

Rules and Regulations of Associations
*The Eurasian comparandum**

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Historical Overview

In order to learn more about the origins of and motivations behind charters of rules and regulations laid down by ancient groups to define themselves as associations proper, that is, with codified laws,¹ scholars have traditionally opted for units of study comprising distinct cultural and political entities, such as ‘Classical Greek,’ ‘Hellenistic,’ or ‘Roman’ associations. Occasionally, though, Greek and Roman traditions for associating have been treated as an implicit case of Mediterranean institutional unity, constituting one overarching *fenomeno associativo*, ‘associational phenomenon’.² Thus, particularly the older historiography of the subject reflects this basic premise of wider Greco-Roman institutional connectedness and compatibility, in that even though the two subjects are most often dealt with separately, they are assumed to add up to a mutually coherent framework for interpreting one or the other or both.³ However, even if we employ an augmented Greco-Roman perspective, this

* Special abbreviations employed:

Arthash.: Kangle (1965–72).

Periplus: Casson (1989)

Moreover, the documents from Dunhuang are conventionally identified as follows:

O.: Ōtani Documents, Library of Ryūkoku University, Kyoto.

P.: Pelliot Dunhuang Collection, Bibliothèque Nationale, Paris.

S.: Stein Dunhuang Collection, British Library, London.

¹ As defined by Gabrielsen and Paganini in Chapter 1.

² Phrase chosen from the title of de Robertis 1955.

³ Poland 1909 includes associations of Roman citizens in the East in later Hellenistic times and associations of Greeks in *Italia*. Likewise, Waltzing 1895–1900 readily includes a number of Greek associations of the Roman East in his monumental account. San Nicolò 1972 encompasses both the Ptolemaic and Roman periods in his study of associations in Egypt.

‘Mediterrano-centric’ view of events might cause us to miss out on (or conveniently ignore)⁴ the greater picture, namely, of a much wider institutional development and associational phenomenon encompassing the width and breath of Eurasia.

Accordingly, this chapter will endeavour to briefly survey and compare the institutional set-up, as constituted by charters of rules and regulations, of Greco-Roman associations of the Mediterranean from the Principate onwards with similar and roughly contemporary organisations of South and East Asia, the time span ranging from the first to tenth centuries AD. By way of a brief general overview, there is evidence for a comparable but much older associational habit amongst the peoples of the Near East. Although this was an indigenous development, it interacted with Greek forms of association from at least the third century BC onwards and merged with them in Roman times, causing distinctive local hybridisation.⁵ Likewise, first the Hellenistic states, particularly those of the Seleucids and the Ptolemies, and afterwards seagoing Roman traders of the Red Sea and Indian Ocean, came into contact with Indian craftsmen and merchants traditionally organised in their own organisations, the most conspicuous types being the *shreni* and the *nigama*, respectively.⁶ Finally, Buddhist networks of scholastic transmission from northern India came increasingly into contact with autochthonous Chinese religious institutions during the third to fourth centuries AD, effecting the creation of *she* associations native to China from no later than the early seventh century AD.⁷

Picking out the Indian and Chinese associations for comparison with their Greco-Roman counterparts, it becomes possible to trace the historical trajectories of this particular kind of institution across the largest possible spatial framework, namely, Eurasia. Thus, three different ‘association phenomena’ can be studied in isolation and interaction, which explains the need for the largest possible area of study, and comparison of roughly synchronic Roman and Indian associations with their later Chinese ditto. Although it would have been highly interesting to conduct a strictly synchronic comparison of medieval European, Indian and Chinese associations, too,⁸ such a monumental study is, sadly, beyond the scope of this chapter.

⁴ As argued about the Western invention of an exceptional ‘Antiquity’ generally by Goody 2012: 26–67.

⁵ McLaughlin 2001; Maciá 2007; specific case studies of hybridisation in Ameling 1990, Stern 2007 and Brock 2009 (the latter kindly brought to my attention by Dr Ilias Arnaoutoglou).

⁶ Majumdar 1920; Thaplyal 1996. ⁷ Yamamoto et al. 1988–89; Ning and Hao 1997.

⁸ E.g. Ogilvie 2011 (Western Europe); Maniatis 2009 (Byzantium); Abraham 1988 (South India).

More specifically, the focus here will be restricted to the rules and regulations of associations with memberships explicitly, but by no means exclusively, defined by profession, with the partial exception of the medieval Chinese associations, rather acting as a general East Asian *comparandum*. This is a necessary methodological requirement to ensure that the units to be compared have a certain minimum of meaningful characteristics in common. While comparisons with associations whose memberships were not defined by inter alia profession can be very useful, if their limitations are duly recognised, they easily become misleading when used too extensively instead of non-extant *leges*, ‘laws’, of professional *collegia*.⁹

In the following analysis of rules and regulations of Roman, Indian and later medieval Chinese associations, three interconnected issues will be explored – namely, which values or behavioural norms the associations sought to promote through their sets of rules, how the private ordering of associations worked in relation to states and what *raison d'être* associations appear to have had in their host societies.

Rules and Regulations of Roman Associations

Starting out at Rome, the earliest development of associations in the Mediterranean really goes back to the ancient Greek city states,¹⁰ subsequently diffused in Hellenistic times to other parts of the Mediterranean world, from Magna Graecia to the Levant.¹¹ While later Roman historians ascribed the establishment of occupational *collegia* to the legendary king Numa, whose reign tradition dated to the later eighth to early seventh century BC,¹² the first inscriptions by *collegia* and *corporata* crop up in the epigraphic record from the early second century BC and they are

⁹ An example of the former is Broekaert 2011: 227, 234; while an example of the latter is Hawkins 2012: 190–3. In other words, associations with all or most members sharing a joint profession were also always ‘religious’ in practicing elements of a communal cult, whereas the devotees of a specific deity united in a common cult by membership of a specific association will not have had shared professional or economic interests as a group, most likely exercising differing vocations as private individuals.

¹⁰ Poland 1909; Jones 1999; Arnaoutoglou 2003.

¹¹ Gabrielsen 2016a shows that the birth of the association phenomenon cannot be narrowed down to early Hellenistic times. Rather, the development leading up to this ‘take-off’ is attested epigraphically from no later than the beginning of the fourth century BC. Gabrielsen 2007 elaborates on the far-reaching ‘industrious revolution’ that the Greek association phenomenon constituted.

¹² Plin. *HN* 34.1, 35.46; Plu. *Num.* 17.2. Gabba 1984 debunks the tradition’s historical credibility.

mentioned in the literary sources from the sixties BC.¹³ The earliest preserved charters of association rules, however, only date from the mid-first to mid-second centuries AD,¹⁴ and only one of these pertains to a *collegium* defined by profession, to be treated in the following.

