




RESEARCH ARTICLE

Decimatio: Myth, Discipline, and Death in the Roman Republic

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Abstract

The military punishment of *decimatio*, the cudgelling by lot of one in ten men in a disgraced unit, often described as a cornerstone of Roman military discipline, was never practised during the third and second centuries BC. The punishment was possibly used as an extraordinary measure a couple of times in the fifth and fourth centuries BC. It soon fell into total desuetude but was cultivated as a rhetorical construct that proclaimed theoretical powers commanders no longer dared effect. It was only revived, or rather reinvented, during the Late Republic, a violent moment that saw the confluence of antiquarian enthusiasm with military dynasts whose unrestrained powers allowed them to manifest what had previously been an aristocratic talking point.

Keywords: decimation; discipline; punishment; defeat; Roman army; Republican period

The most extreme punishment in the Roman army was *decimatio*, the killing, by lot, of one out of every ten men in a unit that had disgraced itself through cowardice or failure in combat. The brutal ritual is described by Polybius, writing around 150 BC:

Ἐὰν δέ ποτε ταῦτα ταῦτα περὶ πλείους συμβῆ γενέσθαι καὶ σημαίας τινὰς ὀλοσχερῶς πιεσθείσας λιπεῖν τοὺς τόπους, τὸ μὲν ἅπαντας ξυλοκοπεῖν ἢ φονεῦειν ἀποδοκιμάζουσι, λύσιν δὲ τοῦ πράγματος εὐρίσκονται συμφέρουσαν ἅμα καὶ καταπληκτικὴν. 2. συναθροίσας γὰρ τὸ στρατόπεδον ὁ χιλιάρχος καὶ προαγαγὼν εἰς <μέσον> τοὺς λελοιοτάτας, κατηγορεῖ πικρῶς, καὶ τὸ τέλος ποτὲ μὲν πέντε, ποτὲ δ' ὀκτώ, ποτὲ δ' εἴκοσι, τὸ δ' ὅλον πρὸς τὸ πλῆθος αἰεὶ στοχαζόμενος, ὥστε δέκατον μάλιστα γίνεσθαι τῶν ἡμαρτηκότων, τοσούτους ἐκ πάντων κληροῦται τῶν ἀποδεδειλιακότων, 3. καὶ τοὺς μὲν λαχόντας ξυλοκοπεῖ κατὰ τὸν ἄρτι ρηθέντα λόγον ἀπαραιτήτως, τοῖς δὲ λοιποῖς

τὸ μέτρομα κριθᾶς δοῦς ἀντὶ πυρῶν ἔξω κελεύει τοῦ χάρακος καὶ τῆς ἀσφαλείας ποιεῖσθαι τὴν παρεμβολήν. 4. λοιπὸν τοῦ μὲν κινδύνου καὶ φόβου τοῦ κατὰ τὸν κλῆρον ἐπ' ἴσον ἐπικρεμαμένου πᾶσιν, ὡς ἂν ἀδήλου τοῦ συμπτώματος ὑπάρχοντος, τοῦ δὲ παραδειγματισμοῦ <τοῦ> κατὰ τὴν κριθοφαγίαν ὁμοίως συμβαίνοντος περὶ πάντας, τὸ δυνατὸν ἐκ τῶν ἐθισμῶν εἰληπται καὶ πρὸς κατάπληξιν καὶ διόρθωσιν τῶν συμπτωμάτων.

Polyb. 6.38.1–4

1. If the same thing (i.e., acts of cowardice) ever happens to large bodies, and if entire maniples desert their posts when exceedingly hard pressed, the officers refrain from inflicting the *fustuarium* or the death penalty on all, but find a solution of the difficulty which is both salutary and terror-striking. 2. The tribune assembles the legion, and brings up those guilty of leaving the ranks, reproaches them sharply, and finally chooses by lots sometimes five, sometimes eight, sometimes twenty of the offenders, so adjusting the number thus chosen that they form as near as possible the tenth part of those guilty of cowardice. 3. Those on whom the lot falls are clubbed mercilessly in the manner above described; the rest receive rations of barley instead of wheat and are ordered to encamp outside the camp on an unprotected spot. 4. As therefore the danger and dread of drawing the fatal lot affects all equally, as it is uncertain on whom it will fall; and as the public disgrace of receiving barley rations falls on all alike, this practice is that best calculated both to inspire fear and to correct the mischief.¹

Eckstein (2005: 489–90), following Polybius' own analysis, has suggested that such brutal punishments in general were necessary to keep ill-trained citizen legionaries in line. Pearson (2019) has recently argued that the collective violence of *decimatio* served to reinforce the primary group bonds between soldiers, as the act saw the surviving 90 percent purge their own shame and misconduct by punishing their own comrades, facilitating their psychological and social reincorporation into the army.

Some modern scholars, however, have recognised that Roman military discipline was less harsh in practice than it was in the rhetoric of ancient sources. Messer (1920) observed a century ago that mutiny in the Roman army was typically met with mild or even non-existent sanctions, a conclusion reaffirmed by Brice (2020a). Kiesling (2006) has expressed general skepticism about the overall severity of Roman military discipline, while Machado (2021) has recently argued that the Augustan age was a moment when *disciplina* was canonised as a cardinal military virtue, an ideological development that went hand-in-hand with the creation of a professional army. This novel ideology therefore slanted early Imperial historical descriptions of Republican-era discipline. As we will see, there is limited evidence of *decimatio* in practice, and

¹ Translation adapted from Paton (1923).

far more evidence of lesser, non-lethal punishments assigned to units guilty of collective failure in battle and general misbehaviour before the enemy.

