GLADIATORIAL RANKING AND THE *SC DE PRETIIS GLADIATORUM MINUENDIS* (*CIL* II 6278 = *ILS* 5163)

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I. INTRODUCTION

ONE OF THE MOST IMPORTANT DOCUMENTS for the study of Roman *gladiatura* during the high empire is the so-called *senatus consultum de Pretiis Gladiatorum Minuendis* from A.D. 177.[1] Toward the end of his reign, the emperor Marcus Aurelius together with his son and co-emperor, Lucius Commodus, promulgated legislation meant to reduce the costs of presenting gladiatorial *munera*. Across the Empire, *munera* were provided especially by priests of the imperial cult (the *sacerdotes* in the West and generally the ἀρχιερεῖς in the Greek East), and the costs of these *munera*—rising apparently—were borne primarily by these increasingly unwilling officials. It was a burden that the emperors in their wisdom wished to reduce.

Although the *Historia Augusta* mentions this imperial effort,[2] we know about the details of this remarkable piece of legislation from two inscriptions, one much more complete than the other, which have been found at opposite ends of the Empire. The longer of the two inscriptions was erected on large bronze panels in Italica in Baetica in the south of Spain. Only one of these panels survives, but it does preserve almost sixty-three lines of the text of the decree and so provides invaluable insights into the logistics of presenting gladiatorial *munera*.[3] The second, much more fragmentary, copy was inscribed on marble in Sardis in

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[1] The inscriptions preserving parts of this decree unfortunately do not record its title. Mommsen and Dessau called it the *SC de Sumptibus Ludorum Gladiatorum Minuendis* and others since have followed their lead, but it is best to avoid designating gladiatorial combats (*munera*) as *ludi*. Alternatively, because the largest extant text of the decree comes from the bronze panel from Italica, some scholars have dubbed it simply the *Aes Italicense* or the *Lex Italicensis*. Still others refer to it as the *SC de Pretiis Gladiatorum Minuendis*, and though the provisions concern more than the prices of gladiators, I have decided to adopt this title. But to avoid confusion and possible inaccuracies, it has generally been referred to throughout this paper simply as "the *senatus consultum*" or more simply still as "the decree."

[2] SHA *Marc.* 9.4 and 27.6. Attempts to control the costs of the games were not new; see SHA *Pius* 12.3 for an attempt by Antoninus Pius to do the same.

[3] *CIL* II 6278 = *ILS* 5163. The essential publications are still those of Mommsen (1892), Oliver and Palmer (1955, with important earlier bibliography at 327–328, n. 11), and Piernavieja (1977: 183–196).

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the Roman province of Asia.[4] The text of this second inscription overlaps that of Italica and provides little not already found there. Surviving inscriptions of the same decree found at opposite ends of the Empire, however, do indicate that the decree had universal importance and application.

The inscribed version of this legislation does not simply set down the senatorial decree in its finished form but actually records part of the speech made by an unknown but eloquent senator who delivered the *sententia prima*. He quotes large sections of the imperial proposals verbatim and interestingly also offers amendments to those proposals. By this means he appears "to read" the imperial proposals, together with his own amendments, into law. Apart from what it can tell us about Roman *gladiatura* during the high Empire, therefore, the decree has attracted considerable interest for the invaluable glimpse it offers into the operational procedures of the Roman senate.[5] But before he turns to the details of the imperial initiative, our eloquent senator begins his oration with a powerful rhetorical flourish outlining the dire financial situation which has been facing those priests expected or obligated by their office to provide gladiatorial spectacles. He then describes the elation of one priest upon hearing that the emperors have taken steps to reduce the expenses involved (lines 16–18):

erat aliquis qui deploraverat fortunas suas creatus sacerdos, qui auxilium sibi in provocatione ad principes facta constituerat. sed |[17] *ibidem ipse primus et de consilio amicorum: "quid mihi iam cum appellatione? omne onus quod patrimonium meum opprimebat sanc*|[18]*tissimi impp(eratores) remiserunt. iam sacerdos esse et cupio et opto et editionem muneris, quam olim detestabamur, amplector!"*

There was one who despaired of his fortune when he had been made priest, who had named counsel for his appeal to the emperors. But in this matter he himself first and after consulting his friends exclaimed: "What do I need now with an appeal? The most sacred emperors have lifted the entire burden which crushed my estate! Now I desire and look forward to being a priest. And about the provision of a *munus*, which once we despised, now I embrace it!"

This, we may be certain, was what the emperors wanted to hear. Because of their efforts, the priests of the imperial cult were placed in a better position financially, and so were not only able to take on the duties of the priesthood but were supposedly eager to do so. The imperial cult and the associated gladiatorial *munera* would continue to be celebrated in the provinces of the Empire.[6]

We know from other sources that members of local and provincial elites across the empire could be driven into debt by their attempts to stage large and

[4] *CIL* III 7106 = *ILS* 9340. See Oliver and Palmer 1955: 328, n. 12 for further bibliography.

[5] This is especially the concern of Oliver and Palmer (1955); see also Talbert 1984: 291–292 and Eck 2000: 235.

[6] Talbert (1984: 292) notes the apparent delay between the imperial *oratio* and the senator's *sententia*. Though it may be simply a rhetorical tactic, the senator implies that the priests were somehow informed of the imperial initiatives before they were tabled in the senate, or at least before the senator read this *sententia prima*.

impressive spectacles. In the early second century, Plutarch complained about those ambitious men of insufficient means who, eager for public recognition, would borrow money to finance their presentation of spectacles and other popular benefactions.[7] Writing about one hundred years later, Dio Cassius has Maecenas advise Augustus to control the size of spectacles in the cities lest public treasuries and private fortunes be ruined.[8] J. Reynolds has recently published an inscription from Aphrodisias in which the Emperor Hadrian tentatively absolved certain local chief priests of the imperial cult (ἀρχιερεῖς) from the office because they claimed to be unable to fulfil the costly obligations of the position. Their absolution, however, was on condition that an investigation found their finances to be in fact insufficient.[9] Any attempt on the part of the emperors to reduce the financial burdens borne by the local and provincial elites would naturally have been greatly appreciated.

Cutting Taxes

The imperial initiative attempted to reduce the prices paid by priests to procure gladiators and other performers for their *munera*. The emperors proposed to abandon the revenues, described by the senator as *vectigalia*,[10] collected on *munera* throughout the Empire. Most *vectigalia* were collected as a percentage—generally quite small—of the value of goods transacted. For example, the *quinta et vicesima venalium mancipiorum* was a 4 per cent tax on the sale of slaves introduced by Augustus in A.D. 7, while the *portoria* (customs-dues) were usually assessed at a rate between 2 and 5 per cent, though rates could be as high as 25 per cent on the frontiers.[11] We are told that this gladiatorial revenue amounted to between twenty and thirty million sesterces per year, taxed at an elevated rate varying between 25 per cent and 33 per cent. It is reasonable to suppose that the reference to as much as thirty million sesterces represented the maximum amount that had been collected in the past, so much the better to emphasize the generosity of the emperors in removing it (lines 5–9):

fiscus dicebatur. fiscus non sibi sed qui lanienae aliorum praetexteretur tertia vel quarta parte ad licentiam foedae rapinae invi|[6]*tatus. itaque fiscum removerunt a tota harena. quid enim Marci Antonini [[et Luci Commodi]] cavendum fisco cum hare*|[7]*na? omnis pecunia horum principum <p>ura est, null[a] cruoris humani adspergine contaminata, nullis sordibus foedi quae{s}*|[8]*stus inquinata, et quae tam sanct{a}e paratur quam insumitur. itaque facessat sive illut ducentiens annum seu trecenties* |[9] *est. satis amplum patr<imo>nium imperio parati<s> ex parsimonia vestra.*

[7] Plut. *Mor.* 822d-823e.

[8] Dio Cass. 52.30.

[9] Reynolds 2000: 16–19.

[10] See line 3: *foeda et inlicita vectigalia ius haberent.*

[11] De Laet 1949: 242. The *portoria* could be as high as 25 per cent on the frontiers (de Laet 1949: 307–308). The so-called *Lex Portorii* discovered in Ephesus records a rate of one fortieth (2.5 per cent). See Engelmann and Knibbe 1989: line 11.

The Fiscus, it was said. The Fiscus, not for itself but in order that it might serve as protection from the butchery in which others engaged, had been invited with an interest either of a third or of a fourth portion to make the filthy plundering legitimate. And so they removed the Fiscus from the arena completely. For what does the Fiscus of Marcus Aurelius and [[Lucius Commodus]] need with the arena? All the money of these emperors is pure, not contaminated by the splash of human blood, not soiled with the filth of sordid gains, and it is as innocently produced as it is collected. So away with it, whether it is twenty or even thirty million sesterces a year. Large enough for the Empire is the fortune you accumulate by your thrift.

But who paid the gladiatorial *vectigalia*? G. Lafaye believed that there were two separate taxes: one at 33 per cent leveled against the *auctorati* (free gladiators) and the second at 25 per cent levelled against slave gladiators, but the text does not support this contention.[12] T. Mommsen and later G. Ville reasonably assumed that the gladiatorial *vectigalia* were paid by the *lanistae*: notably the legislation immediately goes on to pardon debts of five million sesterces owed by the *lanistae* (lines 9–10).[13] But we may also presume that the costs of these taxes had routinely been passed along to the priests who contracted the *lanistae* to provide gladiators, that is, a hidden tax paid ultimately by the priests. The real aim of the legislation was to ease the burden on the priests, not on the *lanistae*, and any reduction in the expenses of the *lanistae* would in theory result in lower costs paid by the priests. The senator explains how the priests rejoiced to hear that the tax had been removed.[14] Certainly those priests in Italica and Sardis at least could point to the posted legislation in order to support their demands for better prices from a *lanista*.[15]

That the emperors and senate were willing to abandon so much money is remarkable, especially at a time of war. It might have been that rising costs had reduced the number and scale of *munera* being given, resulting in a comparable reduction in the funds collected. By removing the tax, the emperors encouraged the presentation of *munera* throughout the empire and thereby also encouraged leading men to hold the priesthoods. While this had definite intangible benefits, such as increasing the popularity of the emperors and keeping the people content, it also resulted in certain material advantages. Although the *senatus consultum* is especially concerned with the prices of gladiators, there is provision made for the sale to *lanistae* of *damnati* (*ad gladium*): men and women condemned to be

[12] Lafaye 1896: 1571, n. 1. Ville (1981: 275, n. 105) suggested that the first tax produced twenty million sesterces and the second produced thirty million, for a grand total of fifty million per year.

