The First in Rome:
A New Interpretation of the Origin and Development of Roman Gladiatorial Combat
during the Republic

By Henry Bishop Smith

Modern scholars have repeated the traditional interpretation of the statements made by
the Roman writers Livy and Valerius Maximus concerning the gladiatorial combat of 264 BC,
namely that it was the first to be staged in the history of Rome.¹

The Roman historian Livy wrote:

[In 264 BC,] Decimus Junius Brutus was the first to give a gladiatorial exhibition, in
honor of his dead father [Junius Brutus Pera].²

Futrell and Kyle briefly discuss the possibility that Roman gladiatorial combat predated 264 BC. Futrell 1997, pp.
19-20 and 23-24. “Other munera given in the third century may have gone unreported because there was no crisis to
attach them to, to make them noteworthy in Roman eyes” (p. 23). Among the indirect evidence cited (p. 19) is a
statement made by the Roman grammarian Festus (late second century AD) in De Verborum Significatu (On the
Meaning of Words) in which he wrote that the Romans derived the Latin term maeniana (amphitheater seating for
gladiatorial combat) from the name of the censor C. Maenius, who in 338 BC was the first to enlarge the seating
capacity of the Roman Forum for spectacles (p. 135 M = 107 Th.). Although this statement suggests that Roman
gladiatorial combat had existed seventy-four years prior to 264 BC, two other explanations exist. First, Festus could
have anachronistically projected the second century AD meaning of maeniana back into the fourth century BC.
Second, the first recorded gladiatorial combat was staged in the Forum Boarium in 264 BC, not the Roman Forum.
The first gladiatorial combat staged in the Roman Forum occurred 48 years later in 216 BC. If Maenius had enlarged
the seating capacity for gladiatorial combat in 338 BC, why did he enlarge the seating capacity of the Roman Forum
and not the Forum Boarium? As Festus’ statement indicates, Maenius did so because he enlarged the seating
capacity in the Roman Forum for all spectacles, not just gladiatorial combat. Because gladiatorial combat continued
to be staged in the Roman Forum after 216 BC until the construction of amphitheaters, such as the Augustan
Amphitheatrum Tauri, a close association developed between the maeniana in the Roman Forum and gladiatorial
combat. As a result, when the Romans transferred gladiatorial combat from the Roman Forum into amphitheaters
starting in the late first century BC, they also transferred the Latin term maeniana from the seating in the Roman
Forum to the seating in the amphitheaters.” Kyle 1998, p. 44. “Romans may always have staged contests or, less
likely, human sacrifices at the funerals of prominent men, but the earliest recorded gladiatorial combat at Rome was
not until 264 BC.”

² Livy 16: Decimus Iunius Brutus munus gladiatorium in honorem defuncti patris primus edidit. Livy (59 BC – 17
AD) wrote Ab Urbe Condita (From the Founding of the City), a history of Rome in 142 books. Only 35 of these
books are extant. The other 107 books, including Book 16, are preserved as summaries known as the Periochae.
Livy based his information on public records such as the Annales Maximi, the lost or fragmentary works of earlier
Roman authors such as Fabius Pictor (late 3rd century BC) and Ennius (239 – 169 BC), and common knowledge.
The fourth century AD Romans Ausonius and Servius provide additional details concerning the gladiatorial contest
of 264 BC. Ausonius wrote in Griphus Ternarii Numeri (A Riddle of the Number Three) lines 36-37 that Decimus
and Marcus Junius Brutus displayed three pairs of gladiators: Tris primas Thraecum pugnas tribus ordine bellis
Iunii adae patrio inferias misere sepulcro. Servius wrote in In Vergilium Commentarius (Commentary on Vergil)
3.67: Apud veteres etiam homines interficiebantur, sed mortuo Junio Bruto cum multae gentes ad eius funus captivos
mississet, nepos illius eos qui missi erant inter se composuit, et sic pugnaverunt: et quod muneri missi erant, inde
munus appellatum.
The Roman author Valerius Maximus wrote:

