum*, he has clearly added information from his own period to it, as he mentions the probationary training period of four or more months, as well as the procedure of tattooing new recruits.<sup>32</sup> However, as mentioned above, Vegetius’ text might support Frontinus’ suggestion that soldiers took the *sacramentum* only in going out to war, presumably after having passed all tests and trials as recruits to become officially sanctioned combatants.

Isidorus, writing in the early 7<sup>th</sup> century, also records some information about the *sacramentum*, but it does not appear to be anything more than a transcription of Servius *ad Aen.* 2.157.<sup>33</sup>

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<sup>30</sup> Vegetius *epit. rei. milit.* 1.8., 2.3.

<sup>31</sup> *Ibid.*, 2.5.

<sup>32</sup> *Ibid.*, 2.5: *nam picturis in cute punctis milites scripti*—“the soldiers having been inscribed with punctured marks in their skin”. N.P. Milner, *Vegetius: Epitome of Military Science* (Liverpool, 1993), 35 n. 1, recognizes the religious nature of the imperial oath of loyalty and accompanying rites, including tattooing.

<sup>33</sup> Isid. *Etym.* 9.3.53: *Tria sunt militiae genera: sacramentum, evocatio, coniuratio. Sacramentum, in quo post electionem iurat unusquisque miles se non recedere a militia, nisi post completa stipendia, id est, militiae tempora; et hi sunt qui habent plenam militiam. Nam viginti et quique annis tenentur*—“Armies

## Terms

Later references to the *sacramentum* in the imperial period, described as having a set length of service as one of the conditions, do not apply in the Republican period.<sup>34</sup> Evidence for this comes from Cicero's case against Piso, in which he chastises the general for disbanding his army without permission from the Senate.<sup>35</sup> This disbandment, while apparently illegal, does not seem to involve breaking the soldiers' contractual agreement according to the military oath, since Cicero would not have failed to rebuke Piso for this infraction as well, had it been the case.

The outcome of the revolt of Caesar's legions in 47 serves as weightier evidence. As shown in the previous chapter, several of Caesar's legions threatened mutiny if they did not receive discharge, despite their having served, in some cases, as few as six years' active duty.<sup>36</sup> The unusual nature of their service and the revolutionary character of the

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come to be in three ways: by the *sacramentum*, the *evocatio* and the *coniuratio*. [First], the *sacramentum*, in which after the choosing, each soldier swears not to withdraw from the army unless he has completed his stipendia, that is, his term of service; and these are they who are in full service. For they are held liable for 25 years."

<sup>34</sup> Smith, 31-2.

<sup>35</sup> Cicero, *In Pis.* 47: *Ego te non vaecordem... putem, qui sis ausus... premente confiteri te provinciam Macedoniam, in quam tantum exercitum transportasses, sine ullo milite reliquisse?... dimittendi vero exercitus quam potes adferre causam? Quam potestatem habuisti? Quam legem? Quod senatus consultum? Quod ius? Quod exemplum?*—"Ought I not to think you senseless, who dared... to admit frankly that you returned from your Macedonian province, into which you had taken so great an army, without a single soldier? Indeed, what reason can you give for dismissing your army? What power did you have to do so? What was the law, the decree of the senate, the right, the precedent that gave it to you?"

<sup>36</sup> Ch. 2, p. 31ff.

period notwithstanding, it seems unlikely that Caesar could have allowed them to threaten mutiny without making any mention of the oaths they had taken, had they agreed to a set period of service.

Some evidence suggests that the term of the *sacramentum* was ended when a legion was disbanded, and that a soldier needed to retake the oath if he continued in the service, even under the same commander:

*Popilius imperator tenebat provinciam, in cuius exercitu Catonis filius tiro militabat. Cum autem Popilio videretur unam dimittere legionem, Catonis quoque filium, qui in eadem legione militabat, dimisit. Sed cum amore pugnandi in exercitu remansisset, Cato ad Popilium scripsit, ut, si eum patitur in exercitu remanere, secundo eum obliget militiae sacramento, quia priore amisso iure cum hostibus pugnare non poterat. Adeo summa erat observatio in bello movendo.*<sup>37</sup>

Popilius was general in command of a province. In his army Cato's son was serving on his first campaign. When Popilius decided to disband one of his legions, he discharged also young Cato, who was serving in that same legion. But when the young man out of love for the service stayed on in the field, his father wrote to Popilius to say that if he let him stay in the army, he should swear him into service with a new oath of allegiance, for in view of the voidance of his former oath he could not legally fight the foe. So extremely scrupulous was the observance of the laws in regard to the conduct of war.

Scholars no longer attribute this passage to Cicero but consider it to be a later interpolation in the text, based on the unusual choice of words and similarities between

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<sup>37</sup> Cic. *Off.* 1.11.36. Even if this text is Ciceronian, appropriate cautions must apply to this text as a first-century account of a second-century anecdote.

this incident and the one immediately following (see below, p. 89).<sup>38</sup> Walsh notes that the phrase *militiae sacramentum* is not found in other texts until the third century AD.<sup>39</sup> It is still possible, however, that the anecdote accurately reflects the legalistic attitude of some Romans towards the military oath during the late Republic. In any case, the second anecdote contains the same suggestions of the legal importance of the *sacramentum*.<sup>40</sup>

### Administration

Our sources do not fully elucidate the process of administering the oath. It is not clear whether one man was chosen to speak for the entire group of recruits, or one for each legion, in instances where more than one legion was recruited at one time; whether troops transferred from one commander to another took the oath along with new recruits.<sup>41</sup> The tribunes played an important role in administering the oath to the recruits.