[13] Mommsen (1892: 412) admits, however, that it is not possible to tell whether the funds were collected from the profits of the *lanistae* or on the transaction for gladiators between the *editor* and the *lanista*. Cf. Ville 1981: 274–275.

[14] See lines 13–14: *fis|cum omnem illam pecuniam quasi contaminatam reliquisse* . . . .

[15] Millar (1992: 195) has suggested that these reductions of twenty to thirty million sesterces came about not from the elimination of a tax, but as a result of the reduction in the prices of gladiators leased from the imperial *familiae*. It seems clear from the text, however, that the revenue abandoned was derived from a *vectigal*. Furthermore, it is unlikely that the procurators of the imperial *familiae* would have been characterized with the disparaging term "*lanista*."

executed in the course of a *munus*. They were in turn sold to the priests. The decree limits the price (*pretium*) of each *damnatus* sold by the *lanistae* to 2,000 sesterces. But it also states that the *lanistae* were to obtain these convicts from the imperial *procuratores* at a price of "not more than six gold pieces."[16] This is the only reference in the entire decree to gold instead of sesterces as the method of payment. At a time of war and increasing inflation, the Roman imperial administration thus demanded remuneration from the *lanistae* specifically in gold coinage. By ensuring the continued, or expanded, production of *munera* throughout the empire, the emperors produced a corresponding demand for *damnati* to be executed in these shows—and a steady stream of useful gold into the imperial coffers.

II. RANKING GLADIATORS

At the heart of the imperial initiative was an attempt to set an upper limit to the costs in obtaining individual gladiators: price controls. Depending on the overall cost of the *munus*, the gladiators were to be divided into either three ranks or five for the purpose of establishing their individual price (*pretium*). The higher the gladiator's rank, the more expensive his services were naturally to be (lines 29–35, see figure 1):

itaque censeo uti munera quae assiforana appellantur in sua forma maneant nec egrediantur sump|[30]*tu HS XXX. qui autem supra HS XXXI (sic) ad LX usque munus edent, is gladiatores tripertito praebeantur numero pari. summum pre|*[31]*tium sit primae parti quinque milia, secundae quattuor milia, tertiae tria milia. a HS LX ad C usque trifariam coetus gladiator(um) divisus |*[32] *sit: primi ordinis gladiatoris summum pretium sit VIII, mediae classis VI, deinde quinque. Porro a centum milibus ad CL quinque sint mani|*[33]*puli, cuius primi pretium sit XII, secundi X, terti VIII, quarti VI, postremo quinque. Iam hinc porro a CL ad CC et quidquid supra susum vers[um] |*[34] *erit, infimi gladiatoris pretium sit VI, supra eum VII, terti retro VIIII, quarti XII adusque XV—et haec sit summo ac formonso gladiatori defi|*[35]*nita quantitas.*

33 *terti VII* Mommsen 1892: *terti VIII* D'Ors 1953: 34 *famoso* Hirschfeld: *<p>o<strem>o* Oliver and Palmer 1955

And so I support (the proposals) that the spectacles which are called *munera assiforana* remain within their old limit and not exceed 30,000 sesterces in expenditure. To those, however, who produce spectacles between 31,000 (*sic*) and 60,000 sesterces, let the gladiators be furnished in three equal categories: the maximum price for the first part should be 5,000 sesterces, for the second 4,000 sesterces, and for the third 3,000 sesterces. When it is from 60,000 to 100,000 sesterces, let the group of gladiators be divided into three: the highest price for the first order of gladiator should be 8,000 sesterces, for the middle class 6,000, then 5,000. Next, when it is from 100,000 to 150,000 sesterces, let there be five maniples: for a man of the first the price should be 12,000 sesterces, second 10,000, third 8,000, fourth 6,000, last 5,000. Next, finally, that when it is from 150,000 to 200,000 sesterces or any sum which may be over and above this, the price of the gladiator of the lowest grade should be 6,000 sesterces, of the next higher 7,000 sesterces, then third

[16] See line 58: *procurator eorum non plure quam sex aureis lanistis pra[ebea]t* . . . .

from the bottom 9,000, fourth 12,000, up to 15,000 sesterces which is the amount fixed for the gladiator of the highest and best-looking grade.

Figure 1: Relative Gladiatorial Prices per *munus*

				15,000 (1)
			12,000 (1)	12,000 (2)
			10,000 (2)	
				9,000 (3)
		8,000 (1)	8,000 (3)	
				7,000 (4)
		6,000 (2)	6,000 (4)	6,000 (5)
	5,000 (1)	5,000 (3)	5,000 (5)	
	4,000 (2)			
	3,000 (3)			
HS	30–60,000	60–100,000	100–150,000	150–200,000+

This chart displays graphically the relative costs of the gladiatorial ranks within each category of *munus*. For example, in the cheapest category (30–60,000 HS) the lowest rank fetches a price of 3,000 HS, the second rank fetches 4,000 HS and the top rank fetches 5,000 HS. In the next two *munus*-categories (60–100,000 and 100–150,000 HS), the lowest ranked gladiator is worth 5,000 HS, the same evaluation as the top-ranked gladiator in the cheapest *munus*.

The decree thus divides *munera* into four different categories according to their overall cost. The proposals have little to say about the least expensive spectacles, the *munera assiforana*, other than the fact that they had sometime previously been limited in total expenditure to 30,000 sesterces, and were to remain below this price. We are not told how, or even if, the gladiators within this price category were to be subdivided. Since the specific details of the financing and organization of the *munera assiforana* are not provided, it is unlikely that the priests were involved in the production of these particular shows. In that case, the *munera assiforana* might have been limited in overall cost to prevent them from competing in grandeur with the spectacles that the priests put on in celebration of the imperial cult.[17]

Apart from the *munus assiforanum* the gladiators were to be divided into different groups, described by the various terms: *partes*, *ordines*, *classes*, or *manipuli*. Such imprecise use of terminology in a legal document may be unexpected, but we should allow the senator room for rhetorical *variatio* since this is a speech

[17] The nature of the *munera assiforana* has been the subject of a long-standing debate: see, for example, Mommsen 1892: 399; Lafaye 1896: 1567; Schneider 1924: 690; Piernavieja 1977: 189–190; Ville 1981: 216, n. 97; Mosci Sassi 1992: 128. Many scholars argue that the *assiforana* were put on by private entrepreneurs for profit, though as observed by Chamberland (1999: 615), there is little solid evidence that the *lanistae* were ever the *editores* of such "for-profit" *munera*.

and not necessarily a direct quotation of the perfected law. In each of these categories, the gladiators have been envisioned in a hierarchical order, first to last or highest to lowest (though the order has been reversed for the most expensive *munera*). Presumably, and logically, the better the gladiator, the higher the price which could be demanded for his services. Nothing is said about the relative costs of the different classifications of gladiators, such as the *secutores*, *retiarii*, *provocatores*, etc. It may be presumed, therefore, that a top-ranked *secutor*, for example, would fetch the same price as a top-ranked *retiarius* or a top-ranked *provocator*. Though it is not stated explicitly, the decree assumes that gladiators within a *familia* were ranked, probably by the *lanista* who managed it, and that this ranking system was recognizable to the priests who contracted with the *lanista* to hire those gladiators. Since the priests were paying higher sums of money for better gladiators, they would have required a recognizable and preferably universal means of establishing the credentials of these better and more expensive gladiators. The decree, however, does not seem to provide the proper technical term to describe the gladiatorial "ranks" but instead employs a variety of terms (*partes*, *ordines*, *classes*, and *manipuli*), none of which is otherwise found in a gladiatorial context to rank or describe gladiators. Furthermore, although the specific term is not mentioned in the *senatus consultum*, many gladiatorial epitaphs and commemorative reliefs from across the Empire do attest to the existence of just a such standard ranking system: the *palus* system.

The Palus *System*

In addition to the expected statements concerning their bravery, popularity and success, many gladiators also claim to have belonged to something called a *palus*, or πάλος as it was transliterated into Greek. Most evidence indicates the existence of four *pali*: a first *palus* (*primus palus* or πρῶτος πάλος), a second *palus*, a third, and a fourth. Numbering the *palus* in this way would strongly indicate that the term was somehow employed to establish a hierarchical structure. This *palus* system is first attested in the later first century A.D. but is found more widely during the epigraphically rich second and third centuries.[18] Technically, the *palus* was a post set into the ground against which both soldiers and gladiators practiced their sword-work. Vegetius, writing in the late fourth or early fifth century A.D., notes that practice at the *palus* was necessary for success in any form of combat (*Mil.* 1.11):

palorum enim usus non solum militibus sed etiam gladiatoribus plurimum prodest. nec umquam aut arena aut campus invictum armis virum probavit, nisi qui diligenter exercitatus docebatur ad palum.[19]

[18] Ville (1981: 324), on the basis of *CIL* VI 10189 (*T. Flavio Incitato, secutori, palo primo*), argued that the *palus* system first appeared in the later first century A.D. He therefore did not discuss this *palus*-ranking system in any detail because it appeared after the time period with which he was concerned.

[19] Juvenal (6.247, 267) criticizes those women who practice as gladiators, striking and stabbing the *palus*. See *TLL* 10.1.2.175, s.v. "*palus*" and Mosci Sassi 1992: s.v. "*palus*." For a depiction of the *palus*,

The *palus* is useful not only to soldiers but also to gladiators. No one has ever shown himself to be invincible in arms either in the arena or on the campus who was not carefully trained and instructed at the *palus*.

Recently published epigraphic evidence from Aphrodisias in southern Asia Minor points to the possible existence of a sixth and perhaps even an eighth *palus*. C. Roueché, who published the two inscriptions, states that the reading πάλου ϝ´ (sixth *palus*) in the first of these inscriptions is "absolutely certain," though without a parallel attestation of a sixth *palus*, it may be unwise to rule out reading a gamma (Γ for third *palus*) instead of the digamma (ϝ). With respect to the *eta* in πάλου η´ (eighth *palus*) in the second inscription, Roueché admits that it could in fact be read as a *gamma* (Γ), that is, πάλου γ´ (third *palus*).[20] Roueché argued that the existence of so many *pali* in a gladiatorial *familia* suggests that the *palus* either was not hierarchically significant, or that it had eventually lost this significance by the later Empire, since up to eight *pali* would seem to imply an overly complex hierarchical system. Roueché, therefore, preferred to see the *palus* primarily as a means of organizing or grouping large numbers of gladiators. Yet, there is no reason to assume that eight ranks are in any way overly complex. And so without reason to suspect that eight was too high a number, it nevertheless seems best to understand the numbered *pali* as a system to rank gladiators. As shall be argued below, one of the most efficient and effective methods of organizing a group of gladiators was through the establishment of such a paramilitary, hierarchical structure.