The first gladiatorial show in Rome was given in the Forum Boarium in the Consulship of Ap. Claudius and Q. Fulvius. The donors were Marcus and Decimus, sons of Brutus Pera, honouring their father’s ashes with a funerary memorial.³

After reexamining the literary and archaeological evidence surrounding the origin and development of Roman gladiatorial combat during the Republic, I argue for a new interpretation. Rather than the funerary gladiatorial combat of 264 BC being the first in the history of Rome, it was the first to be staged as a public spectacle. Prior to 264 BC, gladiatorial combat had been staged as a private funerary rite at the tomb of the deceased in order to appease and honor the deceased’s spirit. Beginning in 264 BC, funerary gladiatorial combat was staged as a public spectacle in the fora of Rome in order to win the political favor of the Roman people.

Etruscan kings ruled Rome during the sixth century BC.⁴ After their expulsion in 510 BC, the Romans retained several elements of Etruscan culture such as magisterial symbols of office and authority, the reading of birds’ livers and other auguries to foretell the future, and the construction of drainage and sewerage systems.⁵ But was gladiatorial combat among them? The ancient literary sources seem to believe so.

The Greek Athenaeus, quoting the Greco-Syrian Nicolaus of Damascus, wrote:

The Romans staged spectacles of fighting gladiators not merely at their festivals and in their theatres, borrowing the custom from the Etruscans, but also at their banquets.⁶

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⁴ The Etruscans lived north of Rome in a region known as Etruria.
⁵ Livy 2.1.78; 1.34.9, 1.36.6, 1.55.6, 2.2.1-2; 1.38.6, 1.56.2.
⁶ Athenaeus 4.153: Nikovlao” d joj Damaskhnov”, ej” tw
’n avpo; tou’ peripavtou filosovfwn, ejn th”” dekavth/ pro;” tai”” ejkato; n tw’n iJstoriw’n Jrwaivou” iJstorei’ para; to; dei’pnon sumbavlleiin monomaciva”, gravfwn ou{tw: ”ta:” tw’n monomavcwn Qe"a” ouj movvon ejn panhguvresi kai; qeavtroi” ejpoiou’nto Jrwmai’oi, para; Turrhnw’n paralabvo’nto” to ef’qo”, ajlla; kajn tai”” eJstavsesin...” Athenaeus of Naucratis (early second century AD) wrote Deipnosophsists (Scholars at Dinner). Nicolaus of Damascus (late first century BC) wrote the Histories.
A fragment attributed to Suetonius ascribed the origin of Roman gladiatorial combat to Tarquinius Priscus, the first Etruscan King of Rome, but noted that the practice only lasted for twenty-seven years. And Isidore of Seville traced the origin of the Latin term lanista to the Etruscan language.

Wall paintings from sixth and fifth centuries BC Etruscan tombs, however, seem to suggest otherwise. They depict a variety of funerary sporting contests such as acrobatics, boxing, chariot racing, discus and javelin throwing, diving, hurdling, running, swimming, and wrestling, but gladiatorial combat is not among them. One wall painting in The Tomb of the Augurs depicts a figure named Phersu holding a dog by the leash, which is attacking a hooded man trying to defend himself with a club. Although some believe that this represents gladiatorial combat, it more closely resembles an execution ad bestias.

If the Romans borrowed gladiatorial combat from the Etruscans at the end of the sixth century BC, then the practice went unrecorded for approximately two-hundred and fifty years until the traditional first combat in 264 BC. This two-hundred and fifty year gap coupled with the absence of archeological evidence, however, suggests that the Romans did not borrow gladiatorial combat from the Etruscans at the end of the sixth century BC.

