

# GLADIATORIAL GAMES AS A MEANS OF POLITICAL COMMUNICATION DURING THE ROMAN REPUBLIC\*

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## 1 Introduction

After the 2010 World Cup, the question may be raised how a developing country, short of skills and money, struggling to provide in the basic needs of her citizens, saw fit to afford billions on staging a major sports event. However, recent sport spectacles, for example the 1998 World Cup in France, during which president Chirac suddenly donned a soccer scarf and could not be kept out of the stadium, or not so recent sport events as the 1936 Olympics in Berlin, steer us towards the hypothesis that political leaders, irrespective of time and place or ideology, are aware of their need to court the voters in pursuit of popularity. Today communication is linked to technology, the printing press, telephones, loudhailers, radios, television, movies, or the internet, which leads to the question how – in antiquity – political candidates and established politicians marketed themselves without these tools. The answer, for the Romans, may be found in the arena.

The Romans recognised the importance of communication. This is attested by the emphasis placed on public speaking in the education of young noblemen.<sup>1</sup> But, eloquence from the *rostra* only reached a limited number of supporters, while the required loud voice might be undone by hecklers and a hired mob. Cicero did not have a loud voice and chose the courts, but this required specialised skill, hard work and talent and had little entertainment value. This article offers the hypothesis that clever politicians found another means in public spectacles. First the origin and development of the gladiatorial

1 Mommsen *Römische Geschichte* Vol 3 (1917) 426ff, 457f; Vol 3 576f. Cf Cicero (Marcus Tullius Cicero, 106-43 BC, Roman statesman, philosopher and orator) *De oratore*; Quintilian (Marcus Fabius Quintilianus, AD 35-90, Roman rhetorician) *Institutio oratoria*; Shelton *As the Romans Did* (1988) 117-125.

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games will be described and secondly the political exploitation of these games. Brief mention will also be made of the strange midday interlude, the *ludi meridiani*, in which certain categories of criminals were killed by animals, gladiators or each other.

Most work on the arena games in Rome focuses on the imperial period<sup>2</sup> when for all practical purposes political communication had become irrelevant. This article argues that the gladiatorial shows found their origin in the republic and were very popular. They therefore became frequent and were used for the most basic of political ends, namely votes for an election. In consequence, the scope is limited to the later republic when the political dimension of the games was at its greatest. The paper does not offer moralising,<sup>3</sup> sociological,<sup>4</sup> psycho-analytical<sup>5</sup> or anthropological explanations.<sup>6</sup>

## 2 Origin and development of gladiatorial games

The origin of Roman games is found in the religious festivals offered to obtain divine support. After the procession and the sacrifice of animals, the third and final part consisted of games in honour of the deity.<sup>7</sup> During the early republic the state became involved in the presentation of religious spectacles with the *Ludi Magni* or *Romani*<sup>8</sup> and from 366 BC onwards the *aediles curules* organised these games annually<sup>9</sup> as part of the ordinary religious calendar. During the late third and early second century BC, a number of additions were made to the ritual calendar, such as the *Ludi Plebeii* (for Jupiter), the *Ludi Apollinares* (for Apollo), the *Ludi Megalenses* (for the Great Mother) and the *Ludi*

2 Hopkins *Death and Renewal* (1983) 1-30 situates the importance of the arena spectacles primarily during the empire when the people had lost the vote and were no longer directly involved in war. Cf Welch *The Roman Amphitheatre* (2007) 1-10 for a quick survey of the most important literature on the Roman games.

3 Friedländer *Darstellungen aus der Sittengeschichte Roms in der Zeit von Augustus bis zum Ausgang der Antonine* (1888-1890); Kiefer *Sexual Life in Ancient Rome* (1969); Auguet *Cruauté et Civilisation: Les Jeux Romains* (1970) turned the tide towards a less anachronistic interpretation; the edition used is the English translation *Cruelty and Civilization: The Roman Games* (1994); Welch (n 2) 1f.

4 Cf Plass *The Game of Death in Ancient Rome* (1995). Welch (n 2) 2 refers to the work of Veyne *Le Pain et le Cirque: Sociologie Historique d'un Pluralisme Politique* (1976).

5 See, in general, Edwards *Death in Ancient Rome* (2007); Plass (n 4); Kiefer (n 3) 75-118; Welch (n 2) 3f discusses Barton *The Sorrows of the Ancient Romans: The Gladiator and the Monster* (1993) as an example of this method; see also Welch (n 2) 2 and 5 for her evaluation of Hopkins (n 2).

6 Futrell *The Roman Games* (2006).

7 *Idem* 1.

8 Initially games held in honour of Jupiter on account of a covenant made before a battle. Bernstein *Ludi Publici. Untersuchungen zur Entstehung und Entwicklung der öffentlichen Spiele im republikanischen Rom* (1998) 24, 51ff; Mommsen (n 1) Vol 1 (1912) 226ff, 458f. Cf also Futrell *Blood in the Arena. The Spectacle of Roman Power* (2000) 20; Tertullian (Quintus Septimius Florens Tertullianus, early father of the Christian Church, AD 160-240) *De Spectaculis* Vff.

9 Cicero *In Verrem* 2 5 36: "nunc sum designatus aedilis; habeo rationem quid a populo Romano acceperim; mihi ludos sanctissimos maxime cum cura et caerimonia Cereri, libero, Liberaeque faciundos, mihi Floram matrem populo plebique Romanae ludorum celebritate placandam, mihi ludos antiquissimos, qui primi Romani appellati sunt, cum dignitate maxima et religione Iovi, Iunoni, Minervaeque esse faciundos." Bernstein (n 8) *passim*.