The title, *primus palus* or πρῶτος πάλος, was something in which many gladiators showed considerable pride. For example, at present count, nearly two-thirds (64 per cent) of the gladiators from the Greek East who provide a *palus*-rank belong to the first *palus*.[21] L. Robert explained that the predominance of first *palus* attestations was the probable result of the natural tendency of the gladiators to mention a rank only when they had reached the top: the *primus palus* was the highest rank and so is attested most often.[22] We are told that Commodus, who did not inherit his father's distaste for gladiatorial combat, had the Colossus reworked to his own image in the guise of Hercules with the accompanying inscription advertising the fact that he was *primus palus* of *secutores* and that he had won an incredible 12,000 times.[23] We may safely assume that Commodus was a top-ranked gladiator.

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see the mosaic from Flacé-les-Mâcon, Sâone-et-Loire, in the Musée des Ursulines at Mâcon depicted in Golvin and Landes 1990: 156 (I thank one of the referees for this reference). Cf. Slater 1990: 216 with further references re *palaria*, the place where soldiers and gladiators practiced at the *palus*.

[20] Roueché 1993: 64–65, 67, no. 23, and 67–68, no. 24. Cf. Edmondson 1996: 96 with n. 117.

[21] Twenty-five of thirty-nine attestations give the rank of first *palus*.

[22] Robert 1940: 30.

[23] Dio Cass. 73.22.3: "πρωτόπαλος σεκουτόρων, ἀριστερὸς μόνος νικήσας δωδεκάκις" οἶμαι "χιλίους" ("'Primus Palus of the Secutors, the only left-handed gladiator to have conquered twelve times,' I think, 'a thousand'"). Cf. SHA *Comm.* 15.8: *appellatus est sane inter cetera triumphalia nomina*

Although the *palus* system is found across the Empire, the Greek East has provided the largest corpus of attested cases. To date, there exist over forty examples of gladiatorial inscriptions from the East stating a *palus* number, a number that represents about 10 per cent of the total number of gladiators known from the Greek world.[24] Although working from a somewhat smaller corpus (twenty-six attestations), Robert was nevertheless able to elucidate the nature of this system.[25] He argued that all gladiators in the *ludus* were organized in the first instance according to armament type, that is, *retiarii* with *retiarii*, Thracians with Thracians, and so forth, but that each armament type had its own *palus* system, so called after the post where these gladiators trained. For example, the gladiator Flammeates from Beroia claims to have been πρῶτος πάλος ῥητιαρίων, "the first *palus* of *retiarii*."[26] Similarly, the gladiator Lukas from Alexandria Troas claims to have been πρῶτος πάλος Θραικῶν, "the first *palus* of Thracians."[27] By associating an ordinal number (generally one to four) with the *palus*, a rank was established among gladiators of the same *armatura*. Thus, in addition to the "first *palus* of Thracians" there is attested the "second *palus* of Thracians," δεύτερος πάλος Θραικῶν, as stated by Danaus from Cyzicus.[28] We also know, for example, of both a first *palus* and a second *palus* of *secutores*, as well as a third *palus* of *secutores*, the rank to which the gladiator Amphiaraos from Saittai in Asia Minor is said to have belonged.[29] Less common, though attested nevertheless, is the fourth *palus*.[30] Within each armament type, therefore, a gladiator could advance (probably at the discretion of the *lanista*) from fourth to third to second and finally to the first *palus* as his skill, experience, popularity, and no doubt the number of his victories increased.

Evidence suggests that the entry into the ranks might have been, not at the fourth *palus*, but at the level of the "recruit" (*tiro*/τείρων). The *tiro* should not be understood as an untrained beginner. Instead, the *tiro* was a gladiator who had been instructed and drilled in the arms and tactics of a specific armament type, though one who had not yet been introduced into the arena to fight his first

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etiam sescenties vicies palus primus secutorum ("Indeed, among his other triumphal titles, he was also called 'First Palus of Secutors' six hundred and twenty times").

[24] The data come from my own corpus of gladiatorial inscriptions from the Greek East. This catalogue contains nearly twice the number of items collected by Robert (1940) in his *Gladiateurs* and in his updates in *Hellenica* (1946; 1948; 1949; 1950).

[25] Robert 1940: 28–31. Mosci Sassi 1992: s.v. "primus palus." Robert's arguments won the approval of Ville (1981: 324). Cf. Meier 1881: 51–55 for an earlier attempt to explain gladiatorial ranking on the basis of the *palus* system.

[26] See Robert 1940: 82, no. 16 = Allamani-Souri 1987: 42, no. D2.

[27] Ricl 1997: no. 119.

[28] *IGR* IV no. 165 = Robert 1940: 228, no. 293 = Schwertheim 1980–83: no. 144.

[29] *IGR* IV no. 1369 = Robert 1940: 160, no. 135 = Malay 1994: 79, no. 204.

[30] For a gladiator of the fourth *palus*, see *CIG* 2942c = Robert 1929: 41 = Robert 1940: 165–166, no. 148 (pl. 2) = Poljakov 1989: no. 103. In one of the gladiator's crowns depicted is the inscription, ΠΑΔ, which Robert interprets as: πά(λος) δ΄.

public combat.[31] Thus, we have the gladiator Macedo, who, as a *thraex*, was a professional gladiator, respected and here honoured by other *thraeces*, but who, as a *tiro*, had not yet fought in public. It seems that he died either before or during his first combat:[32]

d(is) m(anibus) | *Macedoni Thr(aeci)* | *tiro(ni) Alexandrin(o)* | *ben(e) mer(enti), fec(it)* | *armatura thraecum* | *universa. vix(it) ann(is) XX,* | *men(sibus) VIII, dieb(us) XII.*

To the Immortal Shades. For Macedo the *thraex* and *tiro* from Alexandria, well deserving, the whole group of Thracian (gladiators) made this monument. He lived twenty years, eight months and twelve days.

Similarly, gladiators of other armament types were also known as *tirones* until they appeared in their first public combat. For example, the gladiator Leontas from Thasos was both a *murmillo* and also a *tiro*. Leontas was not a raw recruit, because he had trained in the specialized arms and tactics of a *murmillo*.[33] Also from Thasos are two *tirones*, Dignitas and Rhaudos, who were ἱππεῖς (*equites*).[34] Once he had fought publicly, however, the gladiator was no longer considered a *tiro*, and could be referred to as a *veteranus*.[35] A list of gladiators and other members of a *familia* from Rome defines gladiators by both their armament type and by their status as either *veterani* or *tirones*.[36] Both veterans and recruits were considered professional gladiators; the only difference between the two lies in experience: *veterani* had appeared in public, *tirones* had not.

Such a division of gladiators around a *palus* and according to armament type naturally facilitated training and instruction. The armament carried by the different types dictated differences in tactics and so necessitated targeted instruction. For example, the skills and tactics required of a *retiarius* differed from those of a *secutor* or a *thraex*. Notably, a gladiatorial instructor (the *doctor* or *magister* in the West, the ἐπιστάτης in the East) was generally specific to type. Thus, for example, there are attested the *doctor thraecum*, the *doctor murmillonum*, the *doctor oplomachorum*, the *doctor secutorum*, and from the Greek East the ἐπιστάτης σεκουτόρων.[37] Instructors who specialized in a particular armament type were essential because the tactics and expertise required of the various gladiators naturally varied between the classifications. Because training was type-specific, gladiators were specialists and rarely changed their armament type. Only an exceptional gladiator was able to fight in the equipment of more

[31] See Ville 1981: 311; Mosci Sassi 1992, s.v. "tiro"; Potter 1999: 317.

[32] *CIL* VI 10197 = *ILS* 5089 = Sabbatini Tumolesi 1988: no. 97.

[33] Robert 1940: 113, no. 54: Μορμίλλων Λεοντᾶς Ἀρχέλεω τείρων.

[34] Bernard and Salviat 1962: 606–608, no. 22, with J. and L. Robert, *BullEp.* 1964 no. 401: Ἱππεῖς· | Διγνίτας Ῥαῦδος | τείρωνες Ἀρχέλεω.

[35] Ville 1981: 311.

[36] *CIL* VI 631 = *ILS* 5084 = Sabbatini Tumolesi 1988: no. 45 (A.D. 177).

[37] See Mosci Sassi 1992: s.v. "*doctor*" and "*magister*" and Carter 1999 for the gladiatorial ἐπιστάτης.

than one *armatura*. The poet Martial praises the famous gladiator, Hermes, for many things, including his diverse combat abilities (Mart. 5.24):

Hermes omnibus eruditus armis / . . . Hermes belligera superbus hasta, / Hermes aequore minax tridente, / Hermes casside languida timendus.

Hermes skilled in all weaponry, ... Hermes proud with the martial spear, Hermes threatening with the level trident, Hermes with the drooping helmet must be feared.[38]

Hermes was proficient in the skills of a *retiarius*, but perhaps also in those of a *hoplomachus* and other heavily armed gladiators as well. Similarly, a deceased gladiator from Marcianopolis in Moesia Inferior boasts that he had been both a *secutor* and a *murmillo*.[39]

While gladiators advanced through the *palus* hierarchy within their own armament classification, other evidence suggests that at least the top-ranked gladiators, whatever their armament, were quartered together within the *ludus* and so separated from the more junior, lower-ranked gladiators. In describing Commodus' esteemed position in the *ludus*, Dio not only says that the emperor was πρῶτος πάλος, but that he lived in the first house or residence, καὶ γὰρ τὸν οἶκον τὸν πρῶτον παρ' αὐτοῖς, ὡς καὶ εἷς ἐξ αὐτῶν ὤν, εἶχε (Dio Cass. 73.22.2: "he held the first residence among them as if he were one of them.").

Though he is brief because the subject matter is not to his taste, Dio does not state that Commodus lived only with fellow *primus palus secutores*, but simply that he lived in the first residence. Gladiators of the upper ranks, despite armament type, might have lived together in the same section of the *ludus*, separated from their more junior comrades.

Purpose of the palus *System*

A ranking system based on merit had many advantages. In the gladiatorial *ludus*, which was filled with armed, well-trained, and perhaps desperate men, some of whom may originally have been criminals condemned *ad ludum*, order and rigid discipline were essential. Moreover, the decree assumes that, in addition to gladiators, the *lanista* had in his *familia* a number of lower quality combatants known as *gregarii* (see below) as well as *damnati ad gladium* available for the priest to hire or purchase.[40] For a gladiator, promotion to the upper *palus*-ranks

[38] Cf. Ville 1981: 307.