This association is attested by an inscription found in Trastevere, across the Tiber from Rome, dating from the reign of Hadrian, AD 117–38. The membership of the *collegium* consisted of *negotiatores eborarii et citriarii*, that is, ‘ivory and citrus-wood traders’, but, sadly, only half of the charter, on admission rules, annual banquets, handouts, rotation of offices and the management of communal funds, survives.¹⁵ The historical context for the combination of such different lines of trade in one organisation was the particular circumstance that luxurious composite furniture made from polished citrus wood supported by or adorned with carved ivory was very much in vogue during the mid-first to later second centuries AD.¹⁶

Significantly, the *lex*, ‘law’, states at the top of its preserved second column that ‘if anyone but an ivory or citrus-wood trader is admitted into this association (*collegium*) by deceit of the officials (*curatores*), the officials should for this [rea]son be struck from the membership list (*album*) by the members’ assembly (*ordo*)’. Moreover, prospective members also had to be approved of by one or more presidents, *quinquennalis/-es*.¹⁷ This rule is

¹³ For the earliest origins, see Waltzing 1895–1900, I: 61–90; III: 1–2; Ausbüttel 1982: 106–7, Tran 2006: 1–21; Diosono 2007: 24–33.

¹⁴ On a firm basis, the earliest Roman specimen is the *Lex familiae Silvani*, ca. AD 60 (*AE* 1929 no 161; Buonocore and Diliberto 2003), while the *Lex collegii aquae* (*CIL* VI 10298) dates back to late Republican times, but it is contested whether this group constituted an occupational *collegium*, so Moschetta 2005, or a board of municipal magistrates, so Berger 1951: 108–15. The other charters are those of the *collegium salutare* of Diana and Antinous (*CIL* XIV 2112, AD 136; Bendlin 2011) and *collegium* of Asclepius and Hygieia (*CIL* VI 10234, AD 153; Ascough, Harland and Kloppenborg 2012: 207–10), which can be cautiously compared with the preserved *nomos* of the Athenian *Iobacchoi* (*IG* II² 1368, AD 164/5; Kloppenborg and Ascough 2011: 241–56): see also Arnautoglou in Chapter 6. In addition, a fragment has survived of an inscription granting permission by the Senate in AD 121 to an otherwise unknown Ostian association to convene as a *collegium*, the extant quoted clauses being verbatim to corresponding passages in the *lex* of the *collegium* of Diana and Antinous (above) concerning funerary practices (*CIL* XIV 4548; Laubry and Zevi 2010): see also Tran in Chapter 9. The *collegium* of *negotiatores eborarii et citriarii* is treated in detail below.

¹⁵ *CIL* VI 33885 = *ILS* 7214. Cf. Borsari 1887; Waltzing 1895–1900: III 316 no 1347; Tran 2007: 122–3; specifically, only half of the four-line preamble and the second half of the main text have been preserved.

¹⁶ On citrus wood and its uses, see Meiggs 1982: 286–91. For a brief summary of ancient references to citrus-wood tables with ivory legs and the latter’s possible importation as single carved pieces from India, see Karttunen 1997, and on the role of this particular *collegium* in such a proposed trade between Rome and India, Evers 2017: 13–47.

¹⁷ *CIL* VI 33885, ll. 4–7: *si alius quam negotiator eborarius aut citriarius [p]er [f]raudem curatorum in hoc collegium adlectus esset uti curatores eius [cau]sa ex albo raderentur ab ordine debebunt utique*

somewhat surprising, seeing as it is the only known example of its kind,¹⁸ making for a homogeneous membership base restricted to two select and highly specialised commercial occupations. Thus, this membership clause underlines the exclusive and close-knit nature of the organisation for those eligible and willing to participate.

In addition, unlike other contemporary *collegia* with surviving *leges*, the association of citrus-wood and ivory traders took active steps to be a highly egalitarian organisation.¹⁹ All members received equal portions of money back from the club coffers at the end of the association's fiscal year and at the stipulated celebrations on New Year's Day, the day of Hadrian's accession, as well as on the emperor's, patron's and patron's son's birthdays, all received the same cash handouts and were to be treated to the same food and drink.²⁰ In consequence, neither the boards of officials, being the *curatores* and *quinquennalis/-es*, nor more well-to-do traders or well-connected members, received any more back of any kind than ordinary members.²¹ In fact, this egalitarian feature seems to be further emphasised by the fact that all members were eventually appointed as *curatores* according to rotation based on the order of the membership list, *album*.²² Consistent with an ideal of equality amongst members, a procedure like this highlights that no one had privileged access to the blessings and burdens of the association's basic communal office – unfortunately, we do not know how they elected their *quinquennalis/-es*.

Furthermore, we learn that this association must have regularly constituted itself as a formal assembly of its own, an *ordo* or 'status group unto itself', authorised to make internal communal decisions and enforce them, amongst other things, regarding the admission of new members and the potential expulsion of *curatores* who had failed in their duties.²³ Whatever other authority the *ordo* of the *collegium* might have had over the members might well have been stated explicitly in the lost first half of the regulations, but the one surviving clause we have about the power of the *ordo*

curatores de eo [*que*] *m adlecturi fuerint ante ad quinq(uennales) re[fe]rre*. Note that the length of office of the Roman 'five-year presidents' could be less than five years, cf. Royden 1989.

¹⁸ Tran 2007: 122; Ausbüttel 1982: 37–8. That is, although no other charters of occupational *collegia* are preserved from the Roman West, numerous membership lists, *alba* and honorific dedications reveal that patrons and benefactors, in particular, were freely admitted no matter their vocation; e.g. *CIL* XI 2702; XIII 5154; XIV 409. Obviously, though, other (non-occupational) *collegia* also strove to exclude freewheeling non-members from their banquets, etc.; e.g. Tran 2007: 123.

¹⁹ Contrary to: *CIL* VI 10234, ll. 10–12; XIV 2112, ll. 17–22; *IG* II² 1368, ll. 117–24.

²⁰ *CIL* VI 33885, ll. 8–19, 22. ²¹ Bäumlér 2014: 72–3, 75. ²² *CIL* VI 33885, ll. 19–20.

²³ *CIL* VI 33885, l. 6. On Roman *ordines* of the West in general: Tran 2006: 335–46; on this *ordo* specifically, Tran 2007: 124.

over internal matters indicates a strong mechanism for private ordering amongst these two combined groups of traders.

Accordingly, in order for people of quite different trades to merge into a more or less coherent group able to make joint decisions, the establishment through codification of a principle of equal worth amongst the members seems an eminent idea. In practice, this egalitarian principle was enacted at the half dozen annual celebrations following a strictly defined format (set handouts and banquets), serving to create trustworthy and functional relations between individual members, at one level, and the two trades more generally. Thus, the group constituted itself as a formal body through the very procedure regulating stipulated communal activities.²⁴

Summing up on this particular occupational *collegium*, it was an organisation created intentionally in response to a strong demand for composite citrus-wood and ivory furniture. As such, it is a prime example of vocational dependency facilitated by associational bonding, made possible by embedding transactional relationships of profession in social relations of fellow-members enshrined in associations' regulations.

Significantly, a recently discovered inscription from Miletus in Roman Asia Minor sheds a sidelight on the intentional creation and deliberate organisation of occupational associations.²⁵ The text is a reply from emperor Hadrian, dated AD 131, granting permission for the establishment of an *oikos naukleron*, 'house of the shippers', and at the same time ratifying the *nomos* in accordance with which it was to be organised.²⁶ Accordingly, the Milesian *naukleroi* must have previously drafted a set of rules setting out the arrangements of their prospective 'house of shippers' and attached them to a petition seeking imperial approval for the formal foundation of such an organisation.²⁷ In fact, the *collegium* of *negotiatores eborarii et citriarii* is likely to have established itself through the very same process, seeing as imperial approval for the creation of associations was not

²⁴ Bäumler 2014: 77–9, drawing on Luhmann 1969.