Decimatio in Practice

Only three decimations are attested prior to Crassus' *decimatio* in 72 BC.² The first was supposedly inflicted by Appius Claudius, the consul in 471 BC.³ Following a defeat against the Volscians, Livy (2.59.11) claims that Claudius executed any soldier who returned to camp without weapons, any standard bearer who lost a standard, and any centurion who had deserted his post; he then decimated the mass of his defeated army. Dionysius (9.50.6–7) follows Livy in noting direct penalties for centurions and standard bearers, and *decimatio* for the rest, although he adds the detail that Claudius' legates urged mercy, and that Claudius himself became an object of hatred (αὐτός τε μισούμενος) as he returned with his brutalised army. Frontinus (*Str.* 4.1.34) simply reports Claudius decimating those who fled their position by cudgelling, while Dio Cassius (at *Zon.* 7.17.5–7) suggests that Claudius was prosecuted as a result of the *decimatio* and committed suicide. There is every reason to believe that the episode has been slathered in 'Clio's cosmetics'. However, it is entirely possible that Appius Claudius inflicted some sort of extraordinary punishment on his defeated soldiers, including executing some by lot, which became the basis for the subsequent construct of *decimatio*.

The next *decimatio* is assigned to Fabius Rullianus, active in the late fourth and early third centuries BC, who beheaded – not cudgelled – soldiers chosen by lot from two defeated legions. Frontinus (*Str.* 4.1.35), our only source, cannot provide a year or a location for this drastic action. The most plausible candidate would be Fabius' defeat at Lautulae in 315 BC, although Frontinus himself does not make this connection. Still, it is entirely possible that Fabius inflicted the death penalty by lot on some soldiers who had fled in battle.

Finally, Frontinus (*Str.* 4.1.36) attributes an undated and unplaced event to an otherwise unknown general named Aquilius, who executed – again by beheading, not cudgelling – three men drawn by lot from each century that had been broken by the enemy, seemingly a modified *decimatio* (if centuries had a paper strength of 60 at this point, this would condemn one out of every 20 men). Morgan (2003: 499) has compiled several Aquilii holding military commands: C. Aquilius Florus, *cos.* 259 BC, in Sicily, M'. Aquilius, *cos.* 129 BC, in Asia, and M'. Aquilius, *cos.* 101 BC, in Sicily. However, none of these men is known to have suffered a defeat. As for the last two, Plutarch (*Crass.* 10.2)

² See Phang (2008) 123–9 for an overview of the practice, including occasional usage during the Imperial age. Lintott (1999: 42) notes, seemingly without irony, that decimation was a 'relatively infrequent' practice. Pickford (2005: 131) accepts the extreme rarity of decimation, suggesting that the cruelty involved was offensive even to the Romans. Pearson (2019) argues that the terror the rare practice inspired was sufficient to keep troops in line, although note the frequent failures of Roman units discussed below.

³ Goldberg (2015: 143) doubts this *decimatio*, suggesting it recapitulates the familiar template of the 'arrogant Claudius'.

indicates that Crassus' *decimatio* in 72 BC was the revival of an ancestral penalty, lapsed 'for a long time' (διὰ πολλῶν χρόνων). While we need not think Plutarch is aiming for precision, this statement would be nonsensical if a prominent consul had decimated troops within living memory. Ultimately, the fact that Frontinus cannot give us so much as the precise identity of the general, let alone the historical context of the event, makes this supposed *decimatio* far more tenuous.

Nonetheless, it is likely that at least two, and perhaps three, commanders executed soldiers from defeated units by lot during the early Republic, less an established practice than an extraordinary – and extraordinarily rare – measure: over 150 years separated Appius Claudius from Fabius Rullianus. Yet these exceptional events (if they indeed occurred) inspired the creation of the rhetorical construct of *decimatio* as an established, regular punishment which commanders might routinely inflict at will on failed units. By the time detailed evidence for Roman military activity emerges, *decimatio* was a punishment that the Romans never used, a theory utterly without practice.

Absence of Evidence and Evidence of Absence

Ancient authors enjoyed recounting extreme and exemplary tales and were drawn to violent and dramatic events. The marked absence of attested decimations in the sources during the Middle Republic is therefore notable given that for the period from 218–167 BC we are remarkably well informed about military affairs. With the notable exception of Caesar's self-documented campaigns from 58–48 BC, this is probably the best attested period for the entirety of Roman military history from the monarchy to the Late Empire. In addition to Polybius and Livy, we also have Plutarch's lives of various Republican commanders, sundry exempla from the first century rhetorician Valerius Maximus, and the military treatise of Sextus Julius Frontinus (d. AD 103), *Strategemata*, a compilation of brief anecdotes derived and digested from historical sources.⁴ Overall, Frontinus provides 46 incidents concerning discipline during the Republic. Frontinus had access to Livy's complete corpus, and so was in a position to inform us if the dramatic punishment was reported by Livy for the periods lost to us, 292–219 and after 167 BC (although, curiously, Frontinus does not describe the otherwise well-attested *decimatio* inflicted by Crassus).