[39] Angelov *et al.* 1996. Consider also *CIL* XIII 1997 = *ILS* 5097 = Vismara and Caldelli 2000: no. 62 (from Lugdunensis): *dymachero sive assidario*, and García y Bellido 1960: 143: *Smaragido murmilloni oplomaca(e)*: "Smaragdus a *myrmillo* (and?) *hoplomachus*." See Robert 1940: 132–133, no. 81 for Chrysomallus, who became a *retiarius* having formerly been a wild beast hunter (κυνηγός).

[40] Inscriptions from Aphrodisias provide direct evidence for the incorporation of convicts into the gladiatorial family: consider Roueché 1993: 62, no. 13: Φαμιλίας μονομά|χων καὶ καταδί|κων Τιβερίου Κλαυ|δίου Παυλείνου | ἀρχιερέως ὑοῦ (sic) Τι|[β]ερίου Κλαυδίου | [– – – – – –] ("The *familia* of gladiators and convicts of Tiberius Claudius Paulinus, the chief priest, son of Tiberius Claudius . . ."). Cf. also Robert 1940: 170, no. 157 = Roueché 1993: 63, no. 14.

probably came not only as he advanced in skill and experience, but also as success, popularity, and relative prosperity made him more trustworthy.[41] A gladiator's "market value" depended to a high degree on his past performance, and so careful records were kept detailing a gladiator's number of fights, victories, and how often he had earned dismissal from the arena (*missio*).[42] As a gladiator rose through the ranks, he may also have assumed increased responsibility within the *familia*, especially to enforce discipline and to serve as a role model or mentor for those gladiators who had less experience than he. Senior gladiators who had not only survived years of fighting in the arena but had also prospered from it would naturally have earned the respect of more junior and untried gladiators. Such accomplished gladiators not only had the fighting skills needed to intimidate their potentially disorderly junior comrades and so maintain order in the *familia*, but also the proven combat ability that was desired by the younger gladiators and key to their survival and success.

In addition to maintaining order, it is probable that the upper-ranked gladiators also assisted in the instruction of younger gladiators. First, the continued financial success of such higher-ranked gladiators depended, to some degree, on the reputation of the gladiatorial *familia* as a whole: a *familia* of poor gladiators would soon develop an equally poor reputation. At Trimalchio's famous dinner party, Echion boasts about Titus' upcoming *munus*: Titus will not give a poor show with a *familia lanisticia* but instead has contracted several freedmen gladiators. His *munus* will surpass that held previously by a certain Norbanus, whose gladiators were so bad that they would have fallen over had one merely blown on them.[43] Of Norbanus' gladiators, only a single *thraex* had any spirit, says Echion. But the abilities of this one gladiator were lost among the remaining poor gladiators of the *familia*. Apuleius describes a certain Thiasus, the *duovir quinquennalis* of Corinth, who traveled north to Thessaly in search of *famosi gladiatores*.[44] Presumably the local *familiae* could not supply satisfactory gladiators. It was therefore in the interests of the elder gladiators that all fighters in the *familia* to which he belonged maintained a high standard of combat proficiency. Secondly, as discussed above, since the skills and combat tactics required of gladiators varied between armament classifications, gladiators of the same *armatura* naturally trained together. Although as a general rule it was the type-specific *doctores* or *magistri* who primarily supervised instruction, it is also probable that the accomplished gladiators of the upper ranks coached the younger, less experienced gladiators. The junior gladiators would not only have respected the past successes

[41] Scobie (1988: 200) notes that gladiators in the *ludus* at Pompeii do not seem to have been guarded or entirely disarmed. Plutarch (*Cras.* 8.1) says that Spartacus and his fellow gladiators were locked up, not because they were especially dangerous or had misbehaved, but because Lentulus Batiatus was a cruel owner. Cf. Kyle 1998: 84–85.

[42] Cf. Matz 1977: 22–23. I hope to investigate the profession in greater detail in the future.

[43] Petron. *Sat.* 45.

[44] Apul. *Met.* 10.18.

of these senior gladiators, but they also stood to benefit from their experience and abilities. Martial praises the remarkable gladiator Hermes as, among other things, both a gladiator and an instructor: *et gladiator et magister*.[45] Likewise, a gladiator from Rome is said to have been *doctor et primus* (scil. *palus*).[46] While larger *familiae* may have been able to support a separate *doctor* for each armament type, smaller *familiae* undoubtedly could not do so.[47] In this case much of the burden of instruction would have fallen on the senior gladiators. This instruction of junior gladiators was unlikely to be to the disadvantage of the senior gladiators, however, for gladiators were typically pitted against opponents of similar rank. Both the spectators and the gladiators themselves preferred combats between matched pairs of equal ability and experience. There was no glory to be witnessed or attained in the easy victory of a senior, experienced gladiator over a junior, inexperienced one. Seneca, for example, notes that a gladiator considered it dishonorable to be matched with an inferior: *ignominiam iudicat gladiator cum inferiore componi et scit eum sine gloria vinci, qui sine periculo vincitur* (Sen. *Prov.* 3.4: "A gladiator judges it disgraceful to be matched against an inferior and he knows that he is conquered without glory who is conquered without danger").[48] Juvenal likewise notes the embarrassment of a *secutor* compelled to fight a noble, but cowardly, *retiarius* who fled once his net had been cast in vain: *ergo ignominiam graviorem pertulit omni / vulnere cum "Graccho" iussus pugnare secutor* (Juv. 8.209–210: "therefore the *secutor* ordered to fight with 'Gracchus' endured a shame more serious than any wound"). It was typical for *tirones* to be matched with one another in their first combat rather than with an experienced gladiator.[49] Notably, the *senatus consultum* states that gladiators were to be supplied by rank in equal parts (*numero pari*, line 30). Presumably this provision was meant to allow for the equal pairing of gladiators.

Palus *Ranking and the* senatus consultum *from* A.D. *177*

The hierarchical *palus*-ranking system could readily have served as a convenient basis for determining the relative prices of different ranks of gladiators during the contract negotiations between the *lanista* and the *munerarius*. Those who drafted the *senatus consultum* assumed the existence of such a standard and recognizable system: since the priests were paying more money for better gladiators, they would have required a standard means to establish the credentials of those better and more expensive gladiators. The *palus* system represented just such a standard and

[45] Mart. 5.24.3.

[46] *CIL* VI 10183 = *ILS* 5110 = Sabbatini Tumolesi 1988: no. 59: *d(is) m(anibus)* | *Aniceto prov(ocatori) sp(athario?)* | *Ael(ius) Marcion(us) do*|*ctor et primus* (scil. *palus*) *b(ene) m(erenti) f(ecit)*.

[47] Smaller *familiae* or those in more remote parts of the Roman world may have had to make do with a general instructor for all gladiators. See, for example, Binsfeld 1960: 164 = Vismara and Caldelli 2000: 102, no. 60 for an unspecific *doctor gladiatorum* from Cologne.

[48] Cf. Barton 1993: 31; Wistrand 1990.

[49] Ville 1981: 311. See, however, *CIL* IV 10238 from Pompeii for a *tiro* matched with a veteran gladiator. I thank the anonymous referee for bringing this inscription to my attention.

recognizable arrangement. The system, attested from the late first century until the third, is contemporary with this legislative effort of Marcus and Commodus in 177, and like the *senatus consultum*, the *palus* system was in use across the Empire, East and West.

Because the *palus*-ranking system served organizational and structural needs in the gladiatorial *familia* in addition to being a potential basis for contracting gladiators, it is unlikely that a *lanista* would have regularly promoted undeserving gladiators to upper rank. The *lanista* wanted to present a range of gladiatorial ranks to the priest, and so would need lower (and cheaper) ranks as well as upper (and more expensive) ranks. Moreover, gladiators who had not earned an upper *palus*-rank would not have been suitable either for organizational or for instructional purposes. Of course, unwarranted promotions to upper ranks for the purpose of misrepresenting a gladiator's value were certainly probable. But promotions made only in the hopes of securing higher contract prices and not on the basis of merit could in time destroy the reputation of the *familia* as a whole and adversely affect the value of any future contracts. Poor gladiators earned the disdain of the assembled spectators—disdain that attached itself equally to the gladiatorial troupe and to the *munerarius* who hired them.[50]

If we include the *tiro* as the bottom or initial rank for professional gladiators with (in most cases) four *palus*-ranks above culminating in the ultimate rank of *primus palus*, then there existed five tiers or levels though which a gladiator advanced as his career progressed. Corresponding generally to a gladiator's relative standing in the *familia*, these ranks formed a convenient system on which to base any contract negotiations between a *lanista* and a priest or magistrate wishing to hire his gladiators. As D. Potter has suggested, the five gladiatorial ranks (that is, the four *pali* and the *tiro*) provided a ready basis for those more expensive categories of *munera* which required the gladiators to be in five ranks.[51]

For those less expensive *munera*, that is, those spectacles ranging up to 100,000 sesterces in overall cost, however, the decree envisions only three gladiatorial levels. It may be that the *lanista* did not regularly endanger the lives of top-ranked gladiators (those of the first and second *palus*) in these *munera*. If a top-ranked gladiator was worth up to 12,000 or even 15,000 sesterces, it might reasonably have been considered too risky financially for a *lanista* to jeopardize his safety in a cheap show with comparatively little potential return. As is evident from figure 1, the costs of the three ranks for gladiatorial *munera* evaluated between 60,000 and 100,000 sesterces (5,000 HS, 6,000 HS, and 8,000 HS) correspond

[50] Consider Echion's disgust with Norbanus because of the poor quality of the gladiators in his *munus*: Petron. *Sat* 45: *et revera, quid ille (Norbanus) nobis boni fecit? dedit gladiatores sestertiarios iam decrepitos, quos si sufflasses, cecidissent; iam meliores bestiarios vidi* ("After all, what good has that man ever done for us? He gave cheap, broken-down gladiators who would have fallen over if you blew on them. I have seen better *bestiarii*").

