

*Greek thorybos, Roman eustatheia*  
*The Normative Universe of Athenian Cult Associations*<sup>\*</sup>

*Ilias Arnaoutoglou*

In 330 BC, Demosthenes in his reply to the *graphe paranomon* brought by Aeschines six years earlier against the proposal of Ctesiphon to honour Demosthenes, launched a virulent attack on Aeschines, adducing a description of the activities of young Aeschines as follows:

ἐν δὲ ταῖς ἡμέραις τοὺς καλοὺς θιάσους ἄγων διὰ τῶν ὁδῶν, τοὺς ἐστεφανωμένους τῷ μαράθῳ καὶ τῇ λεύκῃ, τοὺς ὄφεις τοὺς παρείας θλίβων καὶ ὑπὲρ τῆς κεφαλῆς αἰωρῶν, καὶ βοῶν ‘εὐοὶ σαβοὶ,’ καὶ ἐπορχούμενος ‘ὑῆς ἄττης ἄττης ὑῆς,’ ἕξαρχος καὶ προηγμένων καὶ κιττοφόρος καὶ λικνοφόρος καὶ τοιαῦθ’ ὑπὸ τῶν γραδίων προσαγορευόμενος, μισθὸν λαμβάνων τούτων ἔνθρυπτα καὶ στρεπτούς καὶ νεήλατα, ἐφ’ οἷς τίς οὐκ ἂν ὡς ἀληθῶς αὐτὸν εὐδαιμονίσειε καὶ τὴν αὐτοῦ τύχην;

By day you led brilliant bands of reveling worshipers through the streets. They wore crowns of fennel and white poplar as you clutched fat-headed snakes and swung them over your head. You would shout ‘Euoi Saboi’ and dance to the beat of ‘Hyes Attes Attes Hyes’ as the old hags would hail you as leader and guide, bearer-of-the-casket and bearer-of-the-winnow and so on. You were paid with sappy bread, twisted rolls and flat cakes. Enjoying all this, who would not regard himself and his lot in life as truly fortunate?<sup>1</sup>

Obviously, this is not the place to argue about the impact of the description on Demosthenes’ rhetorical strategy.<sup>2</sup> The passage is significant in

<sup>\*</sup> I wish to thank Mario C. D. Paganini and Vincent Gabrielsen for providing the opportunity to present and test my argument at the conference organised by them at Athens, as well as for their excellent editorial care. The anonymous referees helped with their useful remarks to improve parts of the chapter. All translations are mine unless indicated otherwise. Any remaining infelicities are my responsibility. An earlier version in Greek with a different focus was published in Arnaoutoglou 2016b.

<sup>1</sup> D. 18 (*On the Crown*) 260 as translated by Yunis 2005. See also D. 19 (*On the false embassy*) 199 (343/2 BC).

<sup>2</sup> See Dyck 1985: 46 on the role of details to lend credibility to the account provided by Demosthenes; Santamaría Álvarez 2010.

another, rather neglected, respect. It reflects the ambience created by these *kaloí thiasoi*, ‘brilliant groups’, an atmosphere of hustle and buzzes. It is exactly this sense of *thorybos* conveyed by the passage that interests me. Similar *thorybos* may be behind the decision of the deme of Piraeus to ban groups of worshippers convening outside the Thesmophorion in Piraeus, except on certain festival days.<sup>3</sup> *Thorybos* (that is, cheers, shouts, heckling and laughter) was an essential feature of social activity in the ancient Greek world. Quite apart the religious sphere, several scholars emphasised the role of *thorybos* in the working of Athenian democracy, in the assembly and in the lawcourts.<sup>4</sup> Judith Tacon claims that *thorybos* (that is, cases when speakers interrupt each other, *demos* interrupts speakers, *demos* allies with opposing speakers) was an integral feature of assembly debate and by extension of Athenian democracy. Anti-democracy theorists regarded it as negative. In the same vein, Robert Wallace notes that the Athenian *demos* felt no obligation to sit quietly and listen to talk they objected to; such conduct was a befitting feature of a monarchy, oligarchy or tyranny. *Thorybos* was some sort of a negative vote of the people. Melissa Schwartzberg regards *thorybos* as an acclamatory mechanism functioning simultaneously as a form of democratic participation in the deliberations and as an accountability mechanism. Similarly, Victor Bers and Adrian Lanni have pointed out the role of *thorybos* among *dikastai* in the lawcourts as well as among the audience.<sup>5</sup>

Nevertheless, *thorybos* heightens tension, which may develop either among the members of a group over, say, the ways of exploiting communal

<sup>3</sup> *IG* II<sup>2</sup> 1177, 3–12 (mid fourth century BC). Ziebarth 1896: 167 rejects the interpretation of the clause as a ban of forming associations; for earlier bibliography, see Arnaoutoglou 2003: 66 n. 110. See most recently a similar clause in *SEG* 57:1674, ll. 6–8 (= Schuler 2007: 134–5) (Lycia, Patara, second century BC): ἄλλοι δὲ μηθεὶ ἐξέστω συναγωγῆν | ποιέσθαι μηδὲ καταλύειν | ἐμ τῷ τεμένει πλὴν τῶν θυόντων ‘it is not allowed to anyone else to congregate or to lodge in the sanctuary except those who sacrifice’. Compare the edict of the first Hungarian king St. Stephen (AD 1001) penalising inappropriate behaviour in Christian churches reported by Nemeth 1994: 59.

<sup>4</sup> *Thorybos* in the theatre: Dio Chrys. 32.74; in the *stadium*: Dio Chrys. 32.74; in the assemblies: Dio Chrys. 32.34; D. 6 (*Philippics* 2) 26; D. 19 (*On the false embassy*) 113; 122; Plu. *Phoc.* 24.5; Aesch. 1 (*Against Timarchus*) 1; in the lawcourts: Isoc. 15 (*Antidosis*) 272; X. *Apology of Socrates* 14–15; [D.] 57 (*Against Eubulides*) 50; Aesch. 1 (*Against Timarchus*) 174; Achilleus Tattius, *Leucippe et Clitophon* 7.9.1; 7.14.1. Ways to address occurrence of *thorybos*: Anaximenes, *Rhetorica ad Alexandrum* (M. Fuhrmann) 18.8. Bers 1985 defines ‘dikastic *thorybos*’ as ‘any vocal expression that one or more jurymen (*dikastai*) direct to a litigant or other members of the jury panel’ or in other words ‘to any breach of dikastic silence, to well articulated utterances as well as to the indistinct roar the word normally implies’ with reference to Pl. *Laws*, 876b, 949b; Aesch. 3 (*Against Cresiphon*) 53 and 201. Punishment for *thorybos* in Syracuse, D.S. 13.91.4

<sup>5</sup> Tacon 2001: 181–6; Wallace 2004: 223–6 with reference to A. *Pers.* 591–4, *Pr.* 880, S. *Ant.* 690–2 and 757, Th. 8.66.1; Schwartzberg 2010: 17; Bers 1985; Lanni 1997; Villacèque 2013; Lanni 2012 underlines the importance of social status of litigants in raising the interest of the Athenian public.

property (*IG* II<sup>2</sup> 1289) or between two different groups.<sup>6</sup> Furthermore, tensions may result in conflicts, some of them resolved informally with mediation or arbitration, while some others will find their way into the formal ways of dispute resolution, that is to say into lawcourts;<sup>7</sup> the worst-case scenario is the conflict to turn into an open physical confrontation. Hence, the need arises to devise and to provide mechanisms and procedures to establish *eustatheia* – that is stability, steadiness – which in its turn will lead to *eukosmia*, the proper conduct in the premises of the association, something that will also reflect on the constantly constructed and projected image of the group.<sup>8</sup> At least in Roman times, it was thought that the best way to achieve this aim was by inscribing the rules of the group.<sup>9</sup> Be that as it may, the association of *thorybos* with Greece and *eustatheia* with Rome is certainly hyperbolic and sketchy, since there were definitely less noisy meetings of Greeks and livelier than average Roman gatherings.<sup>10</sup> The polarity *thorybos-eustatheia*, however, provides a hermeneutic scheme, perhaps not wholly satisfactory, to approach the normative universe of Athenian associations in the Hellenistic and Roman era.<sup>11</sup>

<sup>6</sup> Appeals to the unity or concord of the group, *IG* II<sup>2</sup> 1261 and 4985 with Baslez 2006: 158. Arbitration: *IG* II<sup>2</sup> 1289 with Papazarkadas 2011: 194–203.

