

UNIVERSITY OF GLASGOW  
DEPARTMENT OF CLASSICS

FORMS AND LEGAL ASPECTS OF RELIGIOUS ASSOCIATIONS  
IN ANCIENT ATHENS

Thesis submitted in the Department of Classics  
for the degree of Doctor of Philosophy in Classics.

☐ ILIAS N. ARNAOUTOGLOU

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## ABSTRACT

Religious associations have been the subject of exhaustive treatment during the late 19th and the early 20th centuries. The present thesis does not aim to challenge their detailed examination, but rather to reassess the validity of their arguments and conclusions concerning Athenian cult associations, in the light of new pieces of evidence.

The Introduction sets the chronological and methodological limits of the thesis.

Chapters 1 to 4 discuss the available literary and epigraphical evidence concerning associations of ὀρχεῖσθαι, of heroes and goddesses, διασώται, and ἐπαινοτάι respectively as well as concomitant matters such as impiety and the relation between enktesis and approval of a cult.

Chapter 5 is an attempt to criticise the view that the concept of juristic personality is a proper methodological tool for the comprehension of the associative life and to test a new approach based on the Aristotelian paradigm. In Chapter 6 the social functions of the cult associations are examined, through the application of hermeneutic models like "euergetism", "rituals of conviviality", patronage etc.

In the Conclusions I summarise the principal results of the examination and an attempt is made to distinguish between the different religious associations. Finally, three different catalogues are provided, which compile and classify the epigraphical material on Athenian cult associations.



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## LIST OF ABBREVIATIONS

The abbreviations used throughout this thesis follow the policy of L'Année Philologique, as far as it concerns the references to periodicals, and of Guide d' épigraphiste for the epigraphical publications. For reference to literary evidence the abbreviations adopted in LSJ are used. The edition and translation of literary texts are principally drawn from Loeb editions, unless otherwise specified. The translations of inscriptions are mine unless otherwise noted.

- Agora 19           = Inscriptions: horoi, poletai records, leases of public lands ed. G. Lalonde, vol. 19, Princeton 1991.
- ARSP               = Archiv für Rechts- und Sozialphilosophie
- DGE               = Diccionario Griego-Español, ed. F.R. Adrados, 3 volumes, Madrid 1980.
- FGrHist           = Die Fragmente der griechischen Historiker, ed. F. Jacoby, vol.I-IIIB Suppl.2, 1923-1954, Berlin: Weidmann.
- IEG               = Iambi et Elegi Graeci, ed. M.L. West, 2 volumes, 2nd edition 1989-92, Oxford: CP.
- IG                 = Inscriptiones Graecae: II<sup>2</sup> editio minor, ed. J. Kirchner 1913, Berlin: Reimer and I<sup>3</sup> editio tertia, ed. D. Lewis 1981,

Berlin: DeGruyter.

- IK = Inschriften griechischer Städte aus Kleinasien, Band 28.1, Die Inschriften von Iasos I, hgb. W. Blümel 1985 Bonn: Habett.
- LIMC = Lexicon Iconographicum Mythologiae Classicae, 1986, Zürich: Artemis.
- LSCG = Lois sacrées des cités grecques, ed. F. Sokolowski, 1969, Paris: De Boccard.
- LSJ = A Greek-English Lexicon, Liddell-Scott-Jones, revised edition 1968, Oxford: CP.
- Michel = Michel, C. Recueil d'inscriptions grecques, Paris-Brussels, 1900.
- M-L = Meiggs, R. and D. Lewis, (ed) (1988) A selection of Greek historical inscriptions, Oxford: CP.
- Nouveau Choix = Nouveau choix d'inscriptions grecques, ed. Institut Fernand Gourby, Paris: Les Belles Lettres.
- OCD = The Oxford Classical Dictionary, ed. N.G.L. Hammond and H.H. Scullard, 2nd edition, Oxford: CP.
- PCG = Poetae Comici Graeci, ed. R. Kassel-C. Austin, 5 volumes, 1983-1991, Berlin: DeGruyter.
- PLG = Poetae Lyrici Graeci, ed. Th. Bergk, 3 volumes, 1866-67, Leipzig: Teubner.
- PMGF = Poetarum Melicorum Graecorum Fragmenta, ed. M. Davies, 1991, Oxford: CP.

- RIJG = Recueil des inscriptions juridiques  
greques, ed. R. Dareste, B. Haussoulier  
 and Th. Reinach, 2 volumes, Paris  
 1891-1904.
- SEG = Supplementum Epigraphicum Graecum,  
 39 volumes, Amsterdam: Brill.
- SGHI = A selection of Greek historical  
inscriptions, 2 volumes, ed. M.N. Tod,  
 1946-48, Oxford: CP.
- SIA = Supplementum Inscriptionum Atticarum, ed.  
 A.N. Oikonomides, 3 volumes, 1976,  
 Chicago: Ares.
- SIG<sup>3</sup> = Sylloge Inscriptionum Graecarum, ed.  
 G. Dittenberg, 1915-1921, 3rd edition,  
 4 volumes, Leipzig: Hirzel.
- TrGf = Tragicorum Graecorum Fragmenta,  
 1971-77, Göttingen: Vandenhoeck & Ruprecht

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I would like to dedicate the thesis to my parents and Beata for their moral support in times of great pressure.



# INTRODUCTION

## *A. WHY ASSOCIATIONS AS AN OBJECT OF STUDY?*

Scholarly interest in the field of the organization of Athenian society has focused for the last two decades mainly on the study of the basic political unit of ancient Athens, that is, the deme.<sup>1</sup> A collection of testimonies about the constitutional units of other city-states appeared only recently.<sup>2</sup> At the same time, Oswyn Murray, in the field of the history of archaic Greece, pointed out the significance of the symposion as a practice, by which the social and political identity of the participants was continuously confirmed.

But between these two instances of collective human activity there is a missing link, something that has to bridge the political "being", the citizen, with the individual enjoying himself in a banquet.

It seems to be commonplace in recent bibliography that the modern dichotomy between society and state, between public and private, was to a large extent unknown

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<sup>1</sup> See e.g. Whitehead (1986).

<sup>2</sup> Jones, N.F. (1987) Public organization in Ancient Greece: A documentary study, Philadelphia: American Philosophical Society.

in ancient Athens.<sup>3</sup> It would be unfair, however, to reduce Athenian social life only to parties and banquets or to the participation in decision making processes, practices confined largely to the upper strata of the Athenian citizenry. This vacuum in the social continuum can be filled by cult associations, which offer regular gatherings, sacrifices, banquets, social intimacy and, grosso modo, reproduced the civic and collective spirit of their members, whether citizens or foreigners.

The cult associations and their legal and social structure, that is "the way groups are organized and how various positions in the group are related"<sup>4</sup> have been treated until very recently only marginally; these units deserve a closer examination in the light of new considerations about social life in ancient Athens.<sup>5</sup> The Athenians and the foreigners (metics or aliens) were self-orientated and identified in a large measure through

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<sup>3</sup> Schmitt-Pantel (1990a).

<sup>4</sup> Baron et al. (1992: 5).

<sup>5</sup> I shall limit my research only to these groups that designate themselves as orgeones, thiasotai and eranistai and only incidentally I shall include associations in -istai. For other religious non-public groups see Schlaifer, R. (1944) "The Attic association of the Mesogeioi", CPh 39, 22-7.

participation in associations of different kinds, but especially in cult associations because of the central role of religion in the social life. The reason for the primacy of religion cannot be fully investigated here but I think one of the reasons was a sense of identity provided by the regular repetition of rituals, by the sharing of the same rhythm of life. Religion in ancient Athens can be characterized as an open system of beliefs and practices with a variety of major and minor cults, the freedom of participants to worship any deity, lack of official priesthood and having an essentially votive character. These features as well as the fact that a cult association offered a network of acquaintances and friends, who could help in a financial difficulty, in legal procedures, or in the conclusion of a contract, made cult associations a focus of sociability.

The problems which will be dealt with in this introduction concern the way in which the associations can be defined, the relevant terminology, the various methodological attitudes of earlier treatises and the adoption of a working definition of these units. Last but not least, the inevitable methodological constraints imposed by the nature of the available evidence will be briefly discussed.

#### *B. WHAT IS AN ASSOCIATION?*

This is the first question to be asked when one

starts discussing these units. However, I am afraid it will be the last to be answered, at this stage.

Apart from the terminological problem, with which I shall deal further, there is the question of providing a clear definition of an association. So far there have been two major solutions; an anthropological one, according to which "an association is a group organized for the pursuit of one interest or of several interests in common"<sup>6</sup> and a sociological one which is focused on a definition of association in literate, industrialized societies,<sup>7</sup> and which stresses the association's independence of the power of the state. Neither approach is helpful to the student of Athenian social history. The sociological definition is inappropriate: ancient Athens cannot be compared to the omnipotent state of the modern era which imposes conditions and establishes procedures. On the other hand, the anthropological definition is too wide, because it attempts to establish an all inclusive

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<sup>6</sup> Banton (1968: 357). A more elaborated and complex analysis along the same lines can be found in Honoré (1975: 161-179), who underlines three elements, namely a set of people, interaction among them, and finally a common purpose.

<sup>7</sup> Giddens, A. (1989) Sociology, reprint 1991, 275-77, London: Polity Press.

model. But association is a more complex phenomenon including, among others things, questions of endurance in time, autonomy, organizational plan etc. In this respect Smith (1974: 94), in an essay of comparative politics, offers a definition of the concept of "public" which can apply to associations as well.<sup>8</sup> According to Smith an aggregate of people is qualified as "public" when it is enduring or perpetual, it has defined rules of membership, organization, a set of external relations and a body of common affairs, autonomy and established procedures for regulation of any affair. These features, which I think are present in ancient Athenian cult associations, can be divided into two categories: one concerns its internal organization and the other comprises a set of rules governing the relation with the social context. The cult association should keep a balance in its internal affairs and present a certain, attractive image in the society. The particular traits of being attractive depend largely on the predominant cultural values of the society in which these associations appear. In other words, the association avoids with difficulty the dominant organisational model of the society.

The problem of terminology to be used throughout this

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<sup>8</sup> Smith (1974: 94) claims that the concept of "public" coincides with that of "corporate group".

study is not simple even though, in the course of time, several terms have been proposed in order to describe the associative phenomenon. Among them are *corporation*, *voluntary association*, *group*, *collectivity*, and *association*.<sup>9</sup> These terms can, however, often be ambiguous.

Under the term *corporation*, a modern reader will understand those large semi-public financial giants, which dominate contemporary life. This term is therefore misleading, since hardly any financial and economic colossus, comparable to the modern, existed in antiquity.

*Voluntary associations* on the other hand, is a term used both by anthropologists and sociologists in order to distinguish certain groups linked by kinship or formed by obligatory participation, from other groups whose members were associated by links of a different kind.<sup>10</sup> It is a

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<sup>9</sup> I do not include the term *sodality* introduced by Lowie, R. (1948) Social Organization, New York: Rinehart & Co.

<sup>10</sup> The definition provided in OCD that clubs "may be defined as voluntary associations of persons more or less permanently organized for the pursuit of a common end, and so distinguishable both from the state and its component elements on the one hand and on the other from temporary unions for transitory purposes" is clearly influenced by such considerations.

useful conceptual tool for the investigation of the associative life in late Antiquity and pre-modern Europe, when membership to certain collegia was sanctioned as compulsory. But its applicability in the context of classical and hellenistic period is questionable; in particular, there is no association, except the family, which is formed exclusively on the basis of kinship. The Athenian phratries constitute a puzzling example, because membership was not compulsory and yet there is evidence of patrilinear membership, as well as of regionality.<sup>11</sup> Thus, the term *voluntary association* can cause misunderstandings and may be misleading.

*Group*, *collectivity*, and *association* differ little in meaning, but the derivation of *association* from the Latin *socius* makes it the most appropriate to the phenomenon I am going to discuss. Therefore, the term *association* is going to be used throughout this study. The term *group* will only be used in a non-technical sense.<sup>12</sup>

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<sup>11</sup> Hedrick (1991); Lambert (1986) argues strongly in favour of membership in phratry as an essential precondition for citizenship.

<sup>12</sup> The ambiguity of the term *group* for our purpose is evident in the definition of the term, adopted by Baron et al. (1992: 2) as "two or more individuals who influence each other through social interaction".

### C. REVIEW OF PREVIOUS WORK

It used to be a commonplace among the historians of the ancient Greek world to characterize ancient Greek society as individualistic.<sup>13</sup> To argue against this conviction, prominent German and French scholars of the last century systematically studied inscriptions (the nineteenth century was considered as the "century of epigraphy"), literary texts and any other kind of references to ancient Greek associations.

Early attempts concentrated on the particular type of "ἐρανος" and its relation to the remaining types of association, among which commercial companies held a prominent position.<sup>14</sup> These attempts are characterized by fragmentary documentation and an approach isolating the association from its social context.

German scholars, like Ziebarth (1896) and Poland (1909), though not chronologically the first, attempted to treat and classify all the relevant material, distinguishing types of associations and defining their particular functions, offices, finances, methods of foundation, conditions of admission, rights and duties of a member etc. Although Poland (1909: 271) criticized

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<sup>13</sup> Poland (1909: 339) and Vernant (1989: 220-21).

<sup>14</sup> Further details in ch. 4.



Ziebarth for his descriptive treatment, he did not finally avoid a schematic and holistic approach to the subject, and he failed to point out particular features and functions of certain types of religious associations, like ὀργεῶνες etc.<sup>15</sup> This approach can also reveal a tendency to attribute certain features of one kind of associations to all of them.

On the other hand, French scholars, like Caillemet (1872) and Foucart (1873)<sup>16</sup> have underlined the pluralism of types of associations, although Caillemet (1872) concentrated more on "commercial societies".

These scholars have discussed, in a general way, all types of association taking into account all the existing material and they have only commented on each particular type, such as ὀργεῶνες, θιασῶται, ἐρανισταὶ etc. This accumulative and positive approach, became then the rule for anyone dealing with similar matters.<sup>17</sup>

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<sup>15</sup> Similar criticism has been expressed by Bolkestein (1923: 116).

<sup>16</sup> Foucart (1873) was the first who wrote about orgeones, thiasotai and eranistai as distinct cult associations, without, unfortunately, discussing the problem of definition.

<sup>17</sup> San Nicolo (1913-15), Bruck (1923), Tod (1932) and Πανταζόπουλος (1946).

In the period between the world wars and shortly after the second one, there was an attempt to explain associations and especially *ὀργεῶνες* from a sociological point of view, and this kind of association was considered as a factor in the social conflict of the early archaic city.<sup>18</sup>

It was only in 1944, when W.S. Ferguson published "The Attic Orgeones", a major contribution to the comprehension of *ὀργεῶνες*. Ferguson was essentially the first who tried to collect and study all the evidence on *ὀργεῶνες*, using a totally different criterion. He distinguished *ὀργεῶνες* according to the object of worship; if the object of worship was a hero, he classified them in class A, if it was a goddess, he classified them in class B. As a result, Ferguson formed two large groups of *ὀργεῶνες*, each one having its own features. In class A we have *ὀργεῶνες*, small in number of members, with usually one officer. Class B includes *ὀργεῶνες*, consisting of a large number of members, and most probably having a more complex administration,<sup>19</sup> with at least four different officials. This approach is the model on which recent

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<sup>18</sup> Vinogradoff (1920-22), Guarducci (1935), Thomson (1947), Πανταζόπουλος (1948) and more recently Vamvoukos (1979).

<sup>19</sup> For the impact of the size of a group on communication see Baron et al. (1992: 5).

studies are based. Ferguson (1949) later modified some of his views after IG I<sup>3</sup> 136 had been published.

After Ferguson's articles, there is a noticeable recession in dealing with associations. There appear only chapters or references in the context of works on other topics by Fine,<sup>20</sup> Finley (1951), and Jones (1956). At the same time the historians of ancient Greek religion began to concentrate their interest in this subject and to elaborate their own opinion about cult associations. Nilsson (1955) is regarded as the most distinguished among them and his claim about the Mycenaean origin of hero cults transferred through ὁργᾶνες to archaic and classical Athens still has some influence on scholars.

In the next two decades, because of changes, due mainly to the influence of new theories about history, and to the development of interdisciplinary approaches, scholars focused on the clarification of constitutional or quasi-constitutional institutions, such as genos, phyle, phratry, trittys, naukraty with only scarce or incidental references to associations.<sup>21</sup> At that time the problem of

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<sup>20</sup> Fine, J.V.A. (1951) "Horoi. Studies in Mortgage, Real Security, and Land Tenure in Ancient Athens" Hesperia. Supplement 9, Baltimore.

<sup>21</sup> Actually, several books and articles on these institutions have appeared; for genos and tribe see,

ὀργεῶνες was still regarded as one related to the structure of the early Athenian society and its different problems such as the tenure of land<sup>22</sup> or the composition and social stratification of the Athenians. While a lot of books and articles have been published about other types of association, nothing has appeared about cult associations, except references and footnotes.<sup>23</sup>

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Roussel (1976) and Bourriot (1976) respectively; for phratry, Andrewes (1961a), (1961b) and recently Donlan, W. (1985) "The social groups of Dark Age Greece" CPh 80, 293-308; for naukrary Billigmeier J. and A. Dusing, (1981) "The origins and the function of naukraroi at Athens" TAPhA 111, 11-16 and the summary in Manville (1990: 75-6); for trittys, Traill, J.S. (1986) Demos and trittys, Toronto.

<sup>22</sup> Hammond (1961).

<sup>23</sup> About eranos see Vondeling (1961), Maier (1969) and Benvenuti, P. (1980) Eranos, Diss. Padova. For hetaireiai apart from Sartori, F. (1957) Le Eterie nella vita politica Ateniese del VI e V secolo A.C. Roma: L'Erma, Ghinatti, F. (1970) I gruppi politici Ateniesi fino alle guerre persiane, Roma: L'Erma and Pecorella-Longo, Ch. (1971) "Eterie" e gruppi politici nell'Atene del IV secolo A.C., Firenze: Olschki, the most recent ad hoc treatise is of Aurenche, O. (1974) Les groupes d'Alcibiade, de

The eighties were a period of intensive research on demos, citizenship, public functions and public institutions, while near the end of the decade certain social attitudes and models of behaviours were re-evaluated considering them from a different perspective, namely that of the preponderance of sociability over other aspects of social life. The most recent essay on associations, that of Fisher (1988), devotes analysis of considerable length to the symposion, but only a few pages to cult associations.

Two further problems have appeared recently; one concerns the confusion observed in the use of terms ὀργεῶνες, θιασῶται and ἐραυισταὶ and the implications for the social structure in Athens. Littman (1990: 21)<sup>24</sup> provides an example of such confusion in the following passage:

Two other groups associated with the phratries are the orgeones and the thiasoi. We know little of their nature and function, particularly before the fourth century B.C. Unlike the other kinship groups the names

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Leogoras et de Teucros, Paris: Les Belles Lettres. For athletic guilds see Forbes, Ch. (1955) "Ancient Athletic Guilds" CPh 50, 238-252.

<sup>24</sup> For a critical review see Tuplin, C. CR 42 (1992) 362-3.

orgeones and thiasoi suggest not a kinship relationship, but a religious relationship. In the fourth century the orgeones were like gene, corporate organizations with local shrines, property, funds, constitution and officers. While membership was probably hereditary, the the original principle was worship, not kinship, and the object of worship was not an ancestor but a local god or hero. Since in the time of Solon orgeones were guaranteed the right to be enrolled directly into the phratry, without need of clan, it appears that the orgeones perhaps can be regarded as non-aristocrats. The orgeones may have been a fairly small minority of wealthy non-aristocrats. The epigraphical evidence does not imply that they were the whole body of commoners, but this is not necessarily conclusive. The thiasoi present further problems. At the time of Solon they appear to have been a group of persons associated for worship whose rights were guaranteed by a Solonian law. In the late fifth and early fourth century, the thiasoi became some sort of division of the phratry and included gennetai. Perhaps they were a device primarily to organize the non-gennetai and non-orgeones into the phratry. Membership in a thiasos apparently was

not an absolute requirement for admission to a phratry, and by the end of the fourth century the thiasoi became autonomous religious associations, most of which were evidently open to non-citizens.