[51] Potter 1999: 116. I advanced similar arguments in a brief paper presented in 1998 at the annual meeting of the Classical Association of Canada, University of Ottawa, 29 May 1998.

exactly with the bottom three prices legislated for the next highest class of *munera* (those evaluated between 100,000 HS and 150,000 HS). Moreover, these same gladiatorial prices (5,000 HS, 6,000 HS, and 8,000 HS) are comparable to those given for the bottom three ranks in the most expensive *munera* (those over 150,000 HS): 6,000 HS, 7,000 HS, and 9,000 HS. Only for the least expensive classification of *munera* (above the *munus assiforanum*) do the three gladiatorial prices not correspond as obviously, though this can be explained by reference to the low overall cost of these shows. Following this scheme, the first and second *palus*-ranks would then have been evaluated at either 10,000 HS and 12,000 HS, or 12,000 HS and 15,000 HS respectively, depending on the size and overall cost of the *munus* in which they were participating. But by this model they would not have been found in the two cheapest categories. Thus:

Munus Cost (HS):	30–60,000	60–100,000	100–150,000	150–200,000+
Primus palus:	–	–	12,000	15,000
Secundus palus:	–	–	10,000	12,000
Tertius palus:	5,000	8,000	8,000	9,000
Quartus palus:	4,000	6,000	6,000	7,000
Tiro:	3,000	5,000	5,000	6,000

If the top two *palus*-ranks were indeed evaluated at such high prices, then these gladiators would have been too expensive to risk in cheaper shows. One could hardly afford to imperil the life of a gladiator potentially worth as much as 15,000 sesterces in a *munus* of which the overall cost was to be below 60,000 or even 100,000 sesterces.

Despite the initial attractions of this proposal, however, it is unlikely that there was a direct correspondence between the *palus* system and the ranking described by the *senatus consultum*. First, there is the possibility that there might have been more than four *palus*-ranks, as, for example, the possible sixth and eighth *pali* argued by Roueché at Aphrodisias. If so, there would no longer be the convenient equivalence between the five ranks demanded by the decree (for the most expensive classifications of *munera*, at least) and the five *palus*-ranks (including the *tiro*). Furthermore, there is nothing in the decree to indicate that the top-ranked gladiators were to be excluded from the cheaper *munera*; we are told only that the gladiators were to be offered or divided into three groups: *is gladiatores tripertito praebeantur numero pari* (line 30) and *trifariam coetus gladiator(um) divisus sit* (lines 31–32). For these cheaper *munera*, therefore, all five (or more) *palus*-ranks had somehow to be divided into three groups. If the top two *palus*-ranks were not automatically excluded from these less expensive *munera*, then we must assume that the five *palus*-ranks (four *pali* and the *tiro*) were somehow re-distributed into the requisite three divisions.

This explains why the decree does not employ the term "*palus*" to describe the gladiatorial ranks envisioned. Because there was not necessarily a *direct* correspondence between the hierarchical groups envisioned by the decree and the *palus*-ranks, the *senatus consultum* could not employ this term to describe the necessary hierarchical divisions within each price category of *munus*. Instead, the decree uses the various terms *partes*, *ordines*, *classes*, and *manipuli*, which themselves have no significance in a gladiatorial context.

Rather than suppose that the gladiatorial ranks assumed by the *senatus consultum* necessarily corresponded directly to the *palus* system, it is better to assume that the *palus*-ranking system formed only the foundation or starting-point for negotiations between the priest and the *lanista*. The *palus* was not an absolute indicator of a gladiator's standing and was not necessarily transferable between *familiae*. Instead, the *palus*-rank determined the relative standing of a gladiator within a *familia*: the higher the *palus*-rank, the better the gladiator—within that *familia*. The system thus allowed the *lanista* to present his gladiators to the priest in the order of their relative value and so form the foundation for contract discussions.

Other Combatants

In addition to regulating the prices of individual gladiators, the decree stipulates the costs of other combatants, whom the priests obtained from the *lanista*: the *gregarii* and free volunteers (*auctorati*). The precise function of the *gregarii* in a *munus* and their relationship to gladiators is uncertain, though the term itself would suggest that they fought in a group rather than individually. The decree does state that the *gregarii* were evaluated at prices ranging from HS 1,000 to as high as HS 2,000 for the *meliores gregarii* (lines 35–39):

utique in omnibus muneribus, quae generatim distincta sunt, lanista dimidiam copiam universi numeri promisqu<a>e multitu|[36]*dinis praebeat exque his, qui gregari appellantur, qui melior inter tales erit duobus mili[bu]s sub signo pugnet, nec quisquam exeo numero* |[37]*mille nummum minore. lanistas etiam promonendos viḷi studio qu<a>estus nec e<a>m sibi copiam dimidiae partis praebendae esse ex nu*|[38]*mero gregariorum, uti sciant inpositam sibi necessitatem de ceteris quos meliores opinabuntur transferre tantisper plendi nu*|[39]*meri gregariorum gratia.*

That in all *munera* which have been divided according to class, the *lanista* should provide as half of the whole group a force of ordinary sort, and from these, who are called *gregarii*, he who is a better among these men should fight under a standard for 2,000 sesterces, and that no one from this group fight for less than 1,000 sesterces. That the *lanistae* must be warned against a low desire for profit, and that this force of the half part must be supplied from the number of the *gregarii*, and that they should know that the necessity is imposed upon them to transfer from the rest those whom they may rank as better enough to fill the number of the *gregarii*.

The evaluation of *gregarii* between 1,000 and 2,000 HS indicates their inferior status with respect to true gladiators (for whom the lowest possible cost was 3,000 HS). That this is the case is further implied by the threat that those *lanistae*

who do not have sufficient *gregarii* on hand will have to make up the difference from among those they rank as better, that is, their gladiators. Presumably, the *gregarii* were drawn from the ranks of untrained slaves and men condemned *ad ludum*. Notably, they have been given the same *pretium* (up to 2,000 HS) as the *damnati ad gladium* mentioned in lines 56–58. If these *gregarii* showed promise by surviving in the arena during the massed fights, then they could be promoted by the *lanista* to be trained as proper gladiators. Housing, feeding, and training a man to be a gladiator was an expensive undertaking; only those who had some skill and who showed promise were worth the effort.

But gladiators were also drawn from free volunteers. Artemidorus relates the story of a man who enrolled himself among the gladiators, ἀπεγράψατο εἰς μονομάχους, and fought for many years.[52] The term (ἀπογράφεσθαι) is the same as that used to describe the enrolling of athletes. The various motivations compelling such free men to become gladiators cannot be known to us, but poverty was undoubtedly among them; certainly, other terms used by Greek authors are less honorable and instead suggest a contractual relationship for financial recompense. In Latin, such volunteer gladiators were referred to as *auctorati*, a term which carried with it the sense that these men had hired or sold themselves to fight as gladiators, their contract termed the *auctoramentum*.[53] Free men who voluntarily entered the profession were also assigned a price (lines 62–63):

is autem qui aput tribunum <p>lebei c(larissimum) v(irum) sponte ad dimicandum profitebitur, cum habeat ex lege pretium duo milia, s[i l]iberatus discri|[63]men instauraverit, aestimatio eius posthac HS XII (milia) non excedat.

He, who before his Excellency the Tribune of the People, voluntarily vows to fight under arms, has by law a price of 2,000 sesterces. If having been freed he returns to fight, let his value after this not exceed 12,000 sesterces.

When they first enrolled they were untrained, probably even unskilled and certainly untried recruits, and the price given them reflects this: they were valued at only 2,000 sesterces, the same price (*pretium*) as that charged for the *meliores gregarii*, but notably below the price of the cheapest-ranked gladiator. If they survived and earned their freedom from the *ludus* and returned to the arena to fight, then we are told that their valuation (*aestimatio*) was to be limited to 12,000 HS.[54] The choice of words is significant and we shall return to it below. Presumably, these free volunteers were first required to be trained in the arms and

[52] Artem. 5.58. In the *Martyrdom of Pionius*, the proconsul Quintilian uses the same verb to refer to those who enlist to fight wild beasts for money: οἱ ἀπογραφόμενοι (*Mart. Pion.* 20.6).

[53] The *Corpus glossariorum Latinorum* II.372 explains *auctoramentum* as μισθὸς εἰς λοῦδον. See, especially, Ville 1981: 246–251 and Mosci Sassi 1992: s.v. "auctoramentum etc." Tertullian (*Apol.* 38.2) mentions that men sell their violence (*violentia sua*) for a price.

[54] Consider *IGR* IV 1274 = Robert 1940: 219–220, no. 267: Εὔγραμμος· | οὗτος ἀπελύθη | ἔξω λούδου ("Eugrammos: this man was freed outside of the *ludus*").

tactics of a particular classification, and then they could earn their promotions through the ranks as did other gladiators. Commodus is just the most famous example of a free man who was proud to be *primus palus*.

The *senatus consultum* from A.D. 177 assumes the existence of a standard and recognizable ranking system so that a priest contracting to hire gladiators from a *lanista* would be able to identify the better and more expensive gladiators. The *palus* system, found throughout the Empire, represented just such a standard and recognizable means of establishing the credentials of better and more expensive gladiators and would have served as a ready system on which to base contract negotiations.

III. FINANCING THE *MUNUS*

While the *senatus consultum* does not explain the logistics of gladiatorial ranking, neither does it elucidate the nature of the prices mentioned, specifically whether they represent purchase prices or lease prices. When first elected and faced with the obligation or expectation to present a *munus*, the priest probably approached a *lanista* in order to arrange for the lease of several gladiators. He really had no need to buy them and in most cases did not want the expense of maintaining the gladiators indefinitely.[55] Yet the prices given, especially if only for a temporary lease, seem inflated. If the *lanista* actually could receive perhaps 12,000 or even 15,000 sesterces for a top-ranked gladiator on a lease, then the overall value of such a gladiator would potentially have been several hundred thousand sesterces, assuming he could appear in several combats over the course of his career. Although there are attested gladiators who were appraised at such expensive levels, they were exceptional. If the priests had indeed been paying as much as ten or fifteen thousand sesterces merely to *rent* a gladiator, it is no wonder that they lamented the loss of their patrimony.

The decree also fails to make it clear whether the gladiator's price was meant to represent the cost per combat or whether the priest could compel the gladiator, once hired, to fight any number of combats during the course of the *munus*. Furthermore, if a priest intended to present a *munus* with an overall cost of 30,000 sesterces, for example, he would quickly exhaust his funds on the gladiators alone. The *lanista* would supply three ranks of gladiators *numero pari* (in equal number), with a (minimum) total of six gladiators altogether: two at 5,000 sesterces each, two at 4,000, and two at 3,000, for a total expenditure of 24,000 sesterces. The priest would still have needed to acquire officials to oversee the combats, animals for a *venatio*, and perhaps convicts (*damnati*) to be publicly executed at his show,

[55] Ville (1981: 275, n. 105) states that gladiators were rented from the *lanistae* and not sold by them. Seneca (*Ben.* 1.12.3) considered it an obvious example of bad form to send gladiators to someone after that person had already presented a *munus*; such a gift was useless and indeed imposed a burden on the recipient.

not to mention the costs of advertisement, gifts to be distributed to the people, and preparing the amphitheatre, theatre, or forum for the show.[56]

Purchase Prices and Lease Costs

Although the nature of the contract to acquire gladiators was in most cases temporary, the decree itself implies that these prices given for gladiators and other combatants are in fact purchase prices rather than lease prices. In addition to overseeing the transaction between the priests and the *lanistae* for the temporary acquisition of gladiators, the decree also attempted to regulate the sale of a gladiatorial *familia* from one priest to another. In certain provinces, it was the custom for one priest of the imperial cult to purchase a *familia* from his predecessor in office, then to sell it (*vendat*) to his successor when his term of duty was complete (lines 59–61):

sacerdotes quoque provinciarum, quibus nullu[m cum lanisti]s nego[tiu]m e[ri]t, gladiatores a prioribu[s s]acerdotibus su[s]|[60]ceptos, ve[l si pla<c>et auctoratos, recipiunt, at post editi[o]n(em) p[[u]re ex p[re]tio in succedentes tran[sf]erunt. ne quis singulatim aliquem |[61] rei gladiatoriae causa vendat quam lanistis est pretium perscr[ip]tum.