<sup>7</sup> See *IG* II<sup>2</sup> 1258 and ls. fig. 35.26–27 (Thalheim). Inscription *F.Delphes* III.2 70 (Le Guen 2001: 98 no 12 and Aneziri 2003: C2) records a dispute between the Athenian and the Peloponnesian branches of the *peri ton Dionyson technitai* in the late second century BC that was finally resolved by the Romans in 112/1 BC.

<sup>8</sup> See Baslez 2006: 157–8. In the recently published ephedarchic law from Amphipolis (Lazaridou 2015) inscribed in 24/3 BC, ll. 36–51 concern *eukosmia* and ll. 127–8 prescribe the appropriate behaviour of ephebes during public performances. However, the concept of *akosmia* appears already in the fifth century BC; as far as it concerns religious ceremonies, see *CID* I 7B, ll. 12–13 (Delphi, ca. 425 BC), *IG* I<sup>3</sup> 82, l. 25 (Athens, 421/0 BC), *Agora* 16 56, l. 32 (Athens, before mid fourth century BC), *IG* V 1390, l. 39 (Andania, 91 BC?) with Deshours 2006: 100 and Gawlinski 2012: 151, *I.Ilion* 52, l. 29 (Ilion?, second century AD?). For the opposition *thorybos-eustatheia*, see Philo, *Legatio ad Gaium*, 90: ὁ τῶν μὲν εἰς εὐστάθειαν καὶ εὐδαιμονίαν ἀπάντων κενώσας τὰς πόλεις, μεστὰς δὲ τῶν εἰς παραχρῆς καὶ θορύβους καὶ τὴν ἀνωτάτω βαρυσταμονίαν ἀναφῆνος . . . ‘the one who stripped the cities of all that tends to stability and happiness and turned them into hotbeds of what makes for confusion and tumults and the height of misery’ (tr. F. H. Colson). Note also the *thorybos*-related terminology in almost all the passages mentioning disturbances.

<sup>9</sup> This is best reflected in the Latin inscription *CIL* XIV 2112 (*ILS* 7212; *FIRA* I 49 and 175; *FIRA* I<sup>2</sup> 46; *FIRA* III<sup>2</sup> 35) from Lanuvium (AD 133–6) as reedited by Bendlin 2011. See also in *IG* II<sup>2</sup> 1368, ll. 15–16 the members of the *Bakecheion* shouting: εὐστάθειαν τῷ Βακχείῳ καὶ εὐκοσμίαν ‘stability and decency to the *Backheion*’.

<sup>10</sup> D.H. 9.41.5; 10.41, *thorybos* and *akosmia* in a Roman assembly; Plu. *Cato Minor*, 26.2. The role of *thorybos* (clamour) in judicial proceedings is explored by Menard 2014.

<sup>11</sup> An anonymous reviewer pointed out that the term *eustatheia* is rarely used outside medical texts and the term *eukosmia* is therefore preferable. However, there is a considerable number of epigraphic texts in which *eustatheia* features prominently: e.g. *IAegThrace* E 205, ll. 29–31 (Maroneia, second/first century BC), *IScM* I 54, ll. 34–8 (Istros, mid first century BC), *IOSPE* I<sup>2</sup> 82, ll. 86, 91, 94, 96, 100, 122, 132, 137–8, 141, 184 (Olbia, second-third century AD), *I.Olbia* 80, l. 86 (Olbia, mid-second century AD), *SEG* 48:948bis with *SEG* 57:727 (Olbia, ca. AD 220), *SEG* 49:1028b (Olbia,

In doing that I am going to refrain from any discussion of the rule attributed to Solon and reported in *Dig.* 47.22.4.<sup>12</sup> Current discussions on Athenian associations avoid a thorough examination of the legal aspect of their activities.<sup>13</sup> Following the three approaches to the normative world of ancient associations outlined by the editors in Chapter 1, I shall present, from a socio-legal perspective, the rules governing corporate activities in Athens from the late fourth century BC down to the late second century AD, in two chronologically distinct parts.<sup>14</sup> This approach is to a large extent dictated by the date of the available evidence. It will become clear, I hope, that in regulations of the Roman era there was a mutation of the normative world of Athenian associations; its main concern shifted to guaranteeing stability and proper conduct.<sup>15</sup> Following that, I shall explore the historical implications of the differentiated focus. Was the influence of the Roman authorities so decisive as to leave a permanent imprint on the modes of collective action? Was willingness to conform to precepts of *Romanitas* so great that it dictated the harmonisation or, some would say, the transfer of legal rules from the Italian peninsula to the Greek? And in this last respect we can point the finger to at least one major Athenian figure, who could have mediated, Claudius Herodes Atticus.

### Rules and Regulations

Nine normative texts issued by Athenian cult associations survive, while several – mainly disciplinary – clauses are scattered among numerous honorary decrees.<sup>16</sup> Normative texts, that is to say, corporate decisions

late second century AD), *I.Milet* 1072 (AD 99/100). The term is also used to qualify the performance of the *agoranomia* in Imperial Ephesus (e.g. *I.Ephesos* 911–13, 916–17, 921, 926–9, 933, 935, 937; *I.Ephesos* 3010–13, 3015–16) or of other magistracies (e.g. *I.Ephesos* 3052; *IG* XII.2 243). The adjective *eustathes* qualifies even the *demos* of Side in *I.Side* 26 dated to AD 276? and an individual's life (*IG* XII.7 401 and 407, *TAM* V 3 1470, *I.Sardis* 55).

<sup>12</sup> Now in Leão and Rhodes 2015: 133 no 76a. I have expressed my doubts about its Solonian ancestry in its preserved form in Arnaoutoglou 2016a. According to Ziebarth 1896: 171, the disciplinary power of associations over their members rested upon *Dig.* 47.22.4.

<sup>13</sup> Recent studies tend to concentrate predominantly on their social impact and function; see Jones 1999, Ismard 2010, Steinhauer 2014.

<sup>14</sup> Similar regulations in Egyptian Demotic documents from 380 BC onwards are presented by de Cenival 1967/8; cf. de Cenival 1972. See Boak 1937b for a concise presentation of the relevant material from both Hellenistic and Roman Egypt's Demotic and Greek documents.

<sup>15</sup> See now the approach by Eckhardt 2017a, who regards associations in Roman Greece as a part of remembering strategies.

<sup>16</sup> Normative texts: *IG* II<sup>2</sup> 1361 (ca. 330–24 BC); 1275 (fourth/third century BC); *Agora* 16 161 (beg. of third century BC); *IG* II<sup>2</sup> 1283 (240/39 BC); 1328 (185/4 BC); 1339 (37/6 BC?); *SEG* 31:122 (ca. AD 94); *IG* II<sup>2</sup> 1368 (AD 164/5); 1369 (second half of second century AD). Decrees: *IG* II<sup>2</sup> 1263; 1273; 1292; 1297; *MDAI(A)* 66 (1941): 228 no 4. I have included texts containing both

introducing binding rules for their members (irrespective of any penal clause), are almost evenly spread in time. Five of them are dated between the late fourth and second century BC, while the remaining four are dated between the late first century BC and second century AD. The oldest, so far, is *IG II<sup>2</sup> 1361*, a fragmentary stele whose top and bottom are missing, dated ca. 330–324 BC.<sup>17</sup> It contains rules about sacrifices (portion to priests/priestesses, ban on *parabomia*, ‘beside the altar’ sacrifices, that is to say, outside the customary ritual), financial administration of the group’s assets (land and water), enlisting new members and the necessary entrenchment clause (where the regulation is described as *nomos*). *Agora 16 161* (beginning of the third century BC) records three decisions of an unknown group of *orgeones*; in the first, they regulate financial affairs (probably debts to the group) according to their older decisions (*archaia psephismata*), in the second decree sacrificial affairs are settled (date of sacrifice, kind of victim, portions), while from the third one only a few words survive. Inscription *IG II<sup>2</sup> 1275* (late fourth or early third century BC) preserves the lower part of a stele on which the text of a *nomos* was inscribed; there survives only an exhortation to the next of kin of a deceased member to announce the death to the community and the fellows to attend the funeral as well as a stricture about solidarity.<sup>18</sup> The last six lines record an entrenchment clause, that is, terms of prosecution and sanction against the members who challenge the *nomos*. Inscription *IG II<sup>2</sup> 1283* dated now to 240/39 BC contains regulations about the relation between the *orgeones* of the goddess Bendis in Piraeus and those in the city; according to it, the *orgeones* of the city will enjoy the same treatment during the procession, they will have priority in submitting requests to the *orgeones* of the Piraeus and they will have the right to join

rules of governance as well as rules of conduct as expounded by Gabrielsen and Paganini in Chapter 1.