Still, for all of this rich sourcing, we do not know of one datable instance of *decimatio* between Fabius Rullianus (probably 315 BC) and Crassus (72 BC). Of course, it is possible that a small-scale *decimatio* may have been performed on a single maniple or century without gaining the attention of our sources. Polybius reports the typical number of victims as rather low: five or eight or twenty. And yet, as discussed below, we know of many various lesser punishments meted out to centuries, maniples and cohorts for failure in battle, but never *decimatio*.

⁴ Campbell (1987) 14–16. See Turner (2007) for discussion of the political and social background in which Frontinus produced his work.

Goldberg (2015/16: 143–4) takes Polybius' awareness of the punishment as proof that *decimatio* was routinely practised in the Middle Republic. And without question, Polybius is a worthy and well-informed source, and much of his information about the Roman army comes from either his own autopsy or well-placed oral informants, particularly his close friend Scipio Aemilianus. Polybius, however, often prefers generalised schematic analysis to specific observation, perhaps most famously in his discussion of the Roman constitution in Book 6.⁵ While he includes *decimatio* as part of his theory as to why the Roman army works so well, he never once provides a specific instance of the punishment inflicted in the field during his extensive narrative of Roman military operations. Machado (2021: 389–97) has recently suggested that Polybius' description of harsh Roman military discipline also serves his own ideological objectives, portraying the Romans as a people who took Greek organisational concepts to the extreme, but who also displayed a distinctive streak of barbarian violence.⁶

The argument from silence becomes far more compelling when we consider that our sources record numerous instances of collective misconduct by Roman military units, and invariably report punishments other than *decimatio*. Below, I compile instances (see Table 1 for summary and citations) where Roman units displayed some form of collective 'misbehaviour before the enemy' to borrow a phrase of contemporary military law, and I note the punishment that was meted out.⁷

1. In the 270s BC, the Romans punished men who had surrendered to Pyrrhus and were subsequently repatriated by reducing their military status: *equites* were forced to serve as legionaries, and legionaries were forced to serve as light infantry.
2. After the disaster at Cannae 216 BC, the survivors of the Battle of Cannae, roughly two legions worth of men, were collectively treated as scapegoats for the defeat. The punishment was a lengthy posting in Sicily, where many were still in service by 204 BC, at which point those still fit to serve were deployed with Scipio to Africa.
3. In 214 BC, a legion of 4000 volunteer slaves (*volones*) under Sempronius Gracchus fought in a dilatory manner (*segnius*) and failed to join other units in storming the enemy camp. The slave-soldiers were sufficiently alarmed by their own poor performance that they took up a defensive position on a hill apart from the rest of the army, fearing harsh punishment. Instead, Gracchus announced the freedom of all of the *volones* (including a second legion that had performed well). He required the laggards to take their meals standing up as punishment, starting with a grand banquet thrown in Beneventum to celebrate the victory and manumission.

⁵ Erskine (2013). For the deviation between Polybius' schematic description of Roman city-sacking and the far messier reality, see Ziolkowski (1993).

⁶ Here building on the arguments of Champion (2004) 93 that Polybius constructs a Roman 'hyper-*logismos*' to impress Greek readers.

⁷ U.S. Uniform Code of Military Justice, Article 99.1–9.

Table I Collective misbehaviour in Roman Armies, 270s–71 BC

	Year	Misbehaviour	Punishment	Source
1.	270s	Surrender	Demotion in status	Frontin. 4.1.18; Val. Max. 2.7.15
2.	216	Defeat	Posting to Sicily	Livy, 23.25.7–8
3.	214	Shirking	Forced to stand during meal	Livy, 24.16.6–14
4.	210	Defeat	Posting to Sicily	Livy, 27.7.14–15
5.	209	Lost standards	Centurions stand guard/ barley rations	Livy, 27.13.9
6.	176	Death of consul	Pay withheld	Frontin. Str. 4.1.46; Val. Max. 2.7.15
7.	143	Retreat	Banned from camp	Frontin. Str. 4.1.23; Val. Max. 2.7.10
8.	133	Defeat	Prefect humiliated	Frontin. Str. 4.1.26; Val. Max. 2.7.9; Vell. Pat. 2.5.2–3
9.	91–83	Defeat	Cohort stands guard without belts	Frontin. Str. 4.1.27
10.	71	Defeat	Fatigue duty	Plut. <i>Luc.</i> 15.7

4. In 210 BC, following Second Herdonia, a number of survivors, mostly Latins and Italians, were likewise sent to Sicily as reinforcements for the *legiones Cannenses*, remaining under arms until the end of the war.
5. In 209 BC, Claudius Marcellus suffered a modest defeat at the hands of Hannibal, with a number of standards lost. Livy describes Marcellus angrily haranguing the defeated troops, who begged for forgiveness and promised to redeem themselves. Those maniples that lost standards were given barley rations. The centurions who commanded standard-less maniples were forced to stand guard overnight outside the *praetorium*. To add to their embarrassment and discomfiture, they were forbidden to wear either a cloak or a belt. If they were wearing mail shirts, the absence of the belt, which distributed the weight of the armour over the hips, would have made for an uncomfortable night, and also, as the passage notes, forced them to hold their swords in their hands. The chastised maniples contributed to a more successful engagement the following day.
6. In 176 BC, the consul Q. Petilius was killed fighting the Ligurians, after what Livy describes as an otherwise successful battle.⁸ Nonetheless, Frontinus and Valerius Maximus report that as a result of the consul's

⁸ Livy, 41.18 describes the battle but not the punishment of the legions, which is likely lost in a lacuna.

death the senate ordered the legion he was killed amongst to be marked as *infrequens* (i.e., AWOL), so that its *stipendium* from the past year was withheld and its pay going forward was reduced.

