

CHAPTER I

*Associations' Regulations from the Ancient
 Greek World and Beyond*
An Introduction

Vincent Gabrielsen and Mario C. D. Paganini

The Book's Subject and Aims

Private Associations in the Ancient Greek World investigates the rules and regulations produced by ancient private associations in an attempt to show why and how associations were creating a system of well-ordered groups within their communities. Regulations represent, in fact, an understudied aspect of ancient associative life: this book aims to fill this gap by approaching the well-known phenomenon of ancient associations from a new angle. It analyses the organisational structures, legislative mechanisms and features of associations, while at the same time investigating the potential models from – and interrelations with – the habits and strategies of political institutions. It also provides an assessment of the associations' impact on the broader socio-cultural and physical environment and of their role in local societies, thanks to the establishment of such regulations. The book explores the ideology, values, ideas and aspects of identity embedded in the regulations as ways adopted by associations to create a specific profile to present to the outside world, as well as to members (both existing and future).

Although regulations of associations received attention in the classic accounts on the subject,¹ this was generally done in connection with commentaries on specific individual inscriptions, particularly rich in detail concerning the organisational and administrative aspects of associations.² Later works were even less systematic. The same generally applies to the papyri too: treatment of the subject took the form of learned commentaries on individual Greek or Demotic texts, typically in connection with their

¹ Foucart 1873, Ziebarth 1896, Waltzing 1895–1900 and Poland 1909.

² For instance, the regulations of the *lobacchoi* (*IG* II² 1368; *LSCG* 51 = *CAPInv.* 339, with Poland 1909: 67–8 and *passim*, cf. A59; Tod 1932: 71–93; Moretti 1986; Jaccottet 2011) or the *hieros nomos* from Philadelphia (Keil and von Premerstein 1914: 18–21 no 18; *TAM* V.3 1539; *Syll.*³ 985 = *CAPInv.* 348, with Weinreich 1919; Barton and Horsley 1981).

publication.³ On the whole, none of these works on associations made the regulations the object of a systematic study, let alone sought to contextualise the historical significance of the phenomenon.⁴ Some broader overarching issues were, however, addressed in connection with the Egyptian material: the main question was whether the rules, along with the system of governance they imply, represented an independent Egyptian tradition, which was adopted by the Greek-speakers in Egypt,⁵ or a single, common Greek–Egyptian tradition, probably originating from Greece.⁶ Furthermore, more recent studies on Egypt have aptly started to analyse associations’ rules with a focus on issues of membership, social standing and personal connections in different localities during the Ptolemaic and Roman periods.⁷ However, further issues remain to be addressed regarding the phenomenon not only within Graeco-Roman Egypt, but also outside of its boundaries.

The geographical focus of the investigation is the Greek-speaking Mediterranean, based on at least two reasons. First, the book is linked with the work done on the Inventory of Ancient Associations, an open-access online database of all known private associations attested in the Greek-speaking world from ca 500 BC to ca AD 300.⁸ Second, the analysis aims at uncovering similarities as well as differences in a comparative outlook within a common cultural sphere: the chapters of this book, by various international specialists, study specific aspects of associations’ regulations from selected regions of the Greek-speaking world. Furthermore, the investigation concentrates on the Hellenistic and Imperial times, as most of the evidence on the subject dates from those periods.

The approach adopted in this book is therefore cautiously selective. However, in order to provide a strong comparative perspective and to give

³ For instance, Boak 1937a; Boak 1937b (on *P.Mich* V 243, 244, 245); Norsa 1937 (on *PSI* XII 1265); de Cenival 1972: 3–10 (on *P.Lille Dem.* I 29) and 103–7 (on *P.Berlin Dem.* 3115); Arlt and Monson 2013 (= *P.Bagnall* 42 = *P.Stanford Green Dem. inv.* 21).

⁴ Close attempts in this direction are de Cenival 1972 (although providing a comprehensive and detailed study of all the Demotic material on the subject available at the time, this work fails to provide a larger historical analysis of the phenomenon in all its complexity and potentiality) and Schnöckel 2006 (re-edition of a 1956 doctoral dissertation, focusing on the regulations from the Tebtynis *grapheion* in early Roman Egypt). On the other hand, Muszynski 1977 is a descriptive work with limited scope.

⁵ Roberts, Skeat and Nock 1936: 72–7; Muszynski 1977: 160–1.

⁶ Boak 1937b: 219–20; Muhs 2001: 5.

⁷ See, for instance, Muhs 2001; Monson 2007; Venticinque 2010.

