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IMPERIUM MILITIAE
THE ROMAN MILITARY LAW
(I)

Abstract: The most common idea in Romance studies is that Romans, as practical people, didn't conduct theoretical research on their country or their army, but they gradually built them both. Meanwhile, they reformed and upgraded it, so that they could respond to the challenges of their age. Moreover, the basis of their research was not explicit doctrines, or prior concepts, in fact they used their own, or the experience of others, to find concrete solutions to daily problems. Just as the Hellenic romanophile Polibius (200-120 B.C), in his work *Historia*, asks the crucial question: "Is it possible to have such an unreliable man who is not interested in how the Romans, with their municipal structure, managed to conquer the whole world"? - in the same way the author of this paper, as much as its content allows, humbly and unpretentiously tries to answer the crucial question: "What kind of military structure created and defended one of the biggest and most enduring empires in world's history, and what rules governed it"?

Key-words: *army, war, commander, military mentality, Comitia centuriata, priests-fetiales, military morale.*

1. About the military mentality of the Romans

Honesta mors, turpi vita potior.
Better honorable death, than a shameful life.
Agricola (1st century)

The history of rhetoric records a military speech held by the British leader **Calgacus** in the first century (around ?-84 AD), who on the battlefield in Britain fought back the Romans, led by General Agricola. Among other things, in his speech, which motivated his fellow fighters, he describes the Roman enemies in the following way:

...World outlaws! After they destroyed everything and left no more land to plunder, they lowered the boom on the sea! If their enemy is rich – they are greedy; if their enemy is poor – they are cruel. Neither East, nor the West satisfied them. They simply crave for fortune and

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need, with equal passion. Their deceptive talk named the loot, murders and slaughters an authority!? Places they had destroyed, they consider peace!?!...Do you believe that Romans' virtue in war resembles the lack of their immorality in peace? ...The errors of their enemies they use as glory for their army.² For such an army, composed of mixed folks is united by success – but divided by defeat...³

Many prominent law historians say that the Roman Empire built a government system which, by its diversity, complexity and precision, was far more advanced than any other governments in the countries of that time.⁴ Since “the founding of the City” (*ab urbe condita*) Roman society was structured as a **military state**, which makes it similar to the Hellenic city Sparta, ruled by discipline, more than ancient Athens – where democracy ruled. Owning and carrying weapons (*arma*) in Rome was considered as a basic trait of man's pride, and the pacifistic proverb “peace is the best of all things” (*Pax optima rerum*), unfortunately, didn't exist in the Roman era.⁵

Since the 6th century B.C., the basic election and legislative body in Rome was where the **Centurion's commissions** i.e. Assembly of the Centuries (*Comitia centuriata*) which, in last instance and with a special act, decided on war or peace, and had the power to select the military officers in the army. These ‘commissions’ had a military background and represent remnants of the so called ‘military democracy’ in Rome, when the City was still under the dominance of the Etruscan kings of Rome. They were officially introduced during the reign of the sixth king, the reformer Servius Tullius (ruled around the 579–534 BC). These commissions usually held councils on the Mars field (*Campus Martius*), outdoors, and the voting system designed used two basic criteria's – military assignment and estate size. There were a total of 194 centurions (80+18+20+20+20+30+5+1): out of them 70 were classified as “first class centurions”⁶, because they were composed of the wealthiest and

² Tacitus, *Agricola*, XXX–XXXII sq.: Raptores orbis, postquam cuncta vastantibus defuere terrae, mare scrutantur: si locuples hostis est, avari, si pauper, ambitiosi, quos non Oriens, non Occidens satiaverit: soli omnium opes atque inopiam pari affectu concupiscunt. Auferre trucidare rapere falsis nominibus imperium, atque ubi solitudinem faciunt, pacem appellant. [...] An eandem Romanis in bello virtutem quam in pace lasciviam adesse creditis? Nostris illi dissensionibus ac discordiis clari vitia hostium in gloriam exercitus sui vertunt...

³ Публиј Корнелиј Такит, *Агрикола*, Скопје, Култура, 1999, 83–85.

⁴ Алберт Вајс и Љубица Кандић, *Општа историја државе и права*, Београд, Савремена администрација, 1971, 64.