<sup>17</sup> *IG II<sup>2</sup> 1361*, 13–15: [ἐὰν] δ[έ] τις [ε]ἴπ[η] ἢ ἐπιψηφίσῃ παρὰ τόνδε τὸν νόμον, ὀφειλέτω (50) δραχμὰς τῆι | [θεῶι] ὅ τ[ε] εἰπὼν καὶ ὁ ἐπιψηφίσας καὶ μὴ μετέστω αὐτῶι τῶν κοινῶν. ἀναγράφειν δ[ι] [ἐ] αὐτὸν ὀφείλο]ντα τῆι θεῶι τοῦτο τὸ ἀργύριον εἰς τὴν στήλην τοῦς ἐπιμελητά[ς] ‘and if anyone proposes or puts to vote (a proposal) against this law, he shall pay 50 drachmas to the goddess both the proposer and the one who puts to vote (such a proposal) and he shall not be allowed to take part in the common activities. The *epimeletai* shall inscribe his name as debtor of the goddess for this amount of money on a stele.’ See the remarks about the use of the entrenchment clause in polis documents in Lewis 1974, Rhodes with Lewis 1997: 524 and Schwartzberg 2004. Date: Tracy 1995: 129. See also Giannakopoulos in Chapter 2.

<sup>18</sup> Similar clauses in *IG II<sup>2</sup> 1368* and in Egypt, *P. Cair.* II 30606 (dem.) (157/6 BC), *P. Mich.* V 243, ll. 9–12 (Tebtynis, AD 14–37), *P. Mich.* V 244, ll. 16–18 (Tebtynis, AD 43). On Egyptian associations see also Langellotti in Chapter 8.

the group.<sup>19</sup> Inscription *IG II<sup>2</sup> 1328* records two decisions, of which only the first one (ll. 4–20, passed in 183/2 BC) has a normative character; in particular, the decision clarified what priestesses ought to provide during the ceremonies and the mode of appointing an assistant to the priestesses.

Hellenistic Athenian normative texts, therefore, include principally clauses about cult activities, organisational corporate affairs and the exploitation of common property. Sometimes, but not always, rules are accompanied by sanctions.

Inscription *IG II<sup>2</sup> 1339* dated to 37/6 BC forms in a sense a bridge between the Hellenistic and the Roman periods. It records the decision of a *koinon Heroiston* to take care of exacting the fees due by members, irrespective of whether they are abroad or in Athens. *SEG 31:122*, dated to ca. AD 94, appears as the decision of the chief-*eranistes*.<sup>20</sup> It begins with a disciplinary provision (penalty meted out on the member who starts a fight), settling financial affairs (use of a donated amount of money – *entheke* – and the penalties for abusing it, the provision of pork and wine, a clause on the conditions to lend the donated amount of money) and decisions affecting the organisation of the group (exercise of priestly duties, appointment of minor officials, penalty for the individual who does not wish to undertake the post of *pannychistes* or to serve until the end of the term, contributions for joining the group and accountability process). *IG II<sup>2</sup> 1368* is probably the most cited corporate inscription and in certain respects unique. It is 163 lines long and is dated now to AD 164/5. The rules are the decisions (δόγματα) of the priest, the chief-*Bakchos*<sup>21</sup> and the *prostates*. They have received a vociferous and unanimous approval by the members of the association.<sup>22</sup> The rules, most often accompanied by

<sup>19</sup> The text of the inscription, despite the awkward syntax of ll. 8–9, is quite clear: the duty to perform the procession was dictated by the law of the polis. What is regulated in the decree is not the procession per se, but the participation and the subsequent treatment of the *orgeones* of the *asty*.

<sup>20</sup> ἔδοξεν τῷ ἀρχεραμιστῇ . . . τάδε δογματίσαι ‘it was resolved by the chief-*eranistes* . . . these are his decisions’. The text does not allow any speculation about its ratification by the assembly of the *synodos*’ members. Cf. Laubry and Zevi 2012: 334 *leges collegiorum* appear as decisions of the assembly of their members.

<sup>21</sup> For the office, see Turcan 2003: 56.

<sup>22</sup> ἐξ(εβόησαν)· τούτοις | αἰεὶ χρώμεθα . . . ὅτῳ δοκεῖ | κύρια εἶναι τὰ ἀνεγνωσμένα δόγματα καὶ ἐν στήλῃ ἀναγραφῆναι, ἀράτω | τὴν χεῖρα. πάντες ἐπῆραν ‘they all shouted: “We will use them for ever. . . . To whomever it seems good that the statutes that have been read out should be ratified and inscribed on a monument (stele) raise your hand”. Everyone raised his hand’ (tr. Ascough, Harland and Kloppenborg 2012: 13); see also in Athens *IG II<sup>2</sup> 1343* (35/4 BC); *SEG 43:864* (mid-second century AD) and *SEG 30:82* (ca. AD 230). Expressions about voting by showing of hands and counting of votes on inscriptions, see *SEG 57:1074* (Iasos, ca. 225 BC); *IG XII.4 1 57* and *59* (Cos, second half of second century BC); *IG XII.3 249* (Anaphe, first century BC); *IG XII.9 906* (Chalkis, after AD 212) and Wilhelm 1921: 5–9.

penalties, settle affairs such as admission of new members<sup>23</sup> (scrutiny, fee, token as proof of membership, celebrations), members' discipline (behaviour during celebrations, fights, abuse and reproach, hubristic behaviour, wounds, fee-payment avoidance), magistrates' and members' duties and participation in the funeral of a deceased member.<sup>24</sup> *IG II*<sup>2</sup> 1369 (late second century AD) is the latest testimony of regulations in Athenian cult associations. It is designated as *nomos* and contains exclusively administrative rules pertaining to admissions, officials and expulsion as a penalty for those members who initiate a fight or disturbances.<sup>25</sup>

### Offences<sup>26</sup>

Offences are outlined in any kind of corporate decision, be it a regulation or an honorary decree. In Athens, particular offences associated with

<sup>23</sup> See the use of the same words, *eukosmos* and *iselysion*, in *IG II*<sup>2</sup> 1368 and *I.Pergamon* 374 (AD 129–38). The latter term is attested also in *I.Smyrna* 731 (AD 80–3).