⁸ See <https://ancientassociations.ku.dk/>; each association recorded in the online Inventory of Ancient Associations is referred to by its unique identifier (*CAPInv.* #). This work was an international collaboration between forty specialists of various regions of antiquity and the principal outcome of the Copenhagen Association Project, generously funded by the Carlsberg Foundation.

a taste of the global character of the phenomenon of private associations (even in their legislative habits), we thought it important to include two case studies of associations operating outside our main area of enquiry (both geographically and temporally) with two different approaches: one follows within the path of tradition and looks at the associations of the Roman West, namely, at Ostia, whereas the other provides a new and unconventional perspective by bringing into the picture associations from ancient and medieval Asia, namely, from India and China. Thus, the content coverage, though selective, is ample, as it reaches beyond Greece and Asia Minor and includes Egypt, Ostia and the East.⁹ By the same token, the book encompasses different (socio-political) local realities and source material of a different nature. This obviously results in a great variety of contexts and the reader should not expect absolute uniformity. Although potentially confusing or discouraging at first, such diversity represents the biggest value of this analysis: it allows the reader to better appreciate the world of associations and their normative attitudes in all their richness, while anchoring them in the specificities of their various local societies, from which they cannot be abstracted. Such a wide-ranging comparative approach produces a new perspective, which challenges us to cross the confines of traditional scholarly attitudes – for instance, the Hellenocentric view of the polis – in favour of a broader outlook.

Thanks to its comparative efforts, it is hoped that the book may be of interest to a wider readership, not only to specialists of associations and to those interested in the social, legal, administrative and religious histories of the Greek and Roman worlds, but also to historians and specialists of other periods and geographical areas. As a matter of fact, the comparative results gained in the volume encourage us all to have an open mind and be aware of the broader perspective, considering relevant developments of social phenomena outside of the confines of one's specialisation. Through the comprehensive and comparative analysis of different aspects of rules of associations, through the focus on the legal and institutional workings of non-state entities, on their regulation of space and on their interaction and reciprocal dialogue with local realities (both public and private), this volume aspires to make a new, independent – albeit perhaps modest – contribution to the field.

⁹ Despite our best efforts, we were unable to include a systematic treatment uniquely devoted to the rich Demotic material. However, the Demotic regulations are exploited in various chapters of the volume (for instance, in Chapter 3 by Eckhardt, Chapter 6 by Arnaoutoglou, Chapter 8 by Langellotti and Chapter 10 by Evers) in connection with the larger analysis of specific aspects of normative behaviours by associations.

The chapters of this book adopt a threefold approach for their inquiries into the world of associations' regulations: a descriptive approach (by presenting the main aspects of organisational life and its ideology, beliefs, principles and values), a comparative approach (by relating associations' norms and procedures with those known to apply in other local institutional environments) and a contextualising approach (by investigating the wider role played by associations in their society thanks to their self-presentation as normative micro-systems). The last two approaches in particular have never before been applied to the topic of ancient associations.

What Is a Private Association?

Answering this question means identifying the clear object of investigation of the present volume. Both constituent elements of this notion need to be addressed: first, despite the intrinsic difficulties of providing universally valid and univocal definitions for ancient realities, we shall try to explain how we can identify an ancient association; second, we shall clarify what we mean by the term 'private'. It should be stated clearly that such an interest in a definition of the term is a modern scholarly concern: the ancients never spelt out of what they considered an association. However, the need for such a definition is no trivial matter, as it is fundamental for the selection of the material, in the interest of a stronger validity of research outputs. In this respect, we adopt a rather restrictive approach – often stricter than others – in order to identify a private association with some certainty: there is in fact a set of criteria that needs to be met.¹⁰

We understand an association to be a group of individuals gathering together as a body with some sense of self-identity (often expressed with general terms for 'association', such as *koinon*, *thiasos*, *synodos*, *collegium* and *corpus*, as well as with specific collective proper names, which encompass a variety of possible elements, from names of deities or activities to place names – also in combination), some form of organised structure (with more or less elaborate or codified regulations concerning membership and organisation) and some desire for a durable existence. They met in meetings or assemblies on more or less regular occasions for the most disparate reasons and with the most varied purposes and often behaved in

¹⁰ For a lengthier discussion of the criteria defining private associations, see Gabrielsen and Thomsen 2015 and <https://ancientassociations.ku.dk/CAPi/intro-criteria.php>. See also Harland 2009: 26–35.