7. In 143 BC, five cohorts in Spain gave way before the enemy. The consul, Caecilius Metellus Macedonicus, forced the soldiers to write wills, before sending them back into battle with the understanding that they would not be permitted to reenter the camp unless victorious. The enforced will writing seems to have represented both a humiliating ritual as well as a psychological exercise. The cohorts redeemed themselves with a win and were readmitted.
8. In 133 BC, when an Italian cohort retreated before servile rebels in Sicily, the consul Lucius Piso ordered the cohort commander (*praefectus cohortis*) Gaius Titius to spend a day standing barefoot and unbelted by the *praetorium* (curiously Frontinus describes him as wearing a toga, perhaps a reference to some sort of surcoat). No collective punishment is mentioned for the cohort aside from the humiliation of its commander.
9. Sulla at some point in his career ordered a cohort whose position had been overcome by the enemy, including its centurions, to stand in front of the headquarters wearing their helmets but without their belts. The punishment recalls that given to the centurions who had lost their standards previously during the Second Punic War, and to Gaius Titius, above, and indeed Frontinus groups the latter two anecdotes together. This seems to have been a relatively standard and enduring consequence for failed leaders, later utilised by Augustus (Suet. *Aug.* 24.2).
10. In 71 BC, during Lucullus' campaign against Mithridates, a detachment of Roman soldiers skirmished with a Pontic hunting party, with both sides committing additional troops. The Romans, however, were beaten back and fled. Lucullus personally rallied them to reform and repel the enemy. He punished the fugitives by forcing them to dig a 12-foot ditch, wearing only unbelted tunics, which Plutarch describes as a 'customary punishment' (ἄτιμία νενομισμένη).

Not only do our sources fail to report any concrete incidents of *decimatio*, but we repeatedly encounter instances where maniples, cohorts, and even legions failed before the enemy but were given substantially more benign and inevitably non-lethal collective punishments. Humiliation and modest discomfort are a common theme: sentry duty without belts, eating standing up, and barley rations, the last of which Polybius assigns to the survivors of *decimatio*. While punishments are generally collective, commanders of failed units could be singled out for special humiliation. Notably, in no instance do we see violence: not only no executions, but no floggings either. These penalties were often inflicted with the hope of redemption, with the failed units encouraged to re-engage the enemy with greater success. This embodied the cultural trope of 'triumph in defeat' identified by Clark (2014), a reflex in which the Romans held that the failure and ignominy of military setbacks could be

cleansed through eventual victory. Even the exile of the troops defeated at Cannae and Second Herdonia was premised on the notion that the defeated soldiers should serve until final victory was achieved; Scipio's decision to take the *legiones Cannenses* with him to Africa may have been in part pragmatic, as they were experienced troops, but also played into this 'triumph in defeat' narrative when they ultimately redeemed themselves at Zama (Livy, 29.24.13).

Not only do we utterly lack attestations for *decimatio* during a richly sourced period in Roman military history, we have numerous examples of units that would seem to have warranted it due to misbehaviour before the enemy and were instead consistently given far milder collective punishments. Rather than being a practical, routine punishment, *decimatio* seems to have been a civic myth during most of the Republic. As a myth, it served a social purpose, in constructing the authority of the aristocracy while illustrating the importance of battlefield courage and group solidarity. But prior to Crassus, it remained a myth.

Decimatio as a Construct

Roman aristocrats happily claimed the power to inflict *decimatio*, which they then did not use in practice, and we should ask why they eschewed this theoretical option. There is evidence of harsh punishments being directed at soldiers for other crimes. Desertion and defection were, unsurprisingly, dealt with savagely. Three hundred surviving members of the Campanian legion that had defected and seized Rhegium suffered mass execution at Rome in 270 BC.⁹ Roman deserters variously had their hands cut off, were flogged and sold into slavery, or suffered mass execution when captured serving among the enemy.¹⁰ This savagery was notably directed at men who on their own volition abandoned not just the *res publica* but also their comrades-in-arms; it is easy to imagine that these violent punishments were popular not only with aristocratic commanders but with the soldiers themselves too. Likewise, soldiers may have been happy to punish crimes like failure to keep watch, theft in camp, false witness, and sexual misconduct, acts which impacted their own community and quality of life, with *fustuarium*, themselves beating the offenders with cudgels (although Polybius admits, not always lethally).¹¹ One difference between the relatively harsh punishments for these individual acts and the light punishments attested for collective failure in battle, was that a soldier had a conscious choice whether or not to desert to the enemy or steal in camp. But he might have no choice but to flee if his unit collapsed around him or an enemy assault proved unstoppable. Any Roman soldier must have known that he might become caught up in a retreat or

⁹ Polyb. 1.7; Livy, *Per.* 15.2.