What kind of man was the “most suitable”?<sup>42</sup> When the moment came for the administration of the *sacramentum*, the tribunes had already sorted the men according to “age and physique”.<sup>43</sup> Perhaps one of the young men chosen in the first equivalent group

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<sup>38</sup> A.R. Dyck, *A Commentary on Cicero, De Officiis* (Ann Arbor, 1996), 142-4.

<sup>39</sup> P.G. Walsh, *Cicero: On Obligations* (Oxford University Press, 2000), 134. See also M.T. Griffin and E.M. Atkins, eds., *Cicero: On Duties* (Cambridge University Press, 1991), 16 n. 2.

<sup>40</sup> p. 89.

<sup>41</sup> For example, the troops recruited by Pompey and transferred to Caesar: Caes. *B Gall.* 6.1.2-3.

<sup>42</sup> Polyb. 6.21: ...λαμβάντες ἐκ πάντων ἓνα τὸν ἐπιτηδειότατον...—“picking out of the whole body a single man whom they think the most suitable...”

<sup>43</sup> Polyb. 6.20: ἐκ δὲ ταύτης ἐκλέγουσι τῶν νεανίσκων τέτταρας ἐπικικῶς τοὺς παραπλησίους ταῖς ἡλικίαις καὶ ταῖς ἔξεσι—“From [each tribe] they fairly select four young men, nearly equal in age and physique.”



of four would have been an appropriate choice to take the oath. Certainly, they must have selected a man whose physiognomy matched that of a good soldier. Watson, writing of the Republican period in this instance, refers to this first part of the procedure as the *praeiuratio*; no ancient sources, however, distinguish it as a separate ordinance.<sup>44</sup>

A few texts, cited above, state that after the first man took his oath, the others followed suit individually with a shortened form.<sup>45</sup> A passage from Appian might shed light on the organization of this process. In 84 BC when Sulla demanded Fimbria's surrender, Fimbria begged his troops not to desert, finally bribing some of his own tribunes to help him recommit the men: ἐκβοησάντων δὲ τῶν ἐνετῶν ὅτι δέοι καλεῖν ἐπὶ τὸν ὄρκον ἐξ ὀνόματος... καὶ Νώνιον πρῶτον ἐκάλει—"Those who had been called out exclaimed that he ought to call up [everyone] by name for the oath... and he first called Nonius."<sup>46</sup> Whether this was standard practice in administering group oaths or part of Fimbria's methods in this revolutionary situation is not made clear. It is at least plausible, however, that when taking the *sacramentum*, soldiers were called up by name to reinforce the personal commitment of the oath.<sup>47</sup>

This shortened form has been cited by some scholars as comprising the words

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<sup>44</sup> Watson, 44. The word *praeiuratio* is found only in Paulus *epit. Festi* 250L (see next page).

<sup>45</sup> Polyb. 6.21: οἱ δὲ λοιποὶ πάντες ὁμνῶνσι καθ' ἓνα προπορευόμενοι, τοῦτ' αὐτὸ δηλοῦντες ὅτι ποιήσουσι πάντα καθάπερ ὁ πρῶτος; Servius 8.1: *legitima erat militia eorum, qui singuli iurabant...*; possibly Servius 2.157: *iurat unusquisque miles*.

<sup>46</sup> App. *Mith.* 59.

<sup>47</sup> C. Brand, *Roman Military Law* (London, 1968), 47, states that the soldiers stepped up to take the oath "in answer to a roll-call", but there is no explicit ancient evidence to support this statement.

*idem in me*—“the same for me”.<sup>48</sup> This phrase, as well as the term *praeiuratio*, originate with Festus, a second century AD epitomizer, abridged by Paulus Diaconus in the eighth century.<sup>49</sup> Paulus does not include any suggestion that *praeiurationes*, or a *praeiuratio* for that matter, ought to be specifically connected with the *sacramentum*. While it is likely that some similar wording was used during the administration of the oath, probably some Latin form of Polybius’ *ὅτι ποιήσουσι πάντα καθάπερ ὁ πρῶτος*, authoritative statements on the exact phraseology of the oath have no concrete literary basis.

### Additional Oaths

Polybius’ account of the Roman military system includes not only the description of the *sacramentum* but of a few other ancillary oaths as well. These were taken after the administration of the *sacramentum* and may thus seem redundant, but their existence helps to place the *sacramentum* in the context of oath-taking in the military environment, and so they will be reviewed here. After the tribunes instructed the soldiers with respect to their armament, they dismissed the men until the rendezvous date for the beginning of the actual campaign.<sup>50</sup> It is possible that the temporary dismissal that preceded this

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<sup>48</sup> Watson, 44; *OCD* v. *sacramentum*.

<sup>49</sup> Paulus *epit. Festi* 250L: *Praeiurationes facere dicuntur hi, qui ante alios conceptis verbis iurant; post quos in eadem verba iurantes tantummodo dicunt: idem in me.*—“*Praeiurationes* are said to be those who swear before others with set words; after whom in the same words every other person swearing says: the same for me.”