²⁵ On professional associations in the Greek-speaking East of the Roman Empire, see generally Dittmann-Schöne 2001 and Zimmermann 2002.

²⁶ Ehrhardt and Günther 2013: 200, ll. 10–13.

²⁷ Whereas *oikos* was used in Hellenistic times to refer to an association's property, being its meeting place (or clubhouse), e.g. *I.Délos* I 520 (ll. 3, 10) and 774, the word came to denote in the Roman East an association itself, most (perhaps even all) of *naukleroi*, whereas their physical 'house' could now be called an *oikos nauklerikos*, cf. *TAM* IV.1 22 (with IV.1 33). Other known *oikoi naukleron* are: *IScM* 60, 132 and 153; *BCH* 25 (1901): 36 no 184; *SEG* 51:2016. On which, see Poland 1909: 114; Vélissaropoulos 1980: 104–6; and Dittmann-Schöne 2001: 42. The great value of the new inscription from Miletus is that it informs us that these groups not only shared joint profession, owned property, elected officials and made communal dedications, but also abided by formally established sets of rules.

only required by law,²⁸ but that this particular group actively advertised appreciation for the emperor by celebrating his birthday and accession to the purple, marked by greater handouts and, as regards the latter day, a proper dinner instead of the regular banquets.²⁹ Imperial favour of occupational *collegia* (and *oikoi*) was thus not only a formal requirement, but also seems to have been proudly advertised as a group value in the guise of collective reverence for the emperor.

Indeed, the fundamental importance of charters of rules for the foundation of associations whose members were primarily involved in economic activities is further borne out by two inscriptions from Puteoli, the great maritime hub of Rome. One, from AD 116, tells us that the port hosted Berytian worshippers of Jupiter Heliopolitanus, while another in all likelihood refers to the same group as a *corpus Heliopolitanorum*, possessing land, a cistern and *tabernae*, as well as a set of rules and shared norms, *lex et conventio*, which anyone entering the area had to abide by.³⁰ Thus, although the members of this group shared both geographical origins (Berytus), religious confession (Jupiter Heliopolitanus) and presumably profession (merchants and shippers operating out of Puteoli, as the Tyrians to be treated shortly), they still felt the need to express their formal nature as a corporate association by reference to their common rules (the *lex*) and principles (*conventio*), which members and non-members alike had to abide by in their little part of town. Previously, a second-century BC association of Berytian merchants, shippers and forwarding agents,³¹ being worshippers of Poseidon, had been equally well organised as a group with common property, funds, rules, magistrates and court proceedings, on Hellenistic Delos, revealing a long-term Berytian penchant for setting up associations governed by meticulous regulations.³²

A similar situation is revealed by an inscription put up by a dwindling community of Tyrians resident in Puteoli in AD 174, being those who

²⁸ E.g. *Dig.* 3.4.1 (Gaius, second century AD), mentioning, in particular, permissions granted by the Senate or emperor for *corpora naviculariorum* in the provinces; 47.22.3.1 (Marcianus, early third century AD). Pliny the Younger also mentions in passing that Trajan was consulted about the establishment of *collegia* (*Pan.* 54.4)

²⁹ *CIL* VI 33885, ll. 10–11, 17–18; cf. Bäumler 2014: 75, 78–9.

³⁰ *CIL* X 1634 and 1579, respectively = Tran Tam Tinh 1972: S. 12–13; Terpstra 2013: 84–5.

³¹ *I.Délos* I 520. ‘Forwarding agents’ is a translation of the ambiguous Greek term *egdocheis*, following Fraser 1972b: 185f and 319f with n. 428; whereas Rostovtzeff 1941: II 1268, interpreted the group as ‘warehouse owners’. One might also settle for calling them ‘warehousemen’. However, Fraser’s translation better brings out an active role, comparable to that of *emporoi* and *naukleroi*, rather than implying passive (or even absentee) owners of storage space or the people working in such buildings. Compare *P. Cair. Zen.* 59021, ll. 9–11 (258 BC).

³² See Tod 1934: 140–59.

originally settled in town to service their fellow merchants and shippers sailing out of Tyre.³³ From the details of the inscription, we learn that the Tyrians jointly possessed a *statio* in town, being an actual building of some size and considerable embellishment, where worship of their ancestral gods was conducted and around which the Tyrian community's participation in and payment for public festivals was organised – if all of this was not governed by an explicit *lex*, then, at least, they too adhered to a common *conventio* grounded in shared ethnicity and common worship of ancestral gods.³⁴ Significantly, moreover, the Tyrian settlers at Puteoli seem to have been in possession of some kind of authoritative document, perhaps a founding *lex* of sorts, which ensured their eventual success in securing from the city council of Tyre support for the status and independence of their community vis-à-vis a similar establishment of their countrymen in Rome.³⁵ And, just as with their Berytian contemporaries in Puteoli, Tyrian merchants and shippers had been established and formally organised as an association of worshippers of Heracles, on second-century BC Delos, proving an equally long-standing tradition for well-ordered societies of Tyrian economic agents.³⁶

Having by now studied the principles behind the *lex* of the *collegium* of *negotiatores eborarii et citriarii*, the role of *leges* for the foundation and organisation of associations consisting of traders and craftsmen more widely and the importance of official ratification of an association's regulations by the central authorities, we shall now briefly consider the potential of charters for facilitating corporate economic activity by professional associations. From the theoretical perspective of Roman law, persons formally permitted to constitute a *corpus* in the manner of a *collegium* or *societas* or other organisation were allowed to possess common property and funds (as we have already seen, all of the associations treated in the above did to various extents) and to authorise a person to act as agent (*actor*) or representative (*syndicus*) of the entire group, anything this person transacted or did being on behalf of all.³⁷ However, this article merely defines that associations were considered corporate bodies in the eyes of the law and, therefore, leaves us none the wiser about actual corporate economic activity by ancient associations.

³³ CIG V 853. Terpstra 2013: 70–9

³⁴ All of this being embedded in a strong Tyrian religious community, apparently created by the official transhipment from their motherland to Puteoli of a native god in AD 79. JGR I 420 = Tran Tam Tinh 1972: 137, S. 18; and Torrey 1948–49.

³⁵ As argued by Sosin 1999. ³⁶ *I.Delos* I 519. ³⁷ Dig. 3.4.1.1 (Gaius, second century AD).

In support of a guild- or firm-like corporate potential of *collegia*, *corpora*, *oikoi*, etc., evidence of associations from Ptolemaic and Roman Egypt is often employed.³⁸ One specific document stands out:³⁹ a papyrus from Tebtynis in the Fayyum of Roman Egypt, dated AD 47, which was lodged in the village record office by local salt merchants, *halopolai*, and contained a detailed account of how their mutual business was to be organised for the following year, in the area for which they had jointly acquired the public concession to sell salt.⁴⁰ A supervisor and collector of their trades' public taxes was elected, rights of salt and gypsum sale for different localities were distributed amongst them, fixed prices for salt and gypsum were agreed upon as well as upper limits for individual transactions with third parties, different fines were stipulated for transgression of the rules, the date for a monthly meeting (involving the consumption of beer) was set, and, finally, the right to arrest any member who came to owe the group money was vested in the person of the supervisor. Significantly, perhaps, in light of the above analysis, no party to the agreement seems to be accorded undue privileges based on considerations of status external to their businesslike compact.