The author does not refer explicitly to the different interpretations of, at least, two crucial pieces of evidence, that is Dig. 47.22.4 and FGrHist 328 F35a, but following the traditional interpretation concludes that both ὀρχεῶνες and θίασοι were parts of phratries.<sup>25</sup>

Littman does not explain what was the source of wealth for these "wealthy non-aristocrats" who constituted ὀρχεῶνες associations in a society in which wealth was connected with land. The use of the term θίασος is misleading because the associations very rarely, if ever, called themselves θίασοι. He contradicts himself when he refers once to θίασοι as divisions of a phratry including γεννῆται and then as devices for organizing non-γεννῆται and non-ὀρχεῶνες. A kinship relationship cannot be excluded outright since IG II<sup>2</sup> 2355 implies that such connections were not unknown. Finally, the evolutionary process mentioned by Littman, leading from the Bacchic

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<sup>25</sup> Fisher (1988: 1186) holds the same opinion, while for Lambert (1986: 42) orgeones and gene constitute subdivisions of a phratry.

θείασοι of the sixth and fifth centuries<sup>26</sup> to the κοινὰ θείασωτων of the late fourth century and onwards, is largely fictitious, since the composition of these κοινὰ was totally different from the earlier θείασοι.

The second problem is evident in the approach made by Garland (1987: 102). In his study of the Piraeus, evidence about associations is relegated to the category of valueless inscriptions repeating with boring regularity the honours attributed to officials. Although these inscriptions are repetitive and highly stylised, I think that nobody should dismiss them as simply valueless. The problem is the way in which we are going to read this material, or to put it differently, what kind of questions we are ready to ask and try to answer. The inscriptions are there as data, a reality for the historian, who should extract the total content of information, having in mind Finley's (1985: 105) suggestion that the first questions every historian has to answer before using any written sources are "Why was it written?" and "Why was it published?". In the case of associations the answer seems evident; our epigraphical sources have been written, published and preserved in order to honour the individual, to keep his memory alive and to motivate others to emulate him.

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<sup>26</sup> All the dates are B.C. unless otherwise specified.



It has been assumed by the majority of scholars that the development of associations in Athens is confined to the second half of the fourth century and onwards.<sup>27</sup>

Certain factors are presumed to have contributed to this effect, among others, the decline of the city-state as an autonomous political unit on the international stage, the cosmopolitanism of the extended Greek world, the increase of the importance of commerce and trade in the culturally unified basin of the eastern Mediterranean.

This approach which dates back to the nineteenth century relies on the interpretation of two facts: a) that the majority of documents come from the second half of the fourth century and the third century and, as a result, it is difficult to trace any manifestations of collective activities that existed earlier and b) that any kind of collective activity should resemble the forms very well known to us, such as trade unions, clubs, charity associations etc.

The reasonable conclusion of those who claim the

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<sup>27</sup> Poland (1909: 516) "das typische griechische Vereinswesen ist eine hellenistische Erscheinung". See as well Tod (1932: 73-4) and Austin, M. and P. Vidal-Naquet (1972) Economies et sociétés en Grèce ancienne, 176, Paris: Colin. Contra Vinogradoff (1920-22: 2.127) and Jones (1956: 165).

above is that associations in the modern sense hardly appear in the Greek world and only in the Hellenistic era. The preponderance of fourth-century inscriptions in the record is analogous with the fact that the great bulk of inscriptions is dated in the fourth century and onwards. This argument is therefore not tenable. Cult associations existed undoubtedly before the fourth century; they may have been scattered all around in the Attic inland, following their own rhythm of communal living and thus being imperceptible. But due to a chain of events in the second half of the fifth century this rhythm was violently interrupted. As Humphreys (1978: 256) suggested, the particular circumstances accompanying the outbreak of the Peloponnesian war (plague, concentration of the rural population inside the walls, increase of social mobility) led to the loosening or even break of traditional alliances and allegiances. Several allegations of intrusions into the civic body reveal that the security mechanisms of the pre-war order had lost their effectiveness. Survival in an urban context meant sometimes fostering new contacts, while preserving some old, indispensable ones. The development of cult associations should be seen in this historical context.

#### *D. METHODOLOGICAL CONSTRAINTS*

The study will be confined to Attica from the sixth century till the second century A.D. An attempt to write

a global history of the Greek association might lead either to a descriptive approach, in which the relevant information is merely cited and sometimes compared to what happened in other regions of the Greek world, or to the implicit adoption of a modern analytical model, into which the data from Antiquity should be fitted, at any cost.

Ambitious attempts for a holistic approach to associations in antiquity simply ignore crucial limits in terms of space and time. The Greek world and its impact extended throughout the Mediterranean basin, but its influence was more intensive in the eastern part. It is impossible to claim that associations in Athens had identical functions with associations in Asia Minor, Delos, Rhodes or Egypt. It is also evident that testimonies of the second or the third century A.D. cannot help us in understanding analogous phenomena of the fifth or fourth century B.C. Moreover, inscriptions from the second century A.D. cannot be invoked as proofs in order to justify our conclusions about what might have happened in the fourth or third century B.C. Nor can information from other cities be used absolutely freely in order to figure out the situation in Athens. Behind a unified examination of all the sources lies the conception of the ancient Greek law as a unity, as a legal coherent body, which, although displaying certain particularities, shows similarities in its essential points and concepts. The fiction of the conceptualization of Greek law, as a

coherent legal body, has been pointed out by Finley:<sup>28</sup> a uniformity of the legal life in practices, in concepts or in certain aspects, which should be identified one by one, is an admissible thesis to be defended, but even this uniformity is neither total, nor absolute, and not even preponderant. Lack of documentation from cities, apart from Athens, Rhodes,<sup>29</sup> Delos and perhaps Argos and Sparta, does not allow us to reach such a conclusion. The concept of the unity of law in ancient Greece is dominant among the students of associations. The example of associations can only underline and confirm that it is false. Certain activities were common among associations in various Greek

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<sup>28</sup> Finley (1975: 134-152). However, the opposite opinion still finds support; see recently Sealey, R. (1990) Women and Law in classical Greece, London: The University of North Carolina Press, 151-160. Cf. MacDowell, D.M. CR 41 (1991) 129.

<sup>29</sup> A useful and detailed report of all the inscriptions concerning associations, similar to orgeones at cult activities, which flourished in the island of Rhodes, according to the excavators, is offered by Pugliese-Caratelli, G. (1939-40) "Per la storia delle associazioni in Rodi antica" Annuario 1/2, 147-200 and recently Κοντορίνη, Β. (1989) Ανέκδοτες επιγραφές Ρόδου II, Αθήνα: Καρδαμίτσα.

cities, like sacrifices, banqueting or religious ceremonies; but only in Rhodes was the practice of the burial provided by the association widespread. One cannot deduce whether the same was true for Athens,<sup>30</sup> since Athens was by and large an atypical case in the whole ancient Greek world in terms of space, population and political and cultural regime.

Therefore, it would be prudent to recognize from the very beginning the existing chronological discontinuities in the record and not to try to fill them with likelihoods and parallels, which could be misleading. In this respect, any student of ancient associations should admit the scarcity of the available evidence to the fifth century B.C. and for the period from the first century B.C. to the second century A.D.

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<sup>30</sup> In fact this is the conclusion of Vondeling (1961: 260).

# CHAPTER 1

## CRITERIA OF HEROES

### A. INTRODUCTION

The first type of cult association I am going to examine appears in the documents under the name *ὀργεῶνες*. The name itself has caused considerable discussion about its origin and the connection of the group with the same name with the social history of early Athens. Therefore, it seems necessary to review the opinions about the origin of the word *ὀργεῶνες* (B. ETYMOLOGY) and then to proceed to the examination of this type of association. I shall use the distinction of *ὀργεῶνες*, suggested originally by Ferguson (1944: 73), into *ὀργεῶνες* of heroes or class A (section C) and *ὀργεῶνες* of gods and goddesses or class B (ch. 2). The cult criterion is a safe one as far as it concerns the typology; it offers clear-cut categories, relatively homogeneous and easily distinguishable. But the very well known orgeonic association of "Ἄμυνος, Ἄσκληπιός, and Δελφίων, in which the problem of Asklepios' identity as god, demi-god or simply hero is evident, cast doubts about the rigidity with which such a classification can be used. Ferguson's typology does not seem to take

account of historical time and it implies that both types of ὄργεῶνες existed in parallel all the time, although it is well known that ὄργεῶνες of class B did not appear before the last decade of the fifth century, while archeological evidence makes possible to date the appearance of ὄργεῶνες of class A earlier, in the sixth or fifth century. The introduction of cult associations into historical time constitutes a vertical distinction which cuts across Ferguson's classification, into types of ὄργεῶνες developed earlier and those introduced later. Like any classification, the above suggestion cannot claim universality or applicability under all circumstances. Its advantage lies in the disclosure of a chronological pattern of activity, which implies a number of organisational differentiations, and will be examined in the next chapters.

Almost all scholars, for example Andrewes (1961a: 1) and Hammond (1961: 81), seem to agree upon cult as a feature of ὄργεῶνες; the only disagreement concerns the social status of their members. Several inscriptions and quotations from ancient Greek literature support the predominantly religious character of orgeonic associations, but it should not be disregarded that, apart from the cult, numerous orgeonic associations combined social action with the assurance of certain rights for their members; for instance, a context for the development of friendships, assistance and occasions for communal

activities. It can be alleged that the religious feature was the fundamental; but again the tendency, predominant in antiquity, to connect every activity with religion, and the evidence at our disposal are not enough to support this opinion. Thus, I believe that *ὀργεῶνες* can be considered as a multi-functional association, at least in the fourth and third centuries, from which we have a relative abundance of evidence.

It is remarkable that the great majority of evidence comes from Attica. The only extra-Athenian references come either from neighbouring areas (Megara),<sup>1</sup> from an area close related to Athens (Asia Minor),<sup>2</sup> or from Athenian clerouchs (Lemnos).<sup>3</sup> These pieces of evidence,

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<sup>1</sup> IG VII 33 (1st century): [Οἰδ]ε ὀργεῶ[ν]ες [τ]ῶν [θεῶν]/Σάτυρος Φιλίππο[υ]/Φιλοκράτης Φιλίππου/Φωκιάδης Τεισίου/Καλλένικος Εὐθύμου.

<sup>2</sup> Michel 1307.3 (c. 150) from Teos which just refers to *ὀργεῶνες οἱ σὺν Ἀθηνοδότῳ Μητροδώρου* and a fragment from Antimachus' *Λύδης Γενεὰ* (see below, p.39) are the only evidence about orgeones in Asia Minor. Their value as evidence of non-Athenian orgeonic associations is in serious doubt since Teos was a member of the first Athenian league [e.g. IG I<sup>3</sup> 262 col.II.12 (451/0)] and hence influences cannot be excluded.

<sup>3</sup> See the fourth-century horoi in IG XII.8 19 and 20.



with their exceptional character, confirm that ὀργεῶνες were a mainly Athenian type of association, linked with the social, religious, political and historical particularities of this area. Accordingly, any generalization based on evidence provided by orgeonic associations about the associative life is, at least, susceptible to errors.

#### B. ETYMOLOGY

The word ὀργεῶνες occurs in the existing evidence several times, both in inscriptions and literature. In inscriptions the most frequent types are: the plural nominative ὀργεῶνες, the plural dative ὀργεῶσι, and the plural accusative ὀργεῶνας. In literature we also find the types ὀργεῶν, ὀργίονας and ὀργειῶνα(ς).

As early as the second century A.D., attempts were made to find a satisfactory etymological origin for what most scholars believe to be an obscure word. Harpocration (o 28) proposed three possible origins, i> from ὄργια meaning sacral rites, ii> from ὀρέγειν τὸ χεῖρε meaning a sacral gesture, in the context of the worship and iii> from ὀργὰς meaning fertile land dedicated to gods and, therefore, remaining uncultivated. The modern explanations do not seem to go further. "Ὀργια, as Chantraine (1968: 816) points out, is considered as the most probable origin of the word, referring to Dionysus; but there is no evidence of any ὀργεῶνες of Dionysus

earlier than the second century (IG II<sup>2</sup> 1325 and 1326). An attempt to derive the word from ὀρέγειν presents more difficulties, since there is the stem ορεγ- instead of οργε-.<sup>4</sup> The last proposed origin is ὀργὰς, which according to Chantraine (1968: 815) means "terre grasse, humide et fertile mais qui en général n'est pas cultivée"; this meaning changed in the classical period, when the same word means "a meadow land".<sup>5</sup>

The likeliest explanation is that the word ὀργεῶνες does not originally designate participants in a group as the meaning of the word in the classical era implies. Instead, it rather denotes those people who perform certain mystic or other kind of rituals (ὀργια) in a sacred place (ὀργὰς), priests or diviners. The existence of water in these sacred places would have facilitated any kind of purification rituals. This interpretation has the advantage of conforming essentially with the meaning of the word in the homeric Hymn to Apollo, the earliest literary source. The common origin of these words should be the stem \*Fεργ-, from which the words ἔρδω and ἔργον

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<sup>4</sup> Chantraine (1968: 817).

<sup>5</sup> LSJ ὀργὰς. For a location of the famous orgas see Van den Maele, S. (1983) "L'orgas eleusinienne: Etude topographique" in Froidefond, C. (ed) Mélanges Edouard Delebecque 419-33, Marseille: Université de Provence.

come. The words ὄργας and ὄργεῶνες may be related,<sup>6</sup> because both are connected with a sacral quality. A derivation from ὄργια cannot be excluded a priori, but one should bear in mind that in that case these ὄργια<sup>7</sup> do not have any relation with the Bacchic ones.

Finally, a reference should be made to the proposed connection between ὄργεῶνες and the word "wo-ro-ki-jo-ne-jo", which occurs in the Pylian land tenure tablets [Er 01(312) and Un 718] of Linear B.<sup>8</sup> Here is the text with translation:

Er 01 (312).7: wo-ro-ki-jo-ne-jo e-re-mo to-so-jo pe-ma

Transl: The unencumbered land of the cult association seed at so much.

Un 718.11: o-da-a wo-ro-ki-jo-ne-jo ka-ma

Transl: And similarly the estate of the cult association will give

Ventris and Chadwick have originally proposed the

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<sup>6</sup> Ferguson (1944: 131).

<sup>7</sup> If the word orgeones comes from orgia then one should interpret satisfactorily why Demeter does not establish orgeones as her priests in Eleusis according to the Homeric Hymn to Demeter 273 and 476 (7th century).

<sup>8</sup> I have used the fragments from Ventris, M. and J. Chadwick (1956) Documents in Mycenaean Greek, 266 and 282-3 respectively, 2nd edition 1973, Cambridge: CUP.

above mentioned connection, tracing the stem \*Fopy- in the Pylian word and explaining it as "Fopyeloveion", an adjective for ὀργῶν, identified as similar to Homeric ὀργίονας. The context where the word occurs is two tablets concerning votive offerings to the god Poseidaon; the word is running in parallel with other titles of officers such as wa-na-x, la-wa-ge-tas, te-le-stas etc and units like da-mos. The whole phrase is explained in both documents as "the estate/the land of the cult association".

The analogy suggested by Ventris and Chadwick has been severely criticized, first by Palmer,<sup>9</sup> who found "morphological difficulties", and later by Derooy and Gerard.<sup>10</sup> The latter traced a stem \*Fpor- instead of \*Fopy-. This interpretation led them to the word πορὸς which was used in Sicily and meant the place for storing grain. Thus, Derooy and Gerard have interpreted the term wo-ro-ki-jo-ne-jo in Un 718 as the title for the director of a well-isolated store, so as to protect the harvest from rodents. They translated Er 01(312) as "(Reserve)

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<sup>9</sup> Palmer, L.R. (1963) The interpretation of Mycenaean Greek texts, 214, Oxford: CP.

<sup>10</sup> Derooy, L. and M. Gerard (1965) Le cadastre Mycénien de Pylos, 58-64, Roma: Ateneo and Heubeck, A. (1965) "Myk. wo-ro-ki-jo-ne-jo ka-ma", ZAnt 15, 267-270.

des entrepôts, vide: valeur en blè d'un tel domaine...". They concluded that the authority of the stores enjoyed a status similar to that of de-mo, that is

du statut de personne morale, puisqu'il pouvait ou devait faire indépendamment un don à Poséidon. Recently, reviving the initial explanation, Pia de Fidio<sup>11</sup> has explained wo-ro-ki-jo-ne-jo as \*FORΓΙΛΟΝΕΙΛΟΝ and claimed that it comes

da un radicale \*Frog-, con metatesi della liquida rispetto al normale miceneo \*Forg-.

Radin (1910: 42), before the discovery of the tablets, had claimed a link between ὄργεῶνες and the mysteries in Eleusis. Recently Stella<sup>12</sup> has maintained that these quotations express and, in a way, antedate the existence of the Eleusinian Mysteries. But these mysteries were administered during the classical era by the γένη of Εὐμολπίδαι and Κήρυκες, which were proud of this monopoly. Thus, it seems that this connection is, at least, unfounded. If we accept the proposed explanations about the Mycenaean origin of the word, then we have to cope with the problem of continuity of this word, its

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<sup>11</sup> Fidio, de P. (1977) I dosmoi Pilii a Poseidon una terra sacra di eta micenea, 162-170, Roma: Ateneo.

<sup>12</sup> Stella, L.A. (1965) La civiltà micenea nei documenti contemporanei, 265-66, Roma: Ateneo.

evolution and the possible changes in semantics.<sup>13</sup> The attempt to trace certain hints or clues of the earlier meaning and possible function of ὀργάνωτες from the etymology does not offer any decisive evidence for or against an interpretation. The centre of the investigation then shifts to the use of the word in the literary testimonies of the word. To do this, a brief review of the evolution of Greek society from the Mycenaean to the archaic and classical era seems necessary.

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<sup>13</sup> On the problem of religious continuity see Burkert (1985: 47-53). One may risk suggesting what the oral tradition in Athens implied or the tradition of certain families liked to imply; namely that certain Athenian oikoi originated from Pylos and, hence, there is a connection between the Mycenaean word and the Athenian cult association. The preserved evidence, however, for such an association is hardly considered sufficient (Hdt. 5.65.3, Paus. 2.18.9 and Diog. Laert. 3.1). Cf. Davies (1971: 369).

## C. ΟΡΓΕΩΝΕΣ ΟΥ ΗΡΟΕΣ

### I. HISTORICAL CONTEXT

Conventionally, when we speak about the archaic age, the period from the eighth down to the sixth century is meant. In this period, ancient Greek society, in general, had just recovered from a tremendous decline and reduction in demographic, economic and social levels following the collapse of the Mycenaean states and their cultural structure. The beginning of the archaic period was marked by the increase of settlements, a rise in population, easier communication and a certain development of commerce or interchanges between villages as well as unification or centralization of power structures.<sup>14</sup> In parallel ran the development of art (development of pottery, especially in Athens) and certain shifts in the way of living, reflecting changes in the mentality (adoption of new burial customs, introduction of currency, colonization, "hoplite revolution", social conflicts at the end of the seventh century and the rise of tyrants in the seventh and sixth century). Besides, the renaissance of the Greek civilisation from the Dark Ages created new forms of social life; there was a tendency among the people to live together again in larger habitation sites than hamlets,

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<sup>14</sup> Snodgrass (1981: 21ff).

and to intensify, through the expression of their accumulated and galvanised collective memories and experiences, their social relations, in the form of festivals or communal feasts or different kinds of collectivities.<sup>45</sup>

Recently, it has been maintained that one of these forms, the symposion, was an important civic institution in archaic Greece. According to the most eminent advocate of the symposion as a central social institution, Murray (1980: 198)

the aristocratic symposion was not merely an occasion for drinking, but the centre of social and cultural life, whose practices were regulated by ritual and tradition

The symposion was the organ of social control (Murray 1983a: 196), especially in archaic society. It was an all-male gathering, with participants of aristocratic or high social class; among them the principle of equality was observed and their main activity was drinking on a contributory basis (Murray 1982: 50). The prevalence of the symposion can be seen throughout the history of the

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<sup>45</sup> For the social relations in archaic Greece see Donlan, W. (1985) "The social groups of Dark Age Greece", *CPh* 80, 293-308 and especially for Athens see Manville (1990: 55-69).