There are also provincial priests who will have no business with the *lanistae*; these priests take over the gladiators supported by the previous priests, or *auctorati*, but after giving their spectacle they pass them on at a higher price to the next priest. Let no one sell anyone for gladiatorial service at a price per individual higher than that to which *lanistae* are limited.

This essentially confirms the scheme, to which Galen alludes, whereby the chief priests of the imperial cult (ἀρχιερεῖς) in Pergamum bought and sold gladiatorial *familiae* among themselves.[57] The *senatus consultum* here states that the *familia* was to be evaluated and sold according to the price—the *pretium*—of the individual gladiators. Therefore, the prices for the various gladiators mentioned in the decree must be purchase prices, not lease prices, and must reflect the gladiator's overall value and not simply the cost per combat or per *munus*. Notably, these sums representing the purchase price of the gladiators are comparable to the prices of other contemporary servile performers, as we can see from the catalogues of prices made by R. Duncan-Jones.[58] For example, in the mid-first century A.D., the pantomime Paris purchased his freedom from Nero's aunt, Domitia Lepida, for HS 10,000.[59] The cheaper *gregarii*, not being true gladiators, went for less—in some cases much less—money. The same appears true of the free volunteers, who upon swearing their oath and joining a *familia* were worth only 2,000 sesterces because they too were not properly trained gladiators, however enthusiastic or desperate they may have been.

[56] See Ville 1981: 391–393; Wiedemann 1992: 67.
[57] Galen 13.600 (K).
[58] Duncan-Jones 1982.
[59] *Dig.* 12.4.3.5. Cf. Tac. *Ann.* 13.27.

While we are seldom privy to the details of ancient contract negotiations, especially those made between an official of the imperial cult and someone with the social status of a *lanista*, the second-century jurist Gaius does indicate the nature of such a transaction for gladiators.[60] In discussing the legal relationship between "sale" (*emptio et venditio*) and "hire" (*locutio et conductio*), Gaius uses as an example the contract to obtain gladiators for a combat (*Inst.* 3.146):

item si gladiatores ea lege tibi tradiderim, ut in singulos, qui integri exierint, pro sudore denarii XX mihi darentur, in eos vero singulos, qui occisi aut debilitati fuerint, denarii mille, quaeritur, utrum emptio et venditio an locutio et conductio contrahatur. et magis placuit eorum, qui integri exierint, locationem et conductionem contractam videri, at eorum, qui occisi aut debilitati sunt, emptionem et venditionem esse; idque ex accidentibus apparet, tamquam sub condicione facta cuiusque venditione aut locatione.

Again, suppose I deliver gladiators to you on the express terms that I will get 20 *denarii* for the efforts of each one who comes off unharmed, but 1,000 *denarii* for each one killed or maimed; is this sale or hire? The received opinion is that there is hire of the ones who come off unharmed but sale of those killed or maimed, and events determine the classification (whether sale or hire), as if there were a conditional sale or hire for each one. For there is no longer any doubt that goods can be sold or hired subject to conditions.[61]

In other words, if you break him, then you buy him.

First of all, the overall cost of the hypothetical gladiator suggested by Gaius (that is, 1,000 *denarii*) is entirely within the range of prices proposed by the *senatus consultum*; since one *denarius* was worth four sesterces, the 1,000 *denarii* price of Gaius' dead gladiator is equivalent to 4,000 sesterces. This price is at the low end of the scale, but certainly within it, considering the fact that Gaius probably wanted to use a round, but still plausible, number (1,000 *denarii*). Particularly interesting is the lease rate that he implies. The use of a gladiator with the overall value of 1,000 *denarii* (4,000 sesterces) would cost 20 *denarii* (80 sesterces): a ratio of 50 to 1. This suggests a hypothetical lease rate of 2 per cent of the overall value of the gladiator. By this analogy, a gladiator worth 10,000 HS would fetch a rental price of 200 HS, assuming he survived or was not seriously wounded.

Of course, Gaius is interested in discussing inconsistencies in the legal definitions of sale and hire and not in elucidating the details of the contractual negotiations between a priest and a *lanista*, or indeed in clarifying the price of gladiators either for his readers or for posterity. Nevertheless, Gaius would certainly have been in a position to know, generally, the rates for the hire of a gladiator in the second century. Although little else is known about him, we do know that he lived in the later second century at the same time that this *senatus consultum* was promulgated and when gladiatorial *munera* were regularly occurring spectacles throughout the Empire. The lease rate implied by Gaius of 2 per cent of

[60] Cf. Mommsen 1892: 412, n. 2; Lafaye 1896: 1576; Ville 1981: 274; Kyle 1998: 86; Chamberland 1999: 615, n. 12.

[61] Translation by Gordon and Robinson (1988).

the gladiator's overall cost, however, if that were the cost for each combat, would suggest that a gladiator could be expected to fight about fifty bouts in his career. Calculating, or even estimating, the number of combats that a gladiator could have fought in his career is difficult, but the evidence, weak though it is, generally does not support such a high total number of combats. Although an inscription from Claudiopolis in Bithynia-Pontus does list a number of gladiators with more than fifty or sixty victories in combat,[62] most gladiatorial epitaphs declare far fewer combats in a career.[63] To judge from their epitaphs, most gladiators participated in fewer than twenty combats, many fewer even than ten. It would be unlikely, therefore, that a typical gladiator could be expected to earn his full value if he were regularly contracted for only 2 per cent of his overall value.

What might best be understood from this passage in Gaius is not a "2 per cent rule," but rather that a lease rate of 2 per cent of the gladiator's overall value represents a *relative* evaluation. Relative to the overall cost of the gladiator, the price to lease him was quite small: perhaps 2 per cent, perhaps 5 per cent but more probably as high as 10 per cent or 20 per cent.[64] What should be ruled out are rates as high as 50 per cent or more of the gladiator's overall value. If the rates had been as high as 50 per cent or more, Gaius would probably have implied a much different leasing cost. Gaius, an educated Roman from the later second century A.D., should reasonably have been able to indicate an approximate value for a gladiator without necessarily having hired one himself. A modern analogy may help. One need not ever have leased an automobile to know that the cost of a weekend rental of a $20,000 car would be closer to $200 (1 per cent of the car's value) than it would be to $2,000 (10 per cent) or indeed to $ 10,000 (50 per cent). In the same way, Gaius would have been able to provide an approximate lease rate without knowing or caring what the actual rates might have been.

Contracting Gladiators

In need of gladiators for his *munus*, therefore, the priest approached a *lanista* and agreed upon a lease rate per gladiator. This lease rate may have been calculated as a percentage of that gladiator's overall value (*pretium*), which was determined by his rank. The rank, moreover, was most readily established with reference to the gladiator's *palus*-rank. The new *senatus consultum* set the upper limits for the cost of each gladiatorial rank and so the priest could point to these new regulations

[62] French and Ündemis 1989. Presumably, the number of combats fought was greater than the number of victories attained.

[63] See, for example, *CIL* X 7297 = *ILS* 5113 = Buonocore 1992: no. 70 for the gladiator Flamma, who died at age 30, having fought thirty-four fights. Cf. Ville 1981: 320–321 and Wiedemann 1992: 120–121.

[64] Cicero congratulates Atticus on his purchase of such a fine troupe of gladiators that, were he willing to lease (*locare*) them out, he would recoup what he paid after only two *munera*: *si locare voluisses, duobus his muneribus liber esses* (*Ad Att.* 4.4a.2). Cicero implies that Atticus purchased an outstanding *familia* at a bargain price, and that the gladiators were so exceptional that Atticus could let them out for inflated returns.

when negotiating with the *lanista*. The text of the decree was erected in towns and made known to a variety of Roman officials across the Empire[65] in order to support the bargaining position of the priests (and other members of the elite) who were compelled to negotiate with *lanistae* to acquire gladiators. Supply and demand would have played an important role in establishing the costs, and it is notable that in an attempt to deal with the troubles on the northern frontier, Marcus Aurelius is supposed to have drafted gladiators into the army.[66] Such a draft could only have reduced supplies and increased lease rates.

Once the lease rate had been decided, the priest then agreed to pay this lease price to hire each gladiator but also agreed to pay his full value if he were harmed or killed. The money paid to a *lanista* for the lease of a gladiator is referred to in the decree as the *praecipuum mercedis*: "the money set aside for payment." This money would seem to be that paid to the *lanista* for the use of his gladiators, and interestingly the gladiators are expected to receive a share of it (lines 45–46):

item censeo de exceptis ita opservandum ut praecipuum mercedis gladiator sibi quisque paciscatur eius pecuniae, quae ob hanc causam excipi|[46]*ebatur, quartam portionem liber, serv<u>s autem quintam accipiat.*

Likewise I support the proposals that with respect to the money set aside for payment each gladiator bargain for himself—a free gladiator should receive 25 per cent of this money, and a slave 20 per cent of this money, whatever used to be the case.[67]

It seems that the *lanista* was expected to pay a portion of his earnings to the gladiator, apparently without regard to whether the combat was won, lost, or a draw.[68] The gladiators were to receive a percentage of the *praecipuum mercedis*, either a fourth part (25 per cent) "of this money" (*eius pecuniae*) or a fifth part (20 per cent) "of this money," depending on their legal status.[69] This money amounted to gladiator's wages. Lucian, in his *Toxaris*, implies that gladiators whom Sisinnes saw at Amastris had enrolled for pay, μονομαχεῖν δὲ οὗτοι ἐπὶ μισθῷ ἀνδρολογηθέντες (Lucian *Tox.* 58: "these who had been enrolled to fight

[65] See lines 46–55, esp. 49–51. Specifically named as responsible are the provincial governor, the *iuridicus*, the *curator viae*, the prefect of the praetorian fleet, the imperial procurators, or whoever the highest-ranking magistrate may be. Cf. Mommsen 1892: 397–399.