Ville argues for an Osco-Samnite origin for Roman gladiatorial combat, which would reconcile the literary claim of an Etruscan origin for gladiatorial combat with the absence of

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7 A lanista was a trainer of gladiators. Suetonius in Reifferscheid 1860, p. 320: Hic prior Romanis duo paria gladiatorium edidit quae comparavit per annos XXVII. This fragment comes from either the Roman imperial biographer Suetonius7 (c. 70 AD – c. 130 AD) De Regibus (On Kings) or from his lost work De Spectaculis (On Spectacles) concerning the origins and nature of Roman spectacles.

8 Isidore of Seville 10.24.7 in Ernout and Meille 1959, p. 340 s.v. lanista: Lanista, gladiator, id est carnifex, Tusca lingua appellatus, a laniando scilicet corpora. The Roman bishop Isidore (c. 600 AD – 636 AD) wrote Origines (Origins) concerning the etymology of Latin words.


11 The Latin term ad bestias means “to the beasts”.
Etruscan archaeological evidence from the sixth and fifth centuries BC. Early fourth century BC Campanian tomb wall paintings and vases depict a variety of funerary sporting contests including gladiatorial combat between two individuals armed with swords, spears, shields, and helmets. The presence of referees and spectators indicate that these wall paintings do not depict single combatant warfare. According to Ville, the Etruscans then borrowed and adapted gladiatorial combat from the Campanians in the late fourth century BC. Unlike the sixth and fifth centuries BC Etruscan tomb wall paintings, early third century BC Etruscan tomb wall paintings do depict gladiatorial combat. Finally, the Romans borrowed and adapted gladiatorial combat from the Etruscans in the mid-third century BC.

Ville’s theory, however, fails to explain why the Etruscans borrowed gladiatorial combat from the Campanians in the fourth century BC, especially since the Etruscan presence in Campania was virtually nonexistent at that time. It also does not provide a reason for why the Etruscans would have borrowed gladiatorial combat from the Campanians.

The Romans could have borrowed gladiatorial combat directly from the Campanians in the late fourth century BC at the conclusion of the Samnite Wars. Livy wrote that in 308 BC Roman aristocrats attended a Campanian banquet at which gladiators wore the armor of the defeated Samnites. After observing the social prestige the Campanian elite attached to gladiatorial combat, the Roman aristocrats might have borrowed it in order to gain social prestige.

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12 Georges Ville 1981, pp. 1-56. The Oscans inhabited the region south of Rome known as Campania. The Samnites dwelled in the Apennine Mountains.
16 In all these theories concerning the origin of Roman gladiatorial combat, the question of why any culture would borrow the custom(s) of another culture, whether the Romans from the Etruscans or the Etruscans from the Campanians, must be addressed. Cultural borrowing usually occurs when a culture, or particular segment of that culture, in this case the elites, attach social prestige to the custom(s), in this case gladiatorial combat, of another culture.
17 Livy 9.40.17: Et Romani quidem ad honorem deum insignibus armis hostium usi sunt: Campani ab superbiam et odio Samnitium gladiatores, quod spectaculum inter epulas erat, eo ornatu armarunt Samnitiumque nomine compellarunt. Samnite armor consisted of a straight sword, long rectangular shield, helmet, and greaves.
among other members of the Roman aristocracy. This would also explain why the Romans designated their first gladiator type the “Samnite”.  

If the Romans directly borrowed gladiatorial combat from the Campanians in the late fourth century BC, at some point the Romans would have had to shift the function of gladiatorial combat from banquet entertainment to funerary ritual prior to 264 BC. Also, the Etruscans would have had to borrow Campanian gladiatorial combat prior to the early third century BC either directly or from the Romans.  

Whether the Romans borrowed Campanian gladiatorial combat directly or from the Etruscans, gladiatorial combat went unrecorded for approximately fifty years from the late fourth century BC to the traditionally claimed first gladiatorial combat to be staged in the history of Rome in 264 BC. At this point, the traditional interpretation would be satisfactory and the absence of recorded gladiatorial combat for approximately fifty years inconsequential, except for the fact that other ancient literary sources suggest that Roman gladiatorial combat had existed at Rome prior to 264 BC in a slightly different context.  

