

SOME ASPECTS OF SPORT AND SPORTS INJURIES IN ANCIENT ROME

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The author discusses some of the characteristics of sport in ancient Rome. In addition to recreational sports, he also mentions the spectacles that entertained Roman audiences as well as competitions in Greek athletic disciplines. While there were no major competitions in recreational sports, which mainly included ball games, other sports were marked by intense competition. In particular, chariot races and gladiatorial combats, and probably also athletic competitions, were mass spectacles that attracted huge crowds. In relation to combat sports, the author also discusses the issue of liability for injuries that occurred during competitions and training. In general, Roman lawyers rejected claims for damages if the injury was not caused by a violation of the rules. As long as the competition or training took place according to the rules and at the designated location, it was considered that the perpetrator could not be held liable for damages in the event of injury.

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1 Sport in Roman Antiquity

Although the definition of a notion is the basis of any discussion about it, we must admit that there is no generally accepted definition of sport. The Cambridge dictionary of English defines it as “a game, competition, or activity needing physical effort and skill that is played or done according to rules, for enjoyment and/or as a job” or as “all types of physical activity that people do to keep healthy or for enjoyment”.¹ Webster’s Encyclopedic unabridged dictionary² contains several definitions of sport. According to the most general one sport is “an athletic activity requiring skill or physical prowess and often of a competitive nature, as racing, baseball, tennis, golf, bowling, wrestling, boxing, hunting, fishing, etc.” The Encyclopedia Britannica³ defines sports as “*physical contests pursued for the goals and challenges they entail. Sports are part of every culture past and present, but each culture has its own definition of sports. The most useful definitions are those that clarify the relationship of sports to play, games, and contests*”. Britannica AI defines sports as “physical contests pursued for their inherent goals and challenges”. Determining whether an activity qualifies as a sport often depends on the definition used.⁴

In its Recommendation on the revised European sports charter, the Committee of ministers of the Council of Europe gives the following definition of sport: “*‘Sport’ means all forms of physical activity which, through casual or organised participation, aim at expressing or improving physical fitness and mental well-being, forming social relationships or obtaining results in competition at all levels*”.⁵ Since the Recommendation excludes non-physical activities from the concept of sport, several non-physical activities claim recognition as so-called *mind sports*.⁶ At this point, we can find an interesting parallel with ancient Rome. There, too, (sports) spectacles included drama (*ludi scaenici*), which, according to this classification, with some effort could be categorized as a mind sport.

¹ Cambridge Dictionary, n.d.

² Random House, 1996.

³ Britannica, n.d.

⁴ It quotes three definitions. Common definition: “*A physical activity engaged in for pleasure. Sociological definition: Institutionalized, structured, and sanctioned competitive activity beyond play. It involves physical exertion and relatively complex athletic skills. Philosophical definition: A game of skill, especially physical skill, with a wide following and institutional stability.*”

⁵ See Article 2, 1, a of the Council of Europe, Committee of Ministers, Recommendation No. R (92) 13 rev on the revised European Sports Charter.

⁶ The SportAccord World Mind Games launched in 2011 is a multi-sport event centered on the gymnasium of the mind, highlighting the great value of the Mind Sports. On the program of the SportAccord World Mind Games are five mind sports: Bridge, Chess, Draughts, Go, Xiangqi. See SportAccord, n.d.

This introductory clarification was necessary to determine whether it is possible to talk about sport in Roman antiquity. Many authors, especially those who only have gladiatorial combats and other spectacles in mind, deny this. Nevertheless, there were a number of physical activities in Roman times whose purpose was not to entertain the masses but to provide recreation and strengthen body and spirit. In modern terminology, such physical activities must be defined as (recreational) sports. In addition to recreational sports, other types of sports also existed in Roman antiquity.

Physical exercise was an important part of education in Rome, in accordance with the principle of *mens sana in corpore sano*.⁷ Young people prepared for a military career by training in horse riding, javelin throwing, swimming, wrestling, etc. In gymnasiums and thermal baths, young men strengthened their bodies and learned discipline and competitiveness. In this respect, we can talk about sport as an essential element of Roman tradition.

2 Ball Games

When discussing Roman sports, we must bear in mind that the need for physical activity in ancient times was different from what it is today. It was largely determined by the fact that in Roman times all work was physical and performed by people or animals, while today most of the heavy work is done by machines. With the exception of young men who wanted to strengthen their bodies and gain skill, and soldiers, who had to maintain their physical condition through physical exercise, it is possible to assume that ordinary people who had to do a lot of physical labor did not have a particular desire for additional physical exercise. Therefore, they participated in sports mainly for fun and for social reasons. Collective and social sports served this purpose in particular.

⁷ See Juven. *Sat.* 10, 356: ... You should pray for a healthy mind in a healthy body (... *orandum est ut sit mens sana in corpore sano*). The maxim was already known to the pre-Socratics. Thales of Miletus is quoted as saying: "What man is happy?" "He who has a healthy body, a resourceful mind and a docile nature." (Lives of the Eminent Philosophers by Diogenes Laërtius, published in the Loeb Classical Library, 1925, I, Thales, 37).

Ball games were the ideal form of such sporting activities.⁸ The fact that no special equipment and, at least at the beginner level, no special skills were required made them accessible to all social classes and ages. Since most ball games did not require physical strength, children could also participate in them.⁹

In fact, it appears that initially ball games were entertainment for children and young people, but over time they spread to adults as well.¹⁰ Ball games brought people of different ages together. One such example describes Petronius:

Meantime in our gala dresses, we began to stroll about, or rather to amuse ourselves by approaching the different groups of ball-players. Amongst these we all of a sudden catch sight of a bald-headed old man in a russet tunic, playing ball amid a troupe of long-haired boys (*videmus senem calvum, tunica vestitum russea, inter pueros capillatos ludentem pila*).¹¹

One of the most accomplished medical researchers of the antiquity Claudius Galenus (129-216 A.D.) recommended ball games to older people as a useful and enjoyable pastime.¹² In addition to socializing and entertainment, ball games also provided a form of recreation that helped people stay in shape. This was probably especially true for wealthier people who otherwise did not engage in much physical activity.

⁸ More on this, see Tanyeri & Tanyeri, 2026.

⁹ Mart. *Epigr.* 14, 47: Retire to a distance, young men; tender age suits me; with the bladder it befits only boys and old men to play (*Ite procul, iuvenes: mitis mihi convenit aetas: / Folle decet pueros ludere, folle senes*); English translation: Martial, *Epigrams*. Mainly based on Bohn's *Classical Library* (1897). Retrieved from: https://www.tertullian.org/fathers/martial_epigrams_00eintro.htm Petron (accessed: February 28, 2026). See also Alf. D. 9, 2, 52, 4. The jurist discusses the question of whether it is possible to claim compensation from someone who, while playing ball, pushed a little slave boy who wanted to catch the ball, causing him to fall and break his leg.

¹⁰ See Plin. *Epist.* 3, 1, 8: ... When he is told that the bathing hour has come - which is the ninth hour in winter and the eighth in summer - he takes a walk naked in the sun, if there is no wind. Then he plays at ball for a long spell (*deinde movetur pila vehementer et diu*), throwing himself heartily into the game, for it is by means of this kind of active exercise that he battles with old age (*exercitationis genere pugnat cum senectute*). Translated by Firth, J. B. (1900). Retrieved from: <https://www.attalus.org/pliny/ep3.html> (accessed: February 25, 2026). Pliny speaks about the Roman senator and consul Titus Vestricius Spurinna (c. 24 – after 105 AD). See also Sidonius Appollinaris, *Epist.* 1.7, 8: ... old fellows play ball and young fellows hazard (... *student pilae sense aleae iuvenes*).

¹¹ Petron. *Satyr.* 5, 27. English translation: Allison, A. R. (1930). Retrieved from: <https://www.sacred-texts.com/cla/petro/satyr/sat06.htm> (accessed: February 25, 2026).

¹² See Claudii Galeni *librum de parvae pilae exercitio ad codicem Laurentiani Parisini Marciani auctoritatem edidit Johannes Marquardt*, Gustroviae apud Opitzium, 1879. Bilingual edition: Galen Hygiene. Volume II: books 5-6. Thrasybulus on Exercise With a Small Ball, edited by Johnston, 2018. For the main points of Galen's views see Ball Games in Ancient Rome, p. 27.