¹⁰ E.g., Frontin. *Str.* 4.1.42 (right hands cut off); Frontin. *Str.* 4.20 (flogged and sold to slavery); Plut. *Cat. Mai.* 11.1; Val. Max. 2.7.13; Livy, *Per.* 51.6 (mass executions).

¹¹ Polyb. 6.37; Frontin. *Str.* 4.1.16 reports Cato the Elder either cutting off the hands, or somewhat less harshly, bleeding, thieves. Pearson (2019: 676–8) is correct that soldiers likely approved of these punishments and willingly participated in the *fustuarium*.

route, even if he personally preferred to stand firm and fight, and this fact might make savage punishments for collective failure far less popular and palatable than punishments for deserters and thieves.

Over the course of the second century BC a mix of law and custom seems to have further softened Roman discipline. A series of obscure laws, the *leges Porciae*, reaffirmed the right of *provocatio* against the arbitrary scourging and execution of citizens and extended it into the provincial sphere.¹² Goldberg (2015/16: 154) suggests that these laws may have forbidden *decimatio* and other forms of execution, positing that Crassus and later generals simply ignored them in the authoritarian wake of Sulla's dictatorship. If Crassus had indeed decimated soldiers contrary to law, it is puzzling that we hear nothing of this from his many enemies. There was no suggestion that Crassus was vulnerable to the *lex Clodia de civibus Romanis interemptis* that sent Cicero into exile. It remains unclear to what extent the *leges Porciae* affected soldiers under oath at all, as opposed to civilians in the provinces.¹³ Even so, laws can also generate norms, and even if the *leges Porciae* were narrow in their scope, legal emphasis on the rights of citizens abroad likely further stayed the hands of commanders. There is reason to believe that by the second century BC Roman commanders were holding back on flogging citizen troops with rods, while allied soldiers remained liable to such punishments.¹⁴ This forbearance extended to executions: Sallust (*Iug.* 69.4) reports that in 108 BC, the prefect Titus Turpilius was flogged and executed for treachery, a severity attributed to his Latin status (*nam is civis ex Latio erat*).¹⁵

The most important protection for Roman soldiers was ultimately not any statute, but rather the voting power of soldiers and their families more broadly. Roman commanders were elected officials who had to go back to Rome and face Roman voters. While the extent that the Roman Republic can be considered a democratic polity remains fiercely debated, it is clear that soldiers and their relatives were important and cultivated voting blocs for the aristocratic political class.¹⁶ Cicero in the Late Republic could rhetorically ask,

¹² On the *leges Porciae*: Cic. *Rep.* 2.53–4; *Rab. Post.* 8; *Verr.* 2.5.163; Livy, 10.9. See Martin (1970) 87–91 and Lintott (1972) 249–53 for discussion.

¹³ See Phang (2008) 115 for the position that no restrictions were ever placed on a commander's ability to inflict discipline. Lintott (1972: 251) believed soldiers were protected from judicial execution by *provocatio* but were still vulnerable to *fustuarium* and *decimatio*, as punishments inflicted by the 'lynch law' of the tribunes and soldiers. Drogula (2007) argues that *provocatio* never applied to the power of military command embodied in *imperium*.

¹⁴ Livy, *Per.* 57.4, for 133 BC, where citizens were rapped with a *vitis*, the grapevine stick, while allies were beaten with rods; Plut. *C. Gracch.* 9.3 for a law to propose the same privilege to Latins.

¹⁵ Turpilius' detachment had been ambushed and massacred by Jugurtha; Plut. *Mar.* 8.2. reports that the charge was treason (*prodosia*).

¹⁶ Millar (1984) and Hölkeskamp (2010) represent opposing poles of the debate between democracy and aristocratic dominance, with much vigorous scholarship in between; see recently Rafferty (2021) for the complexity of Roman elections, which required Roman politicians to navigate a large and unpredictable mass of citizen voters. See Nicolet (1980) 89–128 and Taylor (2018) for a more democratic vision of the Roman army during the Republican period. Machado (2021: 417) also emphasises the impact of Roman participatory politics on military discipline.

num tibi haec parva videntur adiumenta et subsidia consulatus, voluntas militum, quae cum per se valet multitudine, cum apud suos gratia, tum vero in consule declarando multum etiam apud universum populum Romanum auctoritatis habet, suffragatio militaris?

Cic. *Mur.* 38

Do these things seem to you but slight aids and assets for a consular campaign: the favour of the soldiers, what with their own strength in numbers and their influence on their connections, and the military vote, which in consular elections holds great authority indeed among the whole Roman people?

Even on campaign, soldiers' letters home could influence electoral politics (e.g., Sall. *Iug.* 65). The sources indicate that electoral pressures consistently mitigated the theoretically harsh discipline of the Roman army. Plutarch (*Aem.* 3.6, trans. Perrin 1918) praises Aemilius Paullus for οὐ δημαγωγῶν ἐν τῷ στρατηγεῖν, οὐδ' ὥσπερ οἱ πλείστοι τότε, δευτέρως ἀρχὰς ταῖς πρώταις μνώμενος διὰ τοῦ χαρίζεσθαι καὶ πρῶτος εἶναι τοῖς ἀρχομένοις ('not courting popular favour when he was in command, nor yet, as most men did at this time, courting a second command during his first by gratifying his soldiers and treating them with mildness'). Praetorian commanders were most vulnerable to this dynamic: despite his conquest of Macedonia, Q. Metellus Macedonicus was repulsed in his first two consular campaigns, 'despised by the plebs for his excessive severity' (*invisus plebi ob nimiam severitatem*, [Aur. Vic.] *De vir. ill.* 61.2), probably related to his discipline during the Fourth Macedonian War. Even the rare consul who did not see a future censor in the mirror still had to think how his political and military reputation impacted his family's political brand, as a bad reputation among soldiers and veterans could potentially threaten the prospects of his sons and other relatives.