While this might at first glance appear to be monopolistic behaviour by a sort of *koinon halopolon* acting much in the same manner as an archetypical merchants' guild of medieval Europe,⁴¹ the special context constituted by the economy of Roman (and Hellenistic, for that matter) Egypt should, in fact, cause us to think otherwise.⁴² Rather, local Egyptian *koina* of craftsmen and traders, like that of the salt merchants of Tebtynis, were to a considerable extent united for contractual reasons to do with their subleases of greater public or private monopolies in their trades,⁴³ and for reasons of public utility, such as the collection of trade taxes. Several cases of occupational groups being held liable for their profession's trade taxes by government collectors are known from throughout the Roman period.⁴⁴ In other words, we should probably consider such Egyptian *koina* of craftsmen and traders more in the sense of annually renewable professional partnerships⁴⁵ operating within the special framework of an indigenous

³⁸ On professional associations in Egypt generally, see, in particular, San Nicolò 1972; Gibbs 2011, 2015; Venticinque 2016; and Langellotti in Chapter 8.

³⁹ E.g. van Nijf 1997: 13–14; Broekaert 2011: 246–7. ⁴⁰ *P.Mich.* V 245. Boak 1937a, 1937b.

⁴¹ As defined by Ogilvie 2011: 19–40. ⁴² Liu 2009: 15; Gibbs 2011: 296.

⁴³ Gibbs 2011: 298–9, especially n. 30; for Ptolemaic times, Gibbs 2015: 261.

⁴⁴ E.g. *Stud.Pal.* IV pp. 58–78, ll. 378–431 (potters, AD 73); also *P.Tebt.* II 287 (fullers and dyers, AD 161/9); cf. Johnson 1936: 394–7, nos 248–9. On associations paying taxes collectively, see van Minnen 1987: 48–9. See also Langellotti 2016b and in Chapter 8.

⁴⁵ Gabrielsen 2016b: 92–5.

Egyptian tradition for both associations⁴⁶ and the collective leasing of monopoly concessions.⁴⁷ Accordingly, this particular set of circumstances sets the ‘charter’ of the Tebtynian salt merchants apart from the *leges* and *nomoi* of formal and permanent associations of craftsmen and traders in the rest of the Empire, with which it cannot therefore be properly compared.

However, there is one tantalising example of a professional association organising the work of its members in such a way as to resemble corporate business, if we turn to a Late Antique inscription, dating to AD 459, from Lydian Sardis in Asia Minor. This inscription constitutes a formal agreement between a builders’ association and the local magistrate, the aim of which was to force builders to comply with the contracts they entered into.⁴⁸ Thus, this agreement made the association itself responsible for the conduct of its members, so that if any defaulted on their contracts, the organisation was liable to pay fines and reimburse the losses of employers, pledging ‘under a lien both general and individual, all our property present and future of every kind and sort’.⁴⁹ However, this was only one side of the deal, the other being that the association secured a range of formal rights for its members, thus making the deal mutually beneficent, both parties obtaining desired guarantees. Such legally binding agreements were only possible if the association in question had a set of rules, a *lex*, to organise work, both at the level of communal contracting and as regards the work of individual members, and if they had regulations in place to ensure, through monitoring and enforcement, that agreements with third parties were honoured. Whether this very late example can meaningfully be employed to shed light on the *leges* of professional *collegia* of the first to second centuries AD must remain an open question, though.⁵⁰

⁴⁶ Cf. *P.Cair.* II 30606 (Dem.) = de Cenival 1972: 45–51 (mid-second century BC) and *P.Lond.* VII 2193 (early first century BC), which charters are both stated to be authoritative for one year only, presumably to be reaffirmed and archived annually, as well as the contemporary charter of fellow inhabitants of Tebtynis preserved in *P.Mich.* V 243 (Tiberian, apparently pastoralists). But cf. also Langellotti in Chapter 8.

⁴⁷ A parallel example to the Tebtynian salt merchants is that of *myropolai* contracting for and dividing up the concession for the perfume monopoly in the Arsinoite nome in both Ptolemaic (*SBX* 10296; cf. Skeat 1966) and Roman times (*P.Fay.* 93; cf. Johnson 1936: no 238); a *koimon* of such *myropolai* declaring the market prices of their wares is known from the early fourth century AD Oxyrhynchus: *P.Oxy.* LIV 3731, 3733 and 3766, V l. 80.

⁴⁸ *Sardis* VII.1 18. Garnsey 1998: 77–87.

⁴⁹ *Sardis* VII.1 18, ll. 53–6; translation pulled from Buckler and Robinson 1932: 43, clause 7.

⁵⁰ Earlier comparable organisations, conspicuously employed by state authorities as transport contractors for grain, exist, though: the *hippodromitai naukleroí* of first-century BC Memphis in Egypt (*BGU* VIII 1741), cf. Gibbs 2015: 260; the *naukleroí tou poreutikou Alexandreinou stolou*, later second century AD (*JG* XIV 917–18), cf. Rohde 2012: 116 n. 223; and the *navicularii marinií Arelatensii quinque corporum*, third century AD (*CIL* III 14165), cf. Broekaert 2011: 248.

Rounding off, for now, on the primary characteristics of Roman professional associations, the fragmentarily preserved – but only surviving – specimen of an actual *lex collegii* highlights strong principles of member equality. Moreover, there is compelling evidence to suggest that the would-be members of new associations perceived the role of formal rules as vital for the foundation and management of enduring organisations. The importance of explicit ratification of charters by the emperor or of codified conduct appealing for imperial favour generally serves only to emphasise this point further. Finally, it appears that although members of Roman associations were allowed to hold funds and property in common, that is, as belonging to the coffers of the organisation independent of the fortunes of its individual members, and conduct business collectively on behalf of the membership, this only rarely led to anything resembling guild- or firm-like economic activities. In the following section, moreover, a number of additional points will be made about the formal rules governing Roman associations as compared with their Indian counterparts.

Rules and Regulations of Indian Associations

Next, we turn to early historical Indian associations. From the subcontinent, a large number of sources are available, epigraphical as well as literary, being spread out over a wide geographical area and with a chronology spanning more than a millennium. However, whereas nearly all Indian epigraphs concerning or set up by associations pertain to endowments, the Indian literary sources, conversely, mainly concern themselves with formalistic matters, in particular the relationship between state and associations, as well as the internal rules and regulations of the latter. Accordingly, the epigraphic and literary evidence yields different but, fortunately, supplementary information on ancient Indian associations.⁵¹

Although the earliest literary sources shedding some light on the internal ordering of Indian organisations allegedly date back as far as the early fifth century BC (or even earlier),⁵² these were orally transmitted and not put down in writing until the third century BC at the very earliest and in all likelihood not even for a few centuries after that. Potentially later dates for

Furthermore, the historiographical tradition of distinguishing sharply between early and late *collegia*, on the basis of their assumed relation with the Roman government, has been refuted by Sirks 1993.