A good example of this is Emperor Augustus, about whom Suetonius writes:

Immediately after the civil war he gave up exercise with horses and arms in the *Campus Martius*, at first turning to pass-ball and balloon-ball, but soon confining himself to riding or taking a walk, ending the latter by running and leaping, wrapped in a mantle or a blanket.¹³

Ball games were widespread. They were played more regularly and systematically in the Field of Mars and in areas designated for playing ball known as *sphaeristeria*¹⁴ (ball-courts), which were prepared for this purpose in villas and public baths.¹⁵ Playing on the public sport ground was considered a right of Roman citizens. Anyone that prevented someone from doing so could be sued with the action for injury (*actio iniuriarum*).¹⁶

It can be assumed that people, especially children, mostly played with the ball elsewhere (children perhaps even anywhere), e.g., on the city streets,¹⁷ in the fields,¹⁸ etc. Especially playing in the streets could be much to the annoyance of the passersby. Sometimes it was disruptive and even dangerous. From Ulpian's fragment, we can get a sense of the problems that could arise from playing with a ball in the street:

Further, Mela writes that, when some people were playing with a ball, one of them hit it hard and it knocked the hands of a barber with the result that the throat of a slave whom the barber was shaving was cut by the jerking of the razor. In which of the parties does the fault lie? For it is he who is liable under the *lex Aquilia*. Proculus says the blame is the barber's, and surely, if he was doing shaving in a place where people customarily played games (*ex consuetudine ludebatur*) or where

¹³ Suet. Aug. 83: *Exercitationes campestris equorum et armorum statim post civilia bella omisit et ad pilam primo folliculumque transiit mox: nihil aliud quam vectabatur et deambulabat, ita ut in extremis spatiis, subsultim decurreret segestria vel lodicula involutus* ... English translation: https://droitromain.univ-grenoble-alpes.fr/Anglica/Suetonius2_engl.gr.htm (accessed: February 25, 2026).

¹⁴ See Plin. *Epist.* 2, 17, 12; 5, 6, 27. See also Suet, *Vesp.* 20. For details, see Mathieu, 2021. See also Gallus, pp. 406 s.

¹⁵ See e.g., Sen. *Epist.* 6, 56, 2.

¹⁶ Ulp. D. 43, 8, 2, 9.

¹⁷ See e.g., Plaut. *Curculio* 2, 3, 17: And then those servants of your dainty townsmen, who are playing at catch-ball in the road, both throwers and catchers, all of them I'll pitch under foot (*tum isti qui ludunt datatim servi scurrarum in via, et datores et factores omnis subdam sub solum*). English translation by Riley, H. Z. Retrieved from: <http://www.perseus.tufts.edu/hopper/text?doc=Perseus%3Atext%3A1999.02.0099%3Aact%3D2%3Ascene%3D3> (accessed: February 25, 2026).

¹⁸ See e.g., Hor. *Serm.* 1, 6, 126: I flee the field and the ball game (... *fugio campum lusumque trigonem*).

there was much going to and for, the blame will be imputed to him; but it is no bad point in reply that if someone entrusts himself to a barber who has his chair in a dangerous place he has only himself to blame for his own misfortune.¹⁹

From this fragment, we can learn that playing ball in the street was something usual, as was common practice that the barber was shaving his clients on the street and not in his dark and stuffy shop. This is probably the main reason why Ulpian had so much understanding for the barber who while shaving on the street, could not completely avoid the dangers of a thrown ball or a passerby bumping into his hand. Ulpian's words that a slave who entrusted himself to a barber who was doing his work on the street should blame himself if something happened to him are therefore not surprising. The client saw or could have seen the danger and, in a way, assumed the risk. It also should be pointed out that before discussing the case, the question, why the slave went to this particular barber, should be answered first. It is not certain that this was his and not his master's decision. It is conceivable that the master also decided when the slave had to go to the barber.

Ball games were popular among all classes of Roman society. Many Romans had the same attitude towards them and devoted themselves to ball games with the same enthusiasm that we can see among modern-day soccer fans.²⁰ In Rome, participating actively in ball games was something completely normal for anyone. It was not at all improper when a consul, or a general exercised his body and mind with the game of ball or other kinds of gymnastics.²¹ One of the rare exceptions in this regard seems to have been Cicero:

How then can I justly be blamed or censured, if it shall be found that I have devoted to literature a portion of my leisure hours no longer than others without blame devote to the pursuit of material gain, to the

¹⁹ Ulp. D. 9, 2, 11 pr.: *Item Mela scribit, si, cum pila quidam luderent, vehementius quis pila percussa in tonsoris manus eam deiecerit et sic servi, quem tonsor habebat, gula sit praecisa adiecto cultello: in quocumque eorum culpa sit, eum lege Aquilia teneri. Proculus in tonsore esse culpam: et sane si ibi tondebat, ubi ex consuetudine ludebatur vel ubi transitus frequens erat, est quod ei imputetur: quamvis nec illud male dicatur, si in loco periculoso sellam habenti tonsori se quis commiserit, ipsum de se queri debere.* See also fn. 96. English translation of Digest fragments in this article: The Digest of Justinian. Translation edited by Watson, A. More on this text, see Gamauf, 2014, pp. 301 seq.; Wacke, 1991, p. 363 s.

²⁰ See Sidonius Appollinaris, *Epist.* 2, 2, 15; 5, 17, 6 (... you know that book and ball are my twin companions); 8, 11, 8 (... Hazard was a weariness, the ball game a delight). The English translation Sidonius Apollinaris, *The Letters of Sidonius*, translated by Ormonde Maddock Dalton (1866-1945), Clarendon Press, Oxford 1915, a work in the public domain nobly placed online by Roger Pearse at Tertullian.org: urn:cts:latinLit:stoa0261.stoa002

²¹ See Gallus, p. 398.

celebration of festivals or games, to pleasure and the repose of mind and body, to protracted banqueting, or perhaps to the gaming-board or to ball-playing?²²

Among prominent personalities who are said to have played ball sources mention Cato,²³ the famous jurist Publius Mucius Scaevola,²⁴ Caesar,²⁵ Augustus,²⁶ Maecenas,²⁷ Emperor Severus Alexander,²⁸ and many others. Some were said to be obsessed with the ball and devoted all their time to it:

It would be tedious to mention all the different men who have spent the whole of their life over chess or ball or the practice of baking their bodies in the sun.²⁹

²² Cic. *Pro Arch.* 6, 13: *Qua re quis tandem me reprehendat, aut quis mihi iure suscenseat, si, quantum ceteris ad suas res obeundas, quantum ad festos dies ludorum celebrandos, quantum ad alias voluptates et ad ipsam requiem animi et corporis conceditur temporum, quantum alii tribuunt tempestivis conviviis, quantum denique alveolo, quantum pilae, tantum mihi egomet ad haec studia recolenda sumpsero?* English translation by Watts, N. H. (1928). Retrieved from: <https://www.attalus.org/cicero/archias.html> (accessed: February 26, 2026).

²³ Sen. *Epist.* 104, 33: ... for they report that on the very day when Cato was defeated at the elections, he played a game of ball (... *eodem quo repulsus est die in comitio pila lusi*). English translation Mott Gummere, R. Retrieved from: https://en.wikisource.org/wiki/Moral_letters_to_Lucilius/Letter_104 (accessed: February 26, 2026).

²⁴ Cic. *De oratore* 1, 217: ... pretend that to play well at ball or *duodecim scripta* is a part of the knowledge of civil law, because Publius Mucius was skilled in both ... (*licet ista ratione dicamus pila bene et duodecim scriptis ludere proprium esse iuris civilis, quoniam utrumque eorum P. Mucius optime fecerit*). English translation: <https://www.attalus.org/cicero/deoratore1C.html>; *Duodecim scriptis* was a game played with counters on a board, moved according to throws of the dice. See also Val. Max. 8, 8, 2: As for Scaevola, just as he was the most trustworthy witness of their relaxation, so he himself was a skillful ball player ... (*Scaevola autem, quiet<is> et remissionis eorum certissimus testis, optime pila lusisse traditur, ...*). English translation adapted from the translation by Speed, S. (1678). Retrieved from: <https://www.attalus.org/translate/valerius8b.html> (accessed: February 25, 2026).

²⁵ Macrobi. *Sat.* 2, 6, 5: When C. Caesar ordered that L. Caecilius and the others who had been playing ball with him be given a hundred sesterces, and that L. Caecilius alone receive fifty, he said, "What? Do I play with only one hand?" (*L. Caecilius, cum C. Caesar aliis qui secum pila lusitabant centena sestertia, illi uni quinquaginta dari iussisset: Quid? ego, inquit, una manu ludo?*).

²⁶ Suet. *Aug.* 83. See above.

²⁷ Horat. *Sat.* 1, 5, 48: Maecenas is off for sport, Virgil and I for sleep: / Those ball-games are bad for sore eyes and stomachs. (*Iusum il Maecenas, dormitum ego Vergiliusque; / namque pila lippis inimicum et ludere crudis.*) English translation by Kline, A. S. Retrieved from: https://www.poetryintranslation.com/PITBR/Latin/HoraceSatiresBkISatV.php#anchor_Toc98155622 (accessed: February 25, 2026).