*Floreales* (for Flora).<sup>10</sup> These ordinary games or *ludi* in honour of the gods were controlled by the *aediles curules*, who often topped up the budget from private funds. Alongside the state-sponsored spectacles, extraordinary private games were increasingly offered. Gladiatorial games were sponsored in the private category as part of Roman funerals. Tertullian explained their purpose and development as founded in the belief that the souls of the dead were propitiated by human blood; therefore in ancient times the family bought captives or cheap slaves to sacrifice during the funeral. Later, religious duty was combined with entertainment and gladiatorial combat developed.<sup>11</sup> This explains why the gladiators originally fought at the tomb of the deceased,<sup>12</sup> outside town,<sup>13</sup> and within nine days of the funeral.<sup>14</sup> The venue of these games, known as *munera*, that is obligations (to the dead), was subsequently moved via the *forum boarium*<sup>15</sup> to the *Forum Romanum*, the political heart of republican Rome and the location of aristocratic funeral ceremonies.<sup>16</sup>

- 10 Bernstein (n 8) 157-225; Futrell (n 6) 3; Mommsen (n 1) 812, 876f.
- 11 *De spectaculis* XII: “munus dictum est ab officio, quoniam officium etiam muneris nomen est. officium autem mortuis hoc spectaculo facere se veteres arbitrabantur, posteaquam illud humaniore atrocitate temperaverunt [2] nam olim, quoniam animas defunctorum humano sanguine propitiari creditum erat, captivos vel mali status servos mercati in exequiis immolabant. [3] postea placuit impietatem voluptate adumbrare. itaque quos paraverant, armis quibus tunc et qualiter poterant eruditos, tantum ut occidi discerent, mox edicto die inferiarum apud tumulos erogabant. ita mortem homicidiis consolabantur.” Cf also Servius (Maurus Servius Honoratus, fourth century grammarian) *In Vergilii carmina commentarii* 10 519: “sane mos erat in sepulchris virorum fortium captivos necari: quod postquam crudele visum est, placuit gladiatores ante sepulchra dimicare, qui a bustis bustuarii appellati sunt.”
- 12 Ausonius (Decimus Magnus Ausonius, fourth century AD, statesman, teacher, writer from Bordeaux, praetorian prefect and consul) *Griphus ternarii numeri* 36-37: “tris primas Thraecum pugnas tribus ordine bellis Iuniadae patrio inferias misere sepulcro”; Tertullian (n 11) *loc cit*: apud tumulos; Servius (n 11) *loc cit*: ante sepulchra; Welch (n 2) 30f.
- 13 Cicero *De Legibus* II 23 58; Paulus *Sententiae* I 21 2; Hope *Death in Ancient Rome* (2007) 128ff.
- 14 Hope (n 13) 116; Auguet (n 3) 19.
- 15 The cattle market. Valerius Maximus (fl AD 30, Roman historian) *Factorum et dictorum memorabilium libri* IX II 4 7: “nam gladiatorum munus primum Romae datum est in foro boario App. Claudio Q. Fulvio consulibus dederunt Marcus et Decimus filii Bruti Perae funebri memoria patris cineres honorando.”
- 16 Polybius (ca 200-ca 118 BC, Greek historian) *The Histories* 6 53. At the Forum the male spectators stood, later wooden structures were erected and dismantled for gladiatorial shows. Welch (n 2) 43, 54; Hope (n 13) 122ff; Auguet (n 3) 20.

Academic debate has focused on the non-Roman origin of gladiatorial combat.<sup>17</sup> Nicolaus of Damascus<sup>18</sup> attributed this custom to the Etruscans, but Livy<sup>19</sup> situated the origin of these games in Campania. Pictorial evidence suggests that both the Osco-Samnites and the Etruscans may have known fighting in their funerary context,<sup>20</sup> which causes Alison Futrell to reject the import theories and to suggest that we could be dealing with the Roman version of a practice common to Italic peoples.<sup>21</sup> Their exact significance is equally obscure as Christian propagandists like Tertullian disparaged pagan rites.<sup>22</sup>

However, it is generally accepted – on the authority of Livy – that the first gladiators performed in Rome in 264 BC during the funeral of Decimus Junius Brutus.<sup>23</sup> The same author also relates that in 216 BC twenty two pairs of gladiators fought over a period

17 Futrell (n 8) 11-19; Welch (n 2) 12ff.

18 Greek historian and peripatetic philosopher living during the reign of Augustus. The passage is cited in Athenaeus (Greek grammarian, early part of third century AD) *Deipnosophistae* IV 153f: Nicolaus records, in the 110th book of his *Histories*, that the Romans held gladiatorial fights during their banquets. He writes as follows: “[T]he Romans staged spectacles of fighting gladiators not merely at their festivals and in their theaters, borrowing the custom from the Etruscans, but also at their banquets.” Welch (n 2) 15ff; Futrell (n 6) 4. Cf also Futrell (n 8) 19: “(S)uetonius, who attributes the establishment of regular, state-sponsored *munera* to Tarquinius Priscus. The fragment reads as follows: ‘hic [Tarquinius Priscus] ... prior Romanis duo paria gladiatorum edidit quae comparavit per annos XXVI.’” For the origin of and debate concerning this text see Futrell (n 8) 233 n 24; Welch (n 2) 14, 269 n 10. At 17 Welch cites further passages from Athenaeus IV 154 a-b: In the twenty third book of his *Histories* Poseidonius says: “The Celts sometimes have gladiatorial contests during dinner. Having assembled under arms, they indulge in sham fights and practice feints with one another, and sometimes they proceed even to the point of wounding each other, and then, exasperated by this, if the company does not intervene, they go as far as to kill.” Also Athenaeus IV 154 d: Hermippus in Book I of his work *On Lawgivers* says that the Mantineans were inventors of gladiatorial combat, having been counselled thereto by Demonax, one of their citizens.