<sup>50</sup> Polyb. 6.26.2-4: παραγενομένης δὲ τῆς ἡμέρας, εἰς ἣν ὤμοσαν ἀθροισθῆναι πάντες ὁμοίως εἰς τὸν ἀποδειχθέντα τόπον ὑπὸ τῶν ὑπάτων... παραγίνονται δὲ πάντες ἀδιαπτώτως οἱ καταγραφέντες, ὥς ἂν μηδεμιᾶς ἄλλης συγχωρουμένης προφάσεως τοῖς ἐξορκισθεῖσι πλὴν ὀρνιθείας καὶ τῶν ἀδυνάτων. “When the day comes on which they have all sworn to attend at the place appointed by the consuls... none of those on the roll ever fail to appear, no excuse at all being

rendezvous did not have to occur in the later Republic, since Gaius Gracchus' bill required the state to provide soldiers' equipment. Presumably, in Polybius' day soldiers needed a short period of time to prepare or purchase the necessary equipment.<sup>51</sup>

Polybius mentions a final oath which the tribunes administered to everyone in the military camp, including soldiers and slaves: ὁ δ' ὅρκος ἐστὶ μηδὲν ἐκ τῆς παρεμβολῆς κλέψειν, ἀλλὰ καὶ εὖρη τι, τοῦτ' ἀνοίσειν ἐπὶ τοὺς χιλιάρχους—"The oath is to steal nothing from the camp, but if one finds something, to give it to the tribunes."<sup>52</sup> It seems likely that this oath protected the camp's food supplies and governed the control of booty from the battlefield. Administering this oath to nonmilitary personnel is logical enough. As for the soldiers, the *sacramentum* could certainly be construed to include obedience to the law and thus to rules against stealing. It is possible, however, that an open exemption for soldiers from taking this last oath might have suggested implicit permission to violate these rules.

### Illegal Formulae

Many of our sources for military oaths of allegiance come from accounts of irregular or revolutionary commands undertaken during the late Republic. Oaths in these contexts are of particular significance because soldiers sometimes swore to uphold their

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admitted except adverse omens or absolute impossibility."

<sup>51</sup> Polyb. 6.21.6-23.16 describes the different classes of soldier and the equipment required for each.

<sup>52</sup> Polyb. 6.33.2. Paul (716) notes that the imperial writer Cincius Alimentus (Gell. 16.4.2) confused this oath with the *sacramentum*.

leaders in opposition to senatorial authority. A study of the *sacramentum* would not be complete without considering what Harmand refers to as illegal formulae: oaths which must have comprised some variation, implicit or explicit, of the *sacramentum*.<sup>53</sup>

As mentioned above, the consul Quintius in 460 BC attempted to force civil obedience from the citizen body because they had previously taken the oath of allegiance as soldiers.<sup>54</sup> His interpretation of the *sacramentum* was clearly an illegitimate one.

The events of the 80s BC merit some discussion, since they include several instances of illegal oaths and the first conflicts of loyalty between generals and the state.

In 88 BC Marius and Sulla struggled for the appointed command against Mithridates. Marius' cooperative tribune Sulpicius sent for Sulla's consular army at Nola in an attempt to transfer it to Marius himself, for the purpose of the eastern expedition. The soldiers, however, apparently prepared to remain loyal to Sulla despite opposition from Rome, stoned to death the military tribunes who had been sent by Sulpicius.<sup>55</sup> While on the march towards Rome under Sulla's orders, they further abused and insulted the praetors sent to stop the attack.<sup>56</sup> The army captured Rome and Sulla took control of the Senate, allowing Lucius Cinna to be given the consulship after making oaths that he would respect Sulla's policies. Sulla then led his army out against Mithridates.

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<sup>53</sup> Harmand, 302.

<sup>54</sup> n. 21.

<sup>55</sup> Plut. *Sull.* 9.1.

<sup>56</sup> Ibid., 9.2.

Cinna meanwhile was driven from office by an illegal coup on the part of his colleague and the optimate faction of the Senate, and escaped to Nola: *tum Cinna corruptis primo centurionibus ac tribunis, mox etiam spe largitionis militibus, ab eo exercitu, qui circa Nola erat, receptus est. Is cum universus in verba eius iurasset, retinens insignia consulatus patriae bellum intulit*<sup>57</sup>—“Cinna was then received by the army at Nola, after corrupting first the centurions and tribunes and then even the private soldiers with promises of largesse. When they had all sworn allegiance to him, while still retaining the insignia of the consulate he waged war upon his country.” This unusual situation may not have necessitated any change in the formula of the oath: Cinna’s consulship may still have been considered by some to be still in effect, and thus the promise to follow the consuls and obey their orders could still apply. It is clear, however, that their allegiance was not first secured by the oath, but by the promise of reward. In addition, Cinna levied 300 cohorts from the large number of new citizens—Italians who may have held bitter feelings towards Rome.<sup>58</sup> For these, even the regular formula of the oath cannot have had the same meaning or connotations as for longstanding Roman citizens.

Cinna sent his colleague Valerius Flaccus to the east with two legions to take over both the province of Asia and the war with Mithridates in 86 BC.<sup>59</sup> Gaius Flavius

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<sup>57</sup> Vell. Pat. 2.20.4. Cf. App. *B Civ.* 8.66.

<sup>58</sup> Vell. Pat. 2.20.4.

<sup>59</sup> App. *Mith.* 8.51.