⁵¹ Thaplyal 1996: 2–6. ⁵² Majumdar 1920: 9–13; Thaplyal 1996: 20–6.

the earliest literary sources on the subject also fit better with the epigraphical record, which attests the existence of an Indian association phenomenon from the second century BC.⁵³ Nonetheless, even if we recognise that the Indian literary evidence cannot be securely dated beyond the beginning of the Common Era, we must also acknowledge that texts may contain elements of greater antiquity, such as represented by parts of Buddhist texts preserved on Ashokan rock inscriptions of the mid-third century BC.⁵⁴

A case in point is the work *Arthashastra*, being a theoretical treatise on statesmanship traditionally attributed to around 300 BC.⁵⁵ Detailed stylistic analysis has revealed that different parts seem to have been composed at different times, while the extant written version of the work was compiled as late as the mid-third century AD.⁵⁶ Controversy, therefore, flourishes about which chapters, if any, date back to the Mauryan period and which parts are later constructs, adaptations or interpolations, with the best fit for an actual ancient Mauryan content being chapter two of the treatise.⁵⁷

Notwithstanding whether it actually dates back to the third century BC, chapter two of the *Arthashastra* contains interesting information about associations, variously named, often as *sangha*, traditionally translated as ‘corporations’,⁵⁸ or *shreni*, translated as ‘guilds’,⁵⁹ advocating a state policy aimed at regulating the economic activities of associations by appointing different markets in villages and neighbourhoods for different groups, a practice also concretely attested in a royal charter to a market town in western India, from the later sixth century AD.⁶⁰ Even more significantly, for present purposes, is the bureaucratic directive that in each city the public superintendent of accounts should enter the ‘laws, transactions, customs and fixed rules’ (in the context of supervising the economic life of

⁵³ Epigraphical evidence from the (later) second century BC: Mahadevan 2003: nos 3, 6 (Mangulam, S. Deccan); Lüders 1912: no 1335 (Bhattiprolu, E. Deccan); Deshpande 1959: 77 (Pitalkhora, W. Deccan). From Central India there is evidence dated to 50–25 BC: Bühler 1894: 378, no 200 = Lüders 1912: no 345 (Sanchi).

⁵⁴ Thapar 1995: 81–2, 85. ⁵⁵ Shamasastri 1915; Kangle 1965–72.

⁵⁶ Trautmann 1971. For a critique of the work of the former, see now Mital 2004, who raises some highly interesting objections to Trautmann’s methods.

⁵⁷ Thapar 2004: 184–5.

⁵⁸ E.g. *Arthash.* 2.7(2), 3.14(12). Attempt at terminological clarification in Thaplyal 1996: 164.

⁵⁹ E.g. *Arthash.* 2.4(16), 4.1(2). Cf. Thaplyal 1996: 7–8.

⁶⁰ *Arthash.* 2.1(32), 2.4(16). Significantly, we find this practice reflected in the much later municipal charter of Vishnusena, issued to the merchant community, *vanijgama*, of Lohata in Kathiawar, Gujarat, dated to AD 592; Sircar 1953–54: 171, no 12.

the city) of inter alia corporations in state registers.⁶¹ Remarkably, this passage fits well with other early Indian literary sources exhorting professional groups to lay down their customary rules in accordance with religious precepts and subsequently to make the king acquainted with these rules, which he should in turn ratify and respect.⁶² Such laws of an association were codified in a document that officers and ordinary members alike had to abide by and that applicants could sign to become new members. Violations of it were to be prosecuted.⁶³

Accordingly, Indian associations had charters containing rules and regulations and the state wanted to both ratify and file these, as did the authorities in the Roman Empire, as set out above. Indeed, a similar practice is echoed as far east as Late Sassanian Mesopotamia by a detailed charter of Christian craftsmen.⁶⁴ Elsewhere in the Roman Mediterranean, new members of an association also had to swear to abide by its established regulations, the latter often being inscribed on stone and agreed on by vote.⁶⁵

As regards the legal validity of such internal rules of an association, the *Arthashastra* informs us in another book that agreements made or transactions conducted between parties to a 'secret' or 'private union', that is, any form of non-public mutual association, were legally binding.⁶⁶ In the following sections of the same chapter, moreover, it is spelled out that such transactions could, for instance, concern partition of inheritance, which was to be made in accordance with 'whatever be the customary law' of the corporation,⁶⁷ or the collective responsibility of workmen belonging to a corporation contracting for jobs.⁶⁸ In consequence, agreements, such as formal rules, between members of associations were considered binding.

These stipulations contained in the *Arthashastra* compare very well with Roman legal sources. First, let us compare the *Arthashastra's* statement about the authority of agreements entered into by members of Indian associations with the well-known, so-called Solonic Law on associations

⁶¹ *Arthash.* 2.7(2); Thaplyal 1996: 73.

⁶² Thaplyal 1996: 25 (*Gautama Dharmasutra*), 34 n. 117 (*Manusmriti*).

⁶³ Thaplyal 1996: 37–9, 74 (drawing on the *Brihaspatismriti* and *Katyanasmriti*).

⁶⁴ Brock 2009: 62, no 32.

⁶⁵ *CIL* VI 10234, ll. 23–4; XIV 2112, I ll. 6, 17–19; *IG* II² 1368, ll. 10–32. Or the signed papyrus charter of Roman Tebtynis, *P.Mich.* V 243, ll. 12–31.

⁶⁶ *Arthash.* 3.1(11). The key term is *mīthasamavāya*, a compound of *mīthas-*, meaning 'in secret or private, secretly, privately', and *-samavāyāh*, meaning 'union, multitude, close connection, cohesion', cf. Apte 1957–59, s. v.

⁶⁷ *Arthash.* 3.7(40); cf. Kangle's note, the *Manusmriti* (8.41) states that all matters regarding corporations, not just inheritance, were to be handled in accordance with their customary laws.

⁶⁸ *Arthash.* 3.14(12–18).

allegedly of the sixth century BC, but reproduced in the second-century AD commentary of Gaius, the jurist, to be found in the sixth-century AD *Digest* of Justinian: ‘whatever they [that is, members of various groups and kinds of associations] agree between themselves will be valid unless forbidden by public statutes’.⁶⁹ This fits quite well with the wording and intent of the clause in the *Arthashastra* and even better if we add to this the additional admonitions in Indian literary sources about laying down rules, mentioned above, stating that such laws of associations should be sanctioned by the king.

Indeed, according to the literary sources, laws of Indian associations on the one hand regulated relations between members, as well as between members and their elected officials, assemblies having the power to contest the decisions of their chief or officers, in which case the dispute was to be decided by a royal court.⁷⁰ On the other hand, they could even act as public courts, following procedures similar to those of the royal courts, the laws of an association having the force of state laws,⁷¹ which, in fact, appears to be borne out to some degree by at least three inscriptions attesting the authority of presidents of Indian associations over civic matters. The first instance concerns a royal endowment consisting of two principal sums entrusted at interest with different craftsmen’s associations (*shrenis*) of weavers at Govardhana, near Nashik in the Western Deccan, which was to be registered with and therefore presumably subsequently monitored by the ‘assembly of the merchant’s association’ (*nigama sabhā*) in that town.⁷² The second is a similar example from the Eastern Deccan, in which an endowment entrusted at interest with four different associations (*shrenis*) of craftsmen was to be supervised by the local merchants’ association (*nigama*), which was explicitly charged with enforcing the stipulated use of the annually occurring interests.⁷³ Finally, administrative copper plate documents from a town in north India reveal how the local leaders of associations (apparently the three heads of the town’s traders, travelling merchants and artisans, respectively) served on the municipal board administering district matters together with the appointed state representative.⁷⁴

⁶⁹ *Dig.* 47.22.4; translation by Arnaoutoglou 1998a. ⁷⁰ Thaplyal 1996: 53–4 (*Brihaspatismriti*).