Greek world (Murray 1983b), from the Homeric world, where the feast of the heroes is de facto the precursor of the symposion, to one or two hundred years later, by a warrior class which in the course of time became a leisure class. The symposion survives through the form of different associations, private and semi-public, with citizens as members. In classical Athens it took the form of the notorious *ἐταίρειαι*, which threatened the democratic constitution. In response, different legal concepts, like *hybris*,<sup>16</sup> were developed. In hellenistic times, the feasting of whole cities with food provided by emperors or wealthy citizens continued the symposiastic spirit and tradition.

The work of Murray caused a discussion of considerable importance about the forms of conviviality and their function in ancient, and especially archaic, Greece. Schmitt-Pantel (1985: 148) casts doubts on whether the symposion was the predominant practice in the archaic city-state. She reminds of the significance, both real and symbolic, of the sacrifice and of the following feast. Lombardo (1988: 277) pointed out that under the unitary concept of the symposion a variety of

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<sup>16</sup> On *hybris* see the recent exhaustive work of Fisher, N.R.E. (1992) Hybris. A study in the value of honour and shame in Ancient Greece, London: Aris & Phillips.

different forms of social interaction is hidden. In contrast to Murray (1980: 196), Schmitt-Pantel (1990b: 24) suggested that sacrificial banquets, symposion, meals of hospitality and the like can be included in the concept of rituals of conviviality, which are civic institutions. One has to admit that under any generic name like "symposion" or "ritual of conviviality" there is a variety of social forms and groupings, which apart from some structural similarities,<sup>17</sup> present considerable differences. As a result each one should be separately examined in the particular socio-economic context of which, to a large extent, they are products. In this respect, in Athenian cult associations, the religious element played a significant role as the cohesive force of the group. Feasting was an important demonstration of this solidarity, a significant manifestation of the identity of the group and a way to display these qualities.

Religion offered the way and the means, but also the necessary pretext for the expression of the feeling of

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<sup>17</sup> See for example the similarities between symposion and polis in the poetry of Theognis of Megara in Levine, D.B. (1985) "Symposium and the polis" in Figueira, T.J. and G. Nagy (eds) Theognis of Megara. Poetry and the polis, 176-96, London: John Hopkins University Press.

community and cooperation among the people. The city-state was also defined as a community of sacrifice, with the temple of the protector god or goddess in, and as, its centre and a variety of deities of minor importance and heroes and heroines of local range.<sup>18</sup>

Special intimacy developed between the people and local heroes or heroines. The hero cult can be traced down to the eighth century. It started, probably, on rediscovered and consecrated tombs of the Mycenaean and Submycenaean era. It had a strictly local character. The hero's powers affected only the locals, who appreciated them in a proper way. Besides other celebrations, known as *ἐναγίσματα*, the cultic feast was the main one. It is, then, fairly plausible to attribute the origin of *ὀρχεῖνες* of class A to such a pattern of community activities. During these celebrations the feeling of belonging was accentuated and reciprocal relations may have been developed.<sup>19</sup>

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<sup>18</sup> For the connection of the hero cult with the rise of the polis and the scepticism about it see Whitley, J. (1988) "Early states and hero cults: a re-appraisal", *JHS* 108, 173-182.

<sup>19</sup> This part relies heavily on the analysis of Burkert (1985: 203-208) and of Kearns (1989: 73-77).

## II. LITERARY EVIDENCE

It is very probable that the very beginning or the rebirth of ὀργεῶνες can be traced in archaic times. The earliest evidence of their existence, in the Homeric Hymn to Apollo, comes from this period.

I. Homeric Hymn to Apollo, 388-390 [Allen, T.W., Halliday, W.R. and E.E. Sikes (eds) (1936) The Homeric Hymns, 2nd edition, Oxford: CP]

Καὶ τότε δὴ κατὰ θυμὸν ἐφράζετο Φοῖβος Ἀπόλλων  
οὓς τινας ἀνθρώπους ὀργιόνας εἰσαγάγοιτο,  
οἳ θεραπεύονται Πυθοῖ ἐνὶ πετρήεσσι.

[And then indeed Phoibos Apollon pondered in his mind what kind of men he should bring in to celebrate his rites and be his ministers in rocky Pytho. (Transl. from Athanassakis, A.N. (1976) The Homeric Hymns, 26, London: John Hopkins)].

The Homeric Hymn to Apollo caused fervent discussions about its textual integrity and its date.<sup>20</sup> The extract

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<sup>20</sup> For a general discussion of all these matters see Janko, R. (1982) Homer, Hesiod and the Hymns and for the latest attempts to date precisely the poem or the compilation of two Hymns and to decide the authorship of the Delian part see West, M.L. (1975) "Cynaethus' Hymn to Apollo" CQ 25, 161-170 and Burkert, W. (1979) "Kynaithos, Polycrates and

shows a link between ὀργιόνας and a kind of priesthood, brought from Crete, in the service of Apollo, in Delphi. The adjective ὀργιόνας qualifies the noun ἄνδρῶνους, which in its turn is the subject of θεραπεύονται meaning to serve and the object of εἰσαγάγοιτο meaning to introduce. In this way the poet offers a clue about the role of these persons as being appointed by the divine will; they are the most able to take care of the sacral affairs of the oracle and of the god. This is confirmed also by the lexicographers and especially Harpocration, who comments in ο 28 οἱ μέντοι ποιηταὶ ἔταττον τοῦνομα ἅπλῳς ἐπὶ τῶν ἱερέων. The comment is repeated in Phot. s.v. ὀργεῶνες and Sud. ο 511.

Although the next pieces of literary evidence come from the early fifth century and onwards<sup>21</sup> the use of the word ὀργεῶνες is similar in meaning to the extract from the Homeric hymn. They are preserved in the lexicographic tradition in Harp. ο 28, Phot. s.v. ὀργεῶνες and Sud. ο 511.

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the Homeric Hymn to Apollo" in Bowersock, G.W., Burkert, W. and M.C.J. Putnam (eds) Arktouros. Hellenic studies presented to B.M.W. Knox 53-62, Berlin: De Gruyter.

<sup>21</sup> Piece II is of the early fifth century, III and IV of the fourth century, V of the third century and VI of the Roman era.

II. Aeschylus' Μυσοῖ, TrGF, vol.3, frg. 144.

ποταμοῦ Καΐκου χαῖρε πρῶτος ὀργεῶν,  
εὐχαῖς δὲ σῶξοις δεσπότης παιωνίαις.

[Farewell, first priest of river Kaikos, with  
your healing prayers may you save lords. (my  
translation)]

III. Antimachus' Λύδης Γενεᾶ, IEG, vol.2, No.67, 40.

Γενεᾶ Καβάρνους θῆκεν ἀβακλέας ὀργειῶνας  
Kabarnos' descendants were appointed as  
glorious priests.<sup>22</sup> (my translation)

IV. There are three references to fourth-century  
orators, who according to the lexicographers, composed  
speeches in which one of the litigants is an association  
of ὀργεῶνες. In particular, according to Harp. ο 28  
Isaeus wrote a speech entitled Πρὸς ὀργεῶνας, from  
which two brief fragments are preserved. In Lysias' Περὶ  
τοῦ Θεοπόμπου κληῖρου, according to Harp. ο 29, there was a  
mention of this word. Finally, according to the anonymous  
compiler of Δικῶν Ὀνόματα, Dinarchus mentions ὀργεῶνες  
in two of his speeches.<sup>23</sup>

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<sup>22</sup> For an interpretation of Καβάρνους see LSJ s.v. and  
Chantraine (1968: 477). The word ἀβακλέας may be  
corruption of ἀγακλέας, accusative plural of the adjective  
ἀγακλεῆς as it is remarked in DGE I.11.

<sup>23</sup> For Isaeus see Thalheim, Th. (ed) (1903) Isaei

In Is. 2 (Περὶ Μενεκλέους κληῖρου), four passages concerning ὀργεῶνες are preserved:

2.14 ἄλλ' ὑγιαίνων, εὖ φρονῶν, εὖ νοῶν  
ποιησάμενος εἰσάγει με εἰς τοὺς φράτερας  
παρόντων τούτων καὶ εἰς τοὺς δημότας με ἐγγράφει  
καὶ εἰς τοὺς ὀργεῶνας (but when he was sound in  
body and mind, and fully aware of what he was  
doing, he adopted me and introduced me to his  
fellow-wardsmen in the presence of my opponents  
and enrolled me among the demesmen and the  
members of his confraternity).

The other occurrences of the word in the same text run as follows:

2.16: καὶ ὥς ἀληθῆ λέγω ταῦτα, τῆς μὲν  
ποιήσεως ὑμῖν τοὺς φράτερας καὶ τοὺς ὀργεῶνας  
παρέξομαι μάρτυρας (To prove the truth of these  
statements, I will produce before you, as  
witnesses, the wardsmen, the members of the  
confraternity and the demesmen).

2.17: ὥς δὲ ἐποίησατο οἱ τε φράτερες καὶ οἱ  
δημόται καὶ οἱ ὀργεῶνες ὑμῖν μεμαρτυρήκασιν  
(That he did adopt a son, the wardsmen, the

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Orationes, frg. 35, Leipzig: Teubner. For Dinarchus see  
Bekker, I. (ed) (1814) Anecdota Graeca, vol. I, p. 191,  
Berlin.

demesmen and the members of the confraternity have provided evidence).

2.45: καὶ τούτων ὑμῖν τοὺς τε φράτερας καὶ τοὺς δημότας καὶ τοὺς ὀργεῶνας παρεσχόμην μάρτυρας

(and of these things I produced before you the evidence of the wardsmen, the demesmen, and the members of the confraternity).

The last three passages have little to contribute in the discussion about ὀργεῶνες. They reveal that manifestations of solidarity among the members of this particular type of association were expected, such as testifying or otherwise supporting in litigation. It is significant that even the name of the worshipped deity is not mentioned; this can lead us to assume that probably the name of a minor deity and its orgeonic association was not at all important in this case; participation in the association was the most predominant feature. Moreover, this orgeonic association probably consisted of Athenian citizens and is more likely to be classified in class A. Even this solidarity seems to be a common feature of almost any kind of association at that time, since it exists already among phrateres and among demotai.<sup>24</sup>

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<sup>24</sup> See also the same kind of solidarity among gennetai in Is. 7.26: Οὕτως μὲν οὐχ οἱ γεννῆται μόνον καὶ φράτερες γεγόνασι μάρτυρες τῆς ἐμῆς ποιήσεως (In this way, not only



The crucial point is the passage 14. *For* this particular point, there is a clear reference to an adoption and the speaker, aiming at the underlining of act's validity, uses two kinds of arguments. They concern not only the necessary conditions for a valid adoption on the part of the adopter, but also its results for the adoptee. So, on the one hand, the speaker stresses the physical and mental health of the adopter, using two different expressions, especially for the latter, specifying not only that the adopter could realize the situation - *εὖ φρονῶν* - but that he could judge without any pressures - *εὖ νοῶν* - as the essential features of a lawful adoption. On the other hand, the speaker refers extensively to the results of the act, which will not only provide an heir for the endangered oikos but someone who will continue the adopter's name and pay the customary honours after his death.<sup>25</sup> In this respect, the adoptee

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members of genos and of phratry witnessed my adoption) and among *θιασῶται* Is. 9.30: *αὐτοὶ μὲν ὑμῖν οἱ θιασῶται μαρτυρήσουσιν* (the thiasotai themselves will testify for you). For literature see Humphreys, S. (1985) "Social relations on stage: Witnesses in classical Athens", *History and Anthropology* 1, 313-69 and especially 340-46, 350-56.

<sup>25</sup> This passage of Isaeus cannot give credence to Bruck's

should become a member of the paternal phratry and deme. Membership in the same cult association is one more proof that the adoptee retains intact the allegiances of his adopter. Thus the testimony of ὀργεῶνες has great weight for Isaeus' case and this is the reason why the speaker invokes their testimony thrice. In other words, the importance of this passage for the speaker does not lie, as Wyse (1904: 250) has already pointed out, in the procedure of admission to the association as a proof of citizen status but in the assured continuity of the oikos of the deceased.<sup>26</sup>

V. Hermesianax ΛΕΟΝΤΙΣ 17-20 (mentioned in Ath. Deipnosophistai 597d) in Powell, J.U. (ed) (1925) Collectanea Alexandrina, 96-105, Oxford: CP

ἥ τε πολὺν μύστησιν Ἐλευσῖνος παρὰ πέζαν  
 εὐασμὸν κρυφίῳν ἐξεφορεῖ λογίων,  
 ῥάριον ὀργειῶνα νόμῳ διαπομπεύουσα  
 Δήμητραι· γνωστὴ δ' ἐστὶ καὶ εἰν Ἀἴδῃ.

(And she, beside Eleusis' strand, expounded to  
 the initiates the loud, sacred voice of mystic  
 oracles, as she duly escorted the priest through

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(1926: 240) theory that orgeones were for the humble people what gene were for the noble.

<sup>26</sup> Orgeones had nothing to do with the family law, as Wyse (1904: 250) claimed.

the Rarian plain to honour Demeter' and she is known even in Hades).

VI. Claudius Aelianus Περὶ προνοίας, frg. 10, ed. Teubner, Leipzig 1866 (Sud. o 511)

τῶν ἐξ Ἑλευσίνος ὀργεῶνων · εἷς

(Of the priests from Eleusis · one).

It is evident, from all these passages, that an identification of ὀργεῶνες with some kind of priesthood was the dominant feature of the meaning of the word, at least in a poetical context.<sup>27</sup> One question is what is prompting the poets to use such a word whereas they could use another, contemporary and comprehensible one. The poet may use it as an attempt to create an impression on the audience by using words with their old, vague, and legendary meaning, as Poland (1909: 13) has already remarked. It should be noticed that in our late sources (III, IV and V respectively) ὀργεῶνες are associated with the cult of Demeter. Only in (I) is the word associated with the Apollonian cult. It is a well known and established fact that Demeter's cult was connected with initiation and mysteries; in this respect the word may denote the persons performing these rites and may have been adopted by poets for that reason. The occurrence of the word in the Homeric Hymn in connection with Cretan

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<sup>27</sup> Kearns (1989: 74).

priests may well imply the importation of certain rites of purification from Crete.<sup>28</sup>

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<sup>28</sup> See Defradas (1954: 71) about the association of the Delphic oracle with Crete and purification in general.

Another kind of evidence is preserved in Justinian Digest 47.22.4, where there is quoted a law attributed, according to Gaius, source of the Digest's compilers, to Solon (Ruschenbusch 1966: 99 F76a), and in a fragment of Philochoros' Atthis (FGrHist 328, F35a) [Phot. s.v. ὀρυεῶνες and later repeated in Sud. o 511]. In detail they are as follows:

VII. In the beginning of the Dig. 47.22.4 it is mentioned that what follows is a fragment from Gaius' fourth book on the legislation of Twelve Tables,<sup>29</sup> one of the last commentaries on the first codified Roman legislation, which appeared in the second century A.D. Then the author remarks on similarities between the Roman "sodales" and the Greek ἑταίρειαι<sup>30</sup> and cites the "lex

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<sup>29</sup> For the existence of any relation between the Solonian legislation and the Roman code of Twelve Tables see Ferenczy, E. (1984) "La legge delle XII tavole e le codificazioni greche" in Sodalitas. Scritti in onore di Antonio Guarino, vol.4, 2001-12, Napoli: Jovene. He rules out as fiction the alleged study of the Solonian legislation by the Roman legislators before the introduction of Leges Duodecim. Cf. Wieacker (1988: 302).

<sup>30</sup> For the relation between the Greek hetaireiai and Roman sodales see Sartori (1958) who assumes that the generic Greek term corresponds perfectly to the Roman sodales.

soloniana".

ἐὰν δὲ δῆμος ἢ φράτορες ἢ ἱερῶν ὀργίων ἢ ναῦται ἢ σύσσιτοι  
ἢ ὁμόταφοι ἢ θιασῶται ἢ ἐπὶ λείαν οἰχόμενοι ἢ εἰς  
ἐμπορίαν, ὅ,τι ἂν τούτων διαθῶνται πρὸς ἀλλήλους, κύριον  
εἶναι ἐὰν μὴ ἀπαγορεύσῃ δημόσια γράμματα

App.Cr.: ἱερῶν ὀργίων μηνυταὶ Sheltema, H.J., Holwerda, D.  
and N. Van der Vaal (eds) (1985), Scholia Basilicorum,  
vol.9, 3620-21 and Tondo, S. (1976) Diritto ateniese a  
Roma, 79-81 : ἱερῶν ὀργίων θύται Mommsen, Th. (1870)  
Digesta Iustiniani, vol.2, 793, n.3 Berlin: Weidmann :  
ἱερῶν ὀργεῶνες Ziebarth (1896: 167) : ἢ ὀργεῶνες ἢ  
γεννηῖται Wilamowitz (1881: 278) : ἱερῶν ὀργειῶνες Radin  
(1910: 42) : μύσται Hammond (1961: 80 n.20) : ὀργεῶνες  
Hermann, Griechische Privataltertümer, 2nd ed. 69.10 :  
ἱερῶν ὀργίων κοινωνοὶ ἢ ναῦται van Holst (1832) de Eranis  
veterum graecorum 37 : ἢ θιασῶται ἱερῶν ὀργίων ἢ ναῦται ἐπὶ  
λείαν οἰχόμενοι De Sanctis (1898: 83 n.82) : ἢ ἱερῶν  
ὀργίων συνθύται Guarducci (1935: 333) : ἢ ἡρώων ὀργεῶνες ἢ  
γεννηῖται Ferguson (1944: 64) : κοινωνοὶ Endenburg (1937:  
163) : - ἐρχόμενοι Sch.Bas : - <τινες> Wilamowitz l.c.: -  
διαθῶνται τι Sch.Bas : - ἀπαγορεύῃ Sch.Bas : ὑπαγορεύῃ

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Further he distinguishes the term hetaireiai from the word  
synomosiai, which denotes the political club and is  
exempted from the regulation. For the same matter see  
Ciulei, G. (1967) "D. 47.22.4", ZRG 97, 371-375.

Chadzopoulos (1971: 24) : - δημοσια πραγματα Sch.Bas.

Translation: If the inhabitants of a city district or precinct be in association for the purpose of holding religious feasts or of dining together or to provide for their burial or if they are members of the same club or they combine to engage in some enterprise of for profit, anything they agree between themselves will be valid unless forbidden by public statutes. (Text and translation from Mommsen, Th. and P. Krueger (eds) (1985) The Digest of Justinian, transl. A. Watson, vol.4, 793, Philadelphia: University of Pennsylvania Press).