⁵ This proverb, known as "Kiel slogan", was located on the seal of the North-German University of Kiel (Christian-Albrechts-Universität zu Kiel / founded 1665). See: Густав Радбрух, *Филозофија на правото*, Скопје, Правен факултет „Јустинијан Први“, 2008, 232.

⁶ At the beginning there were 80, but later their number decreased to 70. Half of them [meaning 35] was a Centurias of the juniors (*iuniores*) – persons younger than 45 years who could be regularly mobilized; and the other half [remaining

most prominent citizens (*nobiles*) with property that valued at least 100.000 *ases*.⁷ These first class centurions also included 18 noble 'centurion knights' or cavalryman (*equestres*), who were officially separated from the first class centurions, but were still connected with the most prominent first class – so that their number totaled 98 [80+18].⁸ Jean Jacques Rousseau (1712–1788), one of the most famous French democratic luminaries and expert on the subject of Roman democracy and political history, in the fourth chapter of the fourth volume of his capital work Societal Contract or Guidelines on State law (*Du contract social – ou Principes du Droit Politique*, 1762/1763), lucidly states:

...Because votes were counted per centuria [and not per capita], only the first class had the majority of votes against the rest. So, when all their centurias vote unanimously, they wouldn't even count the remaining votes – so, it happens to what the least amount of votes decided to be considered the decision of the majority. Therefore, among Centurion's commissions, things were descried more with the 'majority of talirs' than the 'majority of votes'.⁹

We can see that *voting* was successive and ordered by hierarchy, starting with the highest ranking centurias. When the required majority of votes was achieved the magistrate-president ended the voting process – it was a common occurrence that the lower class centurias (poorer citizens) weren't even given a chance to declare themselves! The lower second, third and fourth group/class was composed of 20 centurias, and the fifth class numbered 30 centurias. There was also an existence of 5 so called 'assisting/technical centurions', and all the remaining citizens, the poorest of them, were grouped in only one centuria – the so called "Worker / Proletarian Centuria"¹⁰, which was the biggest in terms of its number of people, but had the lowest amount of jurisdiction. Namely, this lowest last class lacked the division of people in juniors and seniors, because the people of which this class was composed of were put in an inferior position, and their honor to serve and fight for their homeland had not been recognized. The logical starting point was that everyone must have his own home, to gain the right to defend it (*ius defensionis*).

35] was a Centurias of the seniors (*seniores*) – persons over 45 years, which could be mobilized only as reserves.

⁷ *Asis* is a heavy copper coin i.e. Roman coin which weighed one 'Libra' (327,45 grams).

⁸ See my paper: „Скриеното *Ius publicum* во македонското уставно право - Конституционални елементи на современите правни системи реципирани од Римското јавно право“, *Зборник во чест на Тодор Цунов*, Скопје, Правен факултет „Јустинијан Први“, 2009, 788–789.

⁹ *Talir* or *talar* is a kind of Roman tunic that was long to the ankles and usually worn by wealthier citizens. Read more: Жан Жак Русо, *Општествениот договор*, Скопје, Мисла, 1978, 146–147.

¹⁰ The word 'proletarian', etymologically, comes from *prole* = *child*, which suggests that these poor peasants-without land or urban "smallholder" did not own property, and the only real 'treasure' which handled these pauperized people are their born children. See also: Titus Livius, *Ab urbe condita*, I, 42, 4-5 и I, 43.

General Gaius Marius (167–86 BC) was the first who drafted part of the workers into military service.¹¹