Like other ancient Mediterranean cultures, the Romans believed that they had to appease and honor the spirits of the dead with the proper funerary rites to prevent them from becoming

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18 See Footnote 20.
19 Malten 1923-1924, pp. 300-341 in Futrell p. 232, Footnote 19. He suggests that gladiatorial combat originated in Etruria, then spread to Campania, and finally to Rome. Futrell 1997, p. 18. She briefly raises the possibility that the Romans independently developed their own form of gladiatorial combat. Kyle 1998, p. 45: “The origin of gladiatorial and beast combats is probably not a historical question answerable in terms of a single original location (e.g. Etruria or Campania), a single original context (e.g. sacrifice, contests, vengeance, scapegoats), and a simple linear transmission (e.g. Etruria to Rome). Combats, sacrifices, and blood sports were simply too widespread in antiquity. Before the first gladiatorial fight in 264 Rome had already been exposed, directly or indirectly, to all the suggested original influences. By then Rome already knew other spectacles of death: animals sacrificed, tormented, or hunted in festivals, criminals consecrated to Ceres and executed, and countless acts of brutality in war. Since the adoption of imported cultural features such as sports and spectacles usually involves cultural adaptation, whatever the origins or precursors beyond Rome, the best historical approach is to concentrate on the context of Rome’s adoption and development of the gladiatorial spectacle.”
hostile to the living. In particular, many ancient Mediterranean cultures believed that the spirits of dead warriors required human sacrifice because their spirits would be just as dangerous to the living in death as they had been to their enemies in life. But was Rome one of them?

The Christian Tertullian believed so and traced the origin of Roman gladiatorial combat to just such a funerary rite requiring human sacrifice:

It remains to examine the most famous, the most popular spectacle of all. It is called munus from being a service due; munus and officium mean the same thing. The ancients thought that by this sort of spectacle they rendered a service to the dead, after they had tempered it with a more cultured form of cruelty. For of old, in the belief that the souls of the dead are propitiated with human blood, they used at funerals to sacrifice captives or slaves of poor quality whom they bought. Afterwards it seemed good to obscure their impiety by making it a pleasure. So after the persons procured had been trained in such arms as they then had and as best they might – their training was to learn to be killed! – they then did them to death on the appointed funeral day at the tombs. So they found comfort for death in murder. This is the origin of the munus. But by and by

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20 Fowler 1968, pp. 106-111; Seullard 1981, pp. 118-119. Both cite evidence supporting that the Romans believed they had to appease and honor the manes (spirits of the dead) through the performance of specific rituals. Ovid 5.419-493. The Roman Ovid (43 BC – 17 AD) describes in the Fasti (Calendar) just such a ritual performed by the head of the household during the Lemuria festival on May 9: “There will be celebrated an olden rite, the nocturnal Lemuria . . . Yet even then people brought gifts to the ashes of the dead, as their due, and the grandson paid his respects to the tomb of his buried grandsire. It was the month of May, so named after our forefathers (maiores), and it still retains part of the ancient custom. When midnight has come and lends silence to sleep, and dogs and all ye varied fowls are hushed, the worshipper who bears the olden rite in mind and fears the gods arises; no knots constrict his feet; and he makes a sign with his thumb in the middle of his closed fingers, lest in his silence an unsubstantial shade should meet him. And after washing his hands clean in spring water, he turns , and first he receives black beans and throws them away with face averted; but while he throws [spits] them, he says, “These I cast; with these beans I redeem me and mine.” This he says nine times, without looking back: the shade is thought to gather the beans, and to follow unseen behind. Again he touches water, and clashes Temesan bronze, and asks the shade to go out of his house. When he has said nine times, “Ghosts of my fathers, go forth!” he looks back, and thinks that he has duly performed the sacred rites.” The ritual described by Ovid appeased the spirits of the dead, who wanted to return to the underworld with the souls of the living, by substituting black beans.