their dealings as a corporate body would. The terms employed (by associations themselves and by others) in the ancient sources to identify these realities are various but they mostly recall an idea of 'being, gathering, performing, possessing something together, as a community' – from the Greek term *koinon* to the Latin word *collegium*, for instance – thus showing how important the value of communality and, to some extent, some aspects of communal life were for associations' identity.¹¹ As associations' regulations clearly show, their members, besides being clearly defined vis-à-vis non-members (through criteria decided by themselves), were (expected to be) characterised by a relatively high degree of bonding, intimacy, solidarity, commitment and social cohesion.¹² Conversely, by the term 'private' we mean that associations were neither state-run institutions nor organisations established by the state: they were formed and managed by private individuals, with private funds and with self-government; they were not established as constituent parts of the constitutional features of the political communities where they were active. However, their private nature does not mean that they did not play any role in the public life of their communities; quite the opposite: they were not directly determined and run by the state but were very much embedded in, open to and projected towards the life of their local communities, which they in fact greatly influenced and by which they were influenced.

At the same time, private associations were quite distinct from other private groups, equally positioned outside of the constitutional spectrum of political or administrative institutions but characterised by a fundamentally different nature. These groups can be generically arranged under three headings: 'informal groups', 'ad hoc groups' and partnerships.

1. 'Informal groups' are a loosely knit type. Members' entrance/exit is often not only largely unregulated by formal rules but probably also undefined: individuals can join or leave the group without needing approval or notifying the other members. Likewise, formal meetings at which all members assemble might not occur at all. Additionally, even if some have a continuous (rather than temporary) existence, all groups belonging to this kind typically do not display any of the fundamental features that usually indicate a specific collective identity, such as a

¹¹ One should, however, note that some degree of polysemy existed: for instance, the Greek word *koinon* was employed to define a great range of disparate entities, from (private) associations to political communities such as federations or leagues.

¹² See Harland 2005: 493 for justified scepticism towards the view that, unlike Christian groups, associations lacked a developed sense of community.

collective proper name (for instance, the *Eikadeis*) and/or general designations for their group as a whole, such as the Greek terms *koinon*, *orgeones*, *thiasotailthiasos*, *eranistaileranos*, and so on. Demades and his friends in late fourth-century BC Athens are an example of such an informal group: high-profile people involved in politics, the navy and the grain trade, who shared common financial interests, helped each other and adopted concerted strategies for their own (economic) advantages.¹³

2. 'Ad hoc groups' were formed for the specific performance of a limited and specific task and did not extend their sphere of interest or sometimes even active existence beyond that occasion. These could include the so-called ad hoc cult groups or those age groups not embedded in the political constitution of the hosting community but, for instance, organised for a specific festival, event or ceremony. Although some had some form of collective identity and names, as well as potential rules of entry and exit, they do not display any other signs of more complex formal organisation (developed internal organisation, property, extended duration, etc.). An example of this may be the so-called *Thyadai*: a group of women who were active in the performance of rituals connected to the cult of Dionysus at Delphi.¹⁴

3. In partnerships (especially business partnerships), members are clearly defined, closely knit and probably also intimate, but by virtue of a written or unwritten legal contract between them. Besides stating (a) the purpose of their union, which is the group's *raison d'être*, this contract specifies (b) the duties and privileges of each member and (c) the duration of the group's existence, typically a (short) period of time that coincides with the completion of the stated purpose. After this time, the validity of the contract binding the members is dissolved. The holding of common property may result in added complications, as this would in fact have to be sold and its price redistributed amongst the former members when the partnership ended. The contractual character of partnerships and the nature of their activities give rise to certain legal requirements that the members have to meet in their dealings, especially vis-à-vis third parties: for this reason, partnerships might use one or more features of collective identity, such as a proper name. Partnerships, therefore, bear a resemblance to our associations. However, the majority of partnerships' fundamental features, not least their predetermined time of expiry, set them

¹³ See Gabrielsen 2015.

¹⁴ The term *thiasos*, if it was ever applied to the *Thyadai*, would most probably have meant simply worshippers. See e.g. [Plut.] *Moralia* 293d and 365a, with McInerney 1997: esp. 269 and 272.

apart from associations proper. An example of a partnership is the consortium of 'those gathering under the poplar tree' at Athens: a group of individuals who collectively purchased from the state the right to collect the *pentekoste* (the 2 per cent *ad valorem* tax) in 402/1 BC.¹⁵

Hybrid forms – between 'informal groups', 'ad hoc groups', partnerships and private associations proper – arguably existed. So far, they have largely remained unidentified. For analytical purposes, it is therefore preferable to regard them as theoretically distinct.¹⁶ On the one hand, associations proper had regulations that stretched beyond the practical and somewhat narrow arrangements of the partnership; partnerships had contracts; on the other hand, mere groups needed nothing of the kind, because they could manage simply with an informal 'common understanding' among participants.