²⁸ See: *Historia Augusta*, Sev. Alex. 30: After his reading he would devote himself to exercise, either ball-playing or running or some mild wrestling (*post lectionem operam palaestrae aut sphaeristerio aut cursui aut luctaminibus mollioribus dabat*). English translation: *Historia Augusta* published in the Loeb Classical Library, 1924. Retrieved from: https://penelope.uchicago.edu/Thayer/L/Roman/Texts/Historia_Augusta/Severus_Alexander/2*.html (accessed: February 28, 2026).

²⁹ Sen., *De brev. vit.* 13, 1: *Persequi singulos longum est quorum aut latrunculi aut pila aut excoquendi in sole corporis cura consumpsere vitam.* English translation by Basore, J. W. Retrieved from: https://en.wikisource.org/wiki/On_the_shortness_of_life/Chapter_XIII (accessed: February 24, 2026).

As far as we know there were no major competitions in ball games comparable to public games. They were mainly played for the entertainment of the players themselves and those standing around.

The Romans knew several types of ball games.³⁰ They were distinguished by the way the ball was thrown, the type of ball and by the number of participants. The ball could be thrown into the air and caught by the thrower or by another player. Two or more players could throw the ball to each other (*datatim ludere*),³¹ whereby it was important to throw the ball (*dare, mittere, iactare*), catch it skillfully (*excipere*), and throw it back (*remittere, repercutere*). In one of the games the ball was thrown to the ground with force or against a wall so that it bounced back and could be repeatedly bounced with the flat of the hand. Another way of returning the ball was called *expulsim ludere*.³² It seems that the term was used to describe striking the ball, similarly to today's volleyball or maybe the Italian *gioco del Pallone*. The player who bounced the ball the longest without grounding it or who prevented the opponent from returning the ball probably scored a point. The points were counted aloud by a ball-counter (*pilicrepus*).³³ We do not know how long the game lasted or how many points were needed to win.

Probably the most common game was similar to Seneca's description:

I wish to use Chrysippus's simile of the game of ball, in which the ball must certainly fall by the fault either of the thrower or of the catcher; it only holds its course when it passes between the hands of two persons who each throw it and catch it suitably. It is necessary, however, for a good player to send the ball in one way to a comrade at

³⁰ More on this: Ball games in ancient Rome. See also Mathieu, 2021; McDaniel, 1906; Marquardt & Mommsen, 1879, pp. 819 sqq.; Gallus, pp. 398 sqq.

³¹ See e.g., Plaut., *Curculio* 296.

³² Non. Marc. II (Müller 145): *Expulsim* said from frequent striking. Varro to Serapus: you must know that you have been properly purified, when you will see boys in Rome playing ball on the forum before the butchers' stalls striking it back. (*EXPULSIM, dictum a frequenti pulsu. Varro Serapi: reite te purgatum scito, quom videbis Romae in foro ante lanienas pueros pila expulsim ludere.* Noni Marcelli Compendiosa doctrina. Emendavit et adnotavit Lucianus Mueller, Pars I. Lipsiae 1888.

³³ See Petron. *Satyr.* 5, 27: while the other counted the balls, not those that were in play and flying from hand to hand, but such as fell on the floor (*numerabat pilas, non quidem eas quae inter manus lusu expellente vibrabant, sed eas quae in terram decidebant*) English translation: Allison, A. R. (1930). Retrieved from: <https://www.sacred-texts.com/cla/petro/satyr/sat06.htm>; Sen. *Epist.* 6, 56, 1s: ... I have lodgings right over a bathing establishment. So picture to yourself the assortment of sounds, which are strong enough to make me hate my very powers of hearing! ... Then, perhaps, a professional comes along, shouting out the score; that is the finishing touch. English translation by Mott Gummere, R. Retrieved from: https://en.wikisource.org/wiki/Moral_letters_to_Lucilius/Letter_56#cite_note-1 (accessed: February 26, 2026); see further sources quoted by Gallus, pp. 400 sqq.

a long distance, and in another to one at a short distance. So it is with a benefit: unless it be suitable both for the giver and the receiver, it will neither leave the one nor reach the other as it ought. If we have to do with a practised and skilled player, we shall throw the ball more recklessly, for however it may come, that quick and agile hand will send it back again; if we are playing with an unskilled novice, we shall not throw it so hard, but far more gently, guiding it straight into his very hands, and we shall run to meet it when it returns to us.³⁴

All in all, it is likely that the Romans did similar things with balls as we do today - from throwing to kicking and striking.

One of the advantages of ball games was their flexibility in terms of the number of players. One player could juggle one or more balls, two or more players passed the ball to each other, etc. Of the group games, there were three main types: *trigon*, *paganica* and *harpastum*. Although none of these games can be fully reconstructed, we can draw some conclusions about how they went.

*Trigon*³⁵ was a throwing, batting and catching game played by three players³⁶ standing in a triangular formation. A special ball called *pila trigonalis* was used in this game. It was approximately the size of a modern baseball and was tightly stuffed with materials such as hair or feathers. If the players played with a single ball it circulated among them. Therefore, it seems likely that better players played with more (probably up to three) balls. The game of *trigon* became particularly dynamic when it was played with several balls simultaneously. In such a case, the player had to quickly return the ball he received in order to catch another one reaching him at about the same time. To do this, he had to be good at throwing and catching the ball with both hands. A skillful player would bat or catch the ball also with his left hand.³⁷

³⁴ Sen. *De benef.* 2, 17: *Volo Chrysippi nostri uti similitudine de pilae lusu, quam cadere non est dubium aut mittentis uitio aut excipientis; tum cursum suum seruat, ubi inter manus utriusque apte ab utroque et iactata et excepta uersatur. Necesse est autem lusor bonus aliter illam conlutori longo, aliter breui mittat. Eadem beneficii ratio est: nisi utrique personae, dantis et accipientis, aptatur, nec ab hoc exibat nec ad illum perueniet, ut debet.* Translated by Stewart, A. M. A., 1887. Retrieved from: https://en.wikisource.org/wiki/On_Benefits (accessed: February 28, 2026).

³⁵ See Ball Games in Ancient Rome, pp. 29 sqq. See also Radke (n.d.). *Trigon*, RE VII A, 1, p. 139.

³⁶ See Isidorus, *Etymologiarum sive originum libri XX* (Orig.), 18, 69, 2: *Trigonaria* is so named because it is played by three players (*Trigonaria est qu[i]a inter tres luditur*). English translation: The Etymologies of Isidore of Seville, translated with introduction and notes by Barney et al., 2006, p. 488 (4th printing 2014, p. 371).

³⁷ See Mart. *Epigr.* 7, 72, 9 ... award you the palm in the warm triangular game at ball, and not bestow greater praise on the left-handed strokes of Polybus (*sic palmam tibi de trigone nudo unctae det fauor arbiter coronae nec laudet Polybi magis*

The players tried to impress with various acrobatic feats and extravagances. A special extravagance was playing with a ball made of glass. An inscription mentions a man named Ursus who is quoted as being the first Roman to play with his fellow players with a glass ball (*vitrea pila*) never dropping it. The people approved his mastery with greatest applause (*laudante populo maximis clamoribus*).³⁸ Ursus must have played a catching game, possibly *trigon*, which was, as the inscription reads, played in the baths of Trajan, Agrippa and Titus, and frequently in Nero's baths.

Another recreational ball game was the so-called *paganica*. It is assumed that the term *paganica* came from the fact that the entire village (*pagus*) participated in this game.³⁹ The players used a ball stuffed with down or feathers.⁴⁰ It was bigger than *pila* and smaller than *follis*. At first it was played in the country, but it gradually spread from the countryside to the city. We do not know what the rules of this game were.

It can be assumed that the third game, called *harpastum*, was similar to modern rugby.⁴¹ In *harpastum* the ball appears to have been thrown high into the air so that the thrower could possibly catch it again himself. To prevent this, all the players crowded together and eagerly fighting over the ball knocked each other over and made a tremendous noise.⁴² For this game a small, hard and relatively heavy ball was used. *Harpastum* was played on a rectangular field marked with boundary lines and divided by a central line. Teams consisted of five to twelve players. Roman soldiers helped spread this game throughout the Roman Empire. They played it for entertainment and as a form of physical training.

Roman balls had special names, such as *trigon*, *pila*, *follis*, *paganica* and *harpastrum* depending on their size and use. They were made of different materials. Bouncing balls, like the *follis*, were made from pig's bladder wrapped in leather or from animal tendons wound into a ball and covered with leather for protection. The players wore

sinistras). McDaniel (1906, p. 126) sees no reason for supposing that the left hand was principally used by the best players.