19 Livy (Titius Livius, 59 BC-AD 17, Roman historian) *Ab urbe condita libri* IX 40 17: “Campani ab superbia et odio Samnitiu gladiatores, quod spectaculum inter epulas erat, eo ornatu armarunt Samnitiuque nomine compellarunt.” Also Silius Italicus (Tiberius Catus Silius Italicus, AD 26-102, Latin epic poet) *Punicorum libri septemdecim* XI 51-4: “quin etiam exhilarare viris convivia caede mos olim et miscere epulis spectacula dira certantum ferro, saepe et super ipsa cadentum pocula respersis non parco sanguine mensis.” Strabo (64 BC-AD 21, Greek historian and geographer) 5 4 13. These texts link gladiatorial combats to banquets, but are silent regarding the origin of such fights.

20 Welch (n 2) 12f, 15f. Wall paintings in the necropolis at Paestum (Osco-Samnite) and in the *Tomba degli Aguri*, the *Tomba degli Bighe* and the *Tomba della Pulcinella* (Etruscan) have been interpreted as evidence.

21 Futrell (n 8) 18f. Cf also Kiefer (n 3) 111: Perhaps they (gladiatorial games) go back to a custom of many nations – the custom of putting into the grave everything which belonged to the dead man in his (112) lifetime, especially his mistresses and favourite boys.

22 Auguet (n 3) 21.

23 *Ab urbe condita, Periochae* XVI 6: “Decimus Iunius Brutus munus gladiatorium in honorem defuncti patris primus edidit; Valerius Maximus” (n 15) II 4 7; Ausonius 36-37; Servius 3 67 10-14: “Apud veteres etiam homines interficiebantur, sed mortuo Iunio Bruto cum multae gentes ad eius funus captivos misissent, nepos illius eos qui missi erant inter se composuit, et sic pugnauerunt; et quod muneris missi erant, inde munus appellatum.” Welch (n 2) 19; Futrell (n 8) 20ff and 19f where the author also supplies arguments for an earlier date.

of three days in the Forum during the funeral games for Marcus Aemilius Lepidus.<sup>24</sup> In 183 BC 120 gladiators fought for three days, meat was distributed and a public feast was held in the Forum.<sup>25</sup> As the gladiatorial part of the funeral became more lavish, more time was required for their arrangement and the games and the public feast began to take place at a later stage.<sup>26</sup> So Livy mentions that in 206 BC Scipio Africanus presented gladiatorial games commemorating his father and uncle who had died five years earlier.<sup>27</sup> From the literary evidence it becomes clear that gladiatorial games were both popular and frequently held as early as 200 BC. Livy mentions only games in honour of famous people or on a particular lavish scale.<sup>28</sup>

### 3 Political use of gladiatorial games; games as means of political communication

As mentioned earlier, modern research on the Roman games deals mainly with their form and significance during the empire. This may be the result of the fact that the Roman authors who wrote on the topic of arena games, namely Siculus, Martial, Statius, Suetonius and Tertullian, all wrote during the early imperial period.<sup>29</sup> Two recent works move outside this restriction into new territory. Alison Futrell links gladiatorial games to crises threatening the Roman state, such as the wars with Carthage and civil war,<sup>30</sup> and human sacrifice, while Katherine Welch finds significance in the relationship between

- 24 Livy *Ab urbe condita libri* XXIII 30 15: “et M. Aemilio Lepido, qui bis consul augurque fuerat, filii tres, Lucius, Marcus, Quintus, ludos funebres per triduum et gladiatorum paria duo et viginto in foro dederunt.”
- 25 Livy *Ab urbe condita libri* XXXIX 46 2: “P. Licinii funeris causa visceratio data, et gladiatores centum viginti pugnaverunt, et ludi funebres per triduum facti, post ludos epulum. [3] in quo cum toto foro strata triclinia essent, tempestas cum magnis procellis coorta coegit plerosque tabernacula statuere in fore.”
- 26 Futrell (n 6) 6.
- 27 *Ab urbe condita libri* XXVIII 21: “Scipio Carthaginem ad vota solvenda deis munusque gladiatorium, quod mortis causa patris patrique paraverat, edendum rediit. gladiatorum spectaculum fuit non ex eo genere hominum ex quo lanistis comparare mos est, servorum de catasta ac liberorum qui venalem sanguinem habent.”
- 28 *Cf Ab urbe condita libri*: XLI 28 11: “munera gladiatorum eo anno aliquot, parva alia, data; unum ante cetera insigne fuit T. Flaminini, quod mortis causa patris sui cum visceratione epuloque et ludis scaenicis quadriduum dedit. magni tum muneris ea summa fuit quod per triduum quattuor et septuaginta homines pugnarint.” Also *Periochae* 48 9 and 11. Auguet (n 3) 23; Welch (n 2) 20.
- 29 *Cf* Calpurnius Siculus (Roman poet during the reign of Nero) *Eclogae* 7; Martial (Roman poet, AD 40-102) *Liber spectaculorum*; Statius (P Papinius Statius, Roman poet, AD 45-96) *Silvae* I 6; Suetonius (Gaius Suetonius Tranquillus, AD 70-140, Roman author) *De ludis* and Tertullian *De spectaculis*. Welch (n 2) 22.
- 30 She sees special significance in the dates (the beginning of the First Punic War and the battle of Cannae) and views the gladiatorial shows as ritual combats to be understood as part of morale boosting social and religious reforms to deal with the Carthaginian threat. *Cf supra* n 6 at 6 and *supra* n 8 at 1ff, 23f, 169-210. However, in XXII 57 2-6 Livy calls human sacrifice a practice most repulsive to Roman feelings.