Admittedly, Crassus did not seem to have been adversely affected by his *decimatio*, as he was elected consul shortly after the event. But the election of Pompey and Crassus was also a highly irregular one, uncontested by other candidates and undemocratic even by the standards of Roman elections.¹⁷ It is quite likely that Roman participatory politics, as they functioned in the Middle Republic, played a major role in ameliorating aristocratic discipline, as a reputation for brutality or inequity towards citizen troops might easily prove a subsequent electoral liability.

And yet even as Republican-era commanders seem to have utterly lacked the confidence and will to inflict such a punishment, they insisted that they could. Why was Polybius informed by his sources that this punishment existed in the toolkit of the Roman *imperator*? The active claim to inflict such a punishment was very different from presenting the punishment as one that had existed once or twice in the distant past. As a rhetorical claim, the right to decimate failed units staked the theoretical nature of aristocratic powers markedly higher than what they dared effect in practice, but nonetheless

¹⁷ Evans (2016: 83–9) posits that Pompey may have achieved the consulship without any balloting at all, although it is more likely that the *comitia centuriata* elected him unopposed.

constructed a vision, or at least a mirage, of aristocratic supremacy.¹⁸ Indeed, these discourses may have been deployed by the *nobiles* to temper the popular pressures they faced and the temptation to get too close to their own troops. Roman aristocrats saw the practical and political benefit in eating the same food with their men, pointedly sharing hardships, and interacting with soldiers in a familiar way.¹⁹ Such casual aristocratic *Jovialität* could easily be taken too far, and could interfere with the exercise of command.²⁰ Worse, unconstrained familiarity might threaten the broader project of aristocratic solidarity; note the concern some senators evinced with Gaius Gracchus' close connection to his army while serving as quaestor (Plut. *C. Gracch.* 2.3). A myth like *decimatio* was a means of generating psychological and social distance between aristocratic leaders and common followers, separated by the theoretical ability to inflict and suffer mass violence.

The supposed right to inflict a *decimatio* was also a negotiating position between elite commanders and the mass of soldiers. One of the paradoxes of military discipline is that commanders demanded submission and obedience from a group that was armed and organised and therefore capable of offering coordinated collective resistance to domination.²¹ Indeed, in the case of the underperforming *volones* during the Second Punic War, we see that the disgraced soldiers, believing they would face punishment, assumed a defensive position before submitting to a mild sanction. Suetonius (*Calig.* 48.1–2) reports that when Caligula intended to decimate a legion in Germany on specious grounds, he was prevented from carrying out the procedure when the soldiers, who had been ordered to present themselves unarmed, managed to retrieve their weapons, forcing the emperor to flee ignominiously instead. The veracity of this anecdote is hardly beyond suspicion, but the story grapples with the obvious possibility that a military unit would not necessarily surrender itself to mass execution. Even for smaller units, less able to defend themselves, a commander's decision to administer a collective punishment required a degree of subtle negotiation between the commander, his council, and the broader mass of common soldiers.

Let us consider two examples of negotiated discipline, outside of *decimatio*. In 102 BC, a legion was defeated by the Cimbri.²² Cut off by the Germans, the commanding tribune froze and was murdered by the *primus pilus* centurion, Gnaeus Petreius, who then managed a fighting withdrawal. In theory, savage punishment might be brought down upon Petreius for his remarkable act of homicidal insubordination. Petreius' men, however, spontaneously awarded him the Grass Crown (*corona graminea*), which represented their negotiating

¹⁸ Discourses and rituals of elite dominance were important to the overall deferential political culture of the Republic, articulated most forcefully by Flaig (2003).

¹⁹ E.g., SHA *Hadr.* 10 (food); Sall. *Iug.* 96.2 (familiarity).

²⁰ For *Jovialität* as an important aristocratic disposition, see Jehne (2000).

²¹ On the friction involved in Roman military discipline for the Late Republican period, see Brice (2020b) and (2020c). Pearson (2019) argues that the difficulties in actually decimating a unit meant that the soldiers themselves must have willingly submitted.

²² Plin. *HN* 22.6.11. This incident seems situated as part of the general rout of Catulus' army by the Cimbri; Plut. *Mar.* 23.6.1–5.

position: the actions of the centurion and legion had been entirely honourable and necessary, worthy of celebration rather than punishment. The consuls ultimately accepted what was literally grassroots advocacy, as they later allowed Petreius to sacrifice in their presence.