The military spirit, or the atmosphere of military status, was deeply enrooted into the religious calendar (*fasti*) of the Romans, by which the *time for warfare* was appointed from March to October. Then the legions were active outside the City (*urbs*), before they were garrisoned in winter. In the Roman Pantheon, the **god of war** Mars took quite an important position: before the battles the Romans would commit sacrifices and he was more respected and worshiped than any other gods, which was based on the belief that the founders of Rome, the twin-brothers Romulus and Remus (VIII c. BC) are the legendary children of Mars, and the vestal Rea Silvia. From this point, even though the Romans were known as ‘children of the wolf’ (*lupus*) they were also known as ‘children of Mars’ – which in turn shows that Romans were military people in ancient times. It’s also interesting that the Roman New Year in fact began in March – which as the first month of the year was dedicated to the god Mars, from which the name “March” has its origins. Just as spring started in March, Romans performed rituals of purification (*lustratio*) of cavalry, before it was sent into battle; and in October - when the military activities ended - the annual weapon purification was also performed (*armilustrum*). In the time period from October to March, also called ‘the time of peace’, the door of the temple, dedicated to the two-faced divinity Janus was closed.¹² In fact, an ancient Roman tradition existed that after the war (*bellum*) was declared, the main gate of his temple was wide open, until all the conflicts were over. After the legions came out of the city gates of Rome, i.e. out of the ‘holy grounds’ (*pomerium*), they needed his support as the ‘Father of gods’ (*Ianus Pater*), from which the name of the month January originates.¹³

According to the words of Marcus Tullius Cicero, the famous orator (106–43), beginning from VII c. BC, the third Roman emperor Tullius Hostilius (ruled around 673–642) “crated a law, strengthened by the **fetial rituals**, which was used for declaring wars – so that every war that was not declared and announced was considered unlawful and godless”.¹⁴ The procedure or specifically the ceremony of declaring war, (in this sense we regard to “righteous war” or *bellum iustum*), involves three phases:

a) The first phase was called *Denuntiatio* or *rerum repetitio* – in fact, whenever an incident happened, caused by some enemy peoples (for example: the siege of some Roman estate, capturing Romans,

¹¹ Compare with: Ж. Ж. Русо, *Општествениот договор*, Скопје, Мисла, 1978, 143–144.

¹² The God Janus, according to the ancient Roman mythology, was the *god of time* which is often represented with two faces: one that is turned in the past, and the other in the future. This god is also celebrated as the god of “beginnings and endings” i.e. of transitions, gates, doors and entrances.

¹³ Žika Bujuklić, *Forum Romanum - Rimska država, pravo, religija i mitologija*, Beograd, Pravni fakultet u Beogradu & JP „Službeni glasnik“, 2005, 276–278.

¹⁴ Cicero, *De republica*, II, 17, 31: [Tullus] cinstituit ius, quo bella indicerentur, quod sanxit fetiali religione, ut omnem bellum quod denuntiatum indictumque non esset, id iniustum esse atque impium iudicaretur.

stealing cattle etc.), the head priest of the fetials (*fetiales*) was sent on his own diplomatic mission – also called *Pater patratus*, together with three more delegates called *oratores*, with the goal of achieving return of what was taken, and sent a warning and threat that an act of revenge will be undertaken.

b) The second phase was called *Testatio* or *testatio deorum* – this phase began when the previously given ultimatum remained fruitless even after the expiration of 30 days. Then, the priest-fetials would return to the enemy to enact a ceremonial summoning of the gods for ‘witnesses’, that in fact an act of injustice has been caused, and the Roman demand was legitimate. After this, the Roman Senate (*Senatus*) met and brought the decision to start a war, which had to be confirmed by the *Comitia centuriata* – in the shape of a special law (*lex de bello indicendo*).

c) The, last, third phase in declaring war was the so called *Indictio* or *invocation* – so, on the 33rd day, the Senate sent a special courier (*verbenarius*) who on the combat border (*limes*) carried out the symbolical act of throwing a bloodstained spear (*iaculum*) onto the enemy’s territory – this was assumed to humiliate the opponent and mark his territory as unworthy. After this act, the war was officially declared (*indictio belli*).¹⁵ At the beginning, this military-missionary function was carried out by the head-priest *Pater patratus*, but from the middle of the existence of the Republic it was performed by special missionaries, called *legati populi Romani*. Then this ritual became legal fiction, because it was symbolically enacted in Rome instead of the country’s border, near the temple dedicated to the goddess Bellona (*Aedes Bellona*). This temple was built on the Field of Mars, where a piece of land for ceremonial needs was declared as ‘enemy’s land’ (*hostile soli*). Next to the temple stood a military column (*columna bellica*) from where the ceremonial spear was thrown.¹⁶