the arena and the Roman army.<sup>31</sup> It should be noted, however, that gladiatorial games were private and thus fell outside the control of the state. During the republic the role of gladiatorial games was found in the private sector, albeit with public life as the objective, which leads to the hypothesis that these games played an essential role in republican politics as aspiring politicians utilised them as a means to communicate with the broader public, in other words, the voters. As mentioned by Livy, in 206 BC Scipio Africanus presented gladiatorial games at Cartagena in memory of his father and uncle who had been killed in Spain in the war against the Carthaginians five years earlier. Although the purpose was without doubt to honour their memories, the link with the funeral was broken and the first step of the secularisation of these games had been made. Their popularity, and especially their private nature, combined to make the most important instrument of electoral propaganda and publicity. Sulla and Pompey offered lavish games to the people on many occasions,<sup>32</sup> but it is Caesar's political use of gladiatorial contests on which we are best informed. Suetonius,<sup>33</sup> Dio Cassius,<sup>34</sup> Plutarch<sup>35</sup> and Pliny<sup>36</sup> all remembered the vast amounts of money spent by Caesar during his aedileship, in particular on the private funeral games in honour of his father who had died thirty one years earlier. Three hundred and twenty pairs of gladiators performed in the Forum and nothing but silver was used in the arena. Later he broke with tradition and staged a gladiatorial show and a public banquet in memory of his daughter Julia.<sup>37</sup> It is generally accepted that Caesar exploited funeral games as a means to gain votes and supporters, which appears to have been money well-spent, as Plutarch tells us that he put the people in such a good mood that everyone was looking for new offices or honours for him.<sup>38</sup>

However, when in 44 BC Brutus and Cassius had thought it wise to leave Rome, Marc Antony's brother Gaius gave games on behalf of Brutus, whose praetorship he

31 (n 2) at 27f.

32 In respect of the latter cf Cicero *Epistulae ad familiares* VII 1-4; *Pro L Murena oratio* 57. Regarding the *Ludi Victoriae (Sullanae)* cf Shelton (n 1) 322 who is of the opinion that Sulla dedicated these games to his military victory and not to honour the gods, and that this set the precedent to celebrate military success with games without any religious element; *contra* Bernstein (n 8) 314-327.

33 *De vita caesarum, Divus Julius* 10.

34 Cassius Dio Cocceianus (c AD 164-c 230, Greek senator and historian) *Roman History* XXXVII 8.

35 Lucius Mestrius Plutarchus (AD 50-120, Greek historian) *Caesar* 5 9: "[D]uring his aedileship, he furnished three hundred and twenty pair of gladiators, ...[H]e put the people in such a good mood that everyone was looking for new offices or honours for him." Also 55 4: "[H]e entertained the people with banquets and spectacles ... of gladiatorial ... combats in honour of his daughter Julia, long since dead."

36 Gaius Plinius Secundus (AD 23-79, Roman military commander and encyclopaedist) *Historia naturalis* 33 17 (16): "Caesar, qui postea dictator fuit, primus in aedilitate munera patris funebri omni apparatu harenae argenteo usus est, ferasque etiam argenteis vasis incessivere tum primum noxii"; Welch (n 2) 21.

37 Suetonius *De vita Caesacum, Divus Julius* 26 2: "munus populo epulumque pronuntiavit in filiae memoriam, quod ante eum nemo. [3] gladiatores notos, sicubi infestis spectatoribus dimicarent, vi rapiendos reservandosque mandabat."

38 *Caesar* 5 9.

filled in the latter's absence. Appian<sup>39</sup> describes how no expense was spared in the hope that the people would recall Brutus and Cassius. A hired claque shouted for their recall, but crowds ran in and stopped this demand.<sup>40</sup> It is noteworthy that Cicero interpreted these events in a rather different manner. He had attended these games and wrote that Brutus, whose presence was prevented by armed violence, was in reality the man cheered by the crowd.<sup>41</sup>

Cicero provides much information on the role of the games in republican politics. However, our most prolific source on the topic displays an ambivalent attitude towards gladiatorial games. In his defense of Murena, he remarks that the ignorant masses adore games and that Murena had been handicapped by the fact that he had not put on games during his campaign for the praetorship. When Murena made up for this omission by sponsoring extremely lavish games during his praetorship, this proved to be very beneficial for his campaign for the consulship.<sup>42</sup> In the less partisan *De Officiis*,<sup>43</sup> Cicero distinguishes between extravagance and generosity and qualifies the sponsorship of gladiatorial games as an example of the former.<sup>44</sup> He cites Aristotle's censure of throwing money to win the fleeting favour of the masses,<sup>45</sup> but accepts that it has become

39 Appianus of Alexandria, Greek historian (born c AD 95), wrote a history of Rome.

40 *De Bellis Civilibus* III 23-24.