(i) Text: In this point the examination of this law will be confined to a literary one; juridical aspects will be dealt with in chapter 5. The most difficult point of this law is the part concerning the restoration of the phrase *ἱερῶν ὀργίων ἢ ναῦται*. We can classify the proposed emendations, grosso modo, in three categories. The first one attempts to restore the law's text preserving the words *ἱερῶν ὀργίων*, replacing only the word *ναῦται*, whose insertion here seems useless,<sup>31</sup> - for there is below a reference to such an activity described as *εἰς ἐμπορίαν*, operated by sea - with the word *θύται*, which the author of Suda gives as a synonym to *ὀργεῶνες*. The second

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<sup>31</sup> Prott, I. de and L. Ziehen (eds) (1906) Leges Graecorum sacrae titulis collectae, Leipzig.

emendation readjusts, quite freely, a portion of the text, but keeps the word *ναῦται*; as a result there is the useless repetition of *ναῦται...οἰχόμενοι εἰς ἐμπορίαν*.

Guarducci's emendation, although reasonable, is undermined by the fact that evidence about *συνδύται* as a kind of association comes only from the first century (IG II<sup>2</sup> 2360). The third category connects the words *ἱερῶν ὀργείων* with *ὀργεῶνες*, replaces the former and Wilamowitz adds the word *γεννῆται*. Finally, the word *μύσται* has been proposed by Hammond (1961: 80, n.20).

Radin's paleographical interpretation of the corruption is worth noting; he thinks that the initial form was *ἱερῶν ὀργειῶνες*, but the last two letters were abbreviated into a small, final -ς and the later copyists preserved the form *ἱερῶν ὀργείων*. This interpretation, however, is nothing more than a guess. I think that, although the first category keeps closer to the transmitted text, the third one, that is *ὀργεῶνες*, with the addition of information from the epigraphical evidence, offers a more plausible alternative for the explanation of the text. As for the other proposed emendations in this particular point, it should be noticed that Wilamowitz's addition of *γεννῆται*,<sup>32</sup> only on the ground that they could not be absent from such a law, is not, at least,

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<sup>32</sup> Adopted by Ruschenbusch (1966: 99 F76a).



conclusive, since φυλέται are also absent. The absence of γεννῆται in itself implies, according to Radin (1910: 44), that another particular law was introduced for them. Such a claim presupposes a radical intervention of the city in the formation of its constituent parts unknown to us. Moreover, Bourriot's (1976) conclusion about γεννῆται as a term designating only the royal and sacerdotal families of Athens, makes this interpretation even more hazardous and fragile. Ferguson's emendation<sup>33</sup> seems to me too sophisticated and implausible, since it is based totally on Seleucos' testimony about the priority of ἡρώων over θεῶν, thus Hammond's criticism about the restoration seems justified.<sup>34</sup> But Hammond's proposal is already under fire since Radin (1910: 37) wrote that

neither θύται nor μύσται conform to the Greek usage, for the ὄργια were not wholly or even principally sacrifices but rather a dramatic ritual and μύσται τῶν ὀργίων is pure tautology.

However, such a phrase appears in E. HF 613 μάχη· τὰ

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<sup>33</sup> Followed by Finley (1951: 88 n.3), Whitehead (1986: 13-14) and Lambert (1986: 53).

<sup>34</sup> Hammond (1961: 80 n.20) comments upon the way that Ferguson treats the manuscript, saying: "he changes three words, adds an η, substitutes 23 letters and generally treats the manuscript quite freely".

μυστῶν δ' ὄργι' ἡτύχησ' ἰδὼν and therefore this emendation cannot be excluded a priori.

Almost all the textual alterations that occur in Scholia Basilicorum are without any sense, and probably originate from explanatory glosses. In detail, this is the case in the replacement of οἰχόμενοι with ἐρχόμενοι, the useless object τι to the verb διαθῶνται, the emendation of the aorist ἀπαγορεύση to the present form of ἀπαγορεύη and the reading πράγματα instead of γράμματα.

Chadzopoulos (1971: 24) proposed the emendation of ἀπαγορεύη to ὑπαγορεύη and the deletion of μῆ; according to his suggestion the decisions of an association is binding for its members only when these decisions were registered in the public archives of the city.

Chadzopoulos (1971: 21), based on Wilhelm's (1909) conclusions about δημόσια γράμματα as a form of city's register, where any important contract or treaty or any other act was preserved, maintains that δημόσια γράμματα means the public and private archives where the associations's constitution and its amendments, were preserved, published in a public place, accessible to everyone, who wanted to be a member.<sup>35</sup> Such a situation was created in the case of naturalization, where the new

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<sup>35</sup> A similar opinion is expressed by Χριστοφιλόπουλος, Α. (1979) Νομικά 'Επιγραφικά, 'Αθήναι: Σάκκουλα, 9-69.

citizen could choose his own deme or phratry.

Chadzopoulos (1971: 23) claims that this registration was in a way an obligation imposed by the city-state on the associations, in order to recognize their autonomy.

Chadzopoulos invokes and seems to confuse two different kinds of evidence. First, the publication of the assembly's decisions and other acts concerning the policy and the finance of the city-state, which ~~are~~ well attested.<sup>36</sup>

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<sup>36</sup> The literature on archives in ancient Athens *and its* connection with the predominantly oral character of the archaic society is summarized in Georgoudi, S. (1987) "Manières d'archivage et archives de cités" in Detienne, M. (ed) Les savoirs de l'écriture en Grèce ancienne, 221-51, Lille: Presses Universitaires de Lille and Thomas, R. (1989) Oral tradition and written record in classical Athens, Cambridge: CUP. Among recent articles about the date of the institution of a central archive see Boeghold, A. (1972) "The establishment of a central archive in Athens", AJA, 76, 23-30, and West, W.C. (1989) "The public archives in Fourth-Century Athens" GRBS 30, 529-43. Posner, E. (1972) Archives in the Ancient World, Cambridge, Mass.: Harvard University Press, offers a general overview. Stroud, R.S. (1978) "State documents in archaic Athens" in Athens comes of age. From Solon to

Second, the publication of the honorary decrees issued by ὀργεῶνες (discussed later in this chapter) took place usually in a temple and not in a public archive. It was a part of a motivation process addressed mainly to the members and not an example of the modern concept of publicity. The only mention of any evidence concerns IG II<sup>2</sup> 1327.26-7 (178/7) ἀ[να]γράφαι δὲ τόδε τὸ ψήφισμα ἐν στήλει λιθίνει/[τούς] ἐπιμελητὰς καὶ στήσαι ἐν τῷ Μητρώῳ. The reference to Metroon<sup>37</sup> has caused considerable misunderstanding; in the end of the fifth century the official cult of Cybele took place in the same building with Bouleuterion. When a new building was erected for the needs of the Bouleuterion, the Old Bouleuterion was used as an archive together with the sanctuary of Cybele. This particular decree comes from the Piraeus and it was probably erected in the temple of the Cybele in Piraeus and not in the Metroon in Athens.

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Salamis. 20-46, Princeton argues that the existing references in documents of the sixth century are enough evidence to prove the existence of a primitive archive.

<sup>37</sup> Ferguson (1944: 108) claims that this Metroon was situated in the Piraeus. He seems not to be far from the truth since the inscription was found in the Piraeus, where an association of orgeones of the Mother of the Gods was active.

There is not even one piece of evidence concerning the existence of a constitution of such an association; but if constitutions were regularly published then it is unlikely that not one would have been preserved. Chadzopoulos seems to disregard the fact that ὀργεῶνες were never numerous in members and that the admission to them was possibly based on the father's membership. Given the local character of the orgeonic association and the low level of geographical mobility in the archaic era, it was quite improbable that an outsider would join in such an association. The meaning of the phrase δημόσια γράμματα was originally public writings, a concept connected, among others, with written public laws. The phrase has the same meaning not only in Athens but in the law code of Gortyn as well.<sup>38</sup>

Chadzopoulos seems to be inconsistent in one more aspect; if he considers the law as genuinely Solonian it would antedate the existence, the organisation and the functions of the public archive in Athens to the sixth century while our evidence for this institution indicates a date near the end of the fifth century. In general, his

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<sup>38</sup> See examples for ancient Athens in LSJ s.v. γράμμα and for the law-code of Gortyn (e.g. col.VI.15, col.IX.16, col.XI.20) in Willets, R.F. (1967) The Law Code of Gortyn, Berlin: De Gruyter.

arguments are coloured with a very traditional blend of legal positivism, where the omnipotent State regulates even the smallest detail of the association's life and, therefore, these arguments should be rejected.

In conclusion, I think that not one of the proposed emendations can offer a definite answer or decisive arguments. This provision will remain vague as many other aspects of the Athenian law. However, I think that the emendation *ὀργεῶνες* with the parallel deletion of *ναῦται* is the most sound one. It presupposes a quite radical alteration of the text but in this respect Radin's paleographical remark may be useful. At any rate in the associative life of Athens *ὀργεῶνες* seem to constitute the older and the most venerable example of association.

(ii) Formulation: With this law, the autonomy of each specified type of association is recognized. The right to associate must have been recognized, explicitly or not, even earlier, because the logical prerequisite of the granted autonomy is the right of existence. In the law not only the possibility of forming such collectivities is taken for granted, but also their existence and activity. The *raison d'être* of this law cannot be defined by the available evidence; it is as likely social strife as the consolidation of the state's boundaries in social life. Some scholars like San Nicolo (1913-15: 17) saw in this provision the freedom to draw up a constitution for the society. Vinogradoff (1920-22: 2.120) claimed that only

the relations between the association and its members are affected. In my opinion, the phrase ὅ,τι ἂν τούτων διαθῶνται πρὸς ἀλλήλους and the condition εἰὰν μὴ ἀπαγορεύῃ δημόσια γράμματα implies that the administration of all the association's affairs was a matter for the associates.<sup>39</sup> The epigraphical evidence supports this argument, because of the considerable variety of cases where ὀργεῶνες are involved (e.g. leases of property, sale of water).

This law displays a grammatical and semantic structure, similar, at least, to that of modern laws, according to the theory of legal reasoning.

First, it is written in the form of a conditional sentence, that is, "conditional clause [εἰὰν] plus subject [δῆμος...ἐμπορίαν] plus the expected behaviour [ὅ,τι ἂν τούτων διαθῶνται πρὸς ἀλλήλους] leading to result [κύριον εἶναι] when the condition is met [εἰὰν μὴ ἀπαγορεύῃ δημόσια γράμματα]".

Second, there is only a limited number of subjects to which this right is granted. Ferguson (1944: 73) argued that only associations of citizens were subject to this regulation, while Jones (1987: 137) claimed that the law was a stimulation for the formation of associations by foreigners. Considering the last two types of

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<sup>39</sup> Effenterre (1985: 256).

associations and the way used to define them, clearly marked by laxity and generality, I am inclined to believe that we do not have to deal with an exhaustive enumeration, confined either to citizens or to foreigners.

Third, the legislator seems to classify the subject of his law on three different levels. On the first level, there is a territorial and then a quasi-constitutional unit like δῆμος ἢ φράτριες, on the second level associations based on the development of social relations among their members ὀργεῶνες...σύσσιτοι ἢ ὁμόταφοι ἢ θιασῶται. On a third level associations with strictly civil character are mentioned ἐπὶ λείαν οἰχόμενοι ἢ εἰς ἐμπορίαν. This distinction reveals that the legislator, had, at least, a clear idea about the typology of association, and that this classification clearly implies the inferiority of any business activity. We can remark also that this enumeration escalated according to the degree of the intensity of the associative link. The weakness or the strength of the associative link depends upon the duration and the nature of the involved common interest. So, in this law, the first to be mentioned are the types of associations where the link between the members is territorial and more or less stable, while the last two types concern forms based on personal interest, whose satisfaction may lead easily to the dissolution of the association. In the middle there are types "founded" on metaphysical, religious or social needs of individuals.



Radin (1910: 50) attempted a similar classification under the following terms and categories:

- public corporations: *δῆμοι, φράτερες, ἱεροὶ ὀργειῶνες*;
- private associations of a more or less religious character: *σύσσιτοι, ὁμόταφοι, θιασῶται* and
- private associations of a character not primarily religious and probably temporary: *ἐπὶ λείαν οἰχόμενοι ἢ εἰς ἐμπορίαν*.

I do not agree with the feature attributed to the first category, that is of public corporations. Demes cannot be of Cleisthenian origin if the law is Solonian. Phrateres are not a constitutional body. Belonging to a phratry may have been one of the credentials of citizenship, but not all Athenians were enrolled in phratries. As for *ὀργειῶνες*, there is no evidence that they were constitutional, and Radin did not bring forward any proof of such a feature.

Fourth, there are three different ways, with which the associations are described, that is:

a. The collective name describing the association is used only in the case of *δῆμος*.

b. The plural noun referring to the members is used in preference to a collective noun which exists: *φράτορες* instead of *φρατρία*, *θιασῶται* instead of *θίασος*.

c. The plural noun referring to the members is used and no collective noun exists: *ὀργεῶνες, σύσσιτοι, ὁμόταφοι, εἰς λείαν οἰχόμενοι, ἢ εἰς ἐμπορίαν*.

It is impossible to date this law exactly, in its preserved form. But we can determine approximately its chronological context. Three opinions are maintained concerning the possible date of this law; the first one, following the tradition of the Digest, alleges that it is Solonian.<sup>40</sup> Although some scholars expressed certain reservations about this date, it seems still to be the

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<sup>40</sup> The majority of the scholars seem to accept the Solonian origin of the law: Foucart (1873: 47), Beauchet (1897: 4.343), Radin (1910: 50), Bruck (1926: 233 n.3), Lipsius (1909-15: 768), Tod (1932: 72), San Nicolo (1913-15: 17), Vinogradoff (1920-22: 2.120), Jones (1956: 161), Ehrenberg (1960: 22), Andrewes (1961a: 2 n.7), Hammond (1961: 80 n.20), Ferguson (1944: 64-68), Πανταζόπουλος (1946: 26ff and 1948: 100) Vamvoukos (1979: 103), Chadzopoulos (1973: 7 n.12), Honoré (1962: 72-5), Fisher (1988: 1175) and Lambert (1986: 53). Caillemer (1872), Poland (1909), and Ziebarth (1896) avoid taking any explicit position; while De Sanctis (1898) and Guarducci (1935: 332) support with reserve the Solonian origin of this law. Duff (1938: 103) rejects this possibility. Wieacker (1988: 302 n.80 and 81), who does not seem to doubt about the Solonian origin of the law, suggested that the law was transferred through commentaries on orators compiled in the Hellenistic era, to Roman jurisconsultes like Labeo and then to Gaius.

prevailing opinion.

The second view<sup>41</sup> supports the Kleisthenic origin of the law on the ground that the word δῆμος, which occurs in the law's text, cannot designate anything else except the Kleisthenic δῆμος.

A third opinion is based on Wilamowitz's (1881: 275-9) doubts about the authenticity of the law in the preserved form. Recently, Whitehead (1986: 14) claimed that this law, in the preserved form, is "a conflation of archaic elements with later ones". However, in this case one would expect the mention of later types of associations as well, like the quite popular ἐραυισταὶ or Διονυσιακοὶ τεχνῖται.

An alternative interpretation of the origin of the law in its preserved form must try to trace these archaisms. A solution may be found in the context of what is preserved in our sources as the restoration of the "Drakonian and Solonian" legislation during Hadrian's reign (117-138 A.D.).<sup>42</sup> Gaius was a contemporary of this

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<sup>41</sup> This opinion has only been supported by Busolt-Swoboda (1920-26: 252).

<sup>42</sup> This interpretation proposed by Triantaphyllopoulos (1985: 196). The evidence relevant to the Hadrian's visit to Athens and the re-instauration of what was called Solon's laws is examined by Follet, S. (1976) Athènes au

development and probably had easy access to the allegedly "Solonian" law or even to the whole of the Hadrianic reinstatement of the ancestral constitution in Athens.<sup>43</sup> Gaius was probably well acquainted with the so called Solonian legislation since he cites in the same commentary the provisions on the borders ["De confinio" in Dig. 10.1.13 and Ruschenbusch (1966: 91 F60a)].

The mention of ὁμόταφοι, an institution mostly met in Rome (collegia tenuiorum), but unknown in Athenian society, with the exception of Aeschines<sup>44</sup> where the word has no technical meaning, is another piece of evidence for the date of this law. Radin (1910: 44ff) tried to establish, unsuccessfully, the existence of such groups<sup>45</sup> on the grounds that members of γένη "buried their dead together from immemorial custom" and that ἡρία should be

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II<sup>e</sup> et au III<sup>e</sup> siècle, Paris: Les Belles Lettres.

<sup>43</sup> Gaius wrote the Ad Legem XII, in the late 160s A.D., according to the challenging theory of Honoré, A. (1962) Gaius, Oxford: CP. Gaius worked in a Greek or, at least, a hellenized environment.

<sup>44</sup> Aesch. 1.149: ἀναγίγνωσκε δὴ ἅ περὶ τοῦ ὁμοτάφους αὐτοὺς γενέσθαι λέγει ἐν τῷ ὕπνῳ ὁ Πάτροκλος (now read what Patroklos says in the dream about their common burial).

<sup>45</sup> Contra Ziebarth (1896: 17 n.4).

identified with the burial associations in D. 57.28 and 67. This interpretation is seriously undermined by the archeological evidence<sup>46</sup> and the occurrence of ἡρία in Arist. AP 55.3 as part of the scrutiny of nativity of the would-be officer. Σύσσιτοι were also unknown in Athens, but active in Sparta.

The law tacitly admits the existence of tension or contrast between the central authority and the authority of the mentioned groups; the Roman era provides the only precedent of state intervention.<sup>47</sup> In this context the allegedly Solonian law can be considered as a remnant of the autonomy of the Greek cities in association with the generally wavering policy of the Roman republic and principate on collegia.

Nevertheless, it seems to me that, even if we accept the late date for the surviving text, one cannot exclude a priori that the original form of the law can be dated back to the general context of Solonian legislation, for the following reasons:

1. A quotation in Phot. s.v. ὀργεῶνας and Sud. ο 511

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<sup>46</sup> The archeological evidence of the family tombs and the conclusions drawn are summarized by Humphreys, S.C. (1980) "Family tombs and tomb-cult in ancient Athens", JHS 100, 96-126.

<sup>47</sup> For examples see ch. 5.

from Seleucos, [FGrHist 341, F1 and Ruschenbusch (1966: 99 F76b)] an Alexandrian grammarian of the first century, saying:

Σέλευκος δ' ἐν τῷ ὑπομνήματι τῶν Σόλωνος ἀξίωνων  
ὀργεῶνας φησὶ καλεῖσθαι τοὺς συλλόγους ἔχοντας  
περί τινος ἥρωος ἢ θεοῦς. [Seleucos in the index  
of the Solonian legislation says that the  
associations in honour of heroes or gods are  
called orgeones. (my translation)]

It is evident, then, that there was a reference to ὀργεῶνες in the Solonian legislation, and of course in his published laws. No more information is provided whether the republication of the laws in the period 409 - 402 had affected the text of the law. It is very tempting to connect this quotation with the Digest's law, but there is no further evidence.

2. This law contains a number of genuine archaisms:

i) If it is accepted that the law is not originally Solonian, but a later product, then the expression designating the term trader(s), εἰς ἐμπορίαν οἰχόμενοι, is unusual. In the late sixth and fifth centuries one would expect the quite common word ἔμπορος.<sup>48</sup> Although the word

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<sup>48</sup> See Ferguson (1944: 66) and Mele, A. (1979) Il commercio greco arcaico. Prexis ed emporie, Naples.

ἔμπορος<sup>49</sup> existed since the Homeric era, it did not mean the same thing in the earlier period; in the very beginning ἔμπορος meant the person who goes by ship as a passenger (Od. 2.319, 24.300), the traveller (B. 17.36, and in the tragedians A. Ch. 661, S. OC 25, 33, E. Alc. 999), and there is only one instance in Semonides Amorginus (7th century) with the meaning of trader: κήλειφόμεν μύροισι καὶ θυώμασιν καὶ βάκχαρι; καὶ γάρ τις ἔμπορος παρῆν (IEG, vol.2, No 16, 106).