[66] SHA *Marc.* 21.7: *armavit etiam gladiatores quos "Obsequentes" appellavit* ("he armed even gladiators whom he called 'the Obedient' ").

[67] Oliver and Palmer (1955: 342) offer the following translation: "Likewise I support the opinion that in the matter of prize money care must be given that as his own share of the reward each free gladiator contract to receive a quarter of that money, whatever used to be set aside for that purpose in the past, but each slave gladiator receive a fifth."

[68] Consider Lucian's fanciful account (*Tox.* 59): Sisinnes volunteered to fight as a gladiator for 10,000 drachmae and received the money even before the combat took place.

[69] Piernavieja (1977: 193–194) assumes that the prices mentioned in the decree were those paid to acquire individual gladiators for a single *munus* (and not overall values). He concludes that a slave gladiator received 20 per cent of his *pretium* and a free gladiator received 25 per cent of his *pretium*, presumably for each performance.

as gladiators for pay"), as does the Christian writer Tatianus, καὶ πωλεῖ μὲν ἑαυτὸν ὁ πεινῶν, ὁ δὲ πλουτῶν ὠνεῖται τοὺς φονεύσοντας (Tatianus *Ad Gr.* 23: "the poor man sells himself and the rich man buys these murderers-to-be").[70] An example might help. If a gladiator with a *pretium* of 5,000 sesterces were leased at a rate of 10 per cent, the *lanista* would be paid 500 sesterces. If that gladiator were a slave he would receive 20 per cent of this money (100 sesterces) and if a free man 25 per cent (125 sesterces).

It is perhaps surprising that a "free" gladiator should receive only slightly more money than a "slave" should. What is really surprising is that a distinction is made at all, since all gladiators in a *familia* were technically the slaves of the owner. The small difference is probably a reflection of the fact that the "free" gladiator had voluntarily joined a gladiatorial *familia*, and only technically became a slave. Notably, the free volunteer was given special status and attention elsewhere in the decree (lines 62–63) and it is probable that such men maintained an unequal status while in the *familia*. Indeed, the *auctoratio* required the volunteer to swear the sacred oath of the gladiator (the *sacramentum*), to hand themselves over to their master body and soul, and to submit to be beaten, burned, or put to the sword.[71] Nevertheless, according to the jurist Gaius, these men retained their freedom, however ambiguous, in the eyes of the law, despite the fact that they had technically sold themselves as slaves.[72]

The *pretium* represents the overall value of a gladiator or of other combatants (such as a *gregarius*) and was only to be paid in full to the *lanista* if he had been killed or injured during the course of the *munus*. The free volunteer gladiators who had earned their freedom from service and then chose to return to the arena were appraised at an *aestimatio* of no more than 12,000 sesterces (above, 99, lines 62–63). The terminology is significant: it is only with respect to these particular gladiators that the decree speaks of an *aestimatio* rather than a *pretium*. Initially, such volunteers were assigned a *pretium* of only 2,000 sesterces when they first signed up, a price below that of even *tirones*. As discussed above, this low overall price reflects their untrained and untried standing; their wages, moreover, were only 25 per cent of the money earned by the *lanista* on their contract. Presumably once these volunteers had been trained and had proven themselves, they would rise through the *palus*-ranks and be appraised at higher *pretia*, thereby earning higher wages. But if these gladiators having earned their freedom decided to

[70] Various references to men selling themselves to fight as gladiators are also found in Talmudic literature: see Weiss 1999: 42, 47–48.

[71] Petron. *Sat.* 117; Hor. *Sat.* 2.7.58–59; Sen. *Ep.* 37; Juv. 11.5–8. Cf. Robert 1940: 32–33; Ville 1981: 246–249; Wiedemann 1992: 106–109.

[72] Gaius *Inst.* 3.199: *interdum autem etiam liberorum hominum furtum fit, velut si quis liberorum nostrorum, qui in potestate nostra sint, sive etiam uxor, quae in manu nostra sit, sive etiam iudicatus vel auctoratus meus subreptus fuerit* ("There might even be theft of free people, as where one of our children who is in our paternal power is kidnapped, or a wife who is subordinate to us is taken, or a judged debtor or my bonded gladiator").

return to the arena as free men, they were assessed an *aestimatio* (a value) of not more than 12,000 sesterces and they could negotiate their own contract with the *munerarius*. The majority of these *auctorati* were undoubtedly ex-gladiators who returned to the arena because of the large amount of money that could be earned. They were desirable as proven fighters who would put on a good show.

Such a system in operation may be evident in literary descriptions of the arena. Dio Cassius tells us that Commodus drew 25,000 from the "gladiatorial fund" each day, and that this was an enormous sum compared to the small amount received by the other gladiators.[73] Presumably, Commodus was an *auctoratus*, though suitably he earned somewhat more than double the amount allowed other *auctorati*. Such gladiators, free men, formed their contract directly with the editor.[74] For example, at Trimalchio's infamous dinner party, Echion tries to cheer up his companions by describing the upcoming *munus* of his old friend Titus. It promised to be a memorable event since Titus had the wherewithal to spend an incredible 400,000 sesterces on the show and already had several *liberti* under contract.[75]

Given his humble status, it would have been difficult for any *lanista* to claim damages against a priest of the imperial cult for the loss of a gladiator should the priest refuse to pay the full value of gladiators killed or seriously wounded in his *munus*. Only if the priest paid the full purchase price for the gladiator up front would the *lanista* have been properly and fully compensated should that gladiator be maimed or killed. But that is not to suggest that the priest would necessarily have deposited such enormous sums with the *lanista* directly. In the rigid hierarchical world of ancient Rome, the *lanista* was condemned as *infamis*, that is, he was seen to suffer *infamia*. *Infamia* was a quasi-legal social disability involving the loss of reputation (*fama*) and good name (*existimatio*) imposed on criminals, those found guilty of a breach of faith, and those engaged in certain disreputable professions, especially if so engaged for pay.[76] A *lanista* was not considered trustworthy and a priest of the imperial cult would want to limit his direct dealings with such men. Certainly, their business relationship was not advertised.[77] The existence of this social stigma may help us to identify the *negotiator familiae gladiatoriae* attested in an inscription from Arles. C. Vismara

[73] Dio Cass. 73.19.3: καὶ γὰρ τοῦτο καὶ τἆλλα ἐξ ἴσου τοῖς ἄλλοις μονομάχοις ἐποίει, πλὴν καθ' ὅσον ἐκεῖνοι μὲν ὀλίγον τι λαμβάνοντες ἐσίασι, τῷ Κομμόδῳ πέντε καὶ εἴκοσι μυριάδες καθ' ἑκάστην ἡμέραν ἐκ τῶν μονομαχικῶν χρημάτων ἐδίδοντο ("For with respect to this and other matters he acted equally with the other gladiators, except that they joined for a small sum, while 25,000 was given to Commodus each day from the gladiatorial fund").

[74] See Robert 1940: 32–33; Ville 1981: 246–255; Wiedemann 1992: 106–109.

[75] Petron. *Sat.* 45: *familia non lanisticia sed plurimi liberti.*

[76] For *infamia* in general, see, for example, *OCD*[3] s.v. "*infamia*"; Kaser 1956; Crook 1967: 83–85; Levick 1983: 108–110; Horsmann 1994. For the *infamia* suffered by *lanistae*, see Ville 1981: 341.

[77] Business dealings by members of the Roman senatorial class were handled at a distance. For example, the elder Cato, a successful businessman, ran his shipping empire through his freedman, Quintio. See Plut. *Cato* 21.

and M. L. Caldelli have reasonably suggested that he was probably a *lanista*, euphemistically expressed.[78]

Instead of placing such huge sums of money directly into the hands of the *lanista* as a sort of insurance policy for him, the priest probably deposited the "purchase" money with a trustworthy third party, perhaps a banker (an *argentarius* or *coactor argentarius*). Such bankers regularly accepted deposits for their clients and could make payments to a third party on behalf of their clients. The *receptum argentarii* was the agreement made between a banker and a third party in order that the third party be paid the money that the banker's client owed to him. Although the *receptum* involved three parties (the banker, his client, and a third party debtor), it was legally binding on only two of them: the banker and the third party receiving the payments; the banker's client was not required to be present when payments were made.[79] The tablets of L. Caecilius Iucundus, a banker from Pompeii, indicate the existence of such *recepta*. Tablet 151 of J. Andreau's collection implies that Iucundus undertook to pay the debts that one M. Fabius Agathinus owed to the city of Pompeii.[80] In the same way, a priest could have made the financial payments to a *lanista* indirectly, through the agency of a banker.

The scenario, therefore, might have been something like this: when negotiating to acquire gladiators for a *munus*, the priest would first have approached a *lanista* and previewed his gladiators presented to him in order of their *palus*-rank. The chosen gladiators were then divided into hierarchical groups: three or five, depending on the overall cost of the intended *munus*. Better gladiators naturally fetched a higher price. The contracting parties would then have agreed upon both an overall value for each gladiator and a lease rate, presumably on a per combat basis. The lease rate was most conveniently determined as a percentage of the gladiator's overall value, though it may just as easily have been calculated on a per gladiator basis (that is, different rates for individual gladiators). Happily for the priests, the new *senatus consultum* provided for lower overall prices, and the priests in Italica, Sardis and no doubt many other towns across the Empire could point to the new legislation and hold the *lanista* to its letter. For those gladiators who fought and came off unharmed, the priest agreed to pay the lease rate, again probably per combat. For those gladiators killed or wounded, the priest agreed to pay the previously determined overall value of the gladiator. The priest negotiated separate contracts for freed gladiators—free agents—who could command an *aestimatio* as high as 12,000 sesterces.

[78] See *CIL* XII 727 = Vismara and Caldelli 2000: no. 10: *L(ucio) Granio L(uci) filio | Teretina Romano | M(arcus) Iul(ius) Olympus nego|tiator familiae gla|diatoriae ob merit(a) | L(uci) Grani Victoris | avi eius merenti | posuit*. Interestingly, the *senatus consultum* refers to the business between a priest and a *lanista* as a *negotium* (see above, 101, line 59).

[79] See Andreau 1987: 597–602 and Andreau 1999: 43.

[80] Andreau 1974: 66–67.