41 *Philippica* I 36: "O beatos illos, qui, cum adesse ipsis propter vim armorum non licebat, aderant tamen et in medullis populi Romani ac visceribus haerebant. Nisi forte Accio tum plaudis et sexagesimo post anno palmam dari, non Bruto putabatis, qui ludis suis ita caruit, ut in illo apparatusissimo spectaculo studium populus Romanus tribueret absentis, desiderium liberatoris sui perpetuo plausu et clamore leniret."

42 *Pro L. Murena oratio* 37: "duae res vehementer in praetura desideratae sunt quae ambae in consulatu multum Murenae profuerunt, una exspectatio muneris ... et munus amplissimum quod petitio praeturae desiderarat praeturae restituit. [38] num tibi haec parva videntur adiumenta et subsidia consulatus ... noli ludorum huius elegantiam ... valde contemnere: quae huic admodum profuerunt. nam quid ego dicam populum ac vulgus imperitorum ludis magni opere delectari? minus est mirandum. quamquam huic causae id satis est; sunt enim populi ac multitudinis comitia. qua re, si populi ludorum magnificentia voluptati est, non est mirandum eam L. Murenae apud populum profuisse. [39] sed si nosmet ipsi qui et ab delectatione communi negotiis impedimur et in ipsa occupatione delectationes alias multas habere possumus, ludis tamen oblectamur et ducimur, quid tu admirare de multitudine indocta?"

43 II 55-59.

44 At II 55: "omnino duo sunt genera largorum, quarum alteri prodigi, alteri liberales: prodigi qui epulis et viscerationibus et gladiatorum muneribus, ludorum venationumque apparatu pecunias profundunt in eas res, quarum memoriam aut brevem aut nullam omnino sint relicturi."

45 At II 56: "Quanto Aristoteles gravius et verius nos reprehendit! qui has pecuniarum effusiones non admiremur, quae fiunt ad multitudinem deliniendam ... ipsaque illa delectatio multitudinis ad breve exiguumque tempus occipiatur, eaque a levissimo quoque."

a Roman custom to sponsor splendid spectacles during the aedileship.<sup>46</sup> He holds that the suspicion of avarice must be avoided and games should be offered if requested by the people.<sup>47</sup> Petronius<sup>48</sup> is more direct where he jokes that the quality of the gladiators and the banquet will be the decisive factor in an upcoming election,<sup>49</sup> and this coincides with Cicero's reference to Mamercus.<sup>50</sup>

The gladiatorial games fell outside the ordinary games and thus had to be funded by private individuals. These games were enormously expensive,<sup>51</sup> but, as Mommsen astutely remarks,<sup>52</sup> the aristocracy paid gladly as this excluded the less privileged from a political career.<sup>53</sup> Cicero, however, deplors that wealth trumps worth<sup>54</sup> and cites Aristotle who wrote that boys, women, slaves and children love these games.<sup>55</sup> On Cicero's proposal a *senatusconsultum* was issued which made the handing out of seats

46 At II 57: "Quamquam intellego in nostra civitate inveterasse iam bonis temporibus, ut splendor aedilitatum ab optimis viris postuletur. ... magnificentissima vero nostri Pompei munera secundo consulatu."

47 At II 58: "Vitanda tamen suspicio est avariticiae. ... si postulatur a populo, bonis viris si non desiderantibus, at tamen approbantibus faciendum est, ... et, si quando aliqua res maior atque utilior popularis largitione acquiritur."

48 Politician and satirist 1st century AD.

49 *Satyricon* 45: "Ferrum optimum daturus est, sine fuga, carnarium in medio, ut amphitheatrum videat. ... Sed subolfacio quia nobis epulum daturus est Mammaea, binos denarios mihi et meis. Quod si hoc fecerit, eripiat Norbano totum favorem. Scias oportet plenis velis hunc vinciturum."

50 *De Officiis* II 58: "Mamerco, homini divitissimo, praetermissio aedilitatis consulatus repulsam attulit."

51 Livy *Ab urbe condita libri* XL 44 10: "de pecunia finitur ne maior ludorum causa consumeretur quam quanta Fulvio Nobiliori post Aetolicum bellum ludos facienti decreta esset; [11] neve quid ad eos ludos arcesseret cogeret acciperet faceret adversus id senatus consultum quid L. Aemilio Cn. Baebio consulibus de ludis factum esset. [12] decreverat id senatus propter effusos sumptus factos in ludos Ti. Sempronii aedilis, qui graves non modo Italiae ac sociis Latini nominis, sed etiam provinciis externis fuerant"; Polybius 31 28 6: "The total expense of such a show amounts to not less than thirty talents if someone does it in a sumptuous manner"; Petronius (n 49) 45: "Et habet unde. Relictum est illi sestertium tricenties, decessit illius pater male. Ut quadringenta impendat, non sentiet patrimonium illius, et sempiterno nominabitur"; Cicero *Ad Quintum fratrem* 3 8 6: "ludos adparat magnificentissimos, sic, inquam, ut nemo sumptuosiores, stulte bis terque non postulos vel quia munus magnificum dederat vel quia facultates non errant"; also, *De Officiis* II 57-8; *Pro Milone* 95; Suetonius *De vita Caesarum, Divus Julius* 26; Pliny (n 36) 33 17 (16); Welch (n 2) 20.

52 *Supra* (n 1) Vol 1 (1914) 813.

53 Cf Cicero *De Legibus* II 23 59 and II 24 60 where the rules of the Twelve Tables purporting to limit expenditure relative to a funeral are discussed; these rules had been abolished or had become obsolete.