<sup>24</sup> References to verbal abuse (λοιδορία) and derivatives: *IG IX.1*<sup>2</sup> 3 670, ll. 9 and 11 (Physkos-Lokris, mid-second century AD); resort to divine punishment, *TAM V.1* 251 and 269 (mod. Kula-Lydia, second-third century AD). See Spatharas 2006: 380 for the use of laughter as an aggressive weapon to hurt the pride of the opponent in many Athenian lawcourt speeches; something similar might have triggered outbursts of abuse and vituperation that could have escalated into physical violence among associates. For Egypt, see Boak 1937b: 217–18 with *SB III* 6319 *recto*, II ll. 44–7 (Magdola, Arsinoites, second-first century BC): ἄν τις ὑμῶν κακῶς ἐρεῖ, δῶσ(ε)ι Β | ὅταν τις ὑμῶν βινῆ ἄλλοτ(ρ)ίαν γυνή, δῶσ(ε)ι (δραχμὰς) Α 'if anyone of you defames, he shall give 2,000 dr.; when one of you violates somebody else's wife, he shall give 1,000 dr.'; *BGU XIV* 2371, l. 4 (Heracleopolites, first century BC), *P. Lond.* VII 2193, ll. 15–19 (69–58 BC), *P.Mich.* V 243, ll. 3 and 6–8 (Tebynis, AD 14–37). San Nicolò 1927: 276 interprets the punishment for adultery with the wife of a co-member as an expression of ethico-religious norms; however, in an associative context, adultery signifies the breakdown of trust among members and therefore undermines solidarity among them and could lead to insults, blows and injuries. Adultery has thus the potential to unravel the cornerstones of associative life, trust and solidarity: see Monson 2006: 229–32 and 2007: 772. It is particularly pertinent the interpretation of Kloppenborg 2013: 204 to the clauses enforcing attendance in associations. He regards, perhaps excessively, deliberate absence from assemblies and meetings as 'snubs of the honoree and are thus aggressive acts that subvert the fabric of the association'. One may object that not all meetings dealt with award of honours. On the regulation of obligatory participation, see Eckhardt in Chapter 3. For the rhetoric of ideals and their mild transgression during banquets, see Harland 2013b.

<sup>25</sup> Most recently in Kloppenborg and Ascough 2011: no 49 and Ascough, Harland and Kloppenborg 2012: no 8. For the expression πέρα κρίσεως see San Nicolò 1927: 295 according to whom the exaction of the fine does not require any further legal proceedings but it is immediately enforceable. A comparison between the laws of Greco-Roman religious associations and the Christian *Didache* is provided by Öhler 2005.

<sup>26</sup> From the list of violations mentioned by San Nicolò 1927: 262–3 only breach of members' obligations against the association (i.e. payment of contributions, disobedience, abstention from assemblies and festivities) and against other members of the group (insulting, fighting, injuring, etc.) are attested in Athens. In contrast to Egyptian material (both in Demotic and Greek), there is no reference to a duty to observe specific moral rules, like avoidance of adulterous relations (if indeed one interprets these clauses as imposing morals and not, what I think more likely, as

officials are attested in Hellenistic honorary decrees. In the normative clauses scattered in these texts, associations regulate and penalise the non-performance of duties by their magistrates (in particular, crowning and the public proclamation of the crown) and later the non-acceptance of magisterial duties.<sup>27</sup> In the Hellenistic normative texts, the non-payment of fees and the violation of any corporate decision, especially of the entrenchment clause, are regarded as offences. In Roman times, a distinct category of offences appears, aiming at the deviant behaviour of members against their fellows.<sup>28</sup>

### Organs Imposing Sanctions

Usually there are two organs involved in imposing and enforcing penalties: the assembly of the members and the individual magistrates. A distinctive

undermining corporate trust and solidarity, see above n. 24) and rules pertaining to professional activities, San Nicolò 1927: 270-3 and 276.

<sup>27</sup> Non-performance of duties: *IG II<sup>2</sup> 1328*, 11-16: [ἐὰν] [δ]ὲ παρὰ ταῦτα ποιῆι, κύριοι ἐ[σ]τωσαν οἱ ὄργωνες ζημιούντες τῆν [π]α[ρ]αβάνουσά[ν] | τι τῶν γεγραμμένων μέχρι δραχμῶν π[ε]ντήκοντα καὶ εἰσπραττ[όν]των τρόπῳ ὅτῳ ἂν [δύνηται] μὴ ἐξείναι δὲ μηθεὶ μῆδ' ἐπιψηφίσει | τὸν εἰθισμένον ἔπαινον αὐταῖς 'and if someone acts against these provisions, the *orgeones* will have the power to impose a fine on the defaulter of the written provisions up to 50 drachmas and to exact it in whatever way they can; it is not allowed to anyone to put to vote the customary praise for them'; *IG II<sup>2</sup> 1328*, ll. 18-20: δ[ί]ς δὲ τὴν αὐτῆν [μὴ ἐξεῖ]ναι καταστήσαι ἕως ἂν ἅπασαι διέλθωσιν, εἰ δ[ὲ] μὴ, ἐν[ο]χ[ος] ἐ[σ]τω | ἡ ἱέρεια τοῖς αὐτοῖς ἐπιτιμίσις 'it is not allowed that she (*sc.* the priestess) is appointed twice till all of them fill the office, otherwise the priestess will be liable to the same punishment'. In contrast, magistrates are honoured when they comply and perform their duties properly, *IG II<sup>2</sup> 1284*, ll. 23-4: διώ[ικη]κεν τὰ πρ[ο]σταττόμεν' αὐτῶν ὑπὸ τῶν νόμων ὀρθ[ῶ]ς καὶ δικαίως 'he administered what is ordained by the laws correctly and fairly' and similarly *IG II<sup>2</sup> 1291*, ll. 3-6; *SEG 2:9*, ll. 4-6; *SEG 44:60*, ll. 3-5. See Kloppenborg 2013: 213 who claims that these prescriptions target cases of withholding the honour due to magistrates and inducing other members to do so. No proclamation: *IG II<sup>2</sup> 1263*, ll. 43-5: ἐὰν δὲ μὴ ἀναγορεύωσι, ἀποτινέτωσαν τῶι κοινῶι | (50) δραχμᾶς 'if they do not proclaim the honours, they shall pay to the associations 50 drachmas' and similarly *IG II<sup>2</sup> 1273*, ll. 21-6; 1292, ll. 15-17; 1297, ll. 17-18. Refusal of appointment: *SEG 31:122*, ll. 23-7 with San Nicolò 1927: 270.

<sup>28</sup> Non-payment of fees: *IG II<sup>2</sup> 1339*, ll. 12-15: ἐὰν δὲ μὴ διδ[ῶ]σι | τὴν φορὰν, ἐ[δ]οξεν μὴ μετέχειν αὐτο[ῖ]ς | τοῦ ἔραν[ου] ἐὰν μὴ τι συμβῆι διὰ π[ε]νθ[ος] ἢ διὰ ἀ[σ]θενείας ἀπολειφθῆναι 'and if they do not pay the fee, it has been decided that they should not participate in the *eranos* (?), unless mourning or illness hinders anyone' and *IG II<sup>2</sup> 1361*, ll. 19-20. Non-compliance with decisions: *IG II<sup>2</sup> 1275*, ll. 12-17: ἐπειδὴν δὲ κυρώσωσι τὸν νόμον οἱ θιασῶται, μῆθὲν εἶναι τοῦ νόμου κυριώτερον' εἰάν τις παρὰ τὸν νόμον ἢ εἴπει ἢ πράξει, κατηγορίαν αὐτοῦ εἶναι τῶι βουλομένῳ τὸν θιασῶτῶν, καὶ ἂν ἔλει αὐτὸν τιμᾶτωσαν αὐτὸν καθότι ἂν δοκῆι τῶι κοινῶι 'when the *thiasotai* ratify the statute, nothing shall be more powerful than the statute; and if anyone says or acts contrary to the statute, anyone of the *thiasotai* who so wishes can prosecute him and if he is convicted, he shall be punished with a penalty, whatever seems proper to the association'. Punishment of deviant behaviour: *IG II<sup>2</sup> 1368*, ll. 72-95; 1369, ll. 40-4; *SEG 31:122*, ll. 5-9; *IG IX.1<sup>2</sup>:3 670*, ll. 7-13. Kloppenborg 2013: 211 claims that most of the offences concern status challenges and they reflect a structural problem of the associations.

red line between the jurisdiction of the assembly and of magistrates depends on the perceived gravity of the offence for the well-being of the association. In Hellenistic times, the assembled members have the discretionary power to impose any penalty they wish on the member who violates the entrenchment clause (*IG II<sup>2</sup> 1275*, ll. 14–17) or on the priestess who does not comply with the rules introduced in *IG II<sup>2</sup> 1328*, lines 11–14. In Roman Athens, in the association of *Herakliastai en Limnais* it is the assembly's duty to decide how they are going to exact an imposed fine (*SEG 31:122*, ll. 8–9), while in the *Bakcheion* of *IG II<sup>2</sup> 1368*, the assembly convened by the priest decided cases of injury (ll. 84–94). The assembly usually exercises some, at least, discretionary power, although the extent of this authority may be delineated by an earlier decision of the group.