Fimbria, described by Appian only as “a man from the Senate, persuasive in generalship”<sup>60</sup> and by Velleius Paterculus as “prefect of horse”,<sup>61</sup> accompanied the inexperienced Flaccus. Problems arose immediately:

μοχθηρὸν δ' ὄντα τὸν Φλάκκον καὶ σκαιὸν ἐν ταῖς  
κολάλεσι καὶ φιλοκερδῇ ὁ στρατὸς ἅπας ἀπεστρέφετο,  
καὶ μέρος αὐτῶν τι, προπεμφθὲν ἐς Θεσσαλίαν ἐς τὸν  
Σύλλαν μετεστρατεύσαντο. τοὺς δὲ ὑπολοίπους ὁ  
Φιμβρίας, στρατηγικώτερος τοῦ Φλάκκου φαίνομενος  
αὐτοῖς καὶ φιλανθρωπότερος κατεῖχε μὴ μεταθέσθαι.

Flaccus was a rascal, and, being injudicious in punishments and greedy of gain, was hated by the whole army. Accordingly, some of the troops who had been sent ahead into Thessaly went over to Sulla, but Fimbria, whom they considered more humane and a better general than Flaccus, kept the rest from deserting.<sup>62</sup>

Here, some soldiers abandoned their oath to Flaccus because of his bad generalship, while others obeyed for Fimbria's sake and not for the sake of keeping the oath.<sup>63</sup> Eventually Fimbria killed Flaccus and led the army on a rampage across the province.<sup>64</sup> Meanwhile, Mithridates and Sulla came to terms in the Peace of Dardanus, and Sulla confronted Fimbria:

Σύλλας δὲ Φιμβρίου δύο σταδίους ἀποσχὼν ἐκέλευε  
παραδοῦναι οἱ τὸν στρατόν, οὗ παρανόμως ἄρχοι. ὁ δ'  
ἀντεπέσκωπτε μὲν ὥς οὐδ' ἐκεῖνος ἐννόμως ἔτι ἄρχοι,

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<sup>60</sup> Ibid.: ἀπὸ τῆς βουλῆς ἀνὴρ πιθανὸς ἐς στρατηγίαν.

<sup>61</sup> Vell. Pat. 2.24.1.

<sup>62</sup> App. *Mith.* 8.51.

<sup>63</sup> See Ch. 2 for the importance of punishments and material gain in the Republican army: Flaccus was not the only general to lose the respect and obedience of his soldiers for mismanaging these elements of the service.

<sup>64</sup> App. *Mith.* 8.52-3.

περιταφρεύοντος δ' αὐτὸν τοῦ Σύλλα, καὶ πολλῶν οὐκ  
ἀφανῶς ἀποδιδρασκόντων, ἐς ἐκκλησίαν τοὺς λοιποὺς ὁ  
Φιμβρίας συναγαγὼν παρακάλει παραμένειν.... ὥς δὲ καὶ  
τοῦτ' ἀπεστρέφοντο, καὶ πλείους ἐγίγοντο αἱ αὐτομολίαι,  
τὰς σκηνὰς τῶν ἡγεμόνων περιῆει, καὶ τινὰς αὐτῶν  
χρήμασι διαφθείρας ἐς ἐκκλησίαν αὐθις συνεκάλει, καὶ  
συνόμνυσθαί οἱ προσέτασεν.<sup>65</sup>

“Sulla now advanced within two stades of Fimbria and ordered him to deliver up his army since he held the command contrary to law. Fimbria replied mockingly that Sulla himself did not now hold a lawful command. Sulla drew a line of circumvallation around Fimbria, and many of the latter's soldiers deserted openly. Fimbria called the rest of them together and besought them to stand by him.... As they still turned away from him, and still more of them deserted, he went round among the tents of the tribunes, and having bought some of them with money, called an assembly again, and told them all to swear that they would stand by him.”

This oath of allegiance to Fimbria personally is not likely to have been the same formula as the *sacramentum*—Fimbria was not a consul and, as he seems to have implicitly admitted, did not hold a legal command. The circumstances also required not a general repetition of the standard oath of loyalty, but a more immediate promise to stand firm in the face of Sulla's demands. It is perhaps impossible to tell whether Flaccus' army had sworn a new oath of allegiance when Fimbria took over command.<sup>66</sup> Certainly, Fimbria had already won their respect and loyalty at that point.<sup>67</sup> If they took no initial oath to him, he may have considered it all the more important to secure their allegiance in this

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<sup>65</sup> App. *Mith.* 9.59.

<sup>66</sup> Harmand (302) suggests it is likely that they did, but provides no particular support for this viewpoint.

<sup>67</sup> App. *Mith.* 8.51 (see above).

crucial standoff between himself and Sulla.

Fimbria apparently did conduct the impromptu oath by a sort of roll-call as suggested by his tribunes, which may have been in keeping with standard practice in administering the *sacramentum*, possibly increasing its legitimacy in the eyes of the soldiers. It was also intended, however, to put certain individuals under pressure who owed him favours—another factor alien to the administration of the oath under normal conditions.<sup>68</sup>

After Fimbria's suicide, Sulla incorporated the troops into his own army: τὸν δὲ στρατὸν τοῦ Φιμβρίου προσιόντα οἱ δεξιωσάμενός τε καὶ τῷ σφετέρῳ συναγαγὼν<sup>69</sup>—“The army of Fimbria came over to him, and he exchanged pledges with it and joined it with his own.” It is not clear what is meant by the “exchanging of pledges” and how they might have been related to the military oath, if at all. It could be that Fimbria's army required some guarantee for their safety, and in return pledged their allegiance (by the *sacramentum* or some other formula) to Sulla.