54 *Epistulae ad familiares* II 3: "quorum (muneribus) neque facultatem quisquam admiratur (est enim copiarum, non virtutis), neque quisquam est quin satietate iam defessus sit."

55 *De Officiis* II 56: "Ait enim, '... in his immanibus iacturis infinitisque sumptibus nihil nos magnopere mirari, cum praesertim neque necessitati subveniatur nec dignitas augeatur ipsaque illa delectatio multitudinis ad breve exiguumque tempus capiatur'. [57] Bene etiam colligit, 'haec pueris et mulierculis et servis et servorum simillimis liberis esse grata, gravi vero homini et ea, quae fiunt, iudicio certo ponderanti probari posse nullo modo'." Futrell (n 6) 17.



for gladiatorial games by tribes a violation of the *lex Calpurnia*.<sup>56</sup> Welch<sup>57</sup> has calculated that only about ten thousand persons could have attended gladiatorial games in the Forum and although the spectacles were free, the handing out of passes or “tickets” to the games was clearly a favour which Cicero tried to criminalise. During his consulate, Cicero also sponsored the *lex Tullia*, in terms of which no gladiatorial shows were to be offered within two years of running for office, unless instructed to do so in terms of a will.<sup>58</sup> Later during the same year Murena was accused of electoral bribery for having handed out seats at a gladiatorial show outside his circle of friends and clients. Cicero defended him and denied the accusation, which he considered, however, a time-honoured custom benefitting the poor.<sup>59</sup>

The most interesting aspect of Cicero’s attitude *vis à vis* the games is found in his championship of this venue as a legitimate forum for the expression of popular opinion on political leaders and matters. In *Pro Sestio* he lists gladiatorial shows together with elections and public meetings as a venue to demonstrate opinions and sympathies on public matters.<sup>60</sup> His analysis is worthy of any modern public relations professional, when he claims that the expressions of public opinion at popular assemblies are sometimes true, sometimes falsified and corrupt, but that at gladiatorial shows it is easy to detect hired and unprincipled claque and to perceive the reaction of the honest part of the audience.<sup>61</sup> This gift seems to have been selective,<sup>62</sup> so his comments about Pompey and

56 *Pro Murena* 67: “Dixisti senatus consultum me referente esse factum, si mercede corrupti obviam candidatis essent, si conducti sectarentur, si gladiatoribus volgo locus tributim et item prandia si volgo essent data, contra legem Calpurniam factum videri.” The *lex Acilia Calpurnia* of 67 BC against *ambitus* prohibited forms of political canvassing. Cf Dionysius Godefroid van der Keessel (1738-1816, professor of law at Leiden) *Praelectiones in libros XLVII et XLVIII Digestorum exhibentes jurisprudentiam criminalem ad usum fori Batavi applicatam* (duce Cornelio van Eck) et in *novum Codicem Criminalem*, 1809 (edd Beinart & Van Warmelo) Vol 4 (1976) 1604ff; Wallinga “*Ambitus in the Roman Republic*” 1994 *Revue Internationale des Droits de l’Antiquité* 411-442; Smith *A Dictionary of Greek and Roman Antiquities* (1875) 77ff; Notari *Law, Religion and Rhetoric in Cicero’s Pro Murena* (2008) 23ff.

57 (n 2) 54.

58 *Pro Murena* 5: “Nam quod legem de ambitu tuli; *Pro P Sestio oratio* 133: qui legem meam contemnat, quae dilucide vetat gladiatores biennio quo quis petierit aut petiturus sit dare. [135] quod meam legem contemnit, ... omnino consularem legem nullam putare”; *In P Vatinius testem interrogatio* 15 (35): “cum mea lex dilucide vetet ‘biennio quo quis petat petiturus sit gladiatores dare nisi ex testamento praestituta die’.” Bernstein (n 8) 308; Futrell (n 8) 32.

59 *Pro L Murena oratio* 67, 72.

60 At 106: “etenim tribus locis significari maxime de re publica populi Romani iudicium ac voluntas potest, contione, comitiis, ludorum gladiatorumque consessu.”

61 At 115: “comitorium et contionum significationes sunt interdum verae, sunt non numquam vitatae atque corruptae. theatrales gladiatorique consessus dicuntur omnino solere levitate non nullorum emptos plausus exilis et raros excitare; ac tamen facile est, cum id fit, quem ad modum et a quibus fiat, et quid integra multitudi faciat videre.” See also his exaggerated version of events at 117.

62 Cf Cicero’s analysis of the public reaction during the games offered on behalf of Brutus (*Philippica* I 36 (*supra* (n 41))).

Curio,<sup>63</sup> himself and Clodius,<sup>64</sup> and Piso<sup>65</sup> are to be evaluated in their relevant context. Nevertheless, the point remains that Cicero considered the possibility of dialogue a reality and a positive aspect of the games.

As the gladiatorial spectacles aimed at currying favour with the Roman mob, it stands to reason that the target was the lowest common denominator, the universal fascination with the shedding of blood. Anachronistic value judgments of the games have been reversed since Auguet argued that the gladiatorial combats must be placed in the context of the beliefs and ideas of the Romans.<sup>66</sup> Thus Hope has pointed out how in contrast to the modern practice of isolating death, in ancient Rome, death was an integral part of life<sup>67</sup> and that humanitarian concerns regarding a quick and painless execution are very much a modern matter.<sup>68</sup> It is therefore not surprising that Roman pragmatism<sup>69</sup> and parsimony combined deterrence with spectacle and placed the execution of deserving convicts in the arena.