Traditional scholarship has tended to divide private associations into different types, giving them various general labels: trade/craft associations, professional associations, cult associations, religious associations and the like. This was done for practical reasons, in an attempt to give some structure to a complex phenomenon, which could often prove itself too confusing and too unsystematic for modern minds. Influenced – unconsciously or not – by the world of medieval and modern professional guilds and religious confraternities, historians have generally considered these types as fundamentally different sorts of organisations categorised on the basis of the alleged individual nature and main *raison d'être* of such associations. In many cases, such identification was mainly or solely based on the association's name, because little beyond that is often known from the sources: a group named *Apolloniastai*, for instance, would be labelled a 'cult association' and their existence would be linked to the worship of the god Apollo, whereas a weavers' club would be defined as a professional association, the activities of which were essentially believed to serve the purpose of facilitating their trade. However, things are more complex: although associations' names certainly advertised an image of the group and did have a meaning in connection with (one of) the characters that the group decided to project to the outer world at the time when the association chose its name, virtually nothing certain can be deduced from associations' names concerning their actual nature, activities, motives and

¹⁵ And. 1.133–4. See Gabrielsen 2016b: 94–5.

¹⁶ Associations and groups are treated indiscriminately in the essays collected in Fröhlich and Hamon 2013a. For the reason stated, 'Gruppenreligionen' in Rüpke 2007 may also be regarded as too vague a concept, not differentiating sufficiently between associations and other kinds of groups.

agenda – one of the first scholars of ancient associations had already remarked that ‘the name of an association does not have to signify its purpose’.¹⁷ As a matter of fact, the idea itself that an association had one sole nature or central purpose – together with our ability to identify it – is questionable: in those cases in which we know more about the activities and existence of an association, at a closer look we often see that the association’s aims and interests were various and stretched beyond the confines of what its name or assigned ‘type’ might suggest.¹⁸ The traditional division of ancient associations into types has therefore fallen short and is being rightly challenged.¹⁹ Although convenient for the sake of classification and often also maintained in more recent scholarship (even in some of the chapters of this volume), in our view such a division is misleading and historically imprecise; therefore, it should be employed without dogmatic value and with caution – or, better still, it should be avoided altogether.

A recent trend in the field of ancient history has provided a new theoretical framework for the study of associations: the concept of networks. Interest in phenomena and realities beyond or outside the traditional poleis and the elements encompassed in their constitutional framework has gained momentum and has triggered the development of this different methodology for the purpose. One of its aims is to uncover and map out those – often complex – interrelations between various agents operating outside of the traditional categories of the political establishment: these relations are not always adequately visible through the lens of formal institutions or traditional descriptive categories; conversely, they become more clearly perceivable with a network approach. Therefore, such a method intends to highlight and interpret those agents that have been largely ignored in traditional scholarship but potentially did exert a distinct influence on historical change.²⁰ In fact, a steadily growing number of studies seek to understand and explain historical processes of various kinds by using the concept of network as their basic tool of analysis and network theory as the framework of their fundamental assumptions.

¹⁷ ‘Der Name einer Gennossenschaft braucht aber doch nicht ihren Zweck anzudeuten’ (Poland 1909: 6). The contemporary Freemasonry is a further example in point: in spite of its name, the association neither gathers nor caters for stonemasons or builders (anymore).

¹⁸ A variety of purposes for associations is also maintained by van Minnen 1987, Harland 2003: 55–87, Gibbs 2011, and Verboven 2011.

¹⁹ See Gabrielsen 2001: esp. 218–19; Harland 2003: 28–53; Arnaoutoglou 2011a.

²⁰ See the essays in Malkin, Constantakopoulou and Panagopoulou 2009 and in Taylor and Vlassopoulos 2015a.

Some strive to retrieve the broader but dynamically evolving patterns of interrelations – cultural, technical, economic, and so on – formed through the circulation and use of artefacts over a wider geographical space.²¹ Other studies explore the web of connections established by and between political communities (e.g. mother-cities and their colonies; leagues and confederations).²² Highly promising steps have also been taken in the analysis of networks of cults and in the study of amphictyonies, which have shown rich potential in this respect too.²³ Finally, other studies focus on those networks that are generally described as social and economic networks, because they primarily reflect the organisational choices and connectivity strategies of individuals (rather than of political or large religious entities).²⁴ Associations are positioned within the frame of social, religious and economic networks.