³⁸ See Edward Champlin, *The Glass Ball Game*. The author quotes the inscription CIL VI 9797 (= 33815a) = ILS 5173 = CLE 29 and its English translation. See also Schmidt, 1999.

³⁹ So *Handbuch der römischen Althertümer*, p. 819.

⁴⁰ See Mart. *Epigr.* 7, 32, 7 ... No ball, no bladder, no feather-stuffed plaything prepares you for the warm baths ... (*Non pila, non follis, non te paganica thermis/ prae parat ...*); Mart. *Epigr.* 14, 45, 1: This ball, stuffed with feathers, difficult to manage, is not so soft as a bladder, nor so hard as an ordinary ball. (*Haec quae difficili turget paganica pluma,/ Follis minus laxast et minus arda pila*). More on the *paganica* see Ball Games in Ancient Rome, p. 31.

⁴¹ See Ball Games in Ancient Rome, p. 27. Extensive information about this game can be found in Schneider, n.d., with references to Roman and Greek sources. See also Marindin, 1890, Mart. *Epigr.* 4, 19, 6; 7, 32, 10 and 14, 48.

⁴² See Ball Games in Ancient Rome, pp. 31 sqq.

a guard on the right arm, with which they struck the ball, as in the Italian *gioco del pallone*.

Other balls were made from chopped sponges or linen and hair. These materials were wrapped with string and cloth, and often covered with shaped and sewn pieces of cloth. This type of balls did not bounce. Therefore, they were probably used for catching games, in which the players were throwing and intercepting the balls.

In team ball games, injuries were likely to occur. We have no specific data on this. This is why Alfen's fragment, mentioned above, is so interesting:

Take this case of some people playing ball. One of them pushed a little slave boy when he was trying to pick up the ball, and he fell and broke his leg. When I was asked if I thought his owner could sue the person who had pushed him over, I replied that he could not, as it seemed to me to be a purely accidental injury (*casu magis quam culpa videretur factum*).⁴³

We do not know what kind of ball game it was in this case. It is very likely that it was not a catching game, but rather a game in which several players were chasing the ball. This must have caused quite a bit of jostling.

It is possible to imagine that, in Alfenus's opinion injury in sports was a matter of accident, unless there was evidence to the contrary, i. e. if it was not possible to prove guilt, which also included violation of the rules. This stems from his formulation *casu magis quam culpa* (more by chance than by fault). Later, we will see that this was more or less the generally accepted position of Roman lawyers.

3 'Ludi'

Unlike ball games, where the goal was primarily physical training and entertainment of the players and the role of the audience was secondary, the roles of the audience and the performers in Roman spectacles were completely different and separate.

⁴³ Alf. D. 9, 2, 52, 4. The old translation of Samuel Scott is more accurate. It reads: I answered that he could not, as this seemed to have been done rather through accident than through negligence. More on this text Wacke, 1991, p. 365 seq.

The distinctive feature of Roman *ludi* (which makes them similar to modern sports spectacles), was that they served solely and exclusively to entertain the public. This is why the question arises whether it is appropriate to discuss sport in this context. Another characteristic feature of Roman *ludi* was that the performers were, as a rule, trained professionals. Their strength, skill, and training far exceeded those of ordinary citizens.

In this respect, too, there are striking parallels between Roman *ludi* and modern professional sports.

If we examine these forms of public entertainment from the perspective of how its users perceived it, it would be difficult to call them sports. Sport (if we accept the assumption that we can talk about it) served as a means of entertainment for the public, who cheered and celebrated the winners, but was more or less passive in relation to its own physical activities. Today, too, many sporting events resemble the Roman *ludi*, where on one side there were professional athletes and on the other, from the perspective of physical activity, a completely passive audience. Like in Rome, the people who go to Super Bowl, football matches etc. expect and want spectacle. As a rule, they understand engaging in sport as watching sporting competitions rather than participating in any physical activity themselves.

Nevertheless, the fundamental question remains should the events built around staged violence (e.g., gladiatorial combats) and other forms of *ludi* be considered forms of sport. In this regard, it should be particularly emphasized that the Romans perceived no categorical difference between gladiatorial combat and Greek athletic contests held in Rome from the second century BC onwards.

A basic difference between Greek and Roman tradition was that Greek competitors were free, typically high-status males whereas in Roman spectacles competitors were either slaves or freed slaves. In such spectacles respectable Roman citizens played the role of spectators.

Despite these qualitative differences between Roman *ludi* and modern sports, obvious parallels can be found. It is therefore possible to speak of sports also in this case. It should be noted that this aspect of sport was a factor in the urban development of Rome and an element in the Romanization of the empire. At a much

smaller scale and with local variations sport outside of the city of Rome was profoundly influenced by what took place in Rome itself.⁴⁴

The mass events that could be considered sporting events in today's sense were called *ludi* (games) or *spectacula* (something that must be seen, things worth seeing) by the Romans.⁴⁵ Initially, public games (*ludi*) were parts of religious festivals. They were counting as religious rites just as much as sacrifices and processions.⁴⁶ They had spectacular character and were of different nature. Some were organized by the state, on particularly solemn occasions, and were arranged by magistrates (*aediles curules*, later, from the end of the Republic on, by *praetors*⁴⁷) who were charged with the *cura ludorum* (*sollemnium*). The days on which public festivities (*ludi publici*)⁴⁸ took place were considered holidays (*dies festi*). During the late republic there were 57 days devoted to *ludi* in Rome. This number increased to 77 in the early 1st century AD and to 177 in the mid-4th century AD.

There were three types of *ludi*: *ludi circenses*,⁴⁹ *ludi scaenici* and *munera*.⁵⁰ *Ludi circenses* consisted of chariot racing, held in the circus in the *Campus Martius* and later in the *Circus Maximus* which could seat 150.000 people.⁵¹ The chariot-races were the earliest and arguably the most popular and frequent mass sport in the Roman world.⁵² The audience at the chariot-races was divided into four groups. They were named after the colors of the teams that participated in the races. The fans were divided between supporters of the Red (*factio russata*), the White (*factio albata*), the Blue (*factio veneta*), and the Green team (*factio prasina*). Their rivalries were so intense that they often led to riots.⁵³ Although they cannot be compared to gladiatorial combat in terms of brutality, horse races could also be deadly and bloody.⁵⁴ Roman

⁴⁴ For a comprehensive overview of Roman sports in the territory of present-day Slovenia see Stemberger Flegar, 2025.

⁴⁵ More about this Kyle, 2006.

⁴⁶ See the Oxford Dictionary of the Classical World (edited by Roberts, J.) 2005, s. v. *ludi*.

⁴⁷ See Berger, 1953, s. v. *ludi*. Extraordinary public festivals were the so-called *ludi saeculares*. They were organized by priests (*duoviri sacris faciundis*) for the celebration of the end of a *saeculum* (century) and the beginning of a new one, and were combined with religious ceremonies.

⁴⁸ General information about this topic: Habel, *Ludi publici*; see also Tagliafico, 1994.

⁴⁹ See Regner, n.d.; Tagliafico, 1994.

⁵⁰ The word *munus*, pl. *munera*, has several meanings. It means "a service, office, post, employment, function, duty", but also "a public show, esp. a show of gladiators". In this case it is synonymous with *ludus* or *spectaculum*.

⁵¹ During the chariot races but also during other *ludi*, the city was practically deserted. "On such occasions Augustus stationed guards in various parts of the city, to prevent it from falling prey to footpads because of the few people who remained at home" – Suet. Aug. 43, 1. More about maintaining order during games, especially among fans of different groups at chariot races, see Gamauf, 2014, pp. 291 sqq.

⁵² For a comprehensive overview, see Ribič, 2025.

⁵³ See e.g., Tacitus' description of a brawl between the inhabitants of the colonies of Nuceria and Pompeii, at a gladiatorial show – Tac. *Ann.* 14, 17.

⁵⁴ See Banducci, 2014.

charioteers wrapped the reins round their waist, and steered using their body weight. With the reins tied around their waists, they could lean from one side to the other to direct the horses' movement while keeping their hands free so that they could wield the whip more easily. If they crashed, they could be dragged to death unless they managed to cut the reins with a curved knife (*falx*) which they had with them for this purpose. Although they wore helmets and other protective gear, accidents were frequent and deadly.

Successful charioteers (*agitators*) were as popular as today's sports champions.⁵⁵ Like athletes, they were exempt from the praetor's edict on infamy, which affected stage actors.⁵⁶ Among the charioteers there were also free-born persons. Nero's grandfather, L. Domitius Ahenobarbus, excelled as a charioteer in his youth.⁵⁷ Under Caligula, men of senatorial rank competed as charioteers in the Circus.⁵⁸

Ludi scaenici were performances that consisted of mime and pantomime. Since they can not be considered a sport, we will not discuss them in detail.