#### 4 Public executions

The first text linking public executions to spectacle is by Valerius Maximus,<sup>70</sup> who described how, in 167 BC, Aemilius Paulus made use of elephants to crush Roman deserters to death, while in 146 BC Scipio Aemilianus had foreign deserters thrown to wild beasts as part of a spectacle.<sup>71</sup> The author comments that this type of severe punishment is necessary for the maintenance of military discipline, thus verbalising the link between public execution and deterrence. The next step was the introduction of convicted criminals in gladiatorial games. The republican sources provide little direct information on this point. Cicero refers once to the past when only criminals were gladiators,<sup>72</sup> but later sources introduce criminals into the games. Pliny, for example, mentions that during the funeral games for Caesar's father, criminals fought wild

63 *Epistulae ad Atticum* II 19 3: "populi sensus maxime teatro et spectaculis perspectus est; nam gladiatoribus qua dominus (Pompeius) qua advocati sibilis conscissi. ... Curio filius est insecutus. huic ita plausum est ut salva re publica Pompeio solebat."

64 *Pro P. Sestio oratio* 117.

65 *In L. Calpurnium Pisonem oratio* 65.

66 *Supra* (n 3) at 197.

67 *Supra* (n 13) at 4f.

68 *Supra* (n 13) at 30.

69 *Cf* Auguet (n 3) 14 where his argument against Roman sadism is based on Roman realism and utilitarianism.

70 *Cf supra* (n 15).

71 *Factorum ac dictorum memorabilium libri* IX II 7 13: "Nam posterior Africanus everso Punico imperio exterarum gentium transfugas in edendis populo spectaculis feris bestiis obiecit, [14] et L. Paulus Perse rege superato eiusdem generis et culpae homines elephantis proterendos substravit, utilissimo quidem exemplo"; Futrell (n 8) 28f.

72 *Tusculanae Disputationes* II 17: "Cum vero sontes ferro depugnabant."

animals.<sup>73</sup> The most explicit text on this topic is found in a letter by Seneca<sup>74</sup> where he relates how, during the *ludi meridiani*, condemned men fought each other without helmets, shields or armor, until death and that the spectators insisted that the winner fights again until he was killed.<sup>75</sup> These *meridiani* were the mid-day games during which convicts were killed by animals, gladiators or each other.<sup>76</sup> The secondary sources paint this aspect of the games with a large brush and state in general that most gladiators were condemned criminals or slaves,<sup>77</sup> and proceed to discuss *damnatio ad bestias*, convicts thrown to the beasts, mock sea battles and the so-called fabulous executions in the form of mythological dramas.<sup>78</sup> However, these forms of execution date from the empire.<sup>79</sup>

The inclusion of public executions in the republican gladiatorial games is unlikely in view of their private character. During the empire, the *ludus* (the gladiatorial school) became a state institution and criminals were sentenced to this school,<sup>80</sup> but republican gladiators were privately owned and trained by a *lanista*.<sup>81</sup>

During the republic the legal protection of slaves against their masters was minimal and slaves could be sold to a *lanista* or condemned by their masters to fight wild beasts

- 73 Pliny (n 36) 33 17(16).
- 74 Lucius Annaeus Seneca (4 BC-AD 65, Roman statesman, philosopher and author).
- 75 *Epistulae* 7 3: “Nihil habent quo tegantur, ad ictum totis corporibus expositi numquam frustra manum mittunt. [4] ... Non galea, non scuto repellitur ferrum. Quo munimenta? Quo artes? Omnia ista mortis morae sunt. Mane leonibus et ursis homines, meridie spectatoribus suis obiciuntur. Interfectores interfectoris iubent obici et victorem in aliam detinent caedem. Exitus pugnantium mors est; ferro et igne res geritur.”
- 76 Futrell (n 6) 89ff describes the mid-day executions as consisting of the condemned being killed by animals, gladiators or each other. The staging of mock naval battles with condemned criminals and executions staged as mythic narratives is from a later date. See also 218ff.
- 77 Cf August (n 3) 62ff; Edwards (n 5) 50; Futrell (n 6) 89ff, 120ff; Shelton (n 1) 343; Welch (n 2) 26f.
- 78 Coleman “Fatal charades: Roman executions staged as mythological enactments” 1990 *J of Roman Studies* 44-73; “Launching into history: Aquatic displays in the early empire” 1993 *J of Roman Studies* 48-74.
- 79 Van der Keessel (n 56) Vol 6 (1981) 2098, 2100. Cf *D* 47 14 1 3 Ulpianus libro octavo de officio proconsulis: “sane qui cum gladio abigunt, non inique bestiis obiciuntur; *D* 48 9 9 Modestinus libro duodecimo pandectarum pr: Poena parricidii more maiorum ... hoc ita, si mare proximum sit: alioquin bestiis obicitur secundum divi Hadriani constitutionem”; *D* 47 9 12 Ulpianus libro octavo de officio proconsulis 1: “Qui data opera in civitate incendium fecerint, si humiliore loco sint, bestiis obici solent.”
- 80 *Pauli Sententiae* V 17 2(3): “Summa supplicia sunt crux, crematio, decollatio; mediocrium autem delictorum poenae sunt metallum, ludus, deportatio; minimae, relegatio exilium, opus publicum, vincula. Sane qui ad gladium dantur, intra annum consumendi sunt. *Mosaicarum et Romanarum legum collatio* XI 7 4: Est autem differentia inter eos qui ad gladium et eos qui ad ludum damnantur; nam ad gladium damnati confestim consumuntur vel certe intra annum debent consumi; hoc enim mandatis continetur. Enimvero qui in ludum damnantur, non utique consumuntur, sed etiam pillari et rudem accipere possunt post intervallum, siquidem post quinquennium pillari, post triennium autem rudem induere eis permittitur.” Flavius Philostratus (born c AD 170, studied at Athens) *Life of Apollonius of Tyana* 4 22 mentions how the Greek philosopher Apollonius of Tyana (AD 170-247) decried the manipulation of the judicial system in order to acquire performers. Futrell (n 6) 118f.
- 81 The owner and/or manager of a gladiatorial school. These schools were mostly owned by rich Romans. Welch (n 2) 91; Futrell (n 6) 84f, 120, 126, 131f, 138, 141.