On the other hand, there is an example of the use of an expression similar to εἰς ἐμπορίαν in the sixth or fifth century in a funerary epigram of Simonides (PLG, vol.3, frg.127, 1161): Κρής γενεᾶν Βρόταχος Γορτύνιος ἐνθάδε κεῖμαι οὐ κατὰ τοῦτ' ἐλθὼν, ἀλλὰ κατ'ἐμπορίαν.

In short, I do not suggest that the term ἐμπορία refers to a different activity than the term ἔμπορος; I claim only that the meaning of the early ἔμπορος does not

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<sup>49</sup> See the study of Knorringa, H. (1926) Emporos. Data on trade and trader in Greek literature from Homer to Aristotle, Amsterdam: Paris and Bolkestein (1923: 104ff). Recently the same conclusion has been drawn by Gofas, D. "La vente sur échantillon à Athènes d'après un texte d'Hypéride", in Modrzejewski, J. and D. Liebs (eds) Symposion 1977 (Chantilly 1-4.06.1977), 121 n.3, 1982 Köln: Böhlau and by Vélissaropoulos (1980: 35).

coincide with that of *ἐμπορία*. As a result, the occurrence of *ἐμπορία* in the text is a mark of archaism.

ii) It is quite striking that the collective name *δῆμος* is used in the beginning of the law while the other categories are defined by a plural noun. Busolt-Swoboda (1920-26: 252) maintained that this reference should lead us to date the law in the Kleisthenian era. But it seems to me unlikely that the Kleisthenian *δῆμος* needed an additional ruling to secure its autonomy, since in the context of the Kleisthenian reform, it was the basic and essential stronghold of the Athenian democracy. It should not have needed autonomy since the aggregation of demes was the Athenian state.

The real meaning of the word *δῆμος* in this law should be traced in the use of this word in the period before Kleisthenes. The first occurrence of a similar word is the word "da-mo" in the tablets from Knossos and Pylos, where it signifies "an entity which can allocate holdings of land, probably a village community" (Whitehead 1986: 367). It is probable that the same term occurred also in other Mycenaean kingdoms, as in Attica. The term reappeared in the ninth century, and after the unification of Attica the newly settled villages were called again *δῆμοι*, meaning a "local community living on its own land" (Whitehead 1986: 368). According to that interpretation the Solonian *δῆμοι* are nothing more than rural



communities<sup>50</sup> which can regulate freely their own matters, mainly religious and exploitation of their property, without the intervention of the state. The word occurs with the same meaning in Herodotus.<sup>51</sup>

It may be maintained that the Kleisthenic origin of the law is compatible with the granted autonomy, since each deme could organize its own activities without the

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<sup>50</sup> For demos in archaic period see Donlan, W. (1970) "Changes and shifts in the meaning of demos in the literature of the archaic period", pp 25, 381-95. He argues that demos in the Homeric epics and archaic poetry means a group of people, usually without their leaders, established in an area. Solon was the first to attribute in his poetry social features and awareness to the entity designed as demos.

<sup>51</sup> Hdt. 1.60: ἀντίκα δὲ ἐς τε τοὺς δῆμους φάτις ἀπίκετο ὡς Ἀθηναίῃ Πεισίστρατον κατάγει (Immediately it was reported in the demes that Athena was bringing Pisistratus back) and ἐν τῷ δήμῳ τῷ Παιανιεῖ ἦν γυνὴ τῇ οὐνομα ἦν Φύη (There was in the Paeonian deme a woman called Phya); Hdt. 1.62.1 ἐν δὲ τούτῳ τῷ χώρῳ σφι στρατοπεδευόμενοι οἱ τε ἐκ τοῦ ἄστεος στασιῶται ἀπίκοντο ἄλλοι τε ἐκ τῶν δήμων προσέρρεον (and while encamped there they [Pisistratos and his followers] were joined by their partisans from the city, and by others who flocked to them from the country demes).

each deme could organize its own activities without the consent of the other demes. But in such interpretation, the Athenian state is considered as a federation of independent mini-state entities, and this stands in contradiction with the real nature of Athens. The image of a fragmented political power implied in the aforementioned interpretation is in direct contrast with the text of the law, in which there is a clear opposition between associations and city-state. Thus it is possible that the word δῆμος may have been in the original law and its meaning in that era constitutes one more element pointing to an earlier date.

iii) The term οἱ ἐπὶ λείαν οἰχόμενοι is traditionally translated as a mention of piracy, a practice which was not unknown in ancient Greece mainly in the archaic period. Evidence is offered by Herodotus 3.39 (the story of Polycrates of Samos) and IG I<sup>3</sup> 67.7-8 (a treaty of the year 427/6 between Athens and Mytilene) and Thucydides.<sup>52</sup>

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<sup>52</sup> Thuc 1.4: τό τε ληστικόν, ὥς εἰχὸς, καθήρει ἐκ τῆς θαλάσσης ἐφ' ὅσον ἐδύνατο (Piracy, too, he [Minos] naturally tried to clear from the sea as far as he could) 1.5 ἐπειδὴ ἤρξαντο μᾶλλον περαιοῦσθαι ναυσὶν ἐπ' ἀλλήλους ἐτράποντο πρὸς ληστείαν (when once they [Greeks and barbarians] began to cross over in ships more frequently and they turned to piracy against one another).

supports a slightly different one, according to which οἱ ἐπὶ λείαν οἰχόμενοι

were nothing more than men engaged in time of war in fitting out ships as privateers - men equipped with letters of marque

But still the idea of piracy is evident and all scholars<sup>53</sup> seem to agree that this phrase designates the

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<sup>53</sup> For piracy see Ormerod, H.A. (1924) Piracy in the ancient world. An essay in Mediterranean History, London: Hodder & Stoughton. He claims that piracy was a form of economic activity for the population. A radically different approach to the problem is attempted by Garlan, Y. (1989) Guerre et économie en Grèce ancienne, 173-201, Paris: La Découverte, in which he stresses the interconnection of piracy with slavery, the existence and development of piracy in areas marginal to the centres of the Greco-Roman world and the tension between the building of an empire, when piracy is a legitimate or tolerated activity and its consolidation when pirates and piracy are exorcised as evil. The catalogue compiled by Ziebarth, E. (1929) Beitrag zur Geschichte des Seeraubs und Seehandels im alten Griechenland, Hamburg: Friederichsen & De Gruyter, is superseded by Pritchett, W.K. (1991) The Greek state at war, vol.5, 312-63, Oxford: University of California Press.

seizure of a ship, either in the form of privateering or as piracy. The point is that the law regards piracy as a lawful activity and regulates the share of the booty or any other agreement. In classical Athens, we do not know of anything similar. On the contrary the Athenians fought against pirates in the fifth century (Plu. Cim. 8.3 and Thuc. 1.98) in order to establish safe routes for the supply of grain from the Black Sea. In bilateral agreements there was often a clause prohibiting piracy against ships of the contracting cities. It would have been inconceivable for the Romans to allow piracy to develop. Finally one can argue that the existence of the term *ἐπὶ λείαν οἰχόμενοι* advocates in favour of an early date, since if the law was of a later era one should expect the word *πειρατεία* or one of its cognates, already in use since the third century.<sup>54</sup>

In conclusion, I think that there is enough evidence in support of the corrupted transference through the centuries of a law allegedly "Solonian". The wording of the law itself implies some archaic roots. However, it

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<sup>54</sup> IG XII.7 386 (Amorgos). Gofas, D. (1985) "Epiplous: une institution du droit maritime grec, antique, hellénistique, byzantin et postbyzantin" in Thür, G. (ed) Symposium 1985 (Ringberg 24-26.07.1985), 425-44, 1989, Köln: Böhlau; see especially 429 n.21.

cannot be certain that these are not pseudo-archaisms. In the light of this investigation the following two conclusions can be drawn:

1. There was in antiquity a firm belief that Solon legislated on associations.

2. We cannot say if the law is originally Solonian but it is likely that this law in the preserved form was (re)written in the context of the reorganisation of the Athenian constitution during Hadrian's reign.

VIII. FGrHist 328, F35a: περὶ δὲ τῶν ὀργεῶνων γέγραφε καὶ Φιλόχορος· τοὺς δὲ φράτορας ἐπ'ἀνάγκης δέχεσθαι καὶ τοὺς ὀργεῶνας καὶ τοὺς ὁμογάλακτας οὓς καὶ γεννητὰς καλοῦμεν (Phot. s.v. ὀργεῶνες and Sud. o 511).

Translation: About orgeones Philochorus has written as well "and the phratores shall compulsorily admit the orgeones and the homogalaktes, whom we also call gennetai". (my translation)

The interpretation of this isolated fragment has caused considerable discussion among the scholars and different opinions have been expressed. We can distinguish two main streams in its interpretation. The first one, with the three subdivisions thoroughly examined by Bourriot (1976: 600ff),<sup>55</sup> starts off with two postulates: a) the identification of all the Athenian population with ὀργεῶνες and γεννητὰι: ὀργεῶνες constituting the mass of commoners and γεννητὰι the nobility; and b) participation in the phratry equated with full citizenship. These social groups were marked with particular interests and features, such as the preservation of the privileged position of γεννητὰι in the phratry. In this context we can see three evolutionary

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<sup>55</sup> For a summary of Bourriot's (1976) book in English see Smith, R.C. (1985) "The clans of Athens and the historiography of the archaic period", EMC/CV 29, 51-61.

stages of the traditional interpretation. First, the Philochorean fragment was considered as the answer to the demand of commoners to be registered in the phratries, as a measure of establishing political and social equality.<sup>56</sup>

The second version of this interpretation saw in this fragment a protection for the commoners or *ὀργεῶνες*. Although they were members of the phratries, since Draco's law on homicide presupposes the existence of phratores for every Athenian, they were threatened with exclusion by different means.<sup>57</sup>

Finally, the most elaborate hypothesis of this stream sees in the fragment the outcome of an unsuccessful attempt of *γεννηται* to expel *ὀργεῶνες* from the phratries; because *ὀργεῶνες* were afraid of being expelled, a law was issued in order to safeguard their position. In this stream we should include the view which considers the Philochorean fragment as a possible method of

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<sup>56</sup> Among them Francotte (1907: 10), Radin (1910: 47), Jacoby *FGrHist* III B, 322, Hammond (1961: 80-1), and Ehrenberg (1968: 55).

<sup>57</sup> Among them Wade-Gery (1952: 152), Guarducci (1936: 16), Jeanmaire (1939: 139), Hignett (1952: 391), Helly, B. (1970) "La convention de Basaidai", *BCH* 94, 188, Busolt-Swoboda (1920-26: 252, n.2) and Πανταζόπουλος (1948: 101).

naturalization of aliens. According to Hammond (1961: 76-98),<sup>58</sup> ὀργεῶνες were naturalized aliens, refugees because of the Dorian invasion and the Ionian migration. So the population of Attica consisted of γενηῖται, that is native citizens, and ὀργεῶνες, naturalized aliens and their descendants. Other scholars wanted to interpret this confrontation in religious terms where γενηῖται were the protectors of the official religion and ὀργεῶνες were the deprived mass of clanless, and therefore vulnerable commoners, limited to the traditional worship of chthonic deities.<sup>59</sup>

As for the exact date of the law mentioned in the fragment, all the scholars of this stream agree that it comes from a digression of Philochorus' narration about the events between the years c. 464 and c. 400, and originally it should belong to the context of the Solonian legislation.<sup>60</sup>

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<sup>58</sup> Followed by Will (1972: 566) and Biscardi (1982: 49 and 90).

<sup>59</sup> Nilsson (1951: 160-61), Jones (1956: 165) and Vernant (1965: 357).

<sup>60</sup> In favour of the Solonian origin of the law mentioned in the Philochorean fragment are: Wade-Gery (1952: 152), Guarducci (1936: 16), Ferguson (1944: 69), Nilsson (1951: 159 and 1955: 710), Jacoby FGrHist III B Suppl. 1.321,



The second stream differs radically and is based on Andrewes' (1961a: 1-15) remarks and objections to the traditional view. In particular, he expressed four objections to the traditional interpretation of the fragment:

1. The phrase *ἐπάναγκες δέχεσθαι* should mean that phratores have no other choice except to accept *ὀργεῶνες* and *γεννῆται* in their structure. But that means that every candidate would be admitted, without any prior scrutiny.

2. The epigraphic evidence, and here Ferguson's class A is

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Πανταζόπουλος (1948: 101), Oliver, J. (1980) "From gennetai to curiales" *Hesperia* 49, 36, n.19. In addition, there are some scholars of the nineteenth century, belonging in this stream, who support the Cleisthenian origin of the fragment as Toepffer, J. (1889) *Attische Genealogie* 9, Berlin, Rohde (1893: 139) followed by Ferguson (1911: 216), Busolt-Swoboda (1920-26: 252) and Thomson (1949: 107). Some others on the other hand, either avoid *taking* a firm position on the problem, Hignett (1952: 390), or support the view that this fragment includes a provision that probably was repeated more than once, De Sanctis (1898: 345) and Levêque, P. and P. Vidal-Naquet (1964) *Clisthène l'Athénien*, 44, n.4 and 5, Paris: Les Belles Lettres.

meant, implies that ὀργεῶνες were fairly small groups with wealthy members in their ranks. In any case, it is impossible to include the whole of the commoners.

3. Andrewes describes the post and ante quem limits of the fourth book of Philochorus' Atthis as between 464 and 395/4 and, in general, he maintains that it should include the events between Ephialtes' reform and the end of the Peloponnesian War.

4. He reveals the incongruity of the traditional interpretation, according to which γέννηται, being the nobles, had a powerful influence over admissions to phratries; but the provision in the fragment is intended to protect γέννηται from such a change against them in the future. The object of the verb δέχεσθαι is both ὀργεῶνες and ὁμογάλακτες, which means that the implied privileged position of γέννηται, a principle of the traditional interpretation, cannot be justified. Busolt-Swoboda (1920-26: 252) realized this inaccuracy and tried to modify it, by the elaboration of a more sophisticated theory, according to which the Philochorean fragment had a double purpose; first, to ensure the admission of ὀργεῶνες and second, to protect the status of γέννηται, in a possible future change.

In response to the first interpretation, Andrewes (1961a: 13) proposed that the Philochorean fragment has to be considered as "a clause from the same law as Krateros F4" (FGrHist 342 F4):

Κράτερος γοῦν ἐν τῷ δ' τῶν ψηφισμάτων φησὶν εἶναι  
 δέ τις ἐξ ἀμφοῖν ξένου γεγυνώς φρατρίζῃ διώκειν  
 εἶναι τῷ βουλομένῳ Ἀθηναίων, οἷς δίκαι εἰσὶ  
 λαγχάνει δὲ τῇ ἐνῇ καὶ νῆα πρὸς τοὺς ναυτοδίκας  
 [And if someone born from two foreigners acts as  
 a phratry member, it is possible for whoever is  
 willing of the Athenians {who have the right} to  
 prosecute; and the case will be allotted on the  
 last day of the month to the ναυτοδίκαί.

Translated by Patterson (1981: 108)].

This fragment is dated by Andrewes in the 430s as a result of the Periklean legislation on citizenship;<sup>61</sup> the Philochorean fragment is supposed to concede to ὀργεῶνες and γεννηταί the privilege of being registered in the phratries without any prior scrutiny

because these bodies would scrutinise their own members even more jealously than the φράτορες would" (Andrewes 1961a: 2).<sup>62</sup>

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<sup>61</sup> For the text of this law see, Arist. AP 26.4 and Plu. Per 37.2-5. Prandi (1982: 12) adopts Andrewes' interpretation. As for the date, Lambert (1986: 24) suggests that it should be dated in 451/0 while Patterson (1981: 111) prefers a date in 440s.

<sup>62</sup> Followed by Roussel (1976: 134), Patterson (1981: 113) and Lambert (1986: 25-28).

Bourriot's view is a remarkable exception, especially in what concerns the notion of γένος and the relation between γεννῆται and ὁμογάλακτες.<sup>63</sup> Although he shares Andrewes' objections about the composition of the Athenian population exclusively of ὀργεῶνες and γεννῆται, he believes that the Athenian citizens in the fourth century could be divided into three categories: a) those who were members only in phratries, b) those who were members in addition of ὀργεῶνες and c) those who were members of γένη as well as phratries, according to the evidence, mainly from Isaeus.<sup>64</sup>

For Bourriot, the Philochorean fragment is not a law

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<sup>63</sup> Bourriot (1976: 663ff and 1367ff) believes that the name gennetai designated the members of the royal and sacerdotal families, while the name homogalaktes qualifies rural communities. His primary evidence about the identification of the latter comes from Arist. Pol 1252. Littman (1990: 19) suggests that the word homogalaktes designates the common matrilineal descentance of the members of a genos. His view relies exclusively on anthropological parallels from Nuer society and no evidence for Athens is provided.

<sup>64</sup> Bourriot (1976: 626) invokes Is. 6.19-22 and 8.20 (see below p.77 n.66).

but rather "un adage",<sup>65</sup> that is, a long standing custom and he translated it as follows:

Phratores will register compulsorily all the people who were recognised as legitimate children in other trustworthy instances .

(Bourriot 1976: 656).

The use of the verb *δέχεσθαι* is justified partly by the use of the type *οὐκ εἰσδέχεσθαι*<sup>66</sup> in two cases of candidates being rejected from a phratry. For *ὀργεῶνες* and *ὀμογάλακτες* there was no need to be scrutinised again, for their legitimacy, since they have been recognised as

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<sup>65</sup> Wilamowitz (1893: 2.269-74) expressed a similar view about it. He maintained that it is a part of a phratry's law; the main objection concerns the coercive nature of the preserved text in the phrase *ἐπάναγκες δέχεσθαι*. Cf. Nilsson (1951: 159) and Roussel (1976: 133).

<sup>66</sup> Isaeus 6.22 *ἐπειδὴ δὲ οὐθ' ὁ ὑὸς αὐτῷ Φιλοκτῆμων συνεχώρει οὐθ' οἱ φράτορες εἰσεδέξαντο, ἀλλ' ἀπηνέχθη τὸ κουρεῖον* (when, however, his son Philoktemon refused to agree to this and the members of the ward would not admit the boy, and the victim for the sacrifice of admission was removed from the altar) and 8.20 *μήτε τοὺς φράτορας εἰσδέχεσθαι ἡμᾶς, ἀλλὰ κατηγορεῖν καὶ ἐξελέγχειν* (or that the wardsmen would have admitted us and not rather objected and justified their objection).

legitimate in the context either of *ὀργεῶνες* or *γεννῆται*. The reason for such a measure was that the phratry gained time, because the registration of *ὀργεῶνες* and *γεννῆται* in its registers was a simple formality. And Bourriot concludes:

Ainsi interprété le texte de Philochore ne nous apprend qu'une chose: à une époque qui se situe entre 462 et le début du quatrième siècle, la coutume veut que deux catégories de citoyens soient pratiquement dispensées de l'examen d'admission dans les *φρατρίαι* et bénéficient d'une inscription quasi automatique, cela parce qu'elles présentent déjà la garantie que l'on va decerner: ce sont les *orgeones* et les *ὀμογάλακτες* (Bourriot 1976: 657).

As we have seen, the two theories tried to interpret the tiny Philochorean fragment, according to their intellectual context, attributing to it different values in the history of ancient Athens and dating it in different periods. But both of them consider the fragment as a part of a procedure where *ὀργεῶνες* either looked for social ascent or had already achieved it, and now were exercising their privileges. In the case of the traditional interpretation, where *ὀργεῶνες* and *γεννῆται* are regarded as two radically opposed groups, the admission of commoners to a phratry meant citizenship, participation in the state cults and possibly in the

government; the most recent theory regards them as already privileged people who, because of their position, can avoid subsequent scrutinies of their birth legitimacy.