San Nicolò 1927 regards the judicial function of the assembly and of certain magistrates as similar to arbitration and therefore as an adequate basis for a right of appeal against verdicts of arbitrators to a polis court. However, this approach is deeply problematic since it presumes arbitration in cases that are far from what we know about the mechanics of arbitration in the Athenian jurisdiction (statement about the dispute, selection of arbitrators, decision and binding character). One could have argued that by joining an association, member(s) implicitly adhered to the rules of dispute resolution operative in this structure. Nevertheless, by joining an association, members were not stripped of their legal rights; they retained the right to use the polis legal machinery, be it for cases of insult, injury, defamation, property relations and so on. San Nicolò advocated, rather unconvincingly, a division between summary and ordinary procedure without defining their salient features; by implication, he considered as summary any procedure involving the assembly of members.<sup>29</sup> Rubinstein 2012 explores the role and the characteristic features of collective liabilities on boards of officials outside Athens in the late classical and Hellenistic periods. However, this concept is rarely employed by cult associations in late classical and Hellenistic Athens; in particular, I could find only one case, *IG II<sup>2</sup> 1292* (215/4 BC), in which the association of *Sarapiastai* imposes a fine on *hieropoioi*. Nevertheless, we do not know their number, whether they were acting as a board when failing to proclaim the names of the honoured individuals after the sacrifice (crime of omission). There are,

<sup>29</sup> San Nicolò 1927: 289–90.

however, two cases (*IG* II<sup>2</sup> 1263 and 1297) in which the wording suggests a board but in fact it is a pseudo-collective since it refers to officials of consecutive years.

We usually assume that individual magistrates were responsible for imposing and collecting fines on recalcitrant members, especially those prescribed and fixed in a group's regulations. However, I found only weak indications in the Athenian 'corporate' epigraphy; in *IG* II<sup>2</sup> 1368, the priest is to decide whether a member has paid his contributions or not and therefore may participate in the celebrations (ll. 67–72), or in another case the treasurer may prohibit the entry to the association's premises to a member who has not paid a fine (ll. 99–102). San Nicolò 1927: 260 claims that the head of the group (*Vereinsvorstand*) had disciplinary authority policing the meetings and the festivals. This is not confirmed by Athenian evidence; only the *archeranistes* of *SEG* 31:122 seems to yield unfettered authority, but even he has to refer important questions to the assembly.<sup>30</sup> Equally difficult to answer is the question whether associations' magistrates had the authority to proceed to exacting the penalties. The parallel provided by other Greek poleis, thoroughly investigated by Lene Rubinstein, cannot shed any light, since only in *IG* II<sup>2</sup> 1273 and 1328 is there a hint about a similar grant of authority, with the substantial difference that no officials are authorised but only the association as a whole. The expression in *IG* II<sup>2</sup> 1273, lines 24–5 – ἡ δ' εἰσπραξις ἔστω τοῖς θιασώταις καθάπερ καὶ τᾶλλα ὀφειλήματα 'the *thiasotai* shall exact (*sc.* the fines) as they do with other debts' – suggest that the fine imposed on a magistrate would have been dealt with exactly in the same way as debts for other reasons.<sup>31</sup> But this neat, modern picture of associations suing members over non-payment of subscriptions and fines defies realities. Recourse to the official channel of adjudication was only one option, perhaps the costliest; associations could have used other means to enforce their decisions, such as temporary expulsion from communal activities, social pressure (e.g. inscribing the name of debtors on a stele, *Agora* 16 161),

<sup>30</sup> More fruitful would have been to compare the imposition of fines by polis authorities (*proedroi* of the assembly, *strategoí* in *AthPol* 61.2 with Rhodes 1981: 684) (ἐπιβολαί) see *IG* I<sup>3</sup> 82 (421/0 BC) and Harrison 1971: 4–5. See Ziebarth 1896: 174; the term *Vereinspolizei*, 'association's police', misrepresents the role of the officials. See also *P. Lond.* VII 2193, l. 17: μητιδέ ἐπιδικαλήσειν καὶ μὲ κατηγορή[σ]ειν [α] τοῦ ἐτέρου 'not to indict or to accuse another . . .', with Roberts, Skeat and Nock 1936: 53–4. Refusal or abstention from participating in an assembly to pass a verdict resulted in a fine, *IG* II<sup>2</sup> 1368, ll. 96–9 with San Nicolò 1927: 260–1 and *CID* I, 9 C, ll. 6–10 (Delphi, beg. of fourth century BC).

<sup>31</sup> Foucart 1873: 41 (recourse to polis tribunals), Ziebarth 1896: 175.

marginalisation of the individual, withdrawal of support by other members and so on. San Nicolò 1927: 291–2 and Boak 1937b: 214 underline the power of the head of an association in Hellenistic and Roman Egypt (attested in Greek and Demotic documents) to compel the payment of arrears or dues by seizing pledges at the expense of a recalcitrant member (in one case even the member himself), an authority not attested in Hellenistic or Roman Athens.<sup>32</sup>

### Penalties

In principle, associations could impose one or a combination of the following three different legal sanctions on the members in enforcing their rules:<sup>33</sup>

- i. a monetary fine, most often, of 50 dr., sometimes consecrated to the worshipped deity and some other time payable to the treasury of the association.<sup>34</sup> Penalties were fixed either by a statute or, less often, were left at the discretion of the assembly of the members;<sup>35</sup>

<sup>32</sup> Rubinstein 2010: 199–209 identifies four criteria that point to the conclusion that polis agents are vested with powers to actively proceed to exaction of imposed penalties: (i) combination of a *praxis* clause with a penalty clause directed against the officials responsible for the exaction; (ii) clause granting immunity to the agent of exaction from prosecution; (iii) cross reference to existing legislation or legal procedures that extend the authority of magistrates and/or define the method to be applied; and (iv) clause granting permission to officials to resort to any available means to exact the penalty.

<sup>33</sup> There is no question of the association imposing sanctions on non-members, despite San Nicolò 1927: 265–6. San Nicolò seeks parallels to penalties imposed by sanctuaries on their visitors; this is rather misleading since the sanctuary authorities were considered as sovereign in the enclosure but associations' authority extended only to their membership. Equally deceptive are the two examples in San Nicolò 1927: 266 n. 45 on the power of *demoi* authorities exercising judicial function, since they operate in the context of a contract, in which the *demoi* is one of the contracting parties.

<sup>34</sup> Fines consecrated: *IG* II<sup>2</sup> 1361, ll. 13–14 and 20 (ca. 330–324/3 BC); 1273, ll. 21–4 (265–3 BC); 1297, ll. 17–18 (236/5 BC); *MDAI* (A) 66 (1941): 228 no. 4, l. 19 (138/7 BC). For Poland 1909: 450 fines originally were designated to be paid to a deity and only later the association is designated as the recipient; but evidence from Athenian associations does not support this conclusion. San Nicolò 1927: 282 considers the reference to the exact amount of money to be paid as a protection against arbitrariness. His argument, however, is weakened by, at least, one case in which the penalty is left to the discretion of the assembly, *IG* II<sup>2</sup> 1275, ll. 14–17 (see above n. 26). For Egypt, see Boak 1937b: 218–19. San Nicolò 1927: 258–60 claims that the term *παράχρημα*, 'immediately', signifies the imposition of the penalty on the spot; see *IG* II<sup>2</sup> 1273 and 1323. However, in *SEG* 31:122, 17–18 *παράχρημα* is qualified as a period of a year. Fines payable to the association: *IG* II<sup>2</sup> 1263 (300/299 BC) and 1368 (AD 164/5). For the fines provided in Demotic documents in Egypt, see San Nicolò 1927: 273–5 and de Cenival 1972.

<sup>35</sup> Fixed by decree: *IG* II<sup>2</sup> 1263, ll. 43–6. Discretion of the assembly: *IG* II<sup>2</sup> 1275, ll. 14–17. See Ziebarth 1896: 173.