Speaking of ceremonies, symbols and **insignias** i.e. “banners” – it is worth mentioning one of the most striking features of the Roman army - the high *masts* who had their heads decorated with all kinds of symbols and markings, with depictions of many types of brave wild animals and predators.¹⁷ Also, every Roman legion had its own *flag* that acted as a holy relic, and the banner was carried by special flag bearers (*signiferes*). All these decorations had psychological effects on the soldiers and helped keep the morale and the legion’s unity, because they

¹⁵ This special courier, called *varbenirius*, got his name by the “holy plant” *verbenae* which grew on the holy Roman plateau Capitol (*Capitolina*), and was thought of as a symbol of Roman power and dominance.

¹⁶ Ž. Vujklič, *Forum Romanum...*, Београд, 2005, 410–411. About the role of the priestly order of fetials see the excellent work of Н. Г. Майорова: „Фецилы – религия и дипломатия в Древнейшем Риме (VII в. до н. э.)“, published in Chapter IV of chrestomathy *Религия и община в Древне Риме*, Москва, Российская Ассоциация Антиковедов & Российская Академия Наук - Институт всеобщей истории, 1994, 97–124.

¹⁷ It is interesting that this Roman tradition has been maintained to this day, so that many modern military units are named after the names of certain ‘bloodthirsty beasts’ that should fear the enemy (for example: lions, tigers, wolves, lynx etc.).

could see the masts even during battle, which gave them a certain amount of security. Further on, the most characteristic symbol was the displayed silver Roman *eagle (aquila)*, a depiction of the power of Rome and the honor of the legion. It was protected by a special soldier, wearing a hide of a lion on his head, called an *aquilifer*. This ‘holy bird’ hung on a long wooden handle, sharpened at the lower end, so that during the clash it could be stabbed on the ground.

2. About the Roman system of command

Veni, vidi, vici – I came, I saw, I conquered!

Gaius Iulius Caesar (I c. BC)

Speech in front of the Senate, after the victory over the Franks

The military control gained by the highest Roman magistrates (praetors, consuls and dictators) on battlefield was called the *Imperium militiae*, and the opposite regime, which was valid only in peacetime, was called the *Imperium domi*. The boundary line (*limes*) of the magistrates’ activities in peacetime was determined by city walls (*pomerium*) – approximately in a radius of 1.5 km around the city of Rome. This border also had a religious significance, because up to this distance the area was considered a ‘holy ground’ on which temples could be built (*templum*) and sacred activities, led by priests and their collegiums (*collegium*), would be held. Everything, undertaken out of the first milestone, (*milliarium*) fell under the ‘military regime’s control.¹⁸



Picture 1: Roman magistrates bear the insignia *fasces*

Outside the city *pomerium* the magistrates became *milites*, but not automatically elected, because its military imperium had to be officially assigned by the people (*populus*) gathered in Centuria’s commissions. Even after this ceremonial procedure, which for the truth’s sake in practice hadn’t always been consistently respected, civil magistrate became a *military commander* in the true sense of the word, because since then, he could uninterruptedly use all military powers: to appoint and dismiss commanders; to draft; to punish and reward soldiers; to lead military, expeditions, campaigns, operations,

etc. Before leaving the city, the army leader, followed by a huge crowd, took a solemn oath to Jupiter, the chief deity (Iuppiter Optimus Maximus) in his temple situated on the hill of Capitol (*Aedas*

¹⁸ Bujuklič, op. cit., 279–281.

Capitolinus), with complete military equipment, wearing his cloak (*paludamentum*). The people from his entourage, or *lictiores*, wore the cult sign called *fascēs cum securi* on their left shoulder.¹⁹ He had much power and could have, for example, even give capital punishments (*poena capitales*) without giving the citizen-soldier a right to appeal. It was impossible for him to claim *provocatio ad populum*, which required the magistrate wait for a tribune to intervene, a common legal way for peaceful legal conditions; then the army leader was able to declare armistice (*indutiae*), peace agreements and alliances with other tribes and peoples (*foedera*); and in the newly conquered territories he could even pass laws with which their legal status was regulated – as separate general acts of constitutional nature (*lex data*).