Munera were gladiatorial fights given to the people by the magistrates, and generally by the *aediles*, as an expression of gratitude for the honorable office to which they had been elected.⁵⁹ Before the afternoon event⁶⁰ of gladiatorial duels as the main

⁵⁵ One of the most famous among them, Flavius Scorpis, is said to have earned extraordinarily large amounts of money and accumulated 2,048 victories – CIL VI 10048. See also Marc. *Epigr.* 10, 53: O Rome, I am Scorpis, the glory of your noisy circus, the object of your applause, your short-lived favourite ... (*Ille ego sum Scorpis, clamosi gloria Ciri, / Plausus, Roma, tui deliciaeque breves, ...*) English translation Bohn's Classical Library (1897). Retrieved from: https://www.tertullian.org/fathers/martial_epigrams_book10.htm (accessed: March 9, 2026). Scorpis died when he was twenty-seven years old.

⁵⁶ Ulp. D. 3, 2, 4 pr.: ... On the whole, the general and, it appears, the correct view is that theater musicians, athletes, charioteers, those who sprinkle the horses with water, and all the others who work in the contests run by the state should not be held to incur *infamia* (... *et generaliter ita omnes opinantur et utile videtur, ut neque thymelici neque xystici neque agitadores nec qui aquam equis spargunt ceteraque eorum ministeria, qui certaminibus sacris deseruiunt, ignominiosi habeantur*).

⁵⁷ Suet. Nero 4, 1. Nero himself was also enthusiastic about chariot racing and even appeared as a driver in the Circus Maximus – Suet. Nero, 22, 2.

⁵⁸ Suet. Caligula 18, 2.

⁵⁹ Gladiatorial fights originated from combats, held at the funerals of dead warriors in Etruria. They were introduced to Rome in 264 BC at the funeral games in honor of Decimus Junius Brutus Pera, where three pairs fought against each other. The gladiators, that fought at the funeral of Decimus Junius Brutus Pera (the gladiators, that fought at a funeral pile in honor of the dead were called *bustuarii*) were prisoners of war. They had to fight to the death. For basic information about gladiators, see Oxford Dictionary of the Classical World, s. v. *gladiators, combatants at games*, as well as the article *Gladiator* at Livius.org – <https://www.livius.org/articles/concept/gladiator/> (accessed: March 9, 2026). The officers of the imperial cult were obliged to provide a *munus* as part of their duties. For this reason, the emperor Marcus Aurelius and his co-emperor Lucius Commodus promulgated the *SC de sumptibus ludorum gladiatorum minuendis* to reduce the costs of presenting gladiatorial *munera*. The decree sought to lower the overall value of gladiators. More on this Michael Carter, *Gladiatorial Ranking and the "SC de pretiis gladiatorum minuendis"*. On the leasing and purchasing gladiators, see Gai. 3, 146.

⁶⁰ Standard format of the Roman games (*ludi*) was: animal hunts in the morning session, followed by the executions of criminals sentenced to death around midday, with the afternoon session reserved for gladiatorial combats and recreations of famous battles.

attraction of the games, hunting and killing of wild animals (*venationes*) were organized.⁶¹ Exotic wild beasts⁶² from all over the empire were to fight the hunters (*bestiarii*). Hunting and gladiatorial fights were initially staged in the Forum, the *Saepia Iulia* in the *Campus Martius*, from 29 BC in the amphitheater of Statilius Taurus, and from AD 80 in the Colosseum (called *Amphitheatrum Flavium* - Flavian Amphitheatre) which could seat 50.000 spectators.⁶³

Gladiatorial combat held a special position, and gladiators enjoyed a certain status due in large part to the strong military ethos that characterized Roman society. Many Romans saw their games, and particularly gladiatorial fights, as an expression of Roman martial virtue.⁶⁴ In a way, the barbarity of the Roman arena became synonymous with Roman sport. That is why contemporary pop culture focuses on gladiators and overlooks chariot-racing, which was much more popular and attracted more visitors than gladiatorial combats. Despite their inherent violence, gladiatorial combats were structured and carefully supervised encounters that typically did not end with the death of either of the combatants. Combats were overseen by a referee and ended when one of the combatants was dead, incapacitated or submitted by raising his index finger or dropping his shield.⁶⁵

In addition to professional gladiators some convicts also had to fight as gladiators. Perpetrators of certain serious crimes could be sentenced to gladiatorial combat (*in harenam*) and fights with wild beasts (*ad bestias*).⁶⁶ Condemnation to gladiatorial combat (*ludi gladiatorii*) was practically the same as the death penalty since weak and unexperienced convicts generally lost their lives in the fights. If a convict was fortunate and strong enough not to succumb in battle, he could even, after five years,

⁶¹ Basic information about staged animal hunts (*venationes*) and about the staged naval battles (*naumachiae*) see in Vamplew, McClelland & Dyreson, 2021, Vol. I, p. 18.

⁶² Because of their religious importance to the Romans, wolves were not displayed in the *venationes*.

⁶³ During the inaugural games of Colosseum about 9.000 animals were killed. See Pliny, *Nat. hist.* 8, 20: Q. Scaevola, the son of P. Scaevola, when he was curule aedile, was the first to exhibit at Rome a combat of a number of lions; and L. Sylla, who was afterwards Dictator, during his praetorship, gave the spectacle of a fight of one hundred lions with manes. After him, Pompeius Magnus exhibited six hundred lions in the Circus, three hundred and fifteen of which had manes; Caesar, the Dictator, exhibited four hundred. *Nat. hist.* 8, 25: The same emperor (Augustus) was the first person who exhibited at Rome a tame tiger on the stage. This was in the consulship of Q. Tubero and Fabius Maximus, at the dedication of the theatre of Marcellus, on the fourth day before the nones of May: the late Emperor Claudius exhibited four at one time. See also Mart. *Spect.* 18.

⁶⁴ See Concannon, 2014, p. 197 with further literature in fn. 13.

⁶⁵ See Vamplew, McClelland & Dyreson, 2021, Vol. I, p. 18.

⁶⁶ According to Paul. Sent. 5, 23, 4 (also Coll. 1, 7, 2) An individual of the lower class (*humiliores*) who struck another person during a quarrel and caused his death could be sentenced to fight wild beasts. It was disputed whether such a person immediately became a slave (*servus poenae*) – Ulp. D. 48, 19, 8, 11 and 12. According to Ulpian (D. 28, 1, 8, 4), those who were condemned to be beheaded (*ad ferrum*) or to fight with wild beasts (*ad bestias*) or to the mines (*in metallum*) lost their freedom and their property was forfeited to the state. They also lost their *testamenti factio*.

be restored to freedom, while, on the expiration of three years, he was permitted to receive his discharge from the gladiatorial games.⁶⁷

It is possible to imagine that vulgar displays of violent bloodlust and barbarity at the games mainly thrilled the primitive masses. Cultured people probably found it repulsive. From Cicero's letter to M. Marius, we can conclude that he (but in certain cases also the audience) found the fights with wild animals particularly senseless. Among other things, Cicero writes:

There remain the wild-beast hunts, two a day for five days - magnificent; there is no denying it. But what pleasure can it possibly be to a man of culture, when either a puny human being is mangled by a most powerful beast, or a splendid beast is transfixed with a hunting-spear? And even if all this is something to be seen, you have seen it more than once; and I, who was a spectator, saw nothing new in it. The last day was that of the elephants, and on that day the mob and crowd were greatly impressed but manifested no pleasure. Indeed, the result was a certain compassion and a kind of feeling that that huge beast has a fellowship with the human race (*quin etiam misericordia quaedam consecuta est atque opinio eiusmodi, esse quendam illi beluae cum genere humano societatem*).⁶⁸

Not only Cicero, but also Pliny the Elder mentions that the crowd was not enthusiastic about the aimless killing of elephants. Their suffering moved it:

When, however, the elephants in the exhibition given by Pompeius had lost all hopes of escaping, they implored the compassion of the multitude by attitudes which surpass all description, and with a kind of lamentation bewailed their unhappy fate. So greatly were the people affected by the scene that, forgetting the general altogether, and the munificence which had been at such pains to do them honor, the whole assembly rose up in tears, and showered curses on Pompeius, of which he soon afterwards became the victim.⁶⁹

⁶⁷ Coll. 11, 7, 4.

⁶⁸ Cic. *Ad fam.* 7, 1. This letter was written in 55 B.C. on the occasion of the dedication of Pompey's theatre and the temple of *Venus Victrix*, where Pompey, now in his second consulship, exhibited shows of unparalleled magnificence. English translation: Cicero, *The Letters to his Friends* with an English translation by Williams, W. G. M. A. in three volumes, London: Cambridge Mass., 1952, Vol. II, p. 7.