Both theories display certain defects and gaps in the assessment of the social implications resulting from the fragment. It is difficult to accept the dominant principle of the traditional theory identifying commoners with ὀργεῶνες and γεννηται with the nobility, not only because of lack of evidence, but also because there were different classes of commoners and different classes of nobility. In fact, this statement seems quite simplistic and arbitrary, since it summarizes the social problem in archaic Athens, in the terms of "poor" and "rich". There is no doubt that archaic times in Athens, as in almost every corner of the Greek world, were characterized by continuous social strife. But, this does not justify conjecturing and building whole theories about the political role of ὀργεῶνες based on scarcely satisfactory evidence, or in identifying them with vague class terms.<sup>67</sup>

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<sup>67</sup> A typical example of such interpretation, sometimes militant is the interpretation proposed by Πανταζόπουλος (1948: 97-128), Nilsson (1951: 160) and recently, with some reservations, by Vamvoukos (1979: 106) where orgeones are identified with the "progressive" and democratic element in Athens, and it is stressed that they had

On the other hand, we should admit that, at least in the second half of the seventh century, all the Athenians citizens were expected to belong to different phratries, since Draco's law on homicide prescribed the intervention of ten phratores in pursuing the killer and granting pardon.<sup>68</sup> The Draconian legislation also imposed a change in the centre of balance of the Athenian society, that is, the traditional solidarity between members of any older groups was replaced by the solidarity between members of the same phratry. Therefore the phratry was the collective entity that could guarantee certain rights and the protection of the individual Athenian citizen.

Taking into account the second and more recent theory, we should remark, first of all, its inaccuracy in failing to consider class B of *ὀργεῶνες*. In particular, the supporters of this opinion seem to ignore Ferguson's (1944: 68) argument that since 430 the title *ὀργεῶνες* was borne by the Thracians devotees of *Βένδης*; according to this theory, it is easy to imagine Thracians demanding their admission to phratries with the summary procedure, invoking their title as members of an orgeonic

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political affinities and contributed much to the establishment of democracy. Cf. Roussel (1976: 147).

<sup>68</sup> M-L 86 and IG I<sup>3</sup> 104.18-19 and 22-3; for the implications see Rhodes (1981: 69).



association. A massive naturalization of the Thracians is not attested by any other evidence. Later on, we can imagine the devotees of Cybele, to a large extent foreigners, doing exactly the same, that is, asking for their admission to phratries, something that the Athenians would have been unlikely to accept. Lambert (1986: 29) observed this inconsistency, but he did not take into account its implications; his analysis is restricted to the claim that FGrHist 328 F35a should be dated in 450s rather than in 430s or 403. Nevertheless, he fails to realise that conferring the name ὀργεῶνες implied the raising of a claim to citizenship.

It is difficult as well to accept Andrewes' view about the eminence and the prosperity of ὀργεῶνες, since the epigraphic evidence (see section C) proves that rich orgeonic associations were the exception rather than the rule.

Bourriot (1976) regarded the Athenian society of the fourth century as consisting of people being members of various groups and not necessarily or exclusively of one or two types. A weakness of Bourriot's interpretation lies in the fact that, although he says that two scrutinies were enough and the third could be summary, he did not specify which one would be the second and which one the third, if the first was the one before ὀργεῶνες or γενηῖται. We know that the procedure for the admission to a phratry consisted of two stages: i) Presentation of the

child, a few months after the birth, and declaration by its father of its legitimacy and, ii) when the boy reached the age of majority, he underwent another scrutiny from the whole body of the phratores. At the same time the boy would also be registered in his paternal deme. The problem is, which procedure was first? Bourriot implies that the one in the deme was the first and the one before the phratry was the last one, and as a result there was no need for it to be as exhaustive, for the members and descendants of ὀργεῶνες, as it was for the rest of the people. Lambert (1986: 30) assumes, based on hints, that phratry membership was normally prior to and in some sense fundamental for deme membership. But, as Wilamowitz (1893: 2.271) pointed out, the admission to the phratry was prior to the one to deme, which means that after the first scrutiny before ὀργεῶνες or γεννῆται, the twofold scrutiny before phratores would follow and the final scrutiny would take place in the deme. This conclusion contradicts Bourriot's proposal and disqualifies his explanation, because this suggestion fails to account for the scrutiny in the deme.

The importance of the Philochorean fragment lies in the words ἐπ'ἀναγκῆς δέχεσθαι. The traditional theory interprets it as "compulsory admission", while the most recent interpretations imply that it should mean "automatically". Andrewes is correct when he states that these words would mean that the phratry had nothing else

to do except to admit the new-comers; but it is true as well that ἐπάναγκες implies some kind of coercion in case, perhaps probable, of disobedience of any phratores against this provision. Andrewes' and Bourriot's approach presupposes the endowment of ὀργεῶνες and γεννῆται with the prerogative of scrutinizing the legitimacy of the offspring of their members. However, such a function is not confirmed by the available evidence on citizenship. Phratries remained the competent organ for assessing and conferring legitimacy.

Two more problems are connected with this phrase and Andrewes' and Bourriot's interpretation. First, why is the word ἐπάναγκες used if the meaning is not "compulsorily" but something like "without prior scrutiny"; the evidence for the meaning of the word is in favour of "compulsorily" (Hdt. I.82, And. I.12, Arist. AP 42.1 and Ferguson 1944: 69)? Second, how could such a significant measure, affecting the normal procedures of admission to phratry, escape the sharp-minded jokes of comedians.<sup>69</sup>

I am inclined to believe that such a provision in the late fifth century would provoke more confusion rather than saving time. The vagueness and generality of the Philochorean fragment is not a safe guide in any attempt

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<sup>69</sup> Ar. Birds 11, 31-32, 764-65 and 1527.

to find the origins of this provision. The fragment can refer either to a moment of centralization of power and administration in archaic Athens, when each citizen had to be registered in a phratry, or to a moment of re-enactment of the same provision after a period of bitter social strife. I suggest that the likeliest moment was the seventh or sixth century. The end of the sixth century is less likely, since Kleisthenes' reform did not directly affect phratries.<sup>70</sup> Solon did not legislate in such matters.

Ἐπάναγχες, the word with a strong meaning of coercion, can easily be explained by a possible reluctance of the existing members of phratries to accept the new-comers. But the appearance of this law in the fourth book of the Philochorean Atthis is still difficult to interpret. The solution is offered by Philochoros' tendency to digress. In such a digression about, possibly, the Periklean law on citizenship and in the problems of its application, this old and obscure law would be cited.<sup>71</sup>

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<sup>70</sup> Arist. AP 21.6: τὰ δὲ γένη καὶ τὰς φρατρίας καὶ τὰς ἱερωσύνας εἶασεν ἔχειν ἑκάστους κατὰ τὰ πάτρια. About the compatibility of this passage with Pol. 1319b 20 see Rhodes (1981: 258).

<sup>71</sup> See Ferguson (1944: 68 n.2) about the difficulties of

The above analysis of the literary evidence suggests the existence of a distinction or a dichotomy in the use of the word ὀργεῶνες in the sources. In the evidence occurring in a poetical context ὀργεῶνες means, without exception, persons performing some rituals. In evidence coming from other contexts, ὀργεῶνες seems to denote invariably portions of the population connected either by a social qualification (commoners, foreigners etc) or, what seems to me the most plausible, by religious identities and through them with local identities. Indeed, the latter is the only element that associates the late sources with the earlier and gives us a coherent picture of a possible evolution and continuity. The ritual identity led to forging a religious and at the same time a local identity, whose essential component was that particular cult. The following section concerns the epigraphical evidence and it will confirm or refute the above assumption.

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dating the law.

### III. EPIGRAPHICAL EVIDENCE

The preserved inscriptions, all dated to the fourth century and onwards, refer to the activity of orgeonic associations. SEG 21.530 refers to ἀρχαῖα ψηφίσματα being re-inscribed, and Ferguson (1944: 76) dates them to the fifth century. The members of these groups gather to worship a hero or a heroine. These heroes<sup>72</sup> have nothing to do with the Kleisthenian ἐπώνυμοι ἥρωες whose worship was administered directly by the city-state. The majority of the documents come from the precinct of Ἄμυνος on the Acropolis' west slope, which had been in use since the pre-Pisistratid times.<sup>73</sup> The cult of a hero and heroine is attested by dedications.<sup>74</sup> Before going on with the

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<sup>72</sup> Summary information is provided by Kearns (1989: 147ff).

<sup>73</sup> Körte (1896: 287-332), Travlos (1971: 76 and fig. 97-101). Lalonde, G.V. (1968) "A fifth century hieron southwest of the Athenian Agora", *Hesperia* 37, 123-33 and "A hero shrine in the Athenian Agora", *Hesperia* 49 (1980) 97-105 provides parallel cases of hero cult in tombs of an earlier period.

<sup>74</sup> For instance IG II<sup>2</sup> 4546 (400), 4567 (400-350), 4591 (mid fourth century), SEG 39.234 (first century A.D.) and Aleshire (1989). Fisher (1988: 1186) suggested that the orgeones of Amynos were "probably part of a phratry". But it is well known that subdivisions of phratries did not

examination of certain aspects of the association's life and function, I should note the following:

1. Πανταζόπουλος (1948)<sup>75</sup> has suggested that the anonymous hero mentioned in SEG 24.203 should be identified with the hero-doctor (IG II<sup>2</sup> 839 and 840),<sup>76</sup> on the ground of the closeness of the place where these inscriptions have been found. The cult of the hero-doctor is known to have been a public cult. In 839 and 840 it is the city that authorizes the destruction of certain votive offerings. In contrast, in SEG 24.203 the group of ὀρχεῶνες is responsible for the administration of their property. Nobody can exclude a priori the possible

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worship any other deity than the Zeus Phratrios, Athena Phratria or Apollo Patroos.

<sup>75</sup> Πανταζόπουλος (1948) concludes that this cult of the hero-doctor is connected with the presence, known from Lucian's Anach., of a Scythian doctor in archaic Athens; he invokes an inscription from Eleusis, IG II<sup>2</sup> 336, (500-450) as a proof of the cult. Pleket, H.W. (1964) Epigraphica, vol.1, 63 No 43, Leiden: Brill and Nouveau choix 27, adopt the conclusion of Πανταζόπουλος.

<sup>76</sup> Dow, St. (1985) "The cult of the Hero Doctor", BASP 22, 33-47.

existence of a private cult of the hero-doctor;<sup>77</sup> but to draw analogies from evidently different documents is not the best way to proceed.

2. In IG II<sup>2</sup> 1259.8-9 Wilhelm's restoration is adopted in the editio minor of IG, φιλοτ[ι]μῶν[ται] π[ερὶ] τοῦ[ς] ὀργεῶνα[ς ὅτ]/ι ἀποδιδ[όασι] ο...which restores 30 letters in a stoichedon inscription of 29.

3. Last but not least, a few words about the restoration of IG II<sup>2</sup> 1289, an important, but badly mutilated, document. Wilamowitz, quoted by Ferguson (1944: 85), proposed that in line 9 we should read ὁ προφητης; but, since there is not such an office in any orgeonic association, we should accept Ferguson's (1944: 85) restoration ὁ ἐστιάτωρ. Wilhelm<sup>78</sup> suggested the following reading in lines 15-17: ὥς [τοῦ τι τῶν ἐαυτῆς προσό]δων λαμβάνουν[τος παρανόμως προσχρού]ειν ἐαυτῇι [δοχοῦντος]? But it seems to me that in this context the above suggested restoration makes no sense. In the inscription, the enumeration of what is prohibited precedes the corrupted part, and it is time to shift to the approved pattern of administration of the sacral property; in this respect I think that the following

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<sup>77</sup> For the different testimonies about the cult of the hero-doctor in Attica see Kearns (1989: 171-72).

<sup>78</sup> SEG 14.82 and Wilhelm (1951: 18-19).



reading fulfils the above mentioned requirements: ὥς[τε τοῦ ἱερέως τῶν προσό /δων λαμβάνον[τος, μετὰ τῶν ὀργεῶνων θύ]/εἰν ἑαυτεῖ [τὰς θυσίας κατὰ τὰ πατρία].

The epigraphic evidence does not preserve anything concerning the foundation of such associations and the admittance of members. Therefore what follows is highly speculative.

According to Ferguson (1944: 77) the only evidence about membership concerns the participation of adult males as sole members in these associations.<sup>79</sup> Women were excluded from the association and its structure, but could participate in functions, such as sacrifices and the feasts. The membership was probably hereditary, in the sense that the father's membership was necessary for the admission of his son (Kearns 1989: 73 and IG II<sup>2</sup> 2355). Provided that participation in cultic activities defined, more or less, the identity of the member (Kearns 1989: 74), one may wonder whether women can be considered as members since they were participating in the cultic feast. However, we have no information about their participation in the decision-making procedures of the group.

The association's activity is strictly limited, as far as inscriptions tell us, to the worship of a local

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<sup>79</sup> Poland (1909: 305) claims that they had to be citizens.

hero or a heroine (SEG 21.530). In IG II<sup>2</sup> 1289, a goddess is mentioned, but as Ferguson (1944: 84) notes, probably "she was simply the Goddess as a hero is simply the Hero". One similar instance occurs also in IG II<sup>2</sup> 2501, where the hero is called ὁ Ἡρῶς.

The worship of the hero or the heroine consists of an annual sacrifice and the sharing of the flesh among the members of the association, according to the custom. In the orgeonic association of Ἐχελος the proportion was as follows: the male members of the association took one portion, while their sons and daughters took no more than the half of this portion. Their wives would take a full portion, while their maids - only one per woman - would take no more than the half of a woman's portion, only when an ox was sacrificed. The absent members did not take any portion at all.

But who was the man responsible for the sacrifice and the sharing of the flesh? From our data, it emerges that the man responsible for this duty was called ἐστιάτωρ (SEG 21.530:12) or ἰστιάτωρ (IG II<sup>2</sup> 1259), that is host. Actually, we do not know anything about the appointment of such an officer. The conjecture of Ferguson (1944: 78) that this post was "an assignment which rotated among them in some settled order" can be neither refuted nor confirmed from the available pieces of evidence. The only indication is that the office was held annually, at least in the orgeones of Ἄμυνος, Ἀσκληπιῶς and Δελφῶν (IG II<sup>2</sup>

1259.1-2: ἐπειδὴ οἱ ἰστιά[τορ]/ες οἱ ἐπὶ θε(ν)φράστου  
ἄρχοντος) but there is no evidence about election by lot  
or appointment or rotation in a settled order.

Apart from the (ἰ)ἑστιάτωρ there were in some cases  
the priest (IG II<sup>2</sup> 1289.6-8: ἀλλὰ ἐκ τῶν π[ροσόδων θύ]/ειν  
τὰς θυσίας τὸν ἱερέα μετ[ὰ τῶν ὀργεώ]/νων κατὰ τὰ πάτρια),  
a treasurer or a person responsible for the finance  
without any particular title, under the name ταμειύων (IG  
II<sup>2</sup> 2499.19-20: τῷ ἀεὶ ταμει/ύοντι), and an officer  
called μνήμων (recorder), attested only in SEG 21.530,  
responsible for the preservation of the ancient decrees.<sup>80</sup>  
Probably these offices were held in the same manner as the  
ἑστιάτωρ. The duty of the treasurer was the  
administration of all the financial cases concerning the  
association, like the purchase of the sacrificial animal  
and the collection of the annual rent of the leased  
orgeonic property (IG II<sup>2</sup> 2499.18-24).<sup>81</sup>

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<sup>80</sup> In various demes there is an officer called hieromnemon,  
while Arist. Pol. 1321b 35-40 refers to mnemones as the  
officers whose task was the recording of various  
contracts, public or private suits, etc.

<sup>81</sup> Poland (1909: 459-60) claims that there is no difference  
between the terms "oikos" and "oikia", as in other  
associations; both signify a building for rent, as a  
source of income for the association.

the property is quite common (see table 2, where among five transactions concerning real estate, three are leases of orgeonic temples or parts of them, such as the garden in SEG 24.203). The lease<sup>82</sup> guaranteed i) the preservation of the temple in a good condition [IG II<sup>2</sup> 2501.29-30: χρῆσθαι δὲ τῷ ἱερῷ καθαρῷ] and integral

IG II<sup>2</sup> 2499.14-18: ἐπι/[με]λήσεται δὲ καὶ τῶν δένδρων τῶν ἐν τῷ ἱερῷ πεφυκότων, καὶ ἂν τι ἐγλείπει, ἀντεμβαλεῖ καὶ παραδώσει τὸν αὐτὸν ἀριθμὸν (he will take care also of the trees which have grown in the temple, and if any of them is missing, he will replace it and he will give back the same number of trees),<sup>83</sup>

ii) easy access on the day(s) of celebration

IG II<sup>2</sup> 2499.24: ὅταν δὲ θύωσιν οἱ ὀργεῶνες τῷ ἥρωι τοῦ Βοηδρομιῶνος, παρέχειν Διόγνητον τὴν οἰκίαν, οὗ τὸ ἱερόν ἐστιν, ἀνεωιγμένην καὶ στέγην καὶ τὸ ὀπτάνιον καὶ κλίνας καὶ τράπεζας εἰς δύο τρίκλινα (when the orgeones sacrifice to the hero, in the month of Boedromion, Diognetos

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<sup>82</sup> For the leases see the summary in Behrend, D. (1970) Attische Pachturkunden, 95-99, München: Beck.

<sup>83</sup> Jordan, B. and J. Pewn (1984) "On the protection of sacred groves", Studies Presented to St. Dow, Durham (North Carolina).

will provide the temple open and the chamber and the kitchen and couches and tables for two triclina),

IG II<sup>2</sup> 2501.6-9: τεῖ δὲ τετρά[δι ἐπὶ]/[δέκα  
ὀ]ταν ἱεροῖς ἀπαντ(ῶ)σιν παρέχει(ν) αὐτοὺς τοῖς  
ὀργεῶ[σι τὸ ἱε]/[ρὸν ἀνε]ωιγμένον (καθ')  
ἡμέρα(ν) καὶ ἐστεφανωμέν[ον, τὸ δὲ ἄγαλμα  
τοῦ]/[θεοῦ ἀλ]ηλειμμένον καὶ [τὰ καλύ]μματα  
ἀποδ(εδυ)μένο[ν (the fourteenth day of the month  
when they meet for sacred rites they will  
provide to the orgeones the temple open all the  
day decorated with garlands, and the statue of  
the god polished and without the coverings),<sup>84</sup>

and iii) gave a profit of several drachmas per year to the association.<sup>85</sup> It seems that this pattern of use was spread among the different orgeonic associations. Maybe it was the only available way of exploitation, as is implied in IG II<sup>2</sup> 1289, where the decision of arbitrators is preserved, about a quarrel concerning the disposition of the orgeonic property which arose between members of an

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<sup>84</sup> For an alternative interpretation see Kearns (1989: 75).

<sup>85</sup> In our three complete leases we have the following amount of money as rent: IG II<sup>2</sup> 2499: 200 dr. annually, IG II<sup>2</sup> 2501: 50 dr. annually and SEG 24.203: 20 dr. annually.

orgeonic association.<sup>86</sup>

IG II<sup>2</sup> 1289.3-7: τάδε διέλυσαν οἱ δικάσταί <sup>υ</sup>  
[ἐπιτρεψάν]/των ἀμφοτέρων· τὰ μὲν κτήματ[α εἶναι  
τῆς]/θεοῦ καὶ μηθενὶ ἐξεῖναι μήτ' [ἀποδόσθαι]/  
μήτε ὑποθεῖναι, ἀλλὰ ἐκ τῶν π[ροσόδων θύ]/ειν  
τὰς θυσίας (the following is what the  
arbitrators chosen by both parties decided: the  
property is to belong to the goddess and nobody  
is to be allowed to sell, or mortgage it, but  
from the income they are to perform the  
sacrifices).