When Sulla returned to Italy in 83, his soldiers purportedly took a new oath to him ἀφ' αὐτῶν παραμενεῖν καὶ μηδὲν ἐκουσίως κακουργήσειν τὴν Ἰταλίαν<sup>70</sup>—“to stand by him and to do no damage to Italy without his orders”. In particular, the second element is situation-specific. Sulla's opposition to the appointed consuls was clear, and his soldiers' renewed

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<sup>68</sup> App. *Mith.* 59: ὁ μὲν ἐκήρυττε τοὺς εὖ τι παθόντας ὅφ' ἑαυτοῦ—“He summoned those who were under obligations to him for past favours.”

<sup>69</sup> App. *Mith.* 60.

<sup>70</sup> Plut. *Sull.* 27.3.



allegiance to him reinforced the concept that loyalty to a general could supersede obedience to political authority.

### *Caesar and Pompey*

Based on our sources, there is little more to say about military loyalty and oaths until the second civil war between Caesar and Pompey. This period fell soon after Caesar's extensive campaigns in Gaul, and so many of the mutinous grumblings of his soldiers can be attributed to their long years in the service.<sup>71</sup>

There are two examples of what must have been illegal formulae mentioned in Caesar's account of the civil war. The first was administered in 49 BC by Pompey's Spanish lieutenants, Petreius and Afranius, and was clearly intended to renew the soldiers' allegiance in the face of Caesar's proximity. The procedure is not described as simply taking the military oath, but taking an oath comprising the following contents:

*Postulat, ut iurent omnes se exercitum ducesque non deserturos neque prodituros neque sibi separatim a reliquis consilium capturos. Princeps in haec verba iurat ipse; idem iusiurandum adigit Afranium; centuriatim producti milites idem iurant.... Sic... nova religio iurisiurandi spem praesentis deditionis sustulit.*<sup>72</sup>

“[Petreius] demanded that they swear that they would not desert the army and its leader and that they would not act individually in their own interests, abandoning the others. He himself swore first in these words; he compelled

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<sup>71</sup>Chrissanthos; Plut. *Caes.* 37.

<sup>72</sup>Caes. *B Civ.* 1.76.

Afranius to swear the same; then the tribunes and centurions swore, and the soldiers were brought up by centuries and took the same oath.... In this way... by imposing the bond of a fresh oath, Afranius and Petrius quashed hopes of a surrender for the time being.”

The promise to show loyalty to fellow-soldiers is reminiscent of the text of the pre-216 military oath mentioned at the beginning of this chapter.

The second example of an unorthodox formula took place just before the battle at Dyrrachium in 48. After many men deserted Pompey’s army, *princeps Labienus procedit iuratque se eum non deserturum eundemque casum subitum, quemcumque ei fortuna tribuisset. Hoc idem reliqui iurant legati; tribuni militum centurionesque sequuntur, atque idem omnis exercitus iurat*<sup>73</sup>—“Labienus first came forward and swore that he would not desert him and would suffer his fate, whatever fortune might bestow upon him. The remaining legates swore the same; the military tribunes and centurions followed suit and the whole army swore the same.” This is perhaps one of the most personally oriented variations on the oath, binding the soldiers’ fates to their commander’s. In both of these cases, the importance of example is evident: the senior and junior officers take the very same oath as the soldiers do.

Desertion was even more frequent during Caesar’s civil war than it was in the 80s BC, as attested again by his works. His comment that most desertions took place from Pompey to Caesar, and very few in the opposite direction, may seem suspect to those who

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<sup>73</sup> Ibid., 3.13.

attribute propagandist motives to Caesar; the fact remains that Caesar led the winning side in this conflict, and his renowned clemency must have made desertion to him a tempting alternative to defeat.<sup>74</sup> Pompey's troops deserted his senior officers, Thermus, Attius Varus, Lentulus and Domitius, in some cases very soon after they were levied.<sup>75</sup>

## Penalties

Our sources mention no episode during the late Republic in which a soldier was punished specifically and explicitly for breaking his oath of loyalty to his commanding officer. The section on disobedience and punishment in the second chapter of this thesis presents a few incidents of punishment for fleeing the battlefield. Some of Lucullus' soldiers fled from Cabira and were made to dig a ditch wearing ungirt blouses.<sup>76</sup> This act of humiliation was a far gentler punishment than the *fustuarium* described by Polybius.<sup>77</sup> Crassus used decimation to punish deserting soldiers during the war against Spartacus.<sup>78</sup> As mentioned in Chapter 2, this seems to be the only attested late Republican example of this ancient practice.

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<sup>74</sup> Caes. *B Civ.* 3.61: *nam ante id tempus nemo aut miles aut eques a Caesare ad Pompeium transierat, cum paene cotidie a Pompeio ad Caesarem perfugerent*—"for before this time nobody, either footsoldier or horseman, had gone over from Caesar to Pompey, although almost every day men were deserting from Pompey to Caesar."

<sup>75</sup> Caes. *B Civ.* 1.12, 1.13, 1.15, 1.21.

<sup>76</sup> Plut. *Luc.* 15.7. See Ch. 2, p. 53-4.

<sup>77</sup> Polyb. 6.37. See Ch. 2, p. 48.

<sup>78</sup> Plut. *Crass.* 10.2-3. See Ch. 2, p. 54.