⁶⁹ Plin. *Nat. hist.* 8, 7. English translation: Pliny the Elder, *The Natural History* John Bostock, M.D., F.R.S., H.T. Riley, Esq., B.A., Ed. available on:

Today we read with considerable disapproval about the crowds that enthusiastically watched gladiatorial combat, slaughtering of animals etc. We tend to forget that even today, many people enthusiastically watch virtual violence in various action films and participate in it virtually in video games. Unfortunately, in some places there is also a lot of enthusiasm for actual violence, such as bullfighting, cockfighting, dogfighting, kickboxing, cage fighting, and other violent sports. Therefore, it is to be feared that modern consumers are in no way morally superior to average representatives of the Roman mob.

Over time gladiatorial combat was met with disapproval by the rulers. Emperor Constantine banned it in 325:

Bloody spectacles in times of civil peace and domestic quiet are not pleasing, for which reason We prohibit gladiators from existing completely.⁷⁰

Gladiators are hardly ever mentioned in Roman legal sources. When discussing the proper disinheritance of a son by his father, Ulpian also mentions that it is valid if the father in his will indicated his son with an insult such as “robber” or “gladiator”.⁷¹ From this, it can be concluded that gladiators, despite the popularity of some among them, did not enjoy a good reputation.⁷²

In this regard, too, a parallel with modern professional sports can be drawn. Not only are professional athletes often referred to as modern gladiators, but they are also popular as long as they win and score goals. If they get sick or injured, the audience quickly forgets them and usually does not feel sorry for them.

<https://www.perseus.tufts.edu/hopper/text?doc=Perseus%3Atext%3A1999.02.0137%3Abook%3D8%3Achapter%3D7> (accessed: March 9, 2026).

⁷⁰ Const. C. 11, 44, 1: *Cruenta spectacula in otio civili et domestica quiete non placent. quapropter omnino gladiatores esse prohibemus*. English translation: The Codex of Justinian. In the older version of the same constitution published in the Theodosius Code (C.Th. 15, 12, 1), the emperor decreed that convicts who had previously been sentenced to fight in the arena should henceforth be sent to work in the mines “so that they will assume the penalty for their crimes without shedding their blood.” Constantine also forbid soliciting soldiers or those endowed with any palatine rank to hire themselves out as gladiators - Const. C.Th. 15, 12, 2.

⁷¹ Ulp. D. 28, 2, 3 pr.

⁷² More on legal position of gladiators see Beggio, T., *Auctoramentum e traditio gladiatorum*. Profili privatistici della gladiatura nell'antica Roma. See also Reid, 2011, chapter 8: Seneca's Gladiators.

4 Greek Athletic Contests

Greek athletic contests (called *athletae*)⁷³ were first shown to the Roman public in the second century BC.⁷⁴ Roman general and a great enthusiast for Greece and its culture Marcus Fulvius Nobilior organized the first display of a Greek athletic contest in 184 BC.⁷⁵ However, Greek athletic competitions did not immediately catch on in Rome. When Pompey organized them in 55 BC they were not met with particular enthusiasm.⁷⁶ They only became more popular during the reign of Augustus, or rather during the Principate. In his autobiography (*Res gestae Divi Augusti*), Augustus states that he organized them twice in his name and a third time in the name of his grandson; he adds that he organized games (*ludos*) many more times.⁷⁷

Greek Style athletic contests (*athletae*) included the full array of gymnastic competitions held at the Olympics,⁷⁸ especially: 200 meter sprint, 400 meter run, long distance footrace, pentathlon including the long jump, the javelin throwing, the discus throwing, the short foot race, and wrestling, boxing, four-horse chariot-race, and all-in wrestling.

At first, the Romans were not too keen on the Greek style of athletic competitions. We can only speculate why they were at first unimpressed by them. It is possible that they initially rejected them just as they rejected Greek culture and other novelties which were unknown to Roman tradition. Probably the fact that the competitors competed naked also played a role in the rejection of Greek athletics.⁷⁹ For a

⁷³ For general information on this, see Reisch, n.d., pp. 2049-2058.

⁷⁴ See Mann, 2002, pp. 136 sqq.

⁷⁵ Liv. *Ab U. c.* 39, 22: These were followed by the Games which M. Fulvius had vowed in the Aetolian war and were exhibited for ten days. Many actors from Greece came to do him honour, and athletic contests were witnessed for the first time in Rome. Translation: From the *Founding of the City* (1905) by Livy, translated by Canon Roberts, available on: https://en.wikisource.org/wiki/From_the_Founding_of_the_City.

⁷⁶ Cic. *Ad fam.* 7, 1: ... As to the athletics, why should I suppose that you are sorry to have missed them - you, who treated the gladiators so contemptuously? And on them Pompey himself admits that he wasted both toil and oil (*Nam quid ego te atletas putem desiderare, qui gladiatores contempseris? in quibus ipse Pompeius confitetur se et operam et oleum perdidisse*).

⁷⁷ *Res gestae Divi Augusti*, 22: Twice in my own name I furnished for the people an exhibition of athletes gathered from all parts of the world, and a third time in the name of my grandson. Four times I gave games in my own name; as representing other magistrates twenty-three times (*Bis atletarum undique acitorum spectaculum populo praebui meo nomine et tertium nepotis mei nomine. Ludos feci meo nomine quater, aliorum autem magistratum vicem ter et vicinis*). English translation: The Deeds of the Divine August 0-39, translated by Shipley, F. W. available on: https://lexundria.com/aug_anc/0-39/ship

⁷⁸ For the program of events at the ancient Olympic games, see *A cultural History of Sport*, Vol. I, p. 11.

⁷⁹ So Mann, 2002, pp. 125, 135, 143, 147 sqq. See also Thuillier, 1988.

respectable Roman it was unthinkable to appear naked in public, even at a sporting event. We can imagine that the nudity of competitors caused a certain amount of discomfort among traditional Romans.

As we have already mentioned, Greek-style athletic competitions became popular during the Principate. Besides Augustus, among the emperors that organized them, Nero and Domitian were the most notable.

According to Suetonius, Nero was the first “to establish at Rome a quinquennial contest in three parts, after the Greek fashion, that is in music, gymnastics, and riding, which he called the *Neronia*.”⁸⁰ Domitian also established a quinquennial contest in honor of Jupiter Capitolinus of a threefold character, comprising music, riding, and gymnastics.⁸¹ Hadrian supported the Greek athletic tradition by funding the gymnasium at Smyrna, allowing the athletic guilds to establish headquarters at Rome etc. His successor Antoninus Pius founded a new Greek-style competitive festival in his honor, the *eusebeia* at Puteoli.⁸²

Unlike gladiators, successful athletes enjoyed unblemished legal status and also certain privileges. They were, above all, not considered stage performers and were not branded with infamy. Sabinus and Cassius, quoted by Ulpian, justify this by stating that their object was to display their valor (*virtutis enim gratia*), and that all those who work in the Sacred Games (*qui certaminibus sacris deserviunt*) should not be held to incur *infamia*.⁸³

Among the privileges enjoyed by athletes was the exemption from tutelage and civic services. However, these privileges were reserved only for the best athletes. Modestinus, quoting Ulpian, says that only athletes who had won a prize in the Sacred Games (*qui sacris certaminibus coronati sunt*) could be exempted from tutelage.⁸⁴

⁸⁰ Suet. Nero 12, 3.

⁸¹ Suet. Domit. 4, 4.

⁸² Golden, 2004.

⁸³ Ulp. D. 3, 2, 4 pr. See also Paul. D. 11, 5, 2: A Decree of the Senate forbids playing for money, except when one is competing at spear or javelin throwing, or in running, leaping, wrestling, or boxing, for the purpose of displaying courage and address. Marc. D. 11, 5, 3: In these cases, under the *lex Titia*, *lex Publicia*, and *lex Cornelia*, one can also make a *sponsio*; but under other laws one cannot do so when it is not a contest of strength (*pro virtute certamen*).

⁸⁴ Mod. D. 27, 1, 6, 13.

The dispensation from civic services could only be given to athletes who have had impeccable and successful sporting careers, i. e. who “have competed through their whole life, having been deservedly awarded, without corrupting or purchasing their rivals, with no less than three crowns for a sacred competition, including at least once in one held at Rome or in old Greece”.⁸⁵

Diocletian's rescript clearly highlights the problem of corruption that plagued competitive sports in ancient times and, alongside doping, is probably still a major issue today.

Most likely it was quite common for competitors to try to bribe their fellow competitors and sometimes even the judges. But it is impossible to say in general terms how those who decided on the exemption from civic services could check the validity or invalidity of the achievements of a specific athlete or how an athlete could prove the irreproachability of his sporting accomplishments.