⁷¹ Thaplyal 1996: 96–106.

⁷² Senart 1905–6: no 12, l. 4, with amendment in Thaplyal 1996: 11, 90 (Nashik, later first century AD). On the nature of and differences between *shreni* and *nigama*, see Thaplyal 1996: 6–12; 1972: 227–9; and Ray 1986: 111–12.

⁷³ Sircar 1963–64: 7, l. 7 (Nagarjunakonda, AD 333); cf. Thaplyal 1996: 11.

⁷⁴ Basak 1919–20: 129–32, plate 1 (Damodarpur, AD 443–44), being the *naḡara shreshthin*, *sārhavāha* and *kulika*. Such boards of joint officials are also known from some 270 sealings attesting their role in judiciary and administrative processes, e.g. Thaplyal 1996: 170, 174 C.

In a somewhat similar manner, Greco-Roman associations could function as courts for internal purposes, mimicking the procedures of their host polity and thereby in theory vesting association assemblies with democratic power of majority vote over presidents, club officials and defaulters – just as the *ordo* of the *collegium* of *negotiatores eborarii et citriarii* could strike members from the membership list, *album*, treated above.⁷⁵ The laws of Greco-Roman associations could also have consequences for members in their daily lives ‘outside’ the organisation, as several charters stipulate that disputes between members or debts to the organisation were to be handled by internal adjudication and settlement.⁷⁶ In light of the fragmentary nature of our source material for associations generally, it is clear that documents attesting actual internal proceedings of associations must be few and far between. However, a few examples of internal or external enforcement of the rules of an association spring to mind, shedding a sidelight on the legal authority of charters over their signatories, that is, the members.

Early evidence is preserved in a late third-century BC Ptolemaic papyrus from Egypt, in which the relative of a deceased member of an association complained to state officials that the association (*thiasos*) did neither furnish a funeral for the deceased, nor recompense the relative for arranging one, which was in open breach of the group’s rules, the *thiasitikos nomos*. Significantly, the regional Ptolemaic official ordered his local representative to reconcile the parties in accordance with the regulations of the association.⁷⁷ A second case is known from a wax tablet unearthed in the Roman mining town of Alburnus Maior in the province of Dacia, where a *collegium* took the unusual step of formally disbanding itself in AD 167, because too many members (thirty-seven out of fifty-four) had ceased to pay their subscriptions in outright transgression of their charter. Accordingly, the remaining seventeen members officially denounced the rights of the thirty-seven defaulters to a funeral paid for by the common coffers, thus, using the rules to terminate their joint organisation, perhaps in order to establish afresh a new association of more conscientious members.⁷⁸ Finally, there is the well-attested practice of so-called erasures known from the inscribed membership lists, *alba*, of Roman associations.⁷⁹ Although we cannot tell exactly how or why these individuals

⁷⁵ Other *collegia* seem to have exercised similar exclusions of officials, cf. Tran 2007: 124f.

⁷⁶ E.g. *CIL* XIV 2112. ll. 23–8; *P.Mich.* V 243, ll. 2–3; *IG* II² 1368, ll. 84–95; even the Sassanian craftsmen’s association, cf. Brock 2009: 59 no 11.

⁷⁷ *P.Enteux.* 20 (221 BC). A similar procedure seems to have been followed in the corresponding case of *P.Enteux.* 21 (218 BC), cf. l. 11.

⁷⁸ *CIL* III 924. See Biró 1969. ⁷⁹ Tran 2007: 125–30.

had their membership status terminated and were therefore physically erased from the names on the list, it is clear that the specific associations in question had decided to formally exclude them in accordance with their rules, such as documented in the *lex* of the *collegium* of *negotiatores eborarii et citriarii* or the announcement by the *collegium* at Alburnus Maior.

Furthermore, the *Arthashastra* details how corporations of workmen could be held collectively responsible for non-performance of agreements entered into as a group and that the members could divide earnings equally or by mutual agreement, fines or eventual expulsion being employed against defaulting members,⁸⁰ which is corroborated by later Indian lawmakers of the fifth to sixth centuries AD, according to whom an association's assembly could, by majority vote, authorise any member to enter into a contract on behalf of the entire group.⁸¹ By way of general comparison, this fits quite well with both the case of the corporate responsibility of the builders' association of Lydian Sardis and the article from the *Digest* (3.4.1.1) on the corporate nature of associations.

Finally, a unique inscription goes beyond the theoretical literature of the ancient Indian lawmakers by shedding a remarkable light on the internal life and workings of an ancient Indian association (*shreni*) of craftsmen, namely, silk weavers, dating from the fifth century AD.⁸² Evidently attempting to lay claim to intellectual sophistication and civic recognition, this group paid a somewhat second-rate local Brahman poet to compose a Sanskrit poem about their recent history and accomplishments. Thus, we learn that 'men famed throughout the world for their craft came from the region of Lata', lying immediately east of the important ancient port of Barygaza⁸³ in what is today southern Gujarat, 'to Dashapura, bringing their children and kinsfolk', being the central city in a small tributary kingdom some 250 km further north.⁸⁴ In their new home, they retained their social identity as a group, but some, it seems, drifted into alternative professions, while others remained 'excellent in their craft', everyone nonetheless exhibiting a trustworthy and helpful conduct, their *shreni* being altogether the most glorious and pious of all⁸⁵ – such profuse praise of one's group's moral and religious integrity being customary in inscriptions of associations in the Greek⁸⁶ and Roman⁸⁷ worlds, too.

⁸⁰ *Arthash.* 3.14(12–18). ⁸¹ Thaplyal 1996: 41–2 (*Brihaspatismriti*).

⁸² Fleet 1888: III 84–8 no 18; later editions in Basham 1983 and Thaplyal 1996: 180–94.

⁸³ *Periplus* 41–9, 64 (mid-first century AD). ⁸⁴ Basham 1983: 95, stanzas 4–5.

⁸⁵ Basham 1983: 97–8, stanzas 15–17. ⁸⁶ Gabrielsen 2007: 195; 2016b: 100–3.

⁸⁷ Verboven 2007.

The main purpose of this particular epigraph, though, was, on the one hand, the commemoration of a specific event in the group's recent history in Dashapura: 'the silk weavers, who had formed a guild (*shreni*), skilled in their craft, with hoarded wealth had this incomparably noble temple made for the god with burning rays (*sc.* the Sun)' in the year AD 436.⁸⁸ On the other hand, it was to mark the restoration of this temple of the Sun, having fallen into disrepair during a period of apparent instability, in the year AD 473, the stone being set up on this occasion.⁸⁹ Accordingly, we learn that *shrenis* were very tight-knit organisations, being not merely defined by vocation but also overarching ties of kinship, religion and cooperation – profession nonetheless remaining the key identifying group characteristic, as with the Greco-Roman organisations treated above. Moreover, they could finance substantial collective endeavours, such as a temple, and possessed the longevity to move from place to place and maintain communal possessions for decades.