## “Cult of the Standards”

Two excerpts from Dionysius of Halicarnassus, mentioned above, contain references to soldiers’ loyalty to the standards.<sup>79</sup> Gaius Marius adopted the *aquila*, the “eagle”, as the legionary symbol out of an original set of five animal standards.<sup>80</sup> Parker explains that there were thirty *signa* used to signal maneuvers to small subsections (maniples) of the legion on the battlefield, but one *aquila* for the entire legion.<sup>81</sup> It would probably be inaccurate to attribute a sense of reverence on the part of the soldier for the *signum* which he was to follow, as important as it may have been tactically. A deserter might be more likely to be said to have deserted the legionary standard rather than his *signum*. What we know of as the “cult of the standards” was probably more prevalent in the Empire than during the Republic.<sup>82</sup> The psychological and traditional importance of the *aquila*, however, is well-testified. The eagle represented temporal continuity of the legion, and its loss thus reflected a loss of historical legitimacy.<sup>83</sup> The standardbearers of the legions, according to Polybius, were the best and bravest men appointed by the

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<sup>79</sup> Dio. Hal. 10.18.2; 11.43.2.

<sup>80</sup> Pliny, *NH* 10.16 with Keppie, 67. Keppie notes that the five animals had totemic qualities which were important within an agricultural society. Although these symbols may not have had the same impact in the late Republic as they did earlier, we may still note the predominantly rural origin of soldiers (see Ch. 1 for a full analysis) and suggest their possible consequent connection to such totems.

<sup>81</sup> Parker, 36-42.

<sup>82</sup> Watson, 127 ff.; G.L.Irby-Massie, *Military Religion in Roman Britain* (Boston, 1999), 38-45.

<sup>83</sup> Parker, 36; Marin y Peña, 61; Harmand, 238.

centurions.<sup>84</sup> The loss of these standards to the enemy, as in the case of Crassus' defeat by the Parthians in 53, was a great humiliation to the army as a whole.

There are frequent references to the importance of the standardbearers in our sources. On several occasions Caesar himself turned his standardbearers from their flight to face the enemy, while he specifically mentions the heroics of those men who protected the standards at the risk or expense of their own lives.<sup>85</sup>

Some of Pompey's soldiers, rather than deserting their standards, merely brought them along when they transferred their allegiance to Caesar's officers: *L. Manlius praetor Alba cum cohortibus sex profugit, Rutilius Lupus praetor Tarracina cum tribus; quae procul equitatum Caesaris conspicatae, qui praeerat Vibius Curius, relicto praetore signa ad Curium transeferunt atque ad eum transeunt*<sup>86</sup>—"L. Manlius the praetor fled from Alba with six cohorts, Rutilius Lupus the praetor from Tarracina with three; these, catching sight of Caesar's cavalry, whom Vibius Curius led, abandoning their praetor transferred their standards to Curius and went over to him." Some of Lepidus' soldiers in 36 did the same when they deserted him for Octavian: ἐπήγοντο σημεῖα καὶ σὺν τοῖς ἑτέροις ἐχώρουν πρὸς τὸν Καίσαρα<sup>87</sup>—"They took up their standards and with the rest went over to Octavian." Furthermore, Lepidus refused to let go of the standards until threatened with

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<sup>84</sup> Polyb. 24.6: ἐξέλεξαν αὐτοὶ δύο τοὺς ἀκμαιοτάτους καὶ γενναιοτάτους ἄνδρας σημαιοφόρους—"These [officers] choose two of the finest and most courageous men as standardbearers."

<sup>85</sup> Fleeing standardbearers: Plut. *Caes.* 39, 52; *Caes. B Civ.* 3.69; stalwart standardbearers: *Caes. B Gall.* 4.25, 5.37; *Caes. B Civ.* 3.64.

<sup>86</sup> *Caes. B Civ.* 1.24.

<sup>87</sup> App. *B. Civ.* 13.125.

death by one of the standard-bearers, demonstrating that these soldiers at least felt that the standards belonged to them more than to the legion's legitimate commander. Despite their importance as symbols, and as physical and psychological rallying points, the standards could apparently be used as tools of rebellion and change at the soldiers' hands.

### **Psychological and religious impact of the *sacramentum***

Even before the *sacramentum* became explicitly connected with religion in the later Roman Empire,<sup>88</sup> it is clear that the oath implied more than a simple legal agreement.<sup>89</sup> The *sacramentum* bound the individual soldier to the army and served to sanction any acts performed in obedience to his general, placing him under moral responsibilities different from those of the non-combatant, so that he was no longer guilty of *nefas* for the act of killing.<sup>90</sup> Cicero suggests that a soldier must be legally bound by the *sacramentum* in order to go into battle, in this anecdote which immediately follows the one mentioned above concerning Popilius and Cato's son:

*M. quidem Catonis senis est epistula ad M. filium, in qua scribit se audisse eum missum factum esse a consule, cum in*

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<sup>88</sup> Vegetius *epit. rei milit.*, 2.5: *iurant autem per Deum et Christum et Sanctum Spiritum et per maiestatem imperatoris*—"They swear by God and Christ and the Holy Spirit and by the majesty of the emperor."

<sup>89</sup> Harmand (299) places his discussion of the military oath under the subheading "Les moyens psychologiques officiels d'action sur le soldat."

<sup>90</sup> Harmand, 300. See also Tondo, 110; although Momigliano (see n. 13) disagrees with his assessment of the *sacramentum* as a 'mystical initiation into battle'.