5 Roman Wrestling and Boxing (*colluctatio, pancratium, pugilatio*)

Not all the disciplines of Greek athletics were harmless. Greek and Roman combat skills mainly consisted of a mixture of wrestling and boxing.⁸⁶ It was normal for one or both competitors to be injured during the competition in these martial arts.

Pancratium (παγκράτιον, meaning "all of power") was an unarmed combat sport introduced into the Greek Olympic Games in 648 BC. The athletes used boxing and wrestling techniques but also others. It was a dangerous sport, in which everything was permitted except biting, stabbing with a finger in opponent's eye, nose or mouth, and attacking the genitals.⁸⁷ Kicking, holds, joint locks, and chokes on the ground were used regularly, making it similar to modern mixed martial arts. Some idea of what techniques the competitors usually used we can learn from Quintilian, who describes what a martial arts coach ought to teach his students:

⁸⁵ Diocl./Maxim. C. 10, 54, 1: *Athletis ita demum, si per omnem aetatem certasse, coronis quoque non minus tribus certaminis sacri, in quibus vel semel Romae seu antiquae Graeciae, merito coronati non aemulis corruptis ac redemptis probentur, civilium munerum tribui solet vacatio*. For more on corruption in ancient sports, see Weiler, I., *Korruption und Kontrolle in der antiken Agonistik*. On the problem of corruption at the Olympic Games in ancient Greece, see Frass, 2010, esp. pp. 162 sqq (on the value of victory).

⁸⁶ For more about this, see Poliakov, 1987. See also Rudolph, 1965, pp. 8 sqq (Faustkampf), pp. 29 sqq (Ringkampf), pp. 63 sqq (Pankration). See also Lopez, 2010.

⁸⁷ See Zimmermann, 1996, p. 1003 s.

if he undertakes to train a pancratiast, he will not merely teach him how to strike with his fists or his heels (*pugno ferire uel calce*), nor will he restrict his instructions to the holds in wrestling, giving special attention to certain tricks of this kind, but will train him in every department of the science.⁸⁸

Also from Propertius' elegy it is evident that bruises and wounds were common in this type of combat. Propertius refers to the training of Spartan girls, but it is certain that this type of sport was even more brutal among men at Rome.⁸⁹

The sport had two main phases. During the first contestants had to fight upright. As the main goal was to knock down the opponent, punches, kicks and all kinds of lethal blows were usually performed. The second phase started when a competitor fell on the ground of some of the competitors. Here grappling, joint locking, and even strangulation was used as more effective methods of fighting on the ground. A fight ended either by submission (the opponent would raise his index finger as a sign of being defeated) or by death.⁹⁰

Also *pugilatio* (boxing with the *cestus*) was characterized by extreme brutality. The fighters were wearing fighting gloves, i. e. hard leather strips that protected the fist and lower arm. Sometimes *cesti* were fitted with studs or spikes to inflict more serious injuries. *Cestus* fighters took part also in gladiatorial combats where they had no other armor, apart from the *cestus*. It can be assumed that this type of fight often resulted in fatalities.⁹¹

The audience encouraged the fighters with loud cheers further spurring their determination.⁹² The popularity of boxing among Romans is evidenced, among other things, by Suetonius' account of Emperor Augustus' interest in this sport:

⁸⁸ Quint. *Inst. orat.* 2, 8, 13.

⁸⁹ Prop. *Eleg.* 3, 14, 8: ... and suffers wounds in the hard wrestling (*et patitur duro vulnera pancratii*). Seneca (*De benef.* 5, 3, 1) writes that the Lacedaemonians forbid their young men to contend in the *pancratium*, or with the *caestus*, because in these games the defeated party has to acknowledge himself beaten. ... Since the Lacedaemonians thought to be of great importance that their countrymen should be considered invincible, they kept them away from those contests in which victory was assigned, not by the judge, or by the issue of the contest itself, but by the voice of the vanquished begging the victor to spare him as he fell. More on this: Mauritsch, 2011.

⁹⁰ See the Rules of Pankration on: <https://www.worldhistory.org/pankratium/>.

⁹¹ Brophy & Brophy, 1985, with further literature.

⁹² Polyb. *Hist.* 27, 9, 4: ... They cheer him on, and back him up enthusiastically; and if he manages to touch his opponent's face, and gets in a blow that leaves any mark, there is at once again the greatest excitement among them

He was especially given to watching boxers, particularly those of Latin birth, not merely such as were recognized and classed as professionals, whom he was wont to match even with Greeks, but the common untrained townspeople that fought rough and tumble and without skill in the narrow streets.⁹³

Images of fighting boxers often show competitors of different ages and statures. It is possible to assume that despite its brutality the combat had to proceed according to the rules and was supervised by a referee.⁹⁴

In Roman legal sources we find an interesting fragment which mentions a case in which a competitor in this sport was killed or injured:

If a man kills another in the *colluctatio* or in the *pancratium* or in a boxing match (provided the one kills the other in a public bout - *in publico certamine*), the *lex Aquilia* does not apply because the damage is seen to have been done in the cause of glory and valor (*gloriae causa et virtutis, non iniuriae gratia*) and not for the sake of inflicting unlawful harm; but this does not apply in the case of a slave, because the custom is that only freeborn people compete in this way. It does, however, apply where a son-in-power is hurt. Clearly, if someone wounds a contestant who has thrown in the towel (*si cedentem vulneraverit*) the *lex Aquilia* will apply, as it will also if he kills a slave who is not in the contest (*non in certamine*), except if he has been entered for a fight by his master; then the action fails.⁹⁵

all. English translation available on: https://penelope.uchicago.edu/Thayer/E/Roman/Texts/Polybius/27*.html. See also: Papakonstantinou, 2015.

⁹³ Suet. Aug. 45, 2. English translation available on: https://penelope.uchicago.edu/Thayer/E/Roman/Texts/Suetonius/12Caesars/Augustus*.html.

⁹⁴ See Zimmermann, 1996, p. 1004. More about the rules and referees see Ebert & Siewert, 1999.

⁹⁵ Ulp. D. 9, 2, 7, 4: *Si quis in colluctatione vel in pancratio, vel pugiles dum inter se exercentur alius alium occiderit, si quidem in publico certamine alius alium occiderit, cessat Aquilia, quia gloriae causa et virtutis, non iniuriae gratia videtur damnum datum. hoc autem in servo non procedit, quoniam ingenui solent certare: in filio familias vulnerato procedit. plane si cedentem vulneraverit, erit Aquiliae locus, aut si non in certamine servum occidit, nisi si domino committente hoc factum sit: tunc enim Aquilia cessat.* For a detailed exegesis of the text, see Gamauf, 2014, pp. 298 sqq.; Wacke, 1997, pp. 282 s; Wacke, 2013, pp. 224 sqq.; Wacke, 1991, pp. 369 sqq. See also Zimmermann, 1996, p. 1003 s.

From Ulpian's fragment, we can conclude that killing an opponent in a competition was not considered a crime, and above all it was not regarded as *occidere* according to the *lex Aquilia*. Therefore, no compensation could be claimed from the person who did it. Ulpian also cites the conditions under which this applied:

- the competitor had to be killed in a public bout;
- he had to be killed in pursuit of fame and valor (*gloriae et virtutis causa*) and the competitor who killed him was not motivated by a desire to inflict unlawful harm;
- the competitor had to be a free man because only free people could compete for honor and glory;
- the fight was conducted according to the rules; if a competitor killed his counterpart who had surrendered, he would be liable because, in addition to violating the rules, he could be accused of intentionally causing the death of his opponent.

Ulpian's fragment opens the question of the assumption of risk. By entering the match, the competitor assumed the risk, i. e. he voluntarily accepted the possibility that he would be injured or even killed. According to a general rule of Roman law there was no *iniuria* when the victim consented.⁹⁶ In the case of a sports injury, he did not consent to the injury itself, but he accepted the possibility of being injured. Therefore, it was not possible to claim compensation from a competitor who injured or even killed an opponent, provided that he did not violate the rules, of course.

Since in ancient times there was no possibility of a competitor winning on points, each competitor strove to crush his opponent. Due to the nature of combat sports and the ferocity of the fighters the possibility of injury or even death was high. The motto of the fighters was "victory or death."⁹⁷ The tombstone of Telemachus, who killed his opponent at the Olympic Games, reads: "I killed a very powerful man of the Tyrrhenians, as he was willing (to fight to the death)".⁹⁸ We can say with certainty that fights in the Roman ring were no less dangerous. The goal of the competitors was to become famous and show courage. The way to achieve this was to defeat

⁹⁶ Ulp. D. 47, 10, 1, 5:... *quia nulla iniuria est, quae in volentem fiat*.