22 A munus was a duty or obligation. In this case, the munus was funerary gladiatorial combat owed to the deceased. An officium was an office or duty.

23 Servius 5.64. He wrote that the Romans performed some funerary customs, such as feasting and gladiatorial combat, nine days after the funeral when the family’s period of mourning and purification ended, not on the day of the funeral as Tertullian stated. Although the two statements might seem inconsistent at first glance, their incongruity may represent historical change, as this paper will demonstrate, caused by the growing competition for political power among members of the Roman aristocracy during the Republic. Despite his anti-pagan bias, Tertullian’s statement reflects pre-264 BC Roman gladiatorial combat, which occurred on the day of the funeral as a private funerary rite performed in the limited area surrounding the tombs of the deceased outside the promerium, which in turn, limited the number of spectators and gladiators. Servius’ statement reflects post-264 BC Roman gladiatorial combat, which occurred over several days as public spectacle in the more spacious fora of Rome for the purpose of winning the political favor of as many people as possible by presenting as great a number of gladiators as
they progressed to the same height in refinement as in cruelty; for the pleasure of the holiday lacked something, unless savage beasts too had their share in tearing men’s bodies to pieces. What was offered to appease the dead was counted as a funeral rite. This type of thing is idolatry, for idolatry too is a type of funeral; the one and the other are alike service to the dead. For in the images of the dead demons have their abode.\textsuperscript{24}

Servius concurred:

Truly it was the custom to put captives to death at the graves of strong men, which later seemed a bit cruel, so it was decided to have gladiators fight at the tombs, who were called \textit{bustuarii} from \textit{bustum}.\textsuperscript{25}

The fact Servius noted that the Romans originally called gladiators \textit{bustuarii} (tomb fighters) because they fought before the \textit{bustum} (tomb) of the deceased only underscores the existence of gladiatorial combat prior to the traditionally claimed first gladiatorial combat to be staged in the history of Rome in 264 BC, which took place in the Forum Boarium.

Servius also specifically stated that the Romans sacrificed captives, and later gladiators, only at the tombs of “strong men”. But did the Romans sacrifice captives and gladiators to the spirits of deceased “strong men” for the same reasons other ancient Mediterranean cultures sacrificed humans to spirits of dead warriors?

In Roman society, men waged war, in particular, aristocratic men of wealth and distinguished clan heredity, who qualified for the uppermost equestrian centuries under the possible. Because the Roman aristocracy had to observe the religious custom of nine days of mourning and purification after the day of the funeral, their desire to stage these large gladiatorial spectacles over several days for maximum political impact made the performance of gladiatorial contests on a single day impracticable.

\textsuperscript{24} Tertullian 12.1: \textit{Superset illius insignissimi spectaculi ac receptissimi recognition. Munus dictum ab officio, quoniam officium etiam muneris nomen est. Officium autem mortuis hoc spectaculo facere se veteres arbitrabantur, posteaquam illud humaniore atrociitate temperaverunt. Nam olim, quoniam animas defunctorum humano sanguine propitiari credidit erat, captivos vel mali status mercati in exequiis immolabant. Postea placuit impietatem voluptate adumbrire. 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. Haec muneris origo. Sed paulatim provecti ad tantam gratiam, ad quantam et crudelitatem, quia feriarum voluptati satis non fiebat nisi et feris humana corpora dissiparentur. Quod ergo mortuis litébatur, utique parentationi deputabatur; quae species proinde idololatria est, quoniam et idololatria parentationis est species: tam haec quam illa mortuis ministrat. In mortuorum autem idolis daemonia consistunt. Tertullian (c. 160 AD – c. 240 AD) wrote \textit{De Spectaculis (On Spectacles)}.

\textsuperscript{25} Servius 10.519-520: \textit{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.}
Servian census.\textsuperscript{26} Such male Roman aristocrats were Rome’s earliest conspicuous warriors, especially with respect to their rank and bravery on the battlefield. If Servius’ “strong men” correspond to these aristocratic male Roman warriors, the Romans might have performed human sacrifice to appease and honor their dead spirits.