*Macedonia bello Persico miles esset. Monet igitur, ut caveat, ne proelium ineat; negat enim ius esse, qui miles non sit, cum hoste pugnare.*<sup>91</sup>

There is a letter of the elder Marcus Cato to his son Marcus, in which he writes that he has heard that the youth has been discharged by the consul, when he was serving in Macedonia in the war with Perseus. He warns him, therefore, to be careful not to go into battle; for, he says, it is not right for a man who is not a soldier to fight with the enemy.

There is little doubt that late Republican troops were drawn from citizens who practiced, and were familiar with the language of, the state religion.<sup>92</sup> The practice of war itself was intertwined with the concept that the gods supported the state of Rome in her expansions and conquests, and ritual auguries were a regular part of warfare.<sup>93</sup> Indeed, these soldiers came from a world that was steeped in ritual, especially for the inauguration of new leaders such as the consuls. We have seen that soldiers sometimes took variant oaths, which no doubt had religious overtones, and do not appear to have been disturbed by deviations from the standard formula. They were clearly familiar and comfortable with the process of even impromptu oath-taking, especially on the part of their generals.<sup>94</sup>

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<sup>91</sup> Cic. *de off.* 1.11.37.

<sup>92</sup> Harmand, 462-5.

<sup>93</sup> M. Beard and M. Crawford, *Rome in the Late Republic* (Ithaca, 1985), 31. Beard and Crawford suggest that the ritual associated with the declaration of war, involving the priests known as *fetiales*, was discontinued in the late Republic only because they were impractical in the rapid expansion of territory.

<sup>94</sup> For a particular kind of general's oath, the temple vow, see E. Orlin, *Temples, Religion and Politics in the Roman Republic* (New York, 1997), esp. chapters 1 and 2, in which a commander promised to erect a temple in exchange for divine favour during battle.

The connections between military commanders and the gods meant that if a military leader was not acting as he should, or was out of harmony with the Senate, he was also out of harmony with the gods.<sup>95</sup> A soldier making an oath to uphold his commander's authority surely did so under the assumption that his commander's acts would be just in the sight of the gods.

Brunt states that "religion sanctified the soldier's loyalty," and that many soldiers must have felt more bound to obey their general than to sort out the legality of his orders (for example, Caesar's soldiers at the Rubicon).<sup>96</sup> Brand, too, suggests that Republican soldiers held their oath in the highest regard, and that its violation was universally condemned.<sup>97</sup> The sizeable body of evidence concerning mutinies and desertions mentioned above, however, brings into question the real efficacy of the *sacramentum* to bind soldiers to commanders, at least in the late Republic.<sup>98</sup> Caesar, for example, made additional promises to his troops before crossing the Rubicon.<sup>99</sup> These promises, combined with the soldiers' experience of Caesar's military successes in Gaul, may well have had more to do with their obedience to him against the state than their "duty to shun

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<sup>95</sup> Beard and Crawford, 35.

<sup>96</sup> Brunt, "The Army and the Land", 77. Harmand (301 n. 415) takes particular exception to this statement.

<sup>97</sup> C. Brand, *Roman Military Law* (London, 1968), 90-97. Brand's examples of commitment to the oath are taken exclusively from early- to mid-Republican anecdotes. For the frequency of desertions to the enemy in the late Republican and early imperial periods, see A. Goldsworthy, *The Roman Army at War: 100 BC - AD 200* (Toronto, 1996), 251.

<sup>98</sup> Harmand (301): "Ce serait pure naïveté d'en attendre autre chose."

<sup>99</sup> Suet. *Caes.* 33.



perjury”.<sup>100</sup>

Shortly after Lepidus’ deposition from the triumvirate in 36, some of Octavian’s army revolted from him, demanding discharge from the war against Sextus Pompeius, and rewards for their past services. After agreeing to pay them, ὑπεμύνησκε σὺν ἀπειλῇ τῶν πατρίων νόμων τε καὶ ὄρκων καὶ κολάσεων<sup>101</sup>—“He reminded them in a threatening way of the laws of their forefathers and of their oaths and the penalties”. Presumably, he meant their oath of loyalty to him and the traditional importance of this obedience. However, when his soldiers refused to capitulate, he granted them further concessions to prevent the mutiny of the rest of his troops. He administered no penalties or punishments, and only pointed out his displeasure with them: ἐς δὲ τὸ ἄλλο πλῆθος ἐπελθὼν τοὺς μὲν ἀποστάντας ἐμαρτύετο τῆς ἐπιουρκίας, οὐ κατὰ γνώμην τοῦ αὐτοκράτορος τῆς στρατείας ἀπολυθέντας<sup>102</sup>—“Coming before the rest [of the army] he bore witness of the false oaths of the deserters, having been dismissed against the will of their military commander.” If Octavian’s exposure of their perjury had any moral effect on them or the soldiers who remained with him, it is not recorded. After this statement he offered 500 drachmas for each man remaining in his service, which can only have more closely connected obedience with material reward.<sup>103</sup>

By definition, a soldier who broke his oath was supposed to have become *sacer*,

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<sup>100</sup> Brunt, “The Army and the Land”, 77.

<sup>101</sup> App. *B Civ.* 13.128.

<sup>102</sup> App. *B Civ.* 13.129.