In Rome, as practice shows, it was possible to have several wars at the same time, until the time of the Empire - when the *Imperator* had even undertaken the function of highest military commander. There was no single appointed military leader, in terms of today's Supreme commander, but every war was conducted by a definite **military commander** (*dux*), appointed by the Senate, with a special mandate only for the given military mission, and who *in concreto* stood on top of the Roman military. As the Roman military commanders were not professionals but civil magistrates, who had military duties as well, the Romans lacked such genius generals as Alexander of Macedon or Hannibal. although speaking of Scipion or Caesar for example, we cannot call in question his talent for military commands. At war, Romans more often won their battles thanks to their persistence, good organization and 'military engineering', than their fearless offensives and heroism. For example, the Battle of Alesia (*oppidum Alesia*/September 56 BC), where the resistance of the Gauls was broken, was successful thanks to the blistered hands in digging trenches and lifting defensive ramparts, than the angry and courageous rush of the Romans.²⁰ The profile of an average Roman general was the following: he comes from a wealthy aristocratic family, represented in the Senate as current or former consul. In a case where both colleagues-*consules* are being sent to the same war, the mutual supreme command changed daily, according to the so-called *principle of rotation* – the first day the command is in one's counsel hands, and the next day in the other's, alternatively until the end of the campaign. On that day, the leader wears a purple cloak (*lacerna*) fastened on his shoulder with a brooch, which distinguished him from lower commanders, and elders of the hierarchy. His commands to the legions on the battlefield were in Latin, but on the head of each separate legion stood commander-legate, so-called 'chosen-legate' (*legatus*). However, six military tribunes (*tribuni militares*) were under his command, mainly young people who took care of

¹⁹ That is actually a "bundle of sticks" or sack of elm branches which were tied with red ribbon (*fascia*), which was anchored in iron ax (*securis*) – in that way symbolizing the supremacy of magistrates (*insignia imperii*). This symbol led background from Etruscan times, and from it, etymologically, its origins today word a *fascist*. See: *Picture 1*.

²⁰ Обрад Станојевић и Милена Јовановић, *Латински за правнике*, Београд, Правни факултет - Универзитета у Београду и ЈП „Службени гласник“, 2008, 43.

administrative tasks – because, in principle, they had no military experience, because this position was considered as starting point in the building of their future political career. Initially they were named by the consuls, but later they began to be elected by the Roman people's assemblies (*comitia*).

One of the revolutionary changes or **reforms** in the system of command and [re]organization of the Roman military was made by the famous general Scipio the African (Publius Cornelius Scipio - Africanus / 236–183), the Roman who defeated Hannibal and who has never lost a single battle! His reform actually consisted of the following: (1) he appointed the cavalry a top position in the army, because lately the focus had been primarily placed on the Roman infantry; (2) reduced the weight of the armor and breastplate to provide easier mobility of the troops; (3) left the old tradition of building large camps, and provided military camps in order to accelerate the progress of the legion; (4) due to difficulties in maneuvering, shied away from the usual military formation battle line into three lines [*triplex acies*]; (5) introduced military tribunes with a strategy before the battle, so that they can give commands in case of death of the commander; (6) set a new *system of signalization*, so instead of the old system composed of 38 different signals, which were given with trumpets (*tubi*), Scipio introduced a system of only nine signals. The old and dysfunctional system of sound signalization provoked jokes among the soldiers themselves: because of its extraordinary complexity, one can find out that the exemption of his long military service is coming soon when he finally begins to differentiate all these special alerts! Therefore the new signals were given by the so called whistles, emitting a shrill sound that could easily be heard during the roar on the battlefield, and the trumpet remained only to be used for the first signal. Besides signaling 'attack' (*impetus*), the following signals were: 'In pairs! Split in depth! Split in width! Stop! Go! Return! [*regressus*] and so on; (7) finally, Scipio divided the 21 letters of the Roman alphabet in five groups – four groups of four characters, plus a group of five characters ($4 \times 4 + 5 = 21$). Then he ordered the letters in five plates, numbered with Roman numbers from I to V, giving each letter appropriate number and asking those who signalize to learn them by heart as codes. Each centurion had under his command two groups of soldiers giving the signals, who stood beyond a screen – the first team on the left and the second on the right side. Each of these 'communication groups' had to have prepared at least six burned torches at any time, and the role of the screen was to hide the light when they were not used for signalization. This inevitably imposed dismemberment of every word in letters – so that the number of torches from the left screen showed the number of the plate, and the number of torches from the right screen showed the letter from that plate. When the soldier was ready to send the signal, he raised two torches, and the one who supposed to receive the signals also matched with raising two torches with which the beginning of the next signalization was signalized. Then they sent the necessary message, after which they concealed the torches.²¹