⁹⁷ Nenova (2016) quotes the case of Arrhichion of Phigalia. He won a Pankration competition at the Olympic Games literally dying in the ring. He was locked in a tight chokehold and had to break the ankle of his opponent in order to loosen the deadly clutch. At the same moment, though, when his competitor raised a finger for submission, Arrichion fell dead. Nevertheless, he was honored as a winner.

⁹⁸ See Brophy & Brophy, 1985, p. 173.

their opponent. What they wanted was victory, for which they were willing to sacrifice everything, and not merely injury to the opponent.

In the case of sports injuries or deaths during competitions it was therefore not possible to speak of liability under the *lex Aquilia*. A competitor was killed in pursuit of fame and valor (*gloriae et virtutis causa*) which meant that it was not a case of unlawful conduct (provided, of course, that the competitor had not broken the rules) but rather an unfortunate incident. Three fragments from Justinian's Institutes provide a very illustrative explanation in this regard:

2. A person kills wrongfully when he kills without justification (*nullo iure*). ...

3. Even one who kills by accident (*casu*) escapes liability under the Act if not at fault (*si modo culpa eius nulla invenitur*); malicious intent or fault (*ex dolo quam ex culpa*) form the basis of the liability. 4. So, if someone engaged in sport or practice with javelins transfixes your slave, a distinction has to be taken. Suppose first that it was done by a soldier and in a field where it was usual to practise. Here there is no fault on his part (*nulla culpa eius intellegitur*). Suppose some other person does the same thing. He is guilty of fault. It is the same with the soldier if the act is done in some place other than one designated for military exercise (*in alio loco, quam qui exercitandis militibus destinatus est*).⁹⁹

As we can see, exclusion of liability for damage was only applicable if the harmful case occurred during a competition or training session. This, of course, presupposed that the training or competition took place at the location designated for this purpose.¹⁰⁰ This is particularly understandable in the case of javelin throwing, as the distance between the thrower and the target may be great, and at the same time, it is difficult to hear the javelin flying.

If the damage occurred outside of a competition or training but rather when they were throwing javelins for fun, the usual liability under Aquilian law applied. According to jurist Paul “playing games by way of amusement should be classed as

⁹⁹ Inst. 4, 3, 2-4. English translation: Justinian's Institutes.

¹⁰⁰ See e.g., Paul. D. 9, 2, 28 pr.: People who dig pits to catch bears and deer are liable under the *lex Aquilia* if they dig such pits in a public place and something falls in and is damaged, but there is no such liability for pits made elsewhere, where it is usual to make them (*ubi fieri solent*).

fault".¹⁰¹ It did not apply if the damage occurred by accident or due to the victim's own negligence.

But if a slave is killed by people throwing javelins for amusement (*per lusum*), the Aquilian action is applicable. On the other hand, if when other people were already throwing javelins in a field a slave walked across the same field, the Aquilian action fails, because he should not make his way at an inopportune time across a field where javelin throwing is being practiced. However, anyone who deliberately aims at him is liable under the *lex Aquilia*.¹⁰²

We can see that the javelin thrower was not liable even in a case where several people were throwing javelins in a place that was not a regular training ground. For a passerby it was not difficult to notice such group and the danger of its activity, as it was an open space. A passerby should have been more careful. The victim, who crossed the field while javelins were being thrown, could therefore be blamed for negligence. Ulpian's position follows the same logic as his opinion regarding a client who let himself be shaved by a barber working on a street where people were playing ball.

Even in team sports, sports injuries were considered to be the result of chance, which meant that the perpetrator, who had not broken any rules or acted intentionally, was not liable under Aquilian law:

Take this case of some people playing ball. One of them pushed a little slaveboy when he was trying to pick up the ball, and he fell and broke his leg. When I was asked if I thought his owner could sue the person who had pushed him over, I replied that he could not, as it seemed to me to be a purely accidental injury (*cum casu magis quam culpa videretur factum*).¹⁰³

As we know, pushing, shoving and thronging is quite common in ball games. For this reason, jurist Alfenus denies the possibility of Aquilian action, since the injury occurred during the game. Otherwise, the injury would of course be a normal case of injury under the *lex Aquilia*.

¹⁰¹ Paul. D. 9, 2, 10: *nam lusus quoque noxius in culpa est*.

¹⁰² Ulp. D. 9, 2, 9, 4. More on this fragment, see Wacke, 1991, p. 361 s.

¹⁰³ Alf. D. 9, 2, 52, 4.

Regarding the *actio legis Aquiliae* which was originally intended to deal with damage to property (slaves, grazing animals, inanimate things and *res se moventes*),¹⁰⁴ it is worth mentioning that a free person could use it for an injury to himself as an *actio utilis*; He could not have a direct action.¹⁰⁵

In terms of fatalities, Roman combat sport can be compared to modern combat sport. Although it is possible that the rules of modern boxing and MMA competitions are stricter than those in Roman times, competitors die today as well.

According to the study Incidence Of Injury In Professional Mixed Martial Arts Competitions¹⁰⁶ (in the US) in total of 171 MMA matches involving 220 different fighters there were a total of 96 injuries to 78 fighters. Of the 171 matches fought, 69 (40.3%) ended with at least one injured fighter. The overall injury rate was 28.6 injuries per 100 fight participations or 12.5 injuries per 100 competitor rounds. The study showed that older age is associated with a significantly higher risk of injury. The most common conclusion to a MMA fight was a technical knockout followed by a tap out.

Unfortunately, we do not have MMA data for the rest of the world. However, we do have data for professional boxing. The Manuel Velazques Boxing Fatalities Collection listed 1,465 fatalities by November 2007.¹⁰⁷

In conclusion, we can generally say that despite big differences, there are also many amazing similarities between modern and Roman sports.¹⁰⁸

¹⁰⁴ More on this Zimmermann, 1996, pp. 957 sqq and pp. 114 sqq.

¹⁰⁵ Ulp. D. 9, 2, 13 pr.: For an injury to himself a freeman has on his own account an *actio utilis* after the manner of the Aquilian action. He cannot have the direct action under the *lex* because no one is deemed to be the owner of his own limbs. ... (*Liber homo suo nomine utilem Aquiliae habet actionem: directam enim non habet, quoniam dominus membrorum suorum nemo videtur...*)

¹⁰⁶ Available on: <https://pmc.ncbi.nlm.nih.gov/articles/PMC3863915/>.

¹⁰⁷ See Death under the Spotlight: The Manuel Velazquez Boxing Fatalities Collection at: https://ejmas.com/jcs/jcsart_svinth_a_0700.htm. Manuel Velazquez (1904-1994) was an American anti-boxing activist who kept meticulous files on boxing-related deaths and also on boxing injuries. As a result he began to oppose the sport. See https://en.wikipedia.org/wiki/Manuel_Velazquez. See also Svinth, 2007.

¹⁰⁸ For more on this, see Reid, 2010.

6 Conclusion

Roman sporting activities can be divided into three categories: recreational non-competitive sports, which mainly include ball games; competitive athletic sports modeled on the Greek Olympic Games; and sporting spectacles, which include chariot-races and gladiatorial games. While recreational sports were practiced by individuals who engaged in sports for physical fitness, socializing, and enjoyment, other athletes were professionals whose social standing depended on their competitive success. Gladiators formed a special category, as they were generally slaves and at the same time competed for survival and for victory.

Even a brief glance at Roman sports reveals striking similarities with modern sports. Even today, we could see a similar division into three categories, except that today there is probably more competitiveness in recreational sports than in ancient Rome. Although teams competed against each other in some ball games in Rome, we have no records of major competitions, such as those that were common in athletics or chariot-racing.

And although injuries and deaths also occur in modern combat sports, they are more unfortunate accidents than the normal outcome of a fight. For Roman gladiators, death was one of the possibilities, while in athletic combat sports it was less likely, although still possible and maybe even common.

A comparison between Roman sports and modern sports reveals another surprising similarity. This is not just about the relationship between competitors and the spectators at major sporting events, where the public participates only as passive spectators and cheering fans. What is more surprising is the similarity in the attitude towards competitors. Just as charioteers, gladiators, and probably athletes were, so to speak, consumable goods, so too are professional athletes today only interesting as long as they achieve results. Because they face unnaturally high levels of strain, sooner or later their health fails them, which also ends their sporting careers. Therefore, we could say that the only really significant difference between Roman and modern sports is doping, which was unknown in Roman antiquity but is now a plague that destroys both the sporting spirit and the bodies of athletes.

Regarding sports injuries, we see the same approach in Roman times as we do today: as long as injuries occurred during competitions and the perpetrators could not be accused of breaking the rules, they were not liable for the consequences.

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