<sup>103</sup> Ibid.

and thus removed from legal and divine protection. It was not considered a crime to kill a man who had become *sacer*, and perhaps this helped to justify the brutality of the *fustuarium* when and where it was applied. The term *sacer*, however, appears mainly in the context of early Republican penal law.<sup>104</sup>

Once again, there are no specific examples of any soldier being explicitly declared *sacer* for breaking the military oath. The episode concerning Octavian and his mutinous troops mentioned above is one of the closest illustrations of the principle. Another related incident exists, contained in Curio's lecture to the troops which had come over to Caesar from Domitius at Corfinium. As Caesar's soldiers they were now being harangued by their former commander from Corfinium, Sextus Quintilius Varus, who urged them not to forget the oath they had once made to Domitius, and to return to Pompey's side. Curio warns, *sunt, qui vos hortentur, ut a nobis desciscatis. Quid enim est illis optatius, quam uno tempore et nos circumvenire et vos nefario scelere obstringere?*<sup>105</sup>—"There are those who urge you to desert us. For what is greater to them than at once to afflict us and to lay to your obligation a wicked crime." The *nefarius scelus* apparently refers to the proposed breaking of their military oath to Caesar. Domitius, on the other hand, had given up his generalship and his legitimacy, thereby dissolving their obligation to him.

As shown above, many soldiers throughout the Republic succeeded in mutinying

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<sup>104</sup> *Encyclopedic Dictionary of Roman Law*, s.v. Sacramentum, Sacer.

<sup>105</sup> Caes. *B Civ.* 2.32.

or even killing superior officers without punishment. The implication seems to be that under certain circumstances it was considered allowable for soldiers to break their oath without incurring any kind of legal, moral or divine penalty. These mitigating circumstances included excessive punishment, overdue pay or rewards, irregular lengths of service, and other indicators of bad generalship.<sup>106</sup> Soldiers' rights are nowhere represented in the *sacramentum*, nor do any texts mention the obligations and duties of generals in connection with the military oath, yet evidence suggests the efficacy of the oath hinged on these implicit underpinnings.

The perspective of the *sacramentum* as an oath of loyalty dependent on the favourable conduct of the commander is one which may serve as a model for issues of loyalty and mutiny in the late Republic. It is difficult, otherwise, to characterize the oath as having been 'strictly observed' by the Romans. We may say that if religion sanctified the soldier's loyalty, he must also have felt that it sanctified his disobedience if his commander did not behave or succeed as one would who was under the true auspices of the gods. We have seen that soldiers deserted commanders such as Flaccus, Fimbria and Pompey, and were accepted with no apparent hesitation into the ranks of other armies. Such men cannot have been considered *sacer*. The conditions of civil war must have disrupted the significance of the *sacramentum* by providing alternative commanders from which to choose. The effectiveness of the *sacramentum* was, in these cases, subservient

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<sup>106</sup> These conditions of service were fully explored in Ch. 2. With respect to generalship, Adcock (119) goes so far as to suggest that the soldiers' *main* criteria for loyalty was their appraisal of the general's military abilities.

to other indicators of divine approval, rather than being binding in and of itself.

## CONCLUSION

This study has been an attempt to fill in small but important details in our understanding of the Roman late Republican army. In giving consideration to the topic of loyalty in the army, it was necessary to establish the unique context of the Roman military of this period. In the first chapter, the social and geographical composition of the Republican legions was examined. The soldiers of the late Republic were predominantly of rural, and Italian peninsular, origin, with a smaller percentage of soldiers drawn from citizens living abroad in the provinces. It is clear that the vast majority of the soldiers were of very modest means. In many cases, particularly in military expeditions to the east, soldiers were partially motivated to serve voluntarily by the desire for material and financial rewards, but it is likely that most soldiers were conscripts and not volunteers.

Some of the conditions of service in the late Republic were examined in the second chapter. These conditions included the length of time in service, pay, booty and plunder, and military discipline. These were all definite factors affecting the behaviour of soldiers in late Republican armies. It would seem that many soldiers, particularly towards the end of the Republic, did not serve the sixteen-year period mentioned by Polybius and some modern scholars. The rate of pay was very low, creating a military environment in which plundering rights were greatly sought after—even, occasionally, against the wishes

of the general. The great variance among generals in administering their commands brought about differing standards of discipline. Again, while Polybius describes a set of possible infractions and punishments, we very frequently find attestations in ancient sources to much more capricious policies on the part of Roman commanders.

The vast difference in conditions of service partially contributed to a wide range of behaviour and standards of loyalty among the troops. This variability occurred in spite of the military oath taken by all soldiers at the beginning of their service to a commander, which was the subject of the third and final chapter. Although the *sacramentum* must have had a standard form, we are ignorant of the exact wording. The terms of the *sacramentum* may alternatively be considered all-encompassing, or poorly defined. There is little doubt that the intent behind the wording of the oath, from the perspective of the administrator and commander, was for the soldier to obey whatever commands he was given, under any circumstances, at any time. Some scholars, ancient and modern, have enshrined the oath of loyalty as the guiding principle of obedience of the Roman soldier. Careful scrutiny of the available texts of the oath as well as instances in which it was mentioned or administered demands a more critical interpretation. During the late Republic there are many accounts of infractions going unpunished and of alternate formulae being used to secure troop loyalty, most with little or no reference to the religious implications that might be expected of such anomalies. Infractions and variant oaths are especially prevalent during times of civil war, as may be expected.

There is no need to suggest that any individual soldier reasoned out for himself a

way around his oath in order to escape adverse conditions. Legionaries may rather have had an inherent understanding of the implicit contractual nature of the *sacramentum*, and an awareness that the flexibility of the loyalty, dependent upon other conditions, was an accepted part of this framework. A complete and accurate picture of the soldiers' perspective of the oath in the late Republic will, most likely, remain elusive.

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