- ii. expulsion or ejection from the activities of the group or the premises of the association;<sup>36</sup> and
- iii. striking out a member from the ranks of the group.<sup>37</sup>

Two particularities require attention.

- a. Striking out is very rarely invoked (and I suppose even more rarely was imposed); in *SEG* 31:122, lines 42–5 it is provided by the statute,<sup>38</sup> while in *IG* II<sup>2</sup> 1368 there is no provision imposing a similar penalty; in *IG* II<sup>2</sup> 1369 it is not clear whether the verb *ekballēstho* (ἐκβαλλέσθω) signifies the removal or the expulsion, as it is accompanied by a fine.<sup>39</sup> *SEG* 31:122, lines 5–9, stipulates the following: ἐάν τις ἐν τῇ συνόδῳ | μάχην ποιήσῃ, τῇ ἐχομένῃ ἡμέρᾳ ἀποτινέτω προστείμου ὁ μὲν ἀρξάμενος δραχμὰς δέκα ὁ δὲ ἐξακολουθήσας δραχμὰς πέντε καὶ ἐξάνανκα πραττέσθω τῶν σ[υ]νεραριστῶν ψῆφον λαβόντων ἐκβιβάσαι ‘If someone in the assembly should cause a fight, on the following day let him pay a fine. The one who initiated the fight should pay ten drachmas and whoever joined in should pay five

<sup>36</sup> *IG* II<sup>2</sup> 1368, ll. 67–72; 82–3; 99–107 and 136–44. Foucart 1873: 40–2; Ziebarth 1896: 170–9; Poland 1909: 446–52; San Nicolò 1927: 279–81. San Nicolò 1927: 281 n. 177 is clearly wrong in criticising Poland 1909 who claimed that temporary expulsion could concur with a fine, see *IG* II<sup>2</sup> 1368, ll. 88–90: καὶ προστεμάσθω πρὸς χρόνον μὴ εἰσελθεῖν ὅσον ἂν δόξῃ καὶ ἀργυρίου μέχρι (δηναρίων) κε ‘and he shall be barred from attending as long as the association decides and pay a fine up to 25 denarii’. For the term *stibas*, see now Jaccottet 2011 who argues that the term should be understood as the chief celebration/festival of the *Iobacchoi*. For the officials responsible to remove the recalcitrant member (*hippoi*), see Turcan 2003: 71.

<sup>37</sup> For the attitudes towards striking out a member in associations of the western part of the Roman empire, see Tran 2007.

<sup>38</sup> *SEG* 31:122, ll. 42–5: τὰς δὲ φορὰς | καταφέρῃν τῷ ταμίᾳ ἐπάνανγκες ἰς τὰς ἐγδόσεις ὁ δὲ μὴ κατενέγκας | ἀποτινέτω τὸ διπλοῦν ὁ δὲ μὴ δοῦς τὸ κάθολον ἐξέρανος | ἔστω ‘The dues must be brought to the treasurer so that loans can be made. Whoever does not pay shall be fined a double amount. Whoever does not pay at all shall be expelled from the association’ (tr. Ascough, Harland and Kloppenborg 2012: 19).

<sup>39</sup> For a parallel, see *IG* VII 2725, ll. 12–33 (Akraiphia-Boeotia, second century AD?): εἰ δὲ τις | τὴν ἐπιγραφὴν ἐκκόψῃ ἢ ἐκ τῆς παραστά[δο]ς ἢ αὐτὴν ἄρῃ ἢ κακο[ποι]ήσῃ, δώσω ὡς ὁμοίως | τῇ συνόδῳ τῶν ἡρω[ιστῶν] τῶν τέκν(ων) μου | δηναρία δισχιλία ὁμοίως καὶ τῇ πόλι Ακρηφίων δ[η]ναρία δισχιλία πεντα[κό]σια. καὶ τοὺς | ὑβρίσαντας τοὺς ἡρω[ιστῶν] τέκνων ἡμῶν καὶ ἐμὲ καὶ τὸν ἄνδρα μου Πυθίωνα καὶ ἐπιμένοντας | τῇ αὐθαδίᾳ οὐ βούλομαι μ[ε]τέχιν τῆς συνόδου τῶν ἡρω[ιστῶν] τῶν τέκνων ἡμῶν Ἐπαμινώνδου | καὶ Θεοκρίν(ης) μήτε ζώντων ἡμῶν μήτε τελευτησάντων ‘and if anyone damages the inscription from the pilaster or removes or damages the pilaster, he shall pay equally to the association of Worshippers of Our Children as Heroes two thousand denarii and equally to the city of Akraiphia two thousand five hundred denarii. And those who have abused the Worshippers of Our Children as Heroes and myself and my husband Pythion and insist on being insolent, I do not wish them to participate in the association of Worshippers of Our Children as Heroes, Epaminondas and Theokrine, neither while we are alive nor when we have passed away’. The crucial question in this case is whether *hybris* included the mutilation of the inscription alone or together with defaulting on the payment of the fine.

drachmas. After his fellow *eranistai* have taken a vote to expel him . . .’ (tr. Ascough, Harland and Kloppenborg 2012: 18). Although this has been rendered by the first editor of the document as imposing the expulsion of the unruly member, the meaning of the term *ekbibasai* (ἐκβιβάσαι) is not that unambiguous. In particular, the rationale of imposing a monetary fine does not fit well with the compulsory decision to expel a member. *Ekbibasai* could also mean ‘to satisfy a person’s claim’ (*P. Tebt.* II 398, l. 18, AD 142). Therefore, the passage could be interpreted as ‘his fellow-members shall compulsorily, after a vote, force him to satisfy (the claim of paying the fine)’. In *IG II<sup>2</sup>* 1339, lines 12–15: ἐὰν δὲ μὴ διδ[ῶσι | τὴν φοράν, ἔ]δοξεν μὴ μετέχειν αὐτο[ῦς | τοῦ ἐράν]ου ἐὰν μὴ τινι συμβῆι διὰ π[έ]ν[θ]ος ἢ διὰ ἄ]σθένειαν ἀπολειφθῆναι ‘and if they do not pay the fee, it has been decided that they should not participate in the *eranos* (?), unless mourning or illness hindered anyone’, the restoration *eranos* instead of *koinon* is adventurous. In the former case, it is conceivable that the defaulting member may be exempted from the benefits of an *eranos*-fund and not excluded from an *eranos*-association, as it would have been the case when restoring *koinon*. Foucart 1873: 41–2 has already doubted whether the phrase μὴ μετέστω αὐτῶι τῶν κοινῶν ‘he will not have a share in the common activities’ in *IG II<sup>2</sup>* 1361, line 14 could mean a definite exclusion, ‘une exclusion définitive’; however, the expression is preceded by a monetary fine, something that would not make sense if the heavier penalty of exclusion was provided.

- b. There is no indication of corporal punishment provided for, with the exception of *IG II<sup>2</sup>* 1369.<sup>40</sup>

The associations’ judicial competence is delimited, rather exclusively, by the place in which the infringement took place (that is to say, premises of the association) and on the identity of the involved parties; I do not know any case of a non-member prosecuting or being prosecuted in front of ‘corporate’ judicial organs. To illustrate the above point, consider the following case: Two members of a cult association had a commercial dispute, and one punched the other in the *agora*. Which judicial organ

<sup>40</sup> See the lack of references to officials like *rhabdophoroi vel similia* from the administrative board of Athenian associations. Compare with *IG IX.2* 1109, ll. 23–30 (second century BC, oracle of Apollo Koropaios near Demetrias) ῥάβδουχος . . . κωλύειν τὸν ἀκοσμοῦντα ‘club-bearer . . . stops the person who behaves improperly’, *I.Ilion* 52 (Ilion?, second century BC?) ἔχειν ἐξουσίαν τοὺς ἀκοσμοῦντας τῆι ῥάβδῳι κολάζειν ‘he has the power to punish with a club those behaving improperly’ and *IG V.1* 1390, ll. 41–5 (Andania, 91 BC?).

would have been competent to hear the case? Assuming that the ban on approaching public judicial agents provided in *IG II<sup>2</sup> 1368*, lines 90–4, was a persistent feature of Athenian associations, then *prima facie* there was concurring jurisdiction of both association and polis and therefore the victim of the attack could choose the course of action. However, it is more likely that the dispute would have been resolved by the polis' judiciary and not by the association's, since the provisions of *SEG 31:122*, lines 5–6, *IG II<sup>2</sup> 1368*, lines 72–4 and 94–5, clearly specify the location of the infringement as ἐν τῇ συνόδῳ 'on the premises of the association' or similar expressions.