In summary, the historical and institutional developments of Roman and Indian associations of traders and craftsmen mirror each other to a surprising degree. From a formal perspective, an analysis of the associations' rules and regulations reveal that these were surprisingly similar. The same can be said, moreover, about their relations to host polities, and, remarkably, their combination of economic, social and religious activities within one communal framework. While diffusion of a sort of 'associational archetype' or 'institutional blueprint' from one part of the world to the other is out of the question, in light of the separate and synchronous developments of the two phenomena outlined here, the underlying explanation is rather to be found in the 'independent invention' of parallel institutional answers to similar circumstances.⁹⁰

Rules and Regulations of Early Medieval Chinese Associations

Indeed, this interpretation is further borne out by correlating the Greco-Roman and Indian association phenomena with their Chinese counterpart, in this chapter constituting a slightly later *comparandum* acting as 'control group' for the principal characteristics of ancient and medieval associations more widely, not just those of traders and craftsmen.⁹¹

⁸⁸ Basham 1983: 101, stanza 29; dating: 103, stanzas 34–5.

⁸⁹ Basham 1983: 103–4, stanzas 36–9. ⁹⁰ Steward 1929.

⁹¹ Significantly, though, Chinese *she* associations could also be based on shared profession, e.g. soldiers, watchmen, carriers, irrigation channel managers, Buddhist clergy, etc., cf. Yamamoto et al. 1988–89: 18–20; Rong 2013: 299.

The earliest Chinese type of association proper, the *yi*, traditionally translated as ‘religious association,’ crops up in the epigraphic record from the later fifth century AD, being local organisations brought into being to facilitate communal Buddhist offerings through collection of voluntary donations from the membership, which could number from little more than a dozen to as many as 200 to 300.⁹² In the later sixth to seventh centuries AD, the *yi* became supplanted by a different type of Buddhist association, the *she* (in the older literature often translated as ‘club’),⁹³ an institution developed from Chinese peasant communities worshipping ancestral gods of the land and its harvest, in particular the Sun, now appropriated by local Buddhist monks and lay followers as their chosen unit of organisation.⁹⁴ Accordingly, by the time of the late Tang and early Song dynasties, ninth to eleventh centuries AD, when we have documents produced by *she* associations preserved from Dunhuang – being the westernmost city of ancient China and road junction of all routes leading to Central Asia – ancient Chinese traditions had merged with imported Buddhist practices⁹⁵ to create an entirely new kind of organisation native to China.⁹⁶

The documents in question have been preserved in the so-called library cave of Dunhuang, not because they contained information pertaining to associations, but because monks from a local monastery in around 1002 AD stowed a huge amount of re-used paper-rolls containing religious scripture, which they had been collecting for an archive, in a small side chapel that they walled up due to an invasion of Turkic-speaking Uighurs.⁹⁷ As it happens, some 300 texts produced by *she* associations resident in Dunhuang from around the mid-ninth century AD up to the year of the sealing of the cave have been preserved, because they constitute the recto or verso of documents stored for the religious content on the other side of the sheet. Moreover, by a singular stroke of luck, three *she* documents produced elsewhere in the Tarim Basin have survived in the dry sands of the Taklimakan Desert, indicating that the copious production of paperwork by *she* associations was not a phenomenon restricted to Dunhuang alone.⁹⁸

⁹² E.g. Chavannes 1914: 13–29, nos III–IV (sixth century AD).

⁹³ *She* (or *shé*) is the conventional English transliteration, whereas it is rendered *chō* in French.

⁹⁴ Gernet 1956: 252–5.

⁹⁵ E.g. the association-like Buddhist *sangha* of third–fourth century AD Niya on the southern edge of the Tarim Basin: Burrow 1940: no 489; elucidated in Hansen 2012: 51; van Schaik 2014: 272–3.

⁹⁶ Cf. also Yamamoto et al. 1988–89: 6; Rong 2013: 296.

⁹⁷ Hansen 2012: 177–9; based on Rong 1999–2000.

⁹⁸ Yamamoto et al. 1988–89: 30–1, nos 304 (O. 2355), 305 (O. 1529), 306 (O. 1535); from Turfan and Kucha along the northern edge of the Tarim Basin, eighth century AD.

Although the majority of the Dunhuang corpus is made up of circulars, that is, summons to *she* members to assemble,⁹⁹ there are also nineteen written sets of regulations preserved that are equivalent to the charters of Greco-Roman associations and the corpus of rules laid down by lawmakers concerning Indian associations. Accordingly, this collection of regulations provides us with quite a coherent picture of the rules of Chinese *she* associations from the mid-ninth to later tenth centuries AD, and, in particular, the way in which these compare well with the earlier precedents from the Mediterranean and South Asia.

First of all, the perceived importance of formal charters for the creation of durable groups is reflected by the prominence attached to rules and regulations by the members of the organisations thus called into being and given institutional existence. One *she* association consisting of fifteen women, most or all of them nuns, reaffirmed their charter of regulations on the third day of the new year AD 959, stating that ‘the rules are designed to be as suitable for members as water is for fish; they are to swear by the hills and streams, with the sun and moon as witnesses; and that as a precaution against bad faith these rules have been written down to serve as a memorandum for those who come after’.¹⁰⁰ In fact, it was so self-evident for potential would-be fellow members in Dunhuang that sets of formal rules were the vital constitutive nuclei for establishing viable associations that generic charters, acting as style sheets for drawing up the regulations of an actual association, circulated throughout town.¹⁰¹ One tenth century AD style sheet suggests the following communal declaration on the authority of the corpus of rules agreed upon: ‘According to the will of those present, we draw up this document in order to form an association. . . . The above clauses represent the basic rules of the association, which are arrived at one by one by those present and drawn up into clauses that shall not be altered. In order to avoid preposterous libels in the future, we set them down in writing, so they may serve as proof for eternity.’¹⁰²

Moreover, both actual charters as well as the style sheets on which they were based often followed a conventional layout: first, a preamble setting out in somewhat verbose language the purpose of the association; second, the main text setting out rules regarding all obligations between members

⁹⁹ Yamamoto et al. 1988–89: 17–25, nos 36–153. ¹⁰⁰ S. 527. Paraphrase from Giles 1943: 156.

¹⁰¹ From Late Sassanian Mesopotamia we have a charter of Christian craftsmen that the local bishop evidently intended to be used as a model for similar associations, thus, providing a parallel to the Chinese style sheets from Dunhuang; cf. Brock 2009: 52.

¹⁰² S. 6537. Translation in Rong 2013: 297.

and formal administrative processes (including detailed and specific punishments for violation of any of the regulations); and, last, a signed membership list confirming the regulations and binding members to abide by them.¹⁰³ A dozen of such charters survive, having been produced by actual *she* associations, duly signed by their members, sealed and stored away for use in case of disputes.¹⁰⁴ Remarkably, this practice is surprisingly similar to the activities of Greco-Roman and Indian associations in laying down their rules, affirming them by democratic majority and documenting them for internal purposes as well as for approval by the relevant central authorities.¹⁰⁵

Other institutional parallels contained in the regulations and documents of Chinese *she* associations, in addition to member equality in decision making (as represented in the two quoted examples above), include the right to fine defaulting members or physically punish them, or both,¹⁰⁶ strict admittance and exit rules,¹⁰⁷ set mandatory banquets and offerings on specific days of the year,¹⁰⁸ the validity of agreements between members,¹⁰⁹ exhortations to provide mutual assistance in times of distress¹¹⁰

¹⁰³ Yamamoto et al. 1988–89: 7, 12–13; nos 5, 7, 8, 15, 16, 18 and 19, are considered style sheets.