²¹ Рос Леки, *Сципион*, Скопје, Клуб Матица, 2007, 405–406 и 418–419.

Strong **military discipline** (*disciplinam militiae*), which provided impeccable work of Roman military machine, has been regularly maintained by a strict *system of punishments* and rewards. The military commander, at his own initiative, and if it was considered appropriate and expedient, could sentence the guilty soldier even to death (*poena capitalis*), and, as we mentioned previously, without the right to appeal! If a particular military unit escaped cowardly from the battlefield, then the famous sentence ‘decimation’ (*decimatio*) was applied which is often inappropriately interpreted. Actually, the act of sentencing was performed in a way that the names of all cowards were put in a bowl or pot from which, later on, the names of one tenth (1/10 or 10%) of the soldiers were pulled out. The names of those who had been ‘lucky’ were read and they stepped out from the line, and were killed immediately in front of their comrades.²² For every committed crime, the centurions could punish soldiers, who were subordinate to them, mostly through flogging i.e. physical punishment - because, according to the Italian humanist Niccolò Machiavelli (1469–1527) written in his less exposed work *The Art of War* (*Dell’arte della Guerra*, 1519/1520), through which he shows himself as an exceptional military writer – the Romans:

...strictly cared about the punishments and rewards for those who deserved compliment or reproach for their good or bad behavior ...Military discipline was based on the fear of the laws, the people or God...[for] people, weapons, bread and money are the power of the war! ...Military discipline is not anything else but a well trained military; for it was impossible to defeat those well disciplined in our time!

However, in terms of **military awards**, and benefits, in addition to the regular military *salary* (*stipendium*) the soldier received a part of the war booty. In fact, at the beginning of the creation of the empire, *booty* of the military occupation (*occupatio bellica*), was the only satisfaction for those who went to war and this was a kind of ‘soldier salary’ – although, in a certain way, it was illegitimate because *de iure* all the booty belonged to the Roman Empire. Because of this, since the oldest times, alongside the military there were people called ‘enumerators/appraisers’ who collected the loot from defeated enemies, carefully recording and sending it to the Roman treasury (*aerarium*) to be used in the service for the needs of the empire.²³ In terms of the issue related to the sharing of the booty, Machiavelli is completely right when he states that “the Roman practice was far superior in contrast to the contemporary, because it bridles the burglary and the quarrels over the booty”.²⁴ Soldiers and officers, who had distinguished themselves in the

²² Because it happened even in the bad detachments to have a good soldier, often the names of these soldiers were secretly taken out of cup, so they cannot accidentally be victims of the ‘decimation’. See also: О. Станојевић и М. Јовановић, *op. cit.*, 44.

²³ Станојевић и Јовановић, *op. cit.*, 42.

²⁴ Referenced in: Наум Гризо и Крсте Ристески, *Од историјата на воените идеи*, Скопје, Култура, 1992, 49–51.

battles, and had shown exceptional courage and sacrifice, could get different *medals* – for example, a wreath of oak leaf (*corona civica*), or a gold wreath, (*corona muralis*) was received by any soldier who would have been the first to climb up the walls of the enemy's city etc. Also, among other privileges which the Roman soldiers had was the right to make a specific type of oral will i.e. testimonial in front of their colleagues before the battle (*testamentum in procintu*). War veterans, before demobilization, additionally received compensation i.e. severance payment, and as a token of gratitude for their service they were given land parcels (*ager*), or estates across the Roman provinces.