There is not a single act of purchase of land in our records where ὀργεῶνες are the purchasers; there is only a reference in a register of a confiscated property (SEG 12.100:30-1), where Αἰσχίνης Μελιτεῶν καὶ κοινὸν ὀργεῶνων have a security in the property of Θεόφιλος. How then did ὀργεῶνες acquire the land where the temple was? The conjecture that they used the part of the land characterized as ὄργα as a piece of consecrated land seems plausible but there is not enough evidence about it.

Prosopographical evidence and the reference to

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<sup>86</sup> Ferguson's (1944: 84 n.31) claim, that the submission of the disagreement in arbitration implies that disposal of the property and disbandment of the association was possible, is far-fetched.

maidens in SEG 21.530, to golden crowns in IG II<sup>2</sup> 1252 and 1253 and to the sacrifice of an ox (SEG 21.530) led Ferguson (1944: 78-9) and Andrewes (1961a: 1 n.5) to suggest that ὀργεῶνες of heroes in the fourth century were apparently groups of well-to-do people. But the existence of a maiden was not a sign of wealth, the crowns are rather exceptional and the ox was bought for sacrifice only once a year. In addition, among the honoured people no eminent personality appears; the most eminent of them is Ἀντικλῆς Μέμνωνος Μελιτεὺς (PA 1069), nephew of Νεοπτόλεμος Ἀντικλέους Μελιτεὺς (PA 10652), one of the wealthiest Athenians of the fourth century according to D. 21.215. One more wealthy member of an orgeonic association passed unnoticed; Αἰσχύλος Διφιλίδου Προσπάτιος (PA 452) is a member of the Prospaltian orgeones of Asklepios (IG II<sup>2</sup> 2355) and an ancestor of his may appear in Finley 17 to have lent 3,240 drachmas. Less prominent are: Καλλιάρχης Φιλίνου Πειραιεὺς, (PA 7798) proposer of IG II<sup>2</sup> 1176, Λυσιμαχίδης Λυσιμάχου Ἀχαρνεὺς (PA 9480), eponymous archon for the year 339/8, and Κλειαίνετος Κλεομένους Μελιτεὺς (PA 8462) who served as arbitrator in 325/4.

The officials after the end of their term in office were honoured, usually by a crown of olive leaves. The causes for honouring them are described as follows:

IG II<sup>2</sup> 1252.2-3: ἐπειδὴ εἰσὶν ἄνδρες/ἀγαθοὶ  
περὶ τὰ κοινὰ τῶν ὀργεῶνων (because they are

good men for the common affairs of orgeones);  
ibid 7-8: ἀρετῆς ἔνεκα καὶ δικαιοσύνης τῇ(ς) εἰς  
τοὺς θεοὺς καὶ περὶ τὰ κοινὰ τῶν ὀργεῶνων

(because of virtue and righteousness shown to  
the gods and to the common affairs of the  
orgeones);

IG II<sup>2</sup> 1253.4-5: [ἐπειδὴ ἄν]/δρες δίκαιοι  
γεγόνασι περὶ τὰ κοινὰ τῶν ὀργειῶνων (because  
they have been honest men about the common  
affairs of orgeones);

ibid 7-8: ἐπαινέσαι αὐτοὺς δικαιοσύνης ἔνεκα  
(praise them for honesty);

IG II<sup>2</sup> 1259.4-6: καλῶς καὶ φιλοτίμως  
ἐπιμε[μέ]/ληνται τῶν [τε κ]οι[ν]ῶ[ν] κα[ὶ] τῶν  
θυσιῶ[ν] (they took care well and zealously of  
the common affairs and the sacrifices).

Only in the third case there is a clear statement  
about the reason of honouring. In the first two cases the  
causes are not so explicit; but it must mean that the men  
named have contributed in one way or another to the  
well-being of the association. Ferguson (1944: 86-7)  
notes that

it is a fair inference that they were also Hosts  
and the same is doubtless true of the two men  
honoured in IG II<sup>2</sup> 1253.

But I do not think that this inference is fair, since the  
terminology in 1252 and 1253 is totally different from the



one used in 1259. In particular, in 1252 and 1253, the men are honoured because of their conduct as ἀγαθοὶ and δίκαιοι towards ὀργεῶνες, while in the third there is a clear statement about the successful fulfilment of the officials' duties. So, if in 1252 and 1253 the honoured are officers should there be a hint of their duties, as there is in 1259, in parallel with a reference to their exceptional services?

There is also a difference in the attributed honours: in the first two decrees a golden crown is mentioned, while the third one speaks of only a frugal crown of olive leaves.

Certainly, there is the possibility that the honoured persons in IG II<sup>2</sup> 1252 and 1253 are not members of the associations. In this case, taking account of the crowning as an incentive to members to serve the association, it seems quite unlikely that the association could afford so great expense in order to honour a non-member. The right of free libation (IG II<sup>2</sup> 1252.11) would concern only a member of the association.

However, in the first case (IG II<sup>2</sup> 1252), the contribution seems to be more significant because the value of the gold crown is estimated at 500 drachmas, plus the right to free libation<sup>87</sup> granted to them and to their

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<sup>87</sup> Ziebarth (1896: 157) suggests that χοῦς signifies a

descendants and a sum of money collected from all the ὀργεῶνες for a sacrifice and the erection of a memorial:

IG II<sup>2</sup> 1252.10-13: εἶναι δ' αὐτοῖς καὶ ἀτέλειαν τοῦ χοῦ ἐν ἀμφοῖν τοῖν ἱεροῖν καὶ αὐτοῖς καὶ ἐγγόνοις δοῦναι δὲ καὶ εἰς θυσίαν καὶ ἀνάθημα αὐτοῖς ὅ,τι ἂν δόξει τοῖς ὀργεῶσιν (they and their descendants are to have the right of free libation in both sanctuaries; and they are also to be given for sacrifice and dedication whatever the orgeones think fit).

The motivation caused to the other members of the association to imitate the honoured person(s) and either to hold an office or to contribute in some way to the well-being of the group is evident in these decrees. The motivation of this kind appears in almost all the similar inscriptions and probably was the only means of ensuring the permanence of the association. The most complete example of this kind comes from

IG II<sup>2</sup> 1252.19-22: ὅπως ἂν καὶ οἱ ἄλλοι φιλοτι[μῶντα] ἔπερὶ τὰ κοινὰ τῶν ὀργεῶνων εἰδό/[τες ὅτι χάριτας ἀποδ]ώσουσι τοῖς εὐεργετοῦ/[σιν ἀξίας τῶν εὐεργετημάτων] (so that the remaining members may also be generous in the common affairs of the orgeones, knowing that

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monthly contribution. For a parallel see Poland B 26.22.

the orgeones will give to the benefactors  
rewards commensurate with their benefactions).

In conclusion, ὀργεῶνες of heroes were small groups of people without considerable financial resources, gathered together, usually once a year, in order to honour the hero or the heroine. The organization of the group was elementary, corresponding to the needs of the size of the group. The cohesive force of the group identity and the membership was the cult and the feast which followed.

## CHAPTER 2

### CELEBRATION OF GODDESSES

#### *A. INTRODUCTION*

The first orgeonic association of goddesses appears towards the end of the second half of the fifth century. The introduction is connected with political and other motives, which creates difficulty in drawing any distinction between private celebration and public cult.

However, one should distinguish the public cult, which, at least, two of the foreign deities enjoyed, from the private one. Bendis had her own festival on the 19th of Thargelion (beginning of June) with a procession and a torch-light race, while Cybele had her own temple in the Bouleuterion. Their cult was drained of all the subversive or wilder elements, as Versnel (1990: 110-11) succinctly pointed out. In parallel, there were the religious associations in whose rites the survival of these features is more likely. Here, we are interested in the worship by groups of individuals and only occasionally in the cult sanctioned by the city.

Bendis' cult of orgeonic associations is the first known case, although Ferguson (1944: 95), alleged that the

introduction of Asklepios' cult in the orgeonic association of "Ἀμνυος was the transitional form, which enabled the introduction of the orgeonic cult for Bendis. But Bendis was a Thracian, almost "barbarian", goddess connected with the Thracian community. Asklepios was an import from the nearby Peloponnese. Moreover Asklepios' cult was introduced for the first time in 420 (IG II<sup>2</sup> 4960), while Bendis' in 429/8 had her own temple and sacrifices and possibly many more religious functions, such as the procession which presupposes the existence of ὀρχεῶνες. As a result, it is Bendis' cult that precedes Asklepios' cult and not vice versa. The reasons for the adoption of this foreign cult will be discussed in the following pages.

The pieces of evidence for the co-existence of these two types are plenty: there are many inscriptions, of the first and second type, dated to the fourth and third centuries. The first type has been examined in the previous chapter; the examination of the second type will start with the review of the literary evidence, and will go on to the scrutiny of the greatest part of evidence, which consists of inscriptions, preserving either honorary decrees or decrees regulating certain points of the association's life (see tables 4 and 5). Table 6 is a summary of dedicatory inscriptions, where a reference to these goddesses occurs.

## B. LITERARY EVIDENCE

Unfortunately, the literary evidence is meagre; an indirect reference in the Platonic corpus, concerning the procession of Bendis,<sup>1</sup> a remark in the Aristotelian Eudemian Ethics,<sup>2</sup> concerning rather the nature of the

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<sup>1</sup> Pl. R. A.327a, where there is a description of the procession and a reference to πάννυχis, the feast during the night: Κατέβην χθὲς εἰς Πειραιᾶ μετὰ Γλαύκωνος τοῦ Ἀρίστωνος προσευξόμενός τε τῇ θεῷ καὶ ἅμα τὴν ἐορτὴν βουλόμενος θεάσασθαι τίνα τρόπον ποιήσουσιν ἅτε νῦν πρῶτον ἄγοντες. Καλὴ μὲν οὖν μοι καὶ ἡ τῶν ἐπιχωρίων πομπὴ ἔδοξεν εἶναι, οὐ μέντοι ἥττον ἐφαίνετο πρέπειν ἢ οἱ Θρᾶκες ἔπεμπον. [I went down yesterday to the Peiraeus with Glaucon the son of Aristion, that I might offer up my prayers to the goddess, and also because I wanted to see in what manner they would celebrate the festival, which was a new thing. I was delighted with the procession of the inhabitants; but that of the Thracians was equally, if not more, beautiful. translated by Jowett, B. (1953) The Dialogues of Plato, 4th edition, Oxford: CP]. In 328a there is a reference to torch-light and horses.

<sup>2</sup> Arist. EE 1241b 25: Αἱ δὲ ἄλλαι κοινωνίαι εἰσὶν μόριον τῶν τῆς πόλεως κοινωνιῶν οἷον ἡ τῶν φράτερων ἢ τῶν ὀργέων(ων) ἢ αἱ χρηματιστικαὶ [ἐτι πολιτεῖαι] (The other partnerships are a constituent part of the partnerships of

associations, which will be examined in chapter five, and a late mention of ὀργεωνικὰ δεῖπνα in Athenaeus'

Δειπνοσοφισταί.<sup>3</sup>

In conclusion the few literary references of the classical period suggests that ὀργεῶνες as a type of religious organization included for the first time groups of people worshipping foreign goddesses. In contrast, the traditional type of hero cult persisted, with feasts being their most characteristic manifestation, as Athenaeus mentions.

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the state - for example that of the members of a brotherhood or a priesthood, or business partnerships).

<sup>3</sup> Ath. Deipnosophistai 5.185e-186a: τῶν δὲ νῦν δεῖπνων προνοοῦντες οἱ νομοθέται τὰ τε φυλετικὰ δεῖπνα καὶ τὰ δημοτικὰ προσέταξαν, ἔτι δὲ τοὺς θιάσους καὶ τὰ φρατρικὰ καὶ πάλιν τὰ ὀργεωνικὰ λεγόμενα (The old lawgivers, providing for the modern dinners, ordained both the tribe and the deme dinners, and over and above these the dinners of the sacred bands, the brotherhood dinners, and again those which are called "orgeonic"). Fisher (1988: 1180) claims unconvincingly that the thiasoi and orgeones mentioned in this passage have some connection with phratries.

### C. EPIGRAPHICAL EVIDENCE

The twenty seven inscriptions concerning the orgeones of goddesses have been classified in two categories; table 5 includes honorary decrees while in table 4 all the remaining decrees and resolutions are collected.

The identification of the goddesses is not easy, since in most of them there is a vague reference to ἡ θεὸς. Among the sixteen inscriptions of Table 5, only four make a clear reference to the worshipped deity [IG II<sup>2</sup> 1324 Βένδης and Δηλόπτης, 1325 Διονυσιασταὶ, 1337 Ἀφροδίτη Συρία and SIA I, p.263:19 Ἀφροδίτη]; in the remaining cases we may either infer the deity from evidence given in the inscription [IG II<sup>2</sup> 1256, a relief of Βένδης and Δηλόπτης - 1315, a mention of Ἀττίδεια, a festival in honour of Ἀττις, a male deity connected with Μήτηρ Θεῶν - 1327, a mention of Μητρώωι, as the Mother's of the Gods temple - IG II<sup>2</sup> 1329.15 and SEG 17.36, a mention of στρώσεις, a ritual occurring in the orgeonic association of the Mother of the Gods - SEG 21.531, where the office of ἱεροποιοὶ occurs; that leads us to Bendis, the only orgeonic association in Athens having officials with this title - IG II<sup>2</sup> 1284A and B in which the proposer is the same person as the proposer of 1283] or from the place where the document was found [IG II<sup>2</sup> 1314, 1316 and 1334].

Table 4 includes documents in which the worshipped deity is identifiable, either because there is a reference



to the deity's name (IG II<sup>2</sup> 1326, Διονυσιασταὶ - IG I<sup>3</sup> 136, Βενδῖδι - SEG 21.528, τῆς Ἡγεμόνος - SEG 19.125, mention of Βενδῖδι, Δηλόπτει and Θράκες) or there are strong implications about it (IG II<sup>2</sup> 1361, the mention of a festival in the month of Θαργηλιῶν lead us to Bendis - 1283, where there is a reference to Thracians - 1328A and B, in which the theophoric name Μητροδώρα occurs, the proposer of 1328A is one of the epimeletai of 1327, the rite of ἀγερμός and the place of unearthing are sufficient proof of the identity of the cult - and finally 2361, in which the name of the deity, Βελλήλα - Εὐπορία is explicitly stated); the fragmentary IG II<sup>2</sup> 1351 cannot be attributed to any deity.

The introduction of Bendis' cult in the Athenian society<sup>4</sup> raises several problems, concerning not only the foundation of the new cult and its raison d'être, but also its connection with ὀργεῶνες, that is when an orgeonic

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<sup>4</sup> The most recent ad hoc account of Bendis' introduction in Athens is provided by Simms (1988), who virtually follows Ferguson (1944). Garland (1987: 118-122) and (1992: 111-14) although he adopts Nilsson's interpretation in principle, remarks succinctly on the possible role of Artemis' priesthood in the introduction of Bendis. Versnel (1990: 111-13) simply summarizes the available evidence. See also LIMC III.1 Βένδης.

association in honour of Bendis was formed and how it could bear the title *ὀργεῶνες*.

The first clear evidence about the cult of Bendis in Athens comes from IG I<sup>3</sup> 383, col. II.143 of the year 429/8, where the name of the goddess occurs, according to the widely accepted restoration *Ἀδρα[στείας] καὶ Βε[νδίδος]*. In this inscription, accounts of the treasurers of the Other Gods are preserved, which were issued in connection with Kallias' financial decrees of 434/3,<sup>5</sup> according to which all the temples' treasures should be stored in the Acropolis. Early references<sup>6</sup> to the Thracian community in Athens or to a cult of Bendis in Lemnos occur in Kratinos' lost comedy *Θράκται*,<sup>7</sup> dated sometime before 430, and in an Aristophanic comedy, which was lost as well, *Λήμνται*.<sup>8</sup> Both instances imply that the goddess was worshipped exclusively by Thracians and suggest that the goddess was familiar to Athenians;

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<sup>5</sup> IG I<sup>3</sup> 52, M-L 58, SGHI 51.

<sup>6</sup> SEG 16.19 (end of 6th or beginning of 5th century) from Eleusis may preserve the earliest reference to Thracians, according to the restoration of Peek in SIA I, p.313 No 46.

<sup>7</sup> PCG IV frg. 85.

<sup>8</sup> PCG III.2, frg. 384.

however, they cannot provide conclusive evidence about the existence of the cult in Athens or the influence of the Thracian community.

Nevertheless, an inscription known earlier but published in 1954<sup>9</sup> seemed to challenge the primacy of IG I<sup>3</sup> 383. According to its editio princeps, the inscription, which consisted of three fragments named A, B and C, was dated between the years 432 and 430. Since then, the same text has been reproduced several times<sup>10</sup> and consequently, a lot of restorations and emendations have been proposed. It is worthwhile to review the main points of the debate about the content and the possible date, setting aside all the epigraphical problems, whose solution is difficult, since only fragment C is still preserved.

Nilsson (1942) attributed the introduction of Bendis' cult to the broader pursuits of the Athenian diplomacy in Northern Greece and especially to the alliance with the

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<sup>9</sup> Παππαδάκης, N. (1937) "Ἱερὸς Νόμος Βενδιδαίων" ΑΕ vol.3, 808-823 (appeared in 1954).

<sup>10</sup> See in chronological order, Peek, W. (1941) "Heilige Gesetze", MDAI.A 66, 207-17, Nilsson (1942), Roussel (1943: 31-44), Ferguson (1949), SEG 10.64A and B, Bingen (1959), Pecirka, (1966: 122) and recently in IG I<sup>3</sup> 136 in which full bibliography is provided.

Thracian king Sitalkes. For Nilsson, then, foreign policy dictated a certain choice in domestic religious policy.<sup>11</sup> The revival of the cult in the end of the fourth century was due to reforming policy of Lycurgos.

The first detailed and thorough study of the text was published in 1949 by Ferguson, who was unaware of the editio princeps, but arrived at more or less the same conclusions. He maintained that these three fragments are parts of one stele, containing two decrees passed on the same day in the Athenian assembly, the first (A) establishing the public character of Bendis' cult and the second (B and C) regulating the offices and the procession from the city's hearth (πρυτανεῖον) to Piraeus. Ferguson, recognized as the limit ante quem the year 411 since the board of κωλακρέται, mentioned in the inscription, was abolished

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<sup>11</sup> The evidence about this special relation and alliance is provided mainly by Thucydides 2.29 and 2.96 [Gomme, A.W. (1956) A historical commentary on Thucydides, III, 89-91 and 241-43, Oxford: CP]. Ar. Ach. 134-173 (425) shows, through grotesque exaggeration, the special relations and the particular importance of the alliance and the expectations of the Athenians, almost six years after its conclusion. Parke (1977: 149), Garland (1987 and 1992: 111-13) and Versnel (1990: 111) follow Nilsson's interpretation.

at that date and as the limit post quem the year 432/1 because of the occurrence of the word πολεμίου which reveals that the city was at war. Nevertheless, he dated the inscription in 430, thinking that actually the limit ante quem was the year 429/8 (IG I<sup>3</sup> 383), and connected the introduction of the cult with the plague,<sup>12</sup> which broke out in the summer of the same year.

Bingen (1959), following Roussel's (1943) remarks about the position of the fragments, was the first who systematically disputed not only the date, but also the content of the inscription. In particular, he accepted the ante and post quem limits, as they are determined by the internal evidence of the inscription. He dated the inscription in the year 413/2, on the grounds that a) the only identifiable person mentioned in it is Πασιφῶν Φρεάρριος (PA 11668),<sup>13</sup> who was one of the ten generals of the year 410/09 according to IG II<sup>2</sup> 304.35 b) the mention of the archon's name is common in the prescript of decrees

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<sup>12</sup> Ferguson's (1949: 157-62) suggestion is followed by Hoddinot (1981: 170) and Freuburger et al. (1986: 102). Nilsson (1951: 46 n.20) opposed that view. Roussel (1943: 178) characterized Bendis as "une déesse guerrière". Others like Simms (1988: 66) and Garland (1992: 113) prefer to underline her similarity to Artemis.