### Ideals Behind the Rules

Corporate rulings aim to ensure first and above all the preservation and the prosperity of the group along with solidarity and concord among its members. Officials are singled out and honoured when they contribute substantial amounts from their own purse to major refurbishment or reconstruction of dilapidating buildings, provide cash in cases of emergency or perform their duties irreproachably.<sup>41</sup> Solidarity among fellow-members is promoted and enhanced with prescriptions such as participation in processions (*IG II<sup>2</sup> 1283*) or other festivities, in the mourning for a deceased member and in his funeral or mutual help in cases of legal disputes (*IG II<sup>2</sup> 1275* and *1258*). This sense of community is elaborated, extended and further strengthened in Roman times when *Iobacchoi* are threatened with a monetary fine in case they circumvent the association and appeal to the polis' mechanism or the Roman authorities for justice.<sup>42</sup> The honorary vocabulary of Athenian cult associations includes values and predominantly civic qualities such as ἀρετή 'virtue', εὐνοία 'benevolence', εὐσέβεια 'piety towards the gods', δικαιοσύνη 'righteousness' and

<sup>41</sup> *IG II<sup>2</sup> 1263*, ll. 9–13: καὶ τοὺς λογισμοὺς ἀπέδωκεν ὀρθ[ῶ]ς καὶ δικαίως καὶ εὐθύνως ἔδωκεν | ὧν τε αὐτὸς ἐκυρίευσεν καὶ [τ]ῷ ἄ πρὸς | τοὺς ἄλλους ἐξελογίσαστο ὅσοι τι τῶν κοινῶν διεχείρισαν 'and he provided their accounts correctly and justly and underwent a scrutiny of whatever he administered and he received accounts of those who administered anything of the common funds' and similarly *IG II<sup>2</sup> 1271*, ll. 6–8. Ὁν ἀνέγκλητος, see *IG II<sup>2</sup> 1235* (ca. 274/3 BC), 1292 and 1328; see also the use of such expressions as λόγον καὶ εὐθύνως δεδώκασιν in *IG II<sup>2</sup> 1199* (ca. 325/4 BC) and εὐθύνως διδόναι in *IG II<sup>2</sup> 1174* (368/7 BC).

<sup>42</sup> *IG II<sup>2</sup> 1368*, ll. 90–4: ἔστω δὲ | τὰ αὐτὰ ἐπιτεῖμια καὶ τῷ δαρέντι καὶ | μὴ ἐπεξελθόντι παρὰ τῷ ἱερεῖ ἢ τῷ | ἀρχιβάκχῳ, ἀλλὰ δημοσίᾳ ἐνκαλέσαντι 'and the same penalties shall be applied to the person beaten and did not complain to the priest or to the *archibakchos*, but he proceeded to an accusation in the polis'. Compare Philostratus, *Vitas Sophistarum* (Polemon) 532.

φιλοτιμία ‘love of honour, zeal’.<sup>43</sup> These five qualities appear in every possible combination, with only two standard parameters; piety appears in cases the honoured person had a sacral or cultic activity, righteousness in cases of successfully administering the affairs of the group. The remaining three usually designate a substantial financial contribution to the group. Only in the imperial era will *eukosmia* (clauses barring ill-talk, hubristic behaviour, fights and wounding) penetrate into the normative world of associations.<sup>44</sup> In this respect, associations do not innovate, do not cut through their own path; they follow the lead of the Athenian polis when it granted certain privileges (*proxenia*, *politeia*, etc.). What changes is the beneficiary; instead of the Athenian polis, it is the associations themselves who capitalise and channel the outcome of their members’ activities.<sup>45</sup> As a consequence, associations appear to have been very well integrated into the social fabric of the Athenian polis.

### Rules Reflecting Realities or Realities Shaping Rules?

It is a commonplace that in Athens, to a large extent, associations’ rules reflect long-established strategies, inspired by what happens at the polis level, especially, and as far as controlling the powers of magistrates and channelling the competitive edge of members to the service of the association were concerned.<sup>46</sup> In organisational affairs, they follow the language of the polis, for example, the designation of the main assembly as *agora kyria* (in almost all the honorary decrees), *ekklesia kai syllogon poiein* (in *IG II<sup>2</sup> 1361*),<sup>47</sup> accountability procedures followed for magistrates leaving

<sup>43</sup> See the single instance of *andragathia*, ‘bravery, manly virtue’, in *IG II<sup>2</sup> 1261* with Arnaoutoglou 2003: 117.

<sup>44</sup> Baslez 2004: 106–7 associates these occurrences with *eukosmia* in the world of gymnasia. The concern about *eukosmia* appears in the context of a gymnasium (*IG XII.6 11*, Samos, after 243/2 BC, Lazaridou 2015: 5 ll. 36–51, 24/23 BC), a sanctuary (*Agora 16 123*, 302/1 BC), oracle (*IG IX.2 1109*, Thessaly, second century BC), theatre (*Agora 15 34*, 343/2 BC), celebration (*SEG 12:511*, Cilicia, Magarsos-Antiochia, ca. 140 BC), of young women (εὐκοσμία τῶν παρθένων, *MDAI (A) 37* (1912): 277 no 1; 35 (1910): 436 no 20, Pergamum; *I.Pergamon* 463, before AD 37?), a special archon ἐπὶ τῆς εὐκοσμίας (*IGR IV 556*, l. 69; *IGR IV 582*; *MAMA IX no 38*). Liu 2013: 136 rather hastily considers these rules as ‘mechanism for exposing and punishing the non-conformist, whose reputation would consequently suffer’.

<sup>45</sup> See Arnaoutoglou 2003: 115–18.

<sup>46</sup> *IG II<sup>2</sup> 1283*, ll. 9–11: ὅπως ἂν οὖν φα[ι]ωνται καὶ οἱ ὀργεῶνες τῶι τε τῆς πόλεως νόμοι πειθαρχοῦντες ‘so that the *orgeones* of the polis will appear to comply to the laws of the polis’ and ll. 25–6: κατὰ τε τὰ πάτρια τῶν Θρακικῶν καὶ τοὺς τῆς πόλ[εως νόμου]ς ‘according to the ancestral customs of the Thracians and to the laws of the polis’.

<sup>47</sup> Compare the use of the expression ἐπεμελήθησαν δὲ καὶ τῆς συλλογῆς τῆς τε βουλῆς κτλ in *Agora 15* (passim).

office (*SEG* 2:9 and *I.Rhamnous* 167, ll. 25–7) and perhaps in *IG* II<sup>2</sup> 1275 initiating what looks like a trial with no fixed penalty (*atimetos agon*). They use, though rarely, entrenchment clauses similar to that of the polis decrees,<sup>48</sup> but not in the documents of the Roman era, in which the only similar reference (or rather exhortation) occurs in *IG* II<sup>2</sup> 1368, lines 30–1: εὐτονήσουσι γὰρ οἱ προεστῶτες τοῦ μηδὲν αὐτῶν λυθῆναι ‘for the presiding officers shall be empowered to prevent any of those decrees from being violated’ (tr. Ascough, Harland and Kloppenborg 2012: 13). In the numerous honorary decrees, associations usually penalise the non-performance of the ritual announcement of honours (*anagoreusis*), as in *IG* II<sup>2</sup> 1263, lines 43–5 (*thiasotai*, 300/299 BC); 1273, lines 21–6 (*thiasotai*, 265–263 BC); 1297, lines 17–18 (*thiasotai*, 236/5 BC); 1292, lines 15–17 (*Sarapiastai*, 215/4 BC).<sup>49</sup>

Cult associations do not seem to have had any impact outside their immediate surroundings; instead, they are influenced, at least in Hellenistic times, by the reigning civic and legal culture, as they adopt and use the mechanisms of dispute resolution, civic values and organisational details provided by the polis.<sup>50</sup> In a sense, associations orbit around the organisational model of planet Polis. The situation does not significantly change once the centre of the ‘political’ universe shifts to Rome. Associations are sticking to the old ways of doing things, therefore their relation to the polis is not altered; however, they still have to respond to the challenges posed by the new administration, they have to acknowledge, even tacitly, the possibility of intervention by the Roman authority. This is the reason they proceed to an unprecedented introduction of rules concerning the punishment of their members for fighting one another. In order to stay clear of the Romans, the group of *Iobacchoi* went a step further and decided not to allow recourse to dispute resolution mechanisms other than those provided by the group itself.