In context of high **military morale** and maintenance, Machiavelli believes that what the old soldiers kept loyal was “faith and oath”! For example, the military reformer, the first Principe Augustus (Octavianus Augustus / 63 BC–14 AD) among other things, introduced a special oath (*sacramenti*) for personal loyalty - something that was typical for countries of the former so called Eastern Bloc – although the Romans were familiar with this *military oath* institute since oldest times.²⁵ Furthermore, as a good motive for battle, the *instinct of self-preservation* is also mentioned, or what Machiavelli called “need”, because it increases the heroic endurance during battle. Then, the *patriotism* or “love for Fatherland” (*patria*) as an important stimulus is also mentioned, which Machiavelli regarded as healthy and natural.²⁶

Finally, we should not forget that the military morale of the legionaries, which was often supported by giving effective so called “*epideictic*” [*combat*] *speeches*, full of emotional charge, which were usually held just before the battle, and had an extremely strong encouraging influence on feelings, mood and spirit of the troops. Machiavelli also considered oratory very useful in those critical times, because it “frees soldiers from fear, inflames the spirit, strengthens persistence, reveals frauds, promises awards, shows the dangers and how to avoid them; criticizes, begs, threatens, fills with hope, commends and does everything what calms or inflames human passions”. Therefore, it seems suitable to add a brilliant example of such a team military speech at the end. The battle speech that follows below dates from the first century and is proclaimed by the aforementioned Roman general Agricola (Gnaeus Iulius Agricola / 40–93), who finished the conquest of Britain before the battle with the British rebel Calgacus, mentioned in the very beginning of this paper. The description of the atmosphere is given by the chronicler and Agricola's biographer – Tacitus (Publius Cornelius Tacitus / 56–117) who, by the way, was also his son-in-law:

...Although the soldiers had a strong spirit and
barely surmount the obstacles, Agricola believed they

²⁵ For military oath in Rome see and the excellent work of Russian professor В. Н. Токмаков: „Воинская присяга и ‘Священные законы’ в военной организации Раннеримской Республики“, published in Chapter V of chrestomathy: *Религия и община в Древне Риме*, Москва, Российская Ассоциация Антиковедов & Российская Академия Наук - Институт всеобщей истории, 1994, 125–147.

²⁶ Cited by: Н. Гризо и К. Ристески, op. cit., 49.

*should be encouraged more and more, so addressed them as follows:*²⁷

„For seven years, we are capturing Britain (Britania), you my fellow soldiers, together with the virtues and flags of the Roman Empire, and with our loyalty and hardship. In the quests and battles - either because of the courage with which we had fought against the enemies or because of the durability and efforts - I would dare to point out something almost unnatural: Neither I can be dissatisfied with my soldiers, nor you from your leader! The fact that we already came here, I overcame the previous [Roman] governors, and you – previous armies. We met the borders of Britain not through rumors and narratives, but through setting camps. Britain is discovered and defeated!

While we were trooping, the wetlands, mountains and rivers exhausted you. I often hear the voice of the bravest of you: ‘When the enemy is finally going to show up himself? When do we attack him?’ There they are, coming banished from their sanctuaries: the faith and the courage shall come to be revealed now. For the winners everything goes well, and for the defeated nothing goes out of hand!