in the arena.<sup>82</sup> Thus a clear distinction should be drawn between professional, trained gladiators and people sentenced to death. During the republic slaves and prisoners of war were sold to be trained as gladiators, while during the empire strong and skillful criminals were sentenced to the gladiatorial school, where they trained together with rebels,<sup>83</sup> prisoners of war,<sup>84</sup> and volunteers. In consequence, statements concerning criminals fighting in the arena must be placed in the correct period and a distinction must be drawn between a sentence to death and sentence to the arena.

## 5 Conclusion

It is not surprising that in a political climate in which it was prohibited to draw attention to oneself with a whitened toga,<sup>85</sup> the lavish presentation of funeral games by political candidates would not escape the attention of the legislator. Access to the games depended on the *editores*, the sponsors, who could thus manipulate “public opinion”. At the proposal of Cicero, a *senatusconsultum* was issued bringing the handing out of seats for gladiatorial games within the ambit of the *lex Calpurnia*. As consul he sponsored the *lex Tullia*. In consequence, the hypothesis that during the Roman republic gladiatorial shows were the primary instrument of political communication, finds ample support in the writings of Cicero and in the legislation dealing with canvassing. Although Cicero’s belief in gladiatorial games as the vehicle for democratic dialogue appears extreme at first blush, sponsorship of *munera* allowed politicians to break the crusts of senate politics and to reach down to the masses. Since gladiatorial games could be a decisive factor in elections, they played an important role in giving validity to the vote of the Roman people.

The motivation for presenting games for electoral purposes was republican and disappeared with the advent of the empire when the magistrates were no longer elected by the people but appointed by the emperor.<sup>86</sup> The purpose and meaning of public spectacles became focused on the emperor, the spectacles became longer, they were

82 Petronius *Satyricon* 45: “Iam Manios aliquot habet et mulierem essedariam et dispensatorem Glyconis, qui deprehensus est cum dominam suam delectaretur. ... Glyco autem, sestertiarus homo, dispensatorem ad bestias dedit.” *CfD* 48 8 11 Modestinus libro sexto regularum 1: “Servo sine iudice ad bestias dato non solum qui vendidit poena, verum et qui comparavit tenebitur. Post legem Petroniam et senatus consulta ad eam legem pertinentia dominis potestas ablata est ad bestias depugnandas suo arbitrio servos tradere: oblato tamen iudici servo, si iusta sit domini querella, sic poenae tradetur.” This legislation is attributed by Aelius Spartianus *Vita Hadriani* in *Scriptores Historiae Augustae* 18 7-11 to the emperor Hadrian; however, Mommsen *Römisches Strafrecht* (1899) 926 and 926 n 2 argues that this statute cannot have been enacted after the reign of Tiberius. Robinson *The Criminal Law of Ancient Rome* (1995) 43 dates the *lex Petronia* to AD 61; Kiefer (n 3) 106.

83 Josephus (Flavius Josephus, AD 37-100, Jewish priest and historian) *Bellum Judaicum* VI 418.

84 Dio Cassius LX 30.

85 Livy *Ab urbe condita libri* IV 25 13: “Placet tollendae ambitionis causa tribunos legem promulgare, ne cui album in vestimentum addere petitionis causa liceret.”

86 Tacitus (Publius Cornelius Tacitus, AD 56-118, Roman historian) *Annales* I 15. *D* 48 14 1 Modestinus libro secundo de poenis pr: “Haec lex (Lex Julia Ambitus) in urbe hodie cessat, quia ad curam principis magistratuum creatio pertinet, non ad populi favorem.”

modernised by the addition of *ludi* to old festivals, a permanent amphitheater was built in Rome and access to spectacles was regulated. In 22 BC the praetors were tasked with the organisation of the official imperial *munera*,<sup>87</sup> the number of fighters was limited, public funding was granted and a limit placed on the private top-up. Thus the political use of the games became the preserve of the emperor. The utilisation of the mid-day session of gladiatorial games for the execution of criminals was a passing fashion introduced during the early principate and disappeared during the empire when criminals with fighting potential were sentenced to gladiatorial schools and the rest thrown to the beasts instead of to the spectators.<sup>88</sup>

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## Abstract

Limited means of communication in antiquity brought funeral games into politics. This paper argues that during the republic politicians communicated their message by way of public spectacles. The origin and development of the *ludi* are researched and political exploitation thereof during the republic is analysed. The use of these games for public execution of certain categories of criminals deserves attention. Literary and legal texts confirm that Roman politicians were aware of the potential of games to further their careers, with the result that their propaganda value was institutionalised during the empire.

87 Dio Cassius *Roman History* LIV 2 and 17; Bernstein (n 8) 15; Edwards (n 5) 49.

88 Seneca *Epistulae* 7 4: “Mane leonibus et ursis homines, meridie spectatoribus suis obiciuntur.”