At a minimum, Tertullian and Servius’ statements suggest that the Romans performed a non-gladiatorial combat funerary rite at the tombs of the deceased requiring the sacrifice of prisoners-of-war and slaves prior to the adoption and adaptation of either Etruscan or Campanian gladiatorial combat.\textsuperscript{27} If Servius’ “strong men” were aristocratic male Roman warriors, this would help explain why Decimus and Marcus Junius Brutus transformed gladiatorial combat from a private funerary rite into a public spectacle in the mid-third century BC.

In the mid-2\textsuperscript{nd} century BC, the competition for public favor, honors, and offices among members of the Roman aristocracy greatly increased and intensified, especially with respect to the staging of various forms of public entertainment and spectacle such as theatrical displays and sporting events. In fact, Polybius observed that the Roman aristocracy used public funerals to further their political ambitions. By recounting the military deeds, political services, and civic duties their deceased male ancestors had provided to that state from the \textit{Rostra} and by dressing younger male family members in the political robes, military insignia, civic honors, and wax mask likenesses of their male ancestors, aristocratic Roman families curried political favor with the people and inspired younger male family members to surpass the achievements of their deceased male ancestors and, by default, the achievements of other aristocratic Roman

\textsuperscript{26} Livy 1.42-43.

\textsuperscript{27} The Roman adoption and adaptation of either Etruscan or Campanian gladiatorial combat was not the first nor last time the Romans borrowed elements of another culture. The Romans borrowed elements of Etruscan culture in the sixth century BC and elements of Greek culture in the third century BC.
families. This aristocratic competition for the political favor of the Roman people led Decimus and Marcus Junius Brutus to transform gladiatorial combat from a private funerary rite into a public spectacle in 264 BC. The gladiatorial combat of 264 BC, in turn, spurred greater competition among members of the Roman aristocracy in the following centuries as the ever-increasing scale of recorded funerary gladiatorial combats demonstrate.

- In 264 BC, 3 pairs of gladiators fought at the funeral of Decimus Junius Brutus Pera in the Forum Boarium.
- In 216 BC, 22 pairs of gladiators fought at the funeral of Marcus Aemilius Lepidus in the Roman Forum.
- In 200 BC, 25 pairs of gladiators fought at the funeral of Marcus Valerius Laevinus in the Roman Forum.
- In 183 BC, 60 pairs of gladiators fought at the funeral of Publius Licinius Crassus in the Roman Forum.
- In 174 BC, 37 pairs of gladiators fought at the funeral of Titus Quinctius Flamininus in the Roman Forum.
- In 65 BC, 320 pairs of gladiators fought at the funeral of Gaius Julius Caesar (Julius Caesar’s father) in the Roman Forum.

In fact, the connection between winning political office and staging funerary gladiatorial combat had became so apparent in the first century BC that members of the Roman aristocracy routinely staged public funerals and funerary commemorations as a pretext for staging gladiatorial combat in order to further their political careers despite criticism, laws, and great financial expense and risk to themselves and their families.

28 The Rostra was the orator’s platform in the Roman Forum. Polybius 6.53-54. The Greek Polybius (c. 200 – c. 118 BC) wrote The Histories concerning the rise of Roman hegemony in the ancient Mediterranean world.
29 Livy 16; Valerius Maximus 2.2.7; Ausonius 37-39; Servius 3.67.
30 Livy 23.30.15.
31 Livy 31.50.4.
32 Livy 39.46.2.
33 Livy 41.28.11.
34 Plutarch “Caesar” 5.2.5. The Greek Plutarch (c. 50 AD – c. 120 AD) wrote the Lives, a collection of biographies of famous Greeks and Romans.
But why did Decimus and Marcus Junius Brutus transfer funerary gladiatorial combat from the tomb of the deceased to the Forum Boarium?