¹⁰⁴ Yamamoto et al. 1988–89: 10; nos 1–4, 6, 9–14, 17. ¹⁰⁵ Compare nn. 61–5.

¹⁰⁶ S. 527: ‘If in the club there is anyone who disregards precedence in small things and great, in unruly fashion creates disturbance at a feast, and will not obey the verbal instructions of her superior, then all the members shall repair to the gateway and fine her of enough alcohol for a whole feast, to be partaken of by the rest of the company’ (translation from Hansen 2000: 254), see also the next note on cane blows; P. 3989 (paraphrased in Gernet 1956: 266). Compare nn. 70–9.

¹⁰⁷ S. 527: ‘Any person wishing to leave the Club shall be sentenced to three strokes with the bamboo’ and be fined (translation in Giles 1943: 156). See also application for admittance: P. 3216 (translation in Gernet 1956: 260); and exit: S. 5698 (translation in Rong 2013: 298) – generally, Yamamoto et al. 1988–89: 14–15, nos 20–8. Compare n. 17 and *CIL* VI 10234, ll. 5–7; XIV 2112, I ll. 20–3; *IG* II² 1368, ll. 33–41; Brock 2009: no 28; as well as the papyrus *P.Mich.* IX 575 (AD 184).

¹⁰⁸ S. 527: ‘On feast days, the members of this mutual benefit society are each to contribute 1 *ko* (i.e. 1/10 pint) of oil, 1 pound of white flour, and 1 gallon (*tau*) of wine; and on the day in the first moon set apart for “the establishment of merit”, 1 *tau* of wine and 1 bowl of lamp-oil’ (paraphrase by Giles 1943: 156); P. 3544 (annual feasts and contributions detailed in Yamamoto et al. 1988–89: 10 no 1). Compare n. 20 and *CIL* VI 10234, ll. 9–17; XIV 2112 ll. 11–13; *IG* II² 1368, ll. 42–4; Brock 2009: no 2 (and 14).

¹⁰⁹ S. 527: ‘In dealing with friends, a single word may serve as a bond of faith’ (translation in Giles 1943: 156); P. 3989 (paraphrased in Gernet 1956: 266). Compare nn. 66–9. On the importance of friendship for the workings of Hellenistic associations, see Gabrielsen 2016b: 96–100.

¹¹⁰ S. 527: ‘Our parents give us life, but friends enhance its value: they sustain us in time of danger, rescue us from calamity’ (translation in Giles 1943: 156). Yamamoto et al. 1988–89: 7–8; Hansen 2012: 193; Rong 2013: 299. Yang 1950 even argues that the *she* acted as an early example of the ‘rotating credit association’ attested in China in pre-modern times, but while this is plausible, it appears to be nowhere explicitly stipulated in the surviving *she* documents – mutual assistance is not the same as mutual financing. Compare *P.Mich.* V 243, ll. 9–10; V 244, ll. 9–10 (both require members to bail an arrested fellow out of jail); and Brock 2009: 61, nos 20 (standing surety for jailed fellows) and 25 (general support).

and help in providing fitting funerals for family members.¹¹¹ Indeed, this list could be expanded further if one wanted to compare not only rules and regulations as such, but also organisational hierarchies or the administration of communal cult and banquets. Conversely, Chinese founding charters also include apparently unique motivations, such as those that were established primarily to maintain or repair specific Buddhist temples or hermitages.¹¹²

In brief summary, then, before passing on to the conclusion proper, this superficial comparison of the rules and regulations of Chinese *she* associations of the ninth to tenth centuries AD with their earlier Greco-Roman and Indian counterparts provides serious food for thought. Specifically, it appears that across some ten centuries and ten thousand kilometres, ancient and medieval associations of the Mediterranean, South Asia and China not only attached the same prominence to formal written regulations as the basis for creating and perpetuating community, but also, remarkably enough, developed parallel traditions for the creation of private associations, exhibiting highly similar institutional characteristics.

Conclusion

As regards the underlying principles contained in the rules and regulations surveyed, a number of values appear to have been held in common by Greco-Roman and Indian associations of craftsmen and traders specifically, as well as by Chinese associations generally: the authority of written rules affirmed and signed by all; member equality and the authority of the membership assembly; the right to enforce the rules of the association amongst the members (private ordering); the embedding of professional, religious and social ties within fellow member relations that were considered binding in the case of agreements and transactions; and group boundary creation controlling entrance and exit – to name but some of the more conspicuous principles shared to some extent by all three association phenomena.

When it comes to relations with states, rules of Greco-Roman and Indian professional associations had to be in accordance with the legal corpora of host societies, which latter insisted on the right to monitor and

¹¹¹ P. 3489, 3989 (both paraphrased in Gernet 1956: 266) and S. 5698 (translation in Rong 2013: 298), more generally Gernet 1956: 258–9; Yamamoto et al. 1988–89: 25–7, nos 221–50. In comparison, funerary aid looms large in *CIL* III 924; XIV 2112; *P.Mich.* V 243, ll. 9–12; and Brock 2009: nos 7–10, 21, 27.

¹¹² S. 3540 and 5828.

validate the regulations of any potentially subversive groups defining themselves as distinct sub-units of society. Charters would often contain rules codifying a more pious and moral conduct between members, as well as between the group as a whole and wider society. Furthermore, arbitration between members and punishment of defaulters was, common to all three traditions, considered the prerogative of an association's assembly, consequently supplanting public courts.

Finally, the role of associations in their host societies appears to have been the creation of sufficient group cohesion through communal social, religious and economic activities to enable private ordering, mutual assistance and professional collaboration – that is, making a formalised unit with solidified ties (an association) out of a matrix of ephemeral social, religious and economic interactions between individuals (the would-be members), who acknowledged membership with the benefits and burdens that this entailed. Thus, members attained a measure of order to interaction between one another and states obtained corporate entities to deal with and hold responsible, as circumstances dictated. As concerns the Greco-Roman and Indian associations of craftsmen and traders, organisation sometimes developed, first, some degree of economic corporeality and, later, possibly a propensity for communal contracting as a group.¹¹³

In conclusion, all three association phenomena developed comparable rules and regulations with minor differences in the way that they were implemented. All three considered the production of thorough rules put down in writing of the utmost importance. All three traditions were based on at least semi-democratic member assemblies, although neither early historical India nor early medieval China had known either Greek democracy or Roman republicanism. And just as the rules and regulations of Greek and Roman associations were shaped by both the civic and religious institutions of their host societies, we see how this also applies to Indian and Chinese associations, the more conspicuous because Buddhism played an important role for both of the latter. All this being said, it is of course also possible to point to differences, but these are in effect more akin to variations caused by specific historical circumstances. On the whole, we might in conclusion venture to state that from a perspective of comparative institutional analysis, these three association

¹¹³ A detailed analysis of the economic functions of associations in Roman and Indian society, vis-à-vis each other, is available in Evers 2017.

phenomena appear to have developed along remarkably similar lines. Hence, *il fenomeno associativo* was most emphatically not unique to Mediterranean Antiquity, but, rather, as a superficial analysis of the rules and regulations of Indian and Chinese associations reveals, a Eurasian phenomenon in its own right.