²⁷ Tacitus, *Agricola*, XXXIII–XXXIV sq.: Septimus annus est, commilitones, ex quo virtute et auspiciis imperii Romani, fide atque opera vestra Britanniam vicistis. Tot expeditionibus, tot proeliis, seu fortitudine adversus hostis seu patientia ac labore paene adversus ipsam rerum naturam opus fuit, neque me militum neque vos ducis paenituit. Ergo egressi, ego veterum legatorum, vos priorum exercituum terminos, finem Britanniae non fama nec rumore, sed castris et armis tenemus: inventa Britannia et subacta. Equidem saepe in agmine, cum vos paludes montesve et flumina fatigarent, fortissimi cuiusque voces audiebam: ‘quando dabitur hostis, quando in manus [veniet]?’ Veniunt, e latebris suis extrusi, et vota virtusque in aperto, omniaque prona victoribus atque eadem victis adversa. Nam ut superasse tantum itineris, evasisse silvas, transisse aestuaria pulchrum ac decorum in frontem, ita fugientibus periculosissima quae hodie prosperrima sunt; neque enim nobis aut locorum eadem notitia aut comaeatuum eadem abundantia, sed manus et arma et in his omnia. Quod ad me attinet, iam pridem mihi decretum est neque exercitus neque ducis terga tuta esse. Proinde et honesta mors turpi vita potior, et incolumitas ac decus eodem loco sita sunt; nec inglorium fuerit in ipso terrarum ac naturae fine cecidisse. Si novae gentes atque ignota acies constitisset, aliorum exercituum exemplis vos hortarer: nunc vestra decora recensete, vestros oculos interrogate. Hi sunt, quos proximo anno unam legionem furto noctis adgressos clamore debellastis; hi ceterorum Britannorum fugacissimi ideoque tam diu superstites. Quo modo silvas saltusque penetrantibus fortissimum quodque animal contra ruere, pavida et inertia ipso agminis sono pellebantur, sic acerrimi Britannorum iam pridem ceciderunt, reliquus est numerus ignavorum et metuentium. Quos quod tandem invenistis, non restiterunt, sed deprehensi sunt; novissimae res et extremus metus torpore defixere aciem in his vestigiis, in quibus pulchram et spectabilem victoriam ederetis. Transigite cum expeditionibus, imponite quinquaginta annis magnum diem, adprobate rei publicae numquam exercitui imputari potuisse aut moras belli aut causas rebellandi.

Just as passing so much roads, crossing forests and outfalls and trooping as leader - beautiful and glorious is, that much, - today's favorable occasions will become dangerous for those who run away. These areas are really unknown to us and we don't have abundance of food, but we have our hands and our weapons – so we have everything we need!

As for me, long ago I have convinced myself that turning back on someone is not safe neither for the leader, nor for the troop. Honorable death is much better than shameful life, and salvation and glory go together! It will not be infamous to die at the end of the world and at the end of the nature.

If in front of you stood new people and unknown troops, I would encouraged you using examples of others armies; but now remember your courage and ask your eyes. Here are the same ones who last year attacked a legion and you defended them with shouting; so that they fled first from all Britons, which is the reason they are live till today! While we crossed through forests and pastures, the strongest animals pounced on you, and the scared ones were running away from the noise you had made. That was how the bravest Britons have died long ago, and what was left is only a handful of useless cowards! Finally we've found them because they were swooped. Hopelessness and obsession with terrible fear had put them in this place, in which we will achieve beautiful and noticeable victory.

Put an end on the invasions; lock 50 years with one great day, prove to the state that the military could neither be blamed for prolonging the wars, nor was the reason for uprisings!"

*In this way Agricola had spoken as flames burst in soldiers; the end of the speech had enchanted all. Immediately after, the soldiers ran for their weapons...*²⁸

²⁸ See and the Macedonian translation of Tacitus scripture *Agricola*: Такит, *Агрикола*, Скопје, Култура, 1999, 86–88.

S u m m a r y

Peace in the Roman tradition, as a typical old Mediterranean culture, was understood in the so-called *negative sense*, i.e. as the “absence of war” (*absentia belli*) – similar as among the Jews, Phoenicians, Egyptians, Helens and the ancient Macedonians. In fact, ancient Romans considered peace primarily as a social condition in which the rule of law and the hierarchy of values in the Roman state, defined by laws (*leges*), were respected.²⁹ Their ideal was a well-organized state that internally provides order (*ordo*) and **peace** (*pax*), and internationally inspires awe among its neighbors and enemies (*hostis*). According to the perceptions of that time, peace always comes as a consequence of the previous-war (*bellum iustum*), and it is imposed by the winner (*victor*) – with the power of his weapon (*vis arma*), from where the famous real-political maxim originates: “History is written by the victors”! The ancient Romans’ key-maxim was: *Si vis pacem, para bellum* = “If you want peace, prepare for war”, and this thought which served as a guiding light, as some military historians note, is fully respected in the entire Roman history – including the glorious era of the famous Roman republic (*Respublica Romana*).

²⁹Светомир Шкарик [уредник], *Теорији за мирот и конфликтите (читанка)*, Скопје, Правен факултет „Јустинијан Први“, 2007, 51.

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