Limited space around the tomb of the deceased would have limited the political impact of their gladiatorial combat by restricting the number of spectators, whose political favor they sought to win, and the number of gladiators, which they could display to achieve this end. Also, the Forum Boarium would have been very accessible to the Roman people since it was located just outside the promerium and near the Roman Forum.\textsuperscript{35} The proximity and spaciousness of the Forum Boarium, therefore, would have better served their political ambitions.

But why would Decimus and Marcus Junius Brutus’ transformation and transferal of gladiatorial combat from a private funerary rite performed at the tomb of the deceased to a public spectacle performed in the Forum Boarium have been noteworthy to Roman authors?

Many Roman authors believed that the growing competition among members of the Roman aristocracy had led to the civil wars, the fall of the Republic, and the rise of the Empire. Because Decimus and Marcus Junius Brutus staged the funerary gladiatorial combat of 264 BC as a public spectacle in the Forum Boarium rather than as a private funerary rite at the tomb of the deceased, their break from tradition symbolized the origins of this growing competition among members of the Roman aristocracy.\textsuperscript{36}

\textsuperscript{35} The promerium was the sacred city boundary wall of Rome. \textit{Lexicon Topographicum Urbis Romae}, v. 2, 1995, s.v. Forum Boarium (F. Coarelli). Based upon literary and archaeological evidence, Coarelli demonstrates that although a small portion of the Forum Boarium was inside the promerium at the end of the fourth century BC, the vast extent, including the marketplace, was not.

\textsuperscript{36} Futrell 1997, p. 23-24 and 182-210. Futrell offers another explanation for the significance of the gladiatorial combat of 264 BC other than the first to be staged in the history of Rome or the first to be staged as a public spectacle. She believes that human sacrifice was “an ad hoc response to extraordinary crisis situations, intended to propitiate the community of the gods and to draw together the human community in observation of unusually solemn rituals [which] can be found in the oldest strata of Roman religious practices (p. 205). As a result, she views gladiatorial human sacrifice as crisis-driven and crisis-specific, not institutionalized. As evidence, she cites Livy (22.57) who wrote that the Romans buried a Greek and Gaul couple alive in the Forum Boarium in response to the Carthaginian general Hannibal’s invasion of Italy during the Second Punic War. Similarly, she views the human sacrifice of gladiators in 264 BC as a response to the impending First Punic War with Carthage (p. 23-24). This argument, however, leaves many questions unanswered. First, if Roman human sacrifice was connected to particular
The funerary gladiatorial combat of 264 BC, however, not only was the first to be staged as a public spectacle, but also the transitional phase between funerary gladiatorial combat performed outside the *promerium* and funerary gladiatorial combat performed inside the *promerium*. Because of the growing competition for political power among members of the Roman aristocracy, the three sons of Marcus Aemilius Lepidus not only displayed more gladiators at the their father’s funeral in 216 BC than Decimus and Marcus Junius Brutus had done in 264 BC, but also broke another tradition.\textsuperscript{37}

Table X of The Twelve Tables read:

\begin{quote}
A dead man shall not be buried or burned within the city.\textsuperscript{38}
\end{quote}

The Romans, therefore, buried the dead in tombs outside the *promerium*. Although Decimus and Marcus Junius Brutus broke with tradition in 264 BC by transferring funerary gladiatorial combat from the tomb of the deceased to the Forum Boarium, they did not break the tradition of performing funerary gladiatorial combat outside the *promerium* because the Forum Boarium was also outside the *promerium*. In 216 BC, however, the three sons Marcus Aemilius Lepidus broke this tradition by staging funerary gladiatorial combat inside the *promerium* in the Roman Forum.

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\textsuperscript{37} See Footnotes 33 and 34.

\textsuperscript{38} Written in 451 BC, The Twelve Tables were Rome’s earliest written legal and religious code. Warmington 1938, “The Twelve Tables” p. 497: *Hominem mortuum in urbe ne sepelito neve urito*. 
Bibliography

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