We see a starkly different position in the response to a mutiny in Illyria in 75 BC by Gaius Curio (Frontin. *Str.* 4.1.43). One of his five legions mutinied, and Curio responded with a show of force: the other four were arrayed against the mutinous legion in battle formation, and the mutineers were disarmed and surrounded. Curio clearly felt the need to deploy overwhelming power as part of his negotiating position. But the punishment for which he summoned this display of strength was bloodless: the soldiers performed two days' worth of fatigue duties, and then the legion was permanently disbanded, with the errant soldiers reassigned to the remaining four. Notably, despite Curio playing a very strong hand, the soldiers still tried to negotiate as he inflicted his administrative penalties, even if their pleas fell on deaf ears: 'it was impossible to petition him with pleas from the legion' (*nullisque precibus legionis impetrari ab eo potuit*).

Indeed, the history of *decimatio* after Crassus suggests that the revived punishment nonetheless largely remained a negotiating position. When the Ninth Legion mutinied at Placentia in 49 BC, Caesar threatened the entire legion with *decimatio*, which would have involved killing roughly 500 men. The threat prompted the soldiers to remonstrate, and Caesar softened his stance markedly; the legion was discharged and then re-enlisted, and 120 ringleaders were identified. Of these, 12 were executed by lot. Goldberg considers this a *decimatio*, and the ratio of 1/10 is indeed present, but it was not a *decimatio* after the description of Polybius, that is a punishment applied collectively to an entire unit regardless of individual behavior (Polybius also does not specify *decimatio* as a punishment for mutiny).²³ Rather individuals were identified as culpable from across the unit, and then a fraction of those deemed guilty were punished.

Over the next two years, Caesar's soldiers themselves twice deployed *decimatio* as a negotiation ploy against their commander. In 48 BC, some of Caesar's defeated soldiers at Dyrrachium demanded *decimatio*; Caesar refused and instead had them swear oaths promising to regain a victory, which they subsequently did.²⁴ In 47 BC, when the Tenth Legion joined a mutiny, Caesar threatened the unit with discharge and disbandment. The legion, long Caesar's favourite, instead requested *decimatio* as punishment. Caesar did not oblige, but rather reconciled with the legion and subsequently sailed with them to Africa.²⁵ Similarly, Mark Antony, who inflicted a genuine *decimatio* on two cohorts during his Parthian campaign, shortly afterwards rejected an offer by his troops to submit to *decimatio* after another defeat, instead taking the blame upon himself (Plut. *Ant.* 44.3). In these instances, the soldiers' request for a *decimatio* represented a gesture of fealty and submission (with the implicit demand for a lesser punishment or no punishment at all), and it was taken as such by commanders.

²³ On the mutiny see Goldberg (2015/16) 146; Chrissanthos (2001) 66–7; Brice (2020a) 53.

²⁴ App. *B Civ.* 2.63; cf. Suet. *Iul.* 68.3.

²⁵ App. *B Civ.* 2.94; see Chrissanthos (2001) 71–5, who notes Caesar's weak bargaining position.

Reinvention and Abandonment

In 72 BC, *decimatio*, an archaic punishment in virtual desuetude for centuries (and perhaps never even used at all), was reinvented by Marcus Licinius Crassus to punish a legion that had performed poorly in the war against Spartacus. Plutarch (*Crass.* 2–3) reports that out of 500 men who fled in battle – a battle initiated by Crassus’ legate Mummius contrary to orders – 50 were executed. Appian (*B Civ.* 1. 118) gives two versions of the story, firstly that Crassus decimated two legions for defeats suffered under the prior consuls (which would produce a death toll of perhaps 1000 men) and alternatively that the *decimatio* took place after one of his own defeats, and that he decimated his entire army, killing 4000. The floating body count for this otherwise secure *decimatio* is a reminder about how such an event might be easily embellished. Plutarch’s lower body count is to be preferred, but it is clear that Crassus suddenly manifested in practice what had long been an abstract discourse.

While subsequent decimations were inflicted under either democratically unaccountable military dynasts or emperors, Crassus was at this point far from being twice consul and triumvir. Although he had been a supporter and lieutenant of Sulla, at this point he was (probably) a mere praetor.²⁶ We have no direct insight into Crassus’ motives, but three factors potentially underlie this grisly reinvention. Firstly, the Spartacus revolt had by this point devolved into a genuine emergency, having produced a string of military defeats and a host of defeated and disgraced units. The moral stigma of having been defeated by former slaves made these defeated units especially vulnerable to extraordinary punishments. Secondly, Crassus’ violence might be seen as an extension, and perhaps imitation, of Sulla’s authoritarian style. Sulla’s proscriptions of elite Romans and the massacre of thousands of citizen prisoners during the civil war quite likely weakened compunctions against using violence against citizens, not the least among his own acolytes: note that Verres’ crucifixion of a Roman citizen in Sicily occurred around the same time as Crassus’ *decimatio*.²⁷

Finally, Crassus’ action took place against the background of an elite intellectual trend towards antiquarianism.²⁸ The crescendo of antiquarian scholarship in the Late Republic has been linked to the rolling political crises of the period, and a yearning for more stable and legible times.²⁹ Sulla’s entire constitutional project was undergirded by antiquarian principles, including his revival of the long neglected title dictator, although as we have seen, Sulla’s punishment of a cohort for cowardice, through non-lethal humiliation rather than *decimatio*, was in keeping with established Middle Republican practice.

²⁶ On Crassus’ status in the *cursus honorum*, see Vervaeke (2014).