We should suppose that the *vectigal* due to the Fiscus was collected at this point, and was calculated on the basis of the contracted gladiator's overall value (his *pretium*) rather than on the value of the lease which was a much smaller sum, especially given the enormous sums this tax had previously generated for the Fiscus. The tax costs were then included in the amount charged by the *lanista* and so paid ultimately by the priest. This makes sense, since, as Gaius noted, one could only specify the nature of the contract to acquire a gladiator (that is, sale or hire) after the *munus* was complete.

Having chosen his gladiators and agreed upon a price (both lease and overall value), the priest need have no further contact with the *lanista* and could turn the financial details of payment over to his banker, an *argentarius*, or to some other agent. The banker, on behalf of his client (the priest) would issue a *receptum* agreeing to pay on the one hand the lease price to the *lanista* for those gladiators unharmed, and on the other hand the purchase price for those gladiators killed or seriously wounded. The banker's *receptum* served to guarantee to the satisfaction of a *lanista* that he would receive full payment for those gladiators who were killed or seriously wounded. From the priest's perspective, the involvement of a banker also provided the priest with satisfactory social and legal distance from the infamous *lanista*. But the banker may also have made the transaction financially feasible. The priest would not necessarily have had to pay the full "purchase" prices up front for all the gladiators whom he was acquiring, but could simply place on deposit with the banker an amount of money sufficient to cover the costs and incidental expenses.

De pretiis gladiatorum minuendis

Thus, it was not the rental of a gladiator that threatened to ruin the fortunes of the priests. It was instead the death of or serious injury to a gladiator that was so expensive because such an event compelled the priest then to pay the gladiator's full value. The priest was then expected "to purchase" that gladiator. For this reason, the *senatus consultum* was especially concerned to reduce the overall price (*pretium*) of the individual gladiators, and was not concerned with the lease rates, which involved much smaller and more manageable sums of money.

The priests and others who presented *munera* attempted to limit their liability by reducing the chances a gladiator would be killed in their *munus*. Because of his skill and boasted ability to save all gladiators wounded in the *munera*, for example, Galen was employed by five successive priests in his native Pergamum. His handiwork no doubt saved the priests considerable money.[81] Because of the great expense involved in killing a gladiator, shows in which gladiators fought to the death or even fought with sharpened weapons constituted an especially

[81] Galen 13.600 (Kühn): κατὰ τύχην δὲ πολλῶν τεθνεώτων ἐν τοῖς ἔμπροσθεν ἔτεσιν, ἐμοῦ δὲ οὔτε τῶν ὡς εἴρηται τετρωμένων ἀποθανόντος τινὸς οὔτ' ἐξ ἄλλου τραύματος ("Fortunately, while many [gladiators] died in the previous years, under me neither did any of the wounded die, as was said [above], nor [did any die] from any other wound").

and obviously expensive gift to the people. The people, in turn, knew that killing a gladiator would cost the *editor* dearly and appreciated the fact that he nevertheless esteemed them sufficiently to spend a small (or large) fortune on their entertainment.[82] Again Echion at Trimalchio's dinner party gives us a sense of the costs of a particularly bloody show, and the resulting popular appreciation. Titus was able to spend 400,000 sesterces on a *munus* (Petron. *Sat.* 45):

ferrum optimum daturus est, sine fuga, carnarium in medio, ut amphitheater videat. Et habet unde: relictum est illi sestertium tricenties, decessit illius pater male. ut quadringenta impendat, non sentiet patrimonium illius, et sempiterno nominabitur.

He will give the best steel, no running away, with the butchery done in the middle so the whole amphitheatre can see. And he has the wherewithal; thirty million sesterces were left to him when his father died. If he spends four hundred thousand, his estate will not feel it, and his name will be immortal.

Similarly, a venatorial mosaic from Smirat in North Africa depicts not only the leopards being killed, but, in the centre of the scene, a man holding a tray with bags of money. Alongside the man with the money are two inscriptions, the first recording the words of the herald and the second the acclamations of the people for Magerius (presumably the *editor*), who paid a group of *venatores* 1,000 *denarii* for each leopard killed—twice as much as the people had asked. The acclamation leaves no doubt of both the power of Magerius and the popularity he won (or rather purchased) that day: *de re tua munus edes . . . hoc est habere, hoc est posse* ("You will present a *munus* from your own funds . . . . [T]his is what it means to be rich, this is what it means to have power").[83]

The greatly increased financial risk associated with dangerous gladiatorial combat explains the curious boasts of some priests in the Greek East, who advertise their promise to provide gladiatorial combats "with sharp weapons." The boasts would imply that others, perhaps the majority, presented *munera* in which gladiators fought with dulled or blunted weapons. For example, in the early third century, the city of Smyrna honoured Iulius Menecles Diophantus, who, as asiarch, had provided a *munus* (Greek, φιλοτειμία) with sharp weapons (ἐνδόξως φιλοτειμησάμενον ἑξῆς ἡμερῶν πέντε τοῖς ὀξέσιν).[84] The presentation of a *munus* as part of the duties of an official of the imperial cult (here an asiarch) was expected, if not required, but Diophantus was especially worthy of honour for having presented such an expensive spectacle. The sharp weapons heightened the risk to the lives of the gladiators performing in his *munus*.

Arming gladiators with dulled weapons was a way of reducing the chances of an accidental cut becoming infected and finishing a gladiator's career or life. It does

[82] Plutarch (*Mor.* 823e) counselled against the desire of some ambitious officials, who eagerly presented expensive spectacles, including *munera*, in order to enjoy the popularity such shows engendered, arguing that such popularity was fleeting.

[83] See Beschaouch 1966: 139.

[84] Petzl 1982–1990: no. 637. For the phrase, τοῖς ὀξέσι (σιδηροῖς), see Robert 1940: 258–261.

not mean that such combats were fixed. Furthermore, the boast of sharp weapons should not be understood as the work of an especially vicious or bloodthirsty *editor*, but rather as an advertisement of the willingness of the editor to spend—and potentially spend freely—on the entertainment of the people. Sharp weapons, while not necessarily resulting in the death or serious injury of the combatants, certainly increased the chances of such a costly occurrence.[85] By the mid-third century, purposefully compelling gladiators to fight to the death was so rare (if it ever had been common) that such a spectacle required imperial *indulgentia*. An inscription from Beroia in Macedonia from A.D. 240 advertises an upcoming *munus* and boasts that the *editores* even have the permission of the Emperor to compel a pair of gladiators to contend for their lives (κατὰ συνχώρησιν τοῦ κυρίου ἡμῶν Μ(άρκου) Ἀντωνί|ου Γορδιανοῦ).[86] While this is indeed evidence for gladiatorial combat to the death, the extraordinary thing about these particular combats is the fact that they were so extraordinary. The chief priest of the imperial cult in Beroia presumably sought and obtained the permission of the emperor himself in order to stage such a show. Moreover, normal gladiatorial combat (νενομισμένος) clearly was not fought περὶ τῆς ψυχῆς. On the one hand, by officially giving his permission for the show to happen, the emperor thus ensured that he shared in the popularity engendered by the presentation of especially expensive spectacles. On the other hand, the requirement of official *indulgentia* may also have served to limit and control the purposeful killing of expensive gladiators and the resultant squandering of personal fortunes in the quest for popularity and notoriety.

While a priest might have mediated the risk of serious or fatal injury befalling any of the gladiators he had contracted by arming them with dulled weapons, or by stopping the fight at the first wounds, the chance of accidental injuries remained very real nevertheless. By reducing the overall values of gladiators, the *senatus consultum* sought ultimately to limit the financial risks threatening the solvency of those priests who had undertaken to present *munera* in celebration of the imperial cult. Additionally, lower overall prices made it more viable financially for priests to purchase entire *familiae* at the beginning of their term in office. The legislation may even have encouraged the priests to present more dangerous, and so financially risky, combats. Such combats were more popular and engendered a renown that attached itself equally to the priests giving the shows and to the Emperors themselves, in whose honour and for whose glory the shows were given in the first place.

[85] Ville (1981: 407), following Lafaye (1896: 1594), suggests that the inspection of the weapons was a regular prelude to the gladiatorial show: cf. Suet. *Tit.* 9.3 and Dio Cass. 68.3.2. This custom, if indeed universal, does not require the weapons actually to be sharp. → SHA *Comm.* 5.5 for Commodus' occasional willingness to fight with sharp swords: *in harena rudibus, inter cubicularios gladiatores pugnavit lucentibus aliquando mucronibus* ("in the arena he fought with the wooden swords, but among his gladiatorial attendants he sometimes fought with the swords shining").

[86] Touratsoglou 1970: 285–290 = *AE* 1971, 431 = Gounaropoulou and Hatzopoulos 1998: no. 69.

IV. CONCLUSION

When faced with the obligation or expectation to provide a *munus* as part of the duties of an officer of the imperial cult, a priest approached a *lanista* and agreed to lease each gladiator at a fixed rate—a rate perhaps determined as a percentage of the gladiator's overall value. For those gladiators seriously harmed or killed in the *munus* the priest was expected to pay the gladiator's full purchase price. It is therefore the death of or serious injury to gladiators, and not simply the cost of hiring them to perform, that so threatened the fortunes of members of local and provincial elites. For this reason, the decree of 177 sought to lower the overall value of gladiators, and said nothing about their lease cost (although if the lease cost were in fact calculated as a percentage of the gladiator's overall value, then leasing costs would likewise deflate with a lower overall value).

It is unlikely that the priest paid the *lanista* up-front, especially since the final cost depended on whether the gladiators survived or not. Moreover it is equally unlikely that the priest had direct dealings with a *lanista*. Instead, the priest's debts to the *lanista* were discharged on behalf of the priest by a reliable third party: a banker (*argentarius*). Given the potentially large role played by bankers in making available the funds by which priests contracted and paid for gladiators, the financial crisis in the third century A.D. would certainly have adversely affected the ability of priests to continue to provide such expensive entertainment for the people. The later third century was also a time of devalued coinage and increasing inflation, which presumably affected the costs of gladiators. Already in the later second century, as attested by the *senatus consultum*, the costs of *munera* were rising beyond the financial reach of many. More significant perhaps is the final disappearance from our sources of the *argentarius* in the later third century and the corresponding difficulty in obtaining credit.[87] Combined with the growing unwillingness of members of the local and provincial elites throughout the Empire to undertake such increasingly expensive liturgies—a tendency which is attested as early as the reign of Hadrian[88] and is certainly evident as well in the *SC* from 177—the relative inaccessibility of credit might have contributed more than any other single factor to the gradual disappearance of gladiatorial *munera* in the fourth and fifth centuries A.D.

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[87] Andreau 1999: 32–33.
[88] Reynolds 2000: 16–19.

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