The Regulations of Private Associations

The need to regulate the practicalities of internal organisation and the desire to set some principles for associations' life as a group prompted them to establish regulations. This is the data set that is the main object of investigation of this book: regulations were drawn up in various forms and are preserved both in inscriptions and in papyri, virtually covering the entire time span of antiquity (and beyond). In this respect, the reader should not expect absolute uniformity in the character and typologies in which associations' regulations could be clad, not only as differences could exist depending on place but also because the same association could adopt a variety of legal instruments – at the same moment or over a longer period of time – in order to formally record their dispositions. Furthermore, unwritten customs and traditions also existed and formed – an equally important – part of the system of regulations of associations: although these left no trace in our evidence and therefore cannot be assessed, they should neither be forgotten nor underestimated in their value.

Typologies and formats of the regulations of associations varied (see Table 1.1): they included decrees and contractual agreements, as well as

²¹ Osborne 2009; Fenn and Römer-Strehl 2013. On network theory, in particular: Rutherford 2009, plus the works cited in Taylor and Vlassopoulos 2015b: 10–15 and in Davies 2015.

²² Colonies: Malkin 2011 (also with some attention to cults). Leagues: Constantakopoulou 2015.

²³ On networks of cults: Bowden 2009; Davies 2009; see also Eidinow 2011 and Rutherford 2013. On amphictyonies: Hornblower 2009: 39; Malkin 2011: 224; Davies 2015: 252 n. 35.

²⁴ Granovetter 1983; Terpstra 2013; Taylor and Vlassopoulos 2015a; Bramoullé, Galeotti and Rogers 2016.

unilateral dispositions such as endowments or foundations, testamentary wills and sacred laws or orders. Furthermore, besides fully formed, self-contained and formal charters, dispositions on different matters and procedures of the association's life could also form part of other documents by associations, from honorific decrees to administrative decisions. Therefore, the body of associations' regulations often had the character of a corpus or a collection rather than of a single normative text: composed of various dispositions contained in and scattered over different documents, these regulations were often drawn up over the course of the association's lifetime, could be added one to another and also adapted to changing circumstances and needs. As established in relevant dispositions appended to associations' texts, the binding validity and force of these regulations was secured by their publicity, accessibility and preservation: associations made sure that members had access to these documents, which were often set up on stone on the association's premises as well as recorded on more perishable materials (tablets and papyrus) to be stored in the association's archives.²⁵ The best known examples of regulations by an association include the rules of the *Iobacchoi*, the name carried by the members of a second-century AD Athenian association which formally called itself 'the *Bakcheion*',²⁶ and the regulations of associations from Pharaonic, Ptolemaic and Roman Egypt, written in Demotic and Greek. There are some twenty sets of such regulations, often rich in details, the earliest of which dates to the early fourth century BC; they are commonly referred to by modern scholarship as *nomoi*, 'laws', from the name given to them in the Greek papyri.²⁷

For reasons of practicality and theoretical analysis, one may draw a general distinction between two kinds or aspects of these regulations: on the one hand, we find rules relating to administrative matters and procedures; on the other hand, there are rules that focus on members' conduct. For instance, to the former belong rules establishing the

²⁵ The *Koragoi* of Mantinea, for instance, in all likelihood had their own archive where association's records were kept: *IG V.2* 265, l. 46 = *CAPInv.* 428 (see discussion by Zoumbaki in Chapter 7). See also the *synodos* of landowners of Psenemphaia in the Egyptian Delta (*CAPInv.* 1441): *I.Prose* 49, l. 54 (5 BC). On archival practices in antiquity, see, for instance, the papers in Faraguna 2013.

²⁶ *IG II²* 1368; *LSCG* 51 (AD 164/5) = *CAPInv.* 339. On the *Bakcheion* and their rules see also Chapter 2 by Giannakopoulos, Chapter 3 by Eckhardt and Chapter 6 by Arnaoutoglou.

²⁷ On Demotic regulations see de Cenival 1972. The earliest example of association regulations from Egypt (IV cent. BC) is de Cenival 1988 – evidence for associations is, however, older: see, for instance, de Cenival 1986, an account of an association of mortuary priests from the sixth century BC. On the regulations of associations from early Roman Egypt, see also the discussion by Langellotti in Chapter 8.