²⁷ *Cic. Verr.* 2.5.158–70 for the scourging and crucifixion of Publius Gavius. For Sulla’s violence, see Eckert (2019).

²⁸ Antiquarianism is admittedly a modern concept imposed (not necessarily improperly) on ancient authors, comparing Roman intellectual activities to similar endeavours in early modern Europe; the literature on the topic is vast, with Momigliano (1950) still foundational, see recently MacRae (2018). On Varro and Late Republican antiquarianism, see Smith (2019).

²⁹ Moatti (1991).

Crassus operated in a moment when antiquarian impulses were present in both warfare and politics. An inscription from Isaura Vetus from 75 BC reveals the Roman commander P. Servilius Vatia practised the otherwise obscure and seldom-used ritual of *evocatio*, mostly attested during the Roman conquest of Italy.³⁰ The soon-to-be greatest of Roman antiquarians, M. Terrentius Varro, researched a study on Senate procedure that among other things considered the long defunct decemvirs and military tribunes with consular powers, supposedly as a handbook for Pompey, Crassus' consular colleague in 70 BC (Gell. NA 14.7). We have no evidence directly linking Crassus personally to antiquarian research, but his deployment of a punishment not attested since the fourth century BC was well in keeping with the antiquarian trends of the period.

Crassus' reinvention did not necessarily bring about a brisk return of the punishment, as decades passed before it was deployed again. Caesar's modified *decimatio* in 49 BC, which killed only 12 ringleaders in a mutinous legion, has already been discussed. Mark Antony may have also executed some mutinous soldiers at Brundisium by lot in 44 BC, although Appian explicitly specifies that he killed less than a tenth, and Cicero only describes the murder of centurions considered politically disloyal.³¹ Notably, against modern assumptions that *decimatio* was an effective punishment, Appian (*B Civ.* 3.43) reports that this pseudo-decimation failed, as the soldiers, rather than being terrified and cowed, were only further angered: οἱ δὲ οὐκ ἐς φόβον μᾶλλον ἢ ἐς ὀργὴν ἀπὸ τοῦδε καὶ μῖσος ἐτρέποντο.

Dio Cassius (48.42.2) reports that in 39 BC, Domitius Calvinus, a proconsul in Spain and supporter of Octavian, decimated two centuries that had fled from an ambush, in addition to punishing a number of centurions, including a *primus pilus*. Velleius Paterculus (2.78.3), much closer to the event, only reports the *fustuarium* of the *primus pilus* for fleeing in battle (*fusti percussit*), and it is likely that Dio or his source mistook language describing the *fustuarium* for a more expansive *decimatio*.³²

As discussed above, Antony decimated two cohorts after they were defeated by the Parthians in 36 BC (this would have involved killing roughly 80 men), but then subsequently refused to decimate his army after an even more serious defeat. Two years later, in 34 BC, Octavian decimated troops who had abandoned their positions in Illyria (Dio Cass. 49.38.3). Suetonius (*Aug.* 24.2) suggests that Augustus used *decimatio* as a routine punishment (*cohortes, si quae cessissent loco, decimatas hordeo pavit*), although no additional incidents are known, and it is possible he bases this statement upon the Illyrian incident alone.

Most attested decimations therefore took place between 49–34 BC, years of civil war, massive violence, and the rise of autocratic dynasts who were nonetheless plagued by the shifting and uncertain loyalties of their soldiers. Once

³⁰ AE 1977: 816; see Gustafsson (2000) 60–2.

³¹ App. *B Civ.* 3.43; Cic. *Phil.* 3.4; 5.22. Cicero's phrase *dilectus centurionum* probably suggests that Antony picked out suspect centurions for punishment, grotesquely mimicking the selection process at the levy.

³² The lesser punishment is accepted by Carlsen (2008) 76.

the dust settled, *decimatio* quickly fell into disuse. The next attested incident comes over 50 years after Octavian in Illyria, when the legate Lucius Apronius decimated a cohort that had failed in Numidia against Tacfarinas during his tenure from AD 18–20 (Tac. *Ann.* 3.21). Another 50 years later, and in the context of another spasm of civil war, Galba decimated a legion that Nero had previously recruited from the navy when they refused to disband and return to the fleet.³³ Thus, even when the punishment was re-established, decades and even generations passed without its effectuation. It may have gone into abeyance again during the High Empire, although the poor state of our sources makes it impossible to say this with confidence. Julian the Apostate may have decimated troops during his doomed campaign in Persia: Ammianus (24.3.2) describes him executing ten men from three cavalry *turmae* that had lost their standard, ‘following ancient laws’ (*secutus veteres leges*). If the incident was indeed a conscious *decimatio*, it would be the reinvention of a punishment not attested for nearly 300 years by an unusually erudite emperor.

In this paper I have argued that the popular mechanisms of the Roman Republic helped protect soldiers from what remained an aristocratic myth and negotiating position, so that no decimations were attested between 315–72 BC, even as many units failed in battle and received sub-lethal collective punishments. Such ‘democratic’ pressures did not apply to the Imperial period. The rarity of the punishment points to a more fundamental issue: *decimatio* was simultaneously so brutal and capricious that it failed utterly as a practical tool of military discipline.

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³³ Suet. *Galb.* 12.4; Morgan (2003).

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