Hellenistic cult associations in Athens do not seem to be concerned with providing a model of a well-ordered association. Despite the predominance of *eukosmia* in the world of Hellenistic gymnasia, Hellenistic associations seem very little concerned (if at all!) with the stability and

<sup>48</sup> Compare the entrenchment clauses in *IG* II<sup>2</sup> 1275 and 1361 with the respective clauses in *IG* I<sup>3</sup> 29 (ca. 450 BC); *IG* I<sup>3</sup> 1453C (?ca. 449 BC); *IG* I<sup>3</sup> 52 (434/3 BC); *IG* II<sup>2</sup> 43, ll. 51–61 (378/7 BC), *Agora* 19 L4a, ll. 95–6. See San Nicolò 1927: 267.

<sup>49</sup> Fines on *demarchoi*, *IG* II<sup>2</sup> 1183 and 1194. Proclamation of crown (*anagoreusis stephanou*) occurs also in *IG* II<sup>2</sup> 1235. Proclamation (*aneipein*) widely practiced at polis level, *IG* II<sup>3</sup> 378; 870; 877; *IG* II<sup>2</sup> 1178; 1186–7; 1193; 1202. Penalty (*epibole*, ἐπιβολή) imposed by a *demarchos*, *IG* II<sup>2</sup> 1177.

<sup>50</sup> See Koerner 1987 for the sanctions against magistrates in the archaic and classical polis.

orderly behaviour of their membership. This concern will emerge and predominate in Roman times. *IG II<sup>2</sup> 1368* preserves two key terms, εὐστάθεια and εὐκοσμία, which roughly correspond to the modern notion of a ‘well-ordered society’. My guess is that the drive to pursue similar aims was initiated by the heavy shadow of the Roman administration. Roman magistrates were inculcated with the fear that associations were the hotbed of unrest. There are numerous testimonies to that; in the first-century Ephesus (Paul, *Acts*, 19.23–41), Philo’s description of the tense atmosphere in Alexandria (Philo, *Against Flaccus*, 135–8), the decision of a pro-consul (*I.Ephesos* 215) in second-century Ephesus about the bakers, the correspondence of Pliny with Trajan (Plin. *Ep.* 10.33–4 and 92–3).<sup>51</sup> At the bottom of this phobia lies the perception that deliberation and other forms of public consultation involving a certain amount of noise, murmuring (approving or disapproving), shouting, heckling and reaction to the speaker may quickly develop into challenges to the orderly life of a polis and to the Roman interests.<sup>52</sup> However, people’s participation in deliberation and consultation, even in this form, was probably an everyday practice in the Greek cities; *thorybos* was present in the council, the assembly, the lawcourts and other venues. Therefore, a certain amount of it was acceptable, even normal. One may observe that *thorybos* appears also in *IG II<sup>2</sup> 1368*, in the acclamation of the members in support of the inscription of the rules. But this acclamation has nothing spontaneous; it sounds like a well-rehearsed performance – at least that is how the text presents it. It is this fundamental perception of people’s participation in the process of deliberation and consultation as inherently destabilising that led to the adoption of disciplinary rules against each association’s members, despite the Athenian long tradition of peaceful co-existence.

Therefore, one can observe a gradual modification in the deployment of legal sanctions and regulations between the Hellenistic era and Roman times in Athenian associations, a qualitative shift to purely disciplinary measures. This shift of focus may be due to the differing qualities of the epigraphic habit; many more associations’ honorary decrees survive from

<sup>51</sup> For the abuse of beer and wine drinking in Egyptian religious associations, see Clarysse 2001. For instances of breakdown of law and order in Bithynia, see Talbot 2004.

<sup>52</sup> *Thorybos* in associations’ gatherings: Philo, *In Flaccum*, 138, Ael. Arist. 18 (*Monodia epi Smyrne*) 8. *Thorybos* in deliberations of political organs outside Athens: *OGIS* 48 (Ptolemaï’s Hermiou, Egypt, 278/7 BC) and in imperial Nicomedia (Bithynia), *TAM IV* 3, 7.

Hellenistic than from Roman Athens. It does not mean, however, that legal sanctions against ‘corporate’ officials disappear.<sup>53</sup> They are taken as granted, as part of the wider trend towards stability.

Nevertheless, even a well-intentioned reader would not fail to point out that, this being the case, we should have had more evidence from the western part of the empire. And, I am afraid, this evidence is not forthcoming . . . What to make of the lack of disciplinary measures in Roman *collegia*, with the sole exception of the Lanuvian *cultores Salutaris Dianae et Antinoi* (*CIL* XIV 2112, II ll. 26–8)? Is it due to a tighter administrative control on the municipal life? Or were the disciplinary rules an invention of the associates in the Roman East to shed suspicion and prejudice? Finally, is what attested in the *Iobacchoi* inscription (*IG* II<sup>2</sup> 1368) but an isolated instance in which the figure of Claudius Herodes Atticus, priest of the *Sebastoi*,<sup>54</sup> played a pivotal role thanks to his social rank and status?

What remains to be answered is how Hellenistic and perhaps classical Athenian associations dealt with questions of animosity, instability, strife and fight in their ranks. To be more precise, how were members of associations restrained and made to abstain from insulting, fighting and injuring? It would have been naïve to assume that there were not any such worries; sporadic references to *homonoia* allude to such a concern. Since we do not hear anything in their numerous decrees and regulations, this suggests that associations did not aim to provide a sanitised context of common activities. There are several factors that, when combined, provide an explanation; first, associations in Hellenistic Athens were mainly cult groups, so there was little room for disagreements. Second, by tolerating *thorybos* and integrating it into the assembly business, they had at their disposal a mechanism to let off steam and avoid escalation. Third, there were informal channels of dealing with rowdy and recalcitrant members, such as peer pressure, competition for prestige and honour, withdrawal of support and/or contacts, marginalisation of the offending party and the ‘name and shame’ strategy mentioned in *IG* II<sup>2</sup> 1361 and *Agora* 16 161.

<sup>53</sup> See fine on *eukosmos* in *IG* II<sup>2</sup> 1368, ll. 144–6. For the office, see Turcan 2003: 66.

<sup>54</sup> Cl. Herodes is attested as priest of the imperial cult (ἀρχιερεύς τῶν Σεβαστῶν) in AD 126/7 (*IG* II<sup>2</sup> 3603; 3607; 3608), as priest (ἱερεύς) in AD 132 (*IG* II<sup>2</sup> 3296) and involved in subsidising a new outfit of ephebes during their march to Eleusis in AD 165/6 (*IG* II<sup>2</sup> 2090). See Ameling 1983 (for Herodes’ *cursus*) and Tobin 1997: 35.

Thus, the toleration of *thorybos* and the integration of *thorybountes* into the ‘corporate’ business may have provided an alternative method of dealing with competition, dissension and strife. If, however, things got out of control, associates could always rely on the judicial system of the polis.<sup>55</sup>

<sup>55</sup> After the completion of this chapter, an article exploring the different treatment of violence in democratic and oligarchic regimes appeared by Simonton 2017. His conclusion that democratic regimes tended not to regulate *in extenso* citizens’ behaviour and thus defused any threats to their stability. Pending further detailed discussion, this seems to be very similar to my findings about the lack of extensive regulation of everyday activity in Athenian private associations.