<sup>13</sup> According to Raubitschek's remark in SEG 10.64 B.

in that period;<sup>14</sup> so the gap of Κλε[.....] should be filled with the name of the archon for the year 413/2, that is Κλε[ὄκριτος...]. Concerning the inscription's content, Bingen (1959: 35) says:

Ce que le décret envisage ici en rapport avec Bendis, peut n'être que des rétouches, des amplifications secondaires d'un culte existant, peut-être la création de la pannychis et l'organisation d'une pretrise.

Consequently, the introduction of Bendis' public cult would have taken place earlier than 413/2.

Probably IG I<sup>3</sup> 136 does not offer us any decisive evidence to define the exact date of the introduction of Bendis' public cult in Athens. It only suggests that alterations or modifications in the performance of the public festival were considered essential in the end of the fifth century, probably in order to increase the number of participants and the attractiveness of the celebration. These alterations may well be reflected in the description of the procession in Pl. R. A.325a.

Therefore the problem of "when" and "why" for the adoption of Bendis' public worship remains open. She was known in the Greek world since the middle of the sixth

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<sup>14</sup> Henry, A.S. (1977) The prescripts of Athenian Decrees, Leiden: Brill.

century.<sup>15</sup> In Athens, she was known earlier than 430 and already in 429 there was a temple in her honour.<sup>16</sup> Freyburger et al. (1986: 102) maintain that the introduction of the cult followed an epidemic of 445; their only argument comes from the date of the Cratinian fragments mentioned above. Garnsey (1984: 4-5) tentatively suggests 433 as the year when the state officials sanctioned the public cult of Bendis, while Fisher (1988: 1186) dates the official introduction down to 413/2 ignoring IG I<sup>3</sup> 383. It is difficult to decide when exactly the cult of Bendis was introduced as official, but I think that most probably it took place near the

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<sup>15</sup> IEG, Hipponax frg. 127.

<sup>16</sup> The first clear evidence about Bendideion is provided by X. HG 2.4.11. in the narration of the events of 403: Οἱ δ' ἔκ τοῦ ἄστεως εἰς τὴν Ἱπποδάμειαν ἀγορὰν ἐλθόντες πρῶτον μὲν συνετάξαντο, ὥστε ἐμπλῆσαι τὴν ὁδὸν ἣ φέρει πρὸς τε τὸ ἱερὸν τῆς Μουνιχίας Ἀρτέμιδος καὶ τὸ Βενδίδειον (And the men from the city, when they came to the market-place of Hippodamus, first formed themselves in line of battle, so that they filled the road which leads to the temple of Artemis of Munichia and the sanctuary of Bendis) and concerns the year 403. Before, one has to rely on IG I<sup>3</sup> 383. IG I<sup>3</sup> 136 was found in the vicinity of this place.

beginning of the Peloponnesian War, but before 431/0, considering the importance of the Athenian-Thracian alliance for the Athenians.

In this point, one has to distinguish between grant of enktesis and the public character of a cult. The former does not presuppose the latter, or as Pečirka (1966: 125) puts it:

The enktesis for building a temple to the goddess Bendis was probably granted to the Thracians earlier than the year 429/8, whether in connection with official recognition of the cult or before that was effected.

Therefore, a public cult does not need the right of enktesis<sup>17</sup> and Bendis' cult was already public in 429/8. It is more reasonable to assume that a right of enktesis was granted to Thracians<sup>18</sup> (according to the example of IG II<sup>2</sup> 337 and the reference in 1283) and only later the cult was adopted as public by the city.

The adoption of a cult was never the result of foreign policy or subservient to the objectives of foreign

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<sup>17</sup> Contra Stelzer E. (1971) Untersuchungen zur Enktesis im attischen Recht, 27, Diss. München.

<sup>18</sup> Garland (1992: 112) claims that there is no evidence of a right of enktesis granted to Thracians. His argument is not convincing as he seems to overlook IG II<sup>2</sup> 1283.



policy. The assembly could not impose bluntly any new cult as public if the cult did not have any pedigree in the city. The worship of Bendis was known to Athenians because of the flowering Thracian community in Piraeus. Therefore, the introduction of Bendis among the city's deities could not have been sudden or revolutionary; it must have been rather the result of a slow procedure of integration, and the break of the Peloponnesian war offered the proper (political) opportunity to introduce her as the goddess worshipped by the city.

Another problem concerns the public character of the Bendideia, the festival in her honour. Ferguson (1944: 102) maintained that Bendis had a public cult in Athens, since the skins of the sacrificed animals, that were furnished by the city, were given back to the city (IG II<sup>2</sup> 1496, 334/3), the flesh of the victims was distributed among the magistrates and the people, the procession was ordered by a public law (1283.9) and

since the Bendideia was a public fete the civic hieropoioi were concerned generally with its management (100, n.45).

As a result

the use of the name "orgeones" by the Thracians was quite extraordinary and is, in my opinion, grounded in the performance by them, by order of the state, of a public function (104).

Ferguson's interpretation connects Bendis' public

cult with the function of the cult associations of her devotees. In his opinion, the role of the associations in the cult was strictly instrumental, namely to provide the folk for the procession. Their autonomy was limited (hieropoioi were appointed by the city for the sacrifices) and their very name was part of a deal. Thus, there is no place for the so much praised autonomy of the "Solonian" law. I think that we have to distinguish between city-cult and cult by groups. Bendis probably had both; the remaining problem concerns the degree of overlapping between public and private celebration. The private celebration probably followed the public festival and had the form of a *πάννυχis*.

They were at least two orgeonic associations in the beginning, and three after 260/59;<sup>19</sup> two in Piraeus one of citizens and one of Thracians, and one of Thracians in Athens (after 260/59). The only clear evidence about this distinction is the extract from Plato's *Republic* where ἡ τῶν ἐπιχωρίων πομπή is referred to in parallel with τῶν

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<sup>19</sup> The foundation of a second Thracian orgeonic association (IG II<sup>2</sup> 1283) was due to the political circumstances and the Chremonidian war, according to Gauthier, Ph. (1979) "La réunification d'Athènes en 281", *REG* 92, 397. IG II<sup>2</sup> 1283 is the decree with which the ritual order is re-established.

Θρακῶν and IG II<sup>2</sup> 1283.9.

Ferguson (1944: 98), followed by Simms (1988: 69), adopted Wilhelm's<sup>20</sup> distinction of the orgeonic associations based on i) the date of the assembly, and ii) the kind of the crown. He claims that documents which are dated on the eighth day of the month, or in which a crown from oak leaves is mentioned, belong to the Thracian ὀρχεῶνες (IG II<sup>2</sup> 1283 and 1284A, B), while those dated on the second day of the month (1361) or which crown bene meritos with a crown of olives (1324), belong to the citizen association. The weakness of this interpretation lies in the fact that not even one of the documents of the second category satisfies all the requirements of the classification. In particular, in 1255 there is no mention of a date and the crowns are golden, of only 100 dr. each; in 1256 two epimeletai are honoured with a golden crown and they are called only with their names without any patronymic or demotic in contrast with the full identification of the honoured in 1255;<sup>21</sup> in 1324 an olive leaves crown is awarded to one epimeletes, mentioned

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<sup>20</sup> Wilhelm, A. (1902) "Inschrift aus den Peiraeus" JOAI, 5 132-34.

<sup>21</sup> Poland (1909: 307) claims that the honoured may have been foreigners; however, I think that any suggestion remains unsubstantiated due to the lack of evidence.

again with his name only as in 1256. Moreover, the evidence concerning the worshipped deity suggests that the Thracian hero Deloptes was worshipped as a consort of the goddess only by the Thracian devotees; so, SEG 19.125 and IG II<sup>2</sup> 1324 cannot belong to the citizen *ὀργεῶνες*.

A possible date for the forming of associations and naming them *ὀργεῶνες* could be established if we assume that the procession was heavily dependent upon the number of *ὀργεῶνες*. It is probable that the orgeonic associations were founded whenever the procession was established to make it as impressive as possible for the Athenians.

For the introduction of Cybele two views have been expressed. According to one of them, which relies, mainly, on the results of the excavation in the Old Bouleuterion, the cult was introduced earlier than the Persian wars.<sup>22</sup> Thus, an old archaic structure hardly visible today, is supposed to be the first sanctuary of Cybele. After the end of the Persian wars and the execution of one of Cybele's devotees, the Athenians, after Delphian consultation, gave to her cult a place in the Bouleuterion.<sup>23</sup> The second view asserts that the

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<sup>22</sup> For more details see Vermaseren (1977) and Versnel (1990: 105-111).

<sup>23</sup> Vermaseren (1977: 33) and Simms (1986: 89); Versnel

official cult was introduced in the beginning of the Peloponnesian war, since Cybele was considered a healing deity.<sup>24</sup> Earlier the cult of Cybele was performed by a private association of foreigners, metics and slaves. Cybele must have been known already in the sixth century in the Greek world since she is mentioned in Semonides (IEG vol.2, frg. 36), Hipponax (IEG vol. 1, frg. 127) and in Pindar's *Pyth.* 3.77. But her cult had common elements with the cult of Rhea and Demeter, without the mysteries.

The cult of Cybele's orgeonic associations<sup>25</sup> appeared

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(1990: 105-111) summarizes the available evidence (Jul. *Or.* 5.159, Sud.  $\mu$  1003 and Phot. *Lexicon* s.v. *Μητραγύρτης*) and concludes that probably the cult was known in the early fifth century. According to Versnel (1990: 106 n.37) what gives credit to this story is a scholion in Aesch. 3.187: *Μητρώω] ἔγνωμεν καὶ ἐν τοῖς Φιλιππικοῖς, ὅτι μέρος τοῦ βουλευτηρίου ἐποίησαν οἱ Ἀθηναῖοι τὸ Μητρώον ὃ ἐστὶν ἱερὸν τῆς Ῥέας διὰ τὴν αἰτίαν ἐκείνου τοῦ Φρυγὸς*. But we cannot be sure that the scholion does not reproduce simply the story of Jul. *Or.* 5.159.

<sup>24</sup> Frappicini, N. (1987) "L'arrivo di Cibeles in Attica", *PP* 42, 12-26.

<sup>25</sup> All the epigraphical and cultic material concerning the cult of Cybele in Athens is collected in Vermaseren, M.J. (1982) *Corpus Cultus Cybelae Attidisque* vol. III, 4-120,

quite late, in the third quarter of the third century. Previously, she was worshipped by a *κοινὸν θιασωτῶν* in a temple on a coast of Piraeus, from the early fourth century and onwards. This temple or *Μητρώιον* was used, according to Ferguson (1944: 103 and 137-40), by *θιασῶται* and sometime

between the years 284/3 and 246/5? B.C. by orgeones who were of course citizens (103)... the thiasotai must have been hit hard by economic vicissitudes of the foreign traders and sea-merchants of the Piraeus during the critical epoch in which the association ceased to exist...but as far as I know there is no parallel to the transfer of a hieron from aliens to citizens. Yet this is what most probably occurred with the Metroon in Piraeus between 284/3 and 246/5 B.C.

The only arguments in support of this interpretation come from IG II<sup>2</sup> 1273, a decree of *θιασῶται* mentioning the building of their *οἶκος* and 4609, a dedication from the end of the fourth century.<sup>26</sup>

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Leiden: Brill.

<sup>26</sup> If one relies on the evidence from these dedications, then the temple in Piraeus may have existed since the beginning of the fourth century as IG II<sup>2</sup> 4563 (first half

Even if one accepts this argument at face value, two questions emerge from Ferguson's interpretation: a) how did the early *θλασῶται* acquire land in the fourth century, where they built the temple, since we know that *enktesis* was granted to ethnic groups (Thracians, Egyptians and Citians) rather than to cult associations as such, and b) in which way did the transfer of the temple from *θλασῶται* to *ὀργεῶνες* take place, when the record of transactions in which associations of this type participated is virtually empty?

In my opinion there was no transfer of property in this case. The plot of land was granted to an unknown ethnic group, consisting mainly of foreigners and metics. At a certain moment and for reasons unknown to us, but possibly because of prestige, they decided to include citizens in their association. Since the designation *θλασῶται* was not that attractive, they decided to call themselves *ὀργεῶνες*. This interpretation renders possible an explanation of the odd IG II<sup>2</sup> 1316, in which the name *ὀργεῶνες* is used in the text and *θλασῶται* is used in the depiction of crowns. If the change of the name was recent, the stone-cutter might have been confused about the new name of the group. Last but not least, the chronological gap of nearly forty years between 1273 and

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of the fourth century) found in Piraeus suggests.

1316 is no longer tenable; according to Meritt (1977: 173) 1316 is dated in 272/1 while 1273 should be dated in 281/80.<sup>27</sup>

In the section which follows, I shall try to examine critically all the evidence concerning the activities of the *ὑπερῶνες* of goddesses, that is foundation, membership, offices and honouring.

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<sup>27</sup> For details see below Ch. 3.



## I. FOUNDATION

The foundation of an orgeonic association worshipping a foreign deity by non-Athenians was allowed without any restriction concerning the right to form an association. The modalities of the introduction of new deities do not apply to associations.

However, it is known that an orgeonic association was a cult association and a place where the cult would take place was essential. Normally non-Athenians were not allowed to own land in Attica. But the acquisition of land by non-Athenians was accorded on the condition of the formal approval by the Athenian assembly. IG II<sup>2</sup> 337 is a well-known document of the Lycourgan era granting a plot of land (*χωρίον*) to the merchants from Citium of Cyprus in order to build a sanctuary. Foucart (1873: 127-8), Ziebarth (1896: 168) and recently Yunis (1988: 23) and Versnel (1990: 122) suggested that the grant of *enktesis* meant approval and introduction of the cult. Radin (1910: 52), Poland (1909: 81) and Baslez (1989: 14) asserted that the permission concerns only the acquisition of land and nothing else. Both views are correct, each *with its own* perspective. The resolution of the assembly allowed only the acquisition of a plot of land where the Citians could build a sanctuary, as Radin and Poland claim; at the same time this resolution tacitly approves the introduction of the cult of the Citians. If the request was not satisfied

then the group would not have any cult centre.<sup>28</sup> It is remarkable that in this decree there is no mention of cult-associations; recipients of the grant are the traders from Citium. The same is true for the Egyptians and the Thracians (IG II<sup>2</sup> 1283.4-5). This might have been a result of associating religion with the country of origin, and hence tolerating the corresponding cult, instead of individuals, as such, associated with a religious practice.

The grant of *enktesis* to certain groups had always this double function, namely allowing on the one hand the acquisition of land, where religious rites will be performed and, on the other hand, acknowledging the compatibility of this cult or any other activity held by the group with those of the city. In this way the Athenian state, while it did not forbid directly the right of association, hampered implicitly the acquisition of the necessary powers, which would allow the transformation of the cult into a reality.

Once the grant of *enktesis* was assured and the temple or the sanctuary was built, the devotees had to cope with another danger, namely that of being prosecuted, individually and not en masse,<sup>29</sup> for impiety. It would be

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<sup>28</sup> Wilamowitz (1881: 274).

<sup>29</sup> Garnsey (1984: 6) implies that a prosecution of a group

interesting to learn whether it was possible for any devotee to be prosecuted for impiety, on the grounds of introducing new (or foreign) deities. Foucart (1873: 127-8) claims that these associations, while they were legal as such, could have been considered as illegal if they did not have the authorization of the state for the cult. This problem is related to the problem of religious toleration<sup>30</sup> in general, although I doubt if such a concept appeared in antiquity at all.

According to the modern legal experience, a prosecution could be initiated only if a law or another statutory act existed, in which the criminal conduct is clearly defined. Thus, the first problem concerns the existence of a legally prescribed conduct as impious. Some scholars have claimed that a) the decree of

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was possible.

<sup>30</sup> Garnsey (1984: 5) suggests that the concept of religious toleration was unknown, because the city was not only a civic community but a religious community as well; so any threat to the established religion was considered as a menace for the democratic regime. Baslez (1989) claims that the alleged persecution of philosophers of the fifth and fourth centuries was suppression of a menace against the political, social and moral order of the city and not a restriction of the religious feeling.

Diopeithes preserved in Plu. Per 32 is the first instance of definition of impiety<sup>31</sup> and b) the testimony of Josephus Ap. 2.267-68<sup>32</sup> about the existence of a law against the introduction of new gods in Athens reaffirms the existence of legislation against impiety in Athens.<sup>33</sup> However, both testimonies are of a late period and made by non-Athenians; more or less six centuries separate Plutarch and Josephus from classical Athens. The decree of Diopeithes cannot be found in any other source of the period or later<sup>34</sup> although Diopeithes is a prominent figure

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<sup>31</sup> Rudhardt (1960: 90-1), MacDowell (1978: 200), Ostwald (1986: 532) and Garland (1992: 139-41).

<sup>32</sup> Νίνον γὰρ τὴν ἱέρειαν ἀπέκτειναν, ἐπεὶ τις αὐτῆς κατηγορήσεν, ὅτι ξένους ἐμύει θεοὺς. νόμῳ δ' ἦν τοῦτο παρ' αὐτοῖς κεκωλυμένον καὶ τιμωρία κατὰ τῶν ξένου εἰσαγόντων θεὸν ὥριστο θάνατος (they put Ninon the priestess to death, because someone accused her of initiating people into the mysteries of foreign gods; this was forbidden by their law, and the penalty decreed for any who introduced a foreign god was death).

<sup>33</sup> Foucart (1873: 132-35), Rudhardt (1960: 92-3), and Versnel (1990: 128).

<sup>34</sup> Dover (1975: 146-7), Cohen (1991: 212), Yunis (1988: 23) and Baslez (1989: 13).

in some Aristophanic comedies (e.g. Knights 1085, Wasps 380, Birds 988). Josephus' testimony seems to be better attested, since there is a reference to Ninus in a scholion to Demosthenes<sup>35</sup> to the same person. Yet again there is uncertainty whether that person was convicted for introducing new gods, that is for impiety according to

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<sup>35</sup> Sch. 495a in D. 19.281: ἐφ' οἷς φαρμάκοις καὶ ἄλλη ἱέρεια τέθνηκεν. λέγει δὲ τὴν Νίνον λεγομένην. κατηγορήσε δὲ ταύτης Μενεκλῆς ὡς φίλτρα ποιούσης τοῖς νέοις. That this scholion is reliable is confirmed by the title of Dinarchus' speech Κατὰ Μενεκλέους, preserved by Dionysios of Halikarnassos, in which it is noted that ὁ μὲν γὰρ κρινόμενός ἐστι Μενεκλῆς ὁ τὴν ἱέρειαν Νῖνον ἐλὼν. So, a certain Menekles in the middle of the fourth century prosecuted successfully a priestess called Ninus; for the accusation there are diverging details. However, the name of the priestess was known to the scholiast probably from D. 39.2 καὶ Μενεκλέα τὸν τὴν Νῖνον ἐλόντ' ἐκεῖνον and 40.9. Josephus claims that it was an impiety prosecution while according to the anonymous scholiast it was sorcery. In my opinion the testimony of the scholiast is more trustworthy, since he mentions a specific crime, probably drawn off a larger and detailed collection of scholia, and not a general statement about impiety which might be a misunderstanding.

Josephus, or for sorcery or as magician as the scholiast implies. Moreover, even if Josephus had another source, the possibility of misunderstanding is not reduced. Therefore, I think that the references to any law in the modern technical sense are not convincing. Ruschenbusch<sup>36</sup> followed by MacDowell (1978: 199), already pointed out that what the ancient sources call "law" might be a general statement of the type "If someone commits impiety,..."; in this context Cohen's (1991: 208) recent assumption of impiety as a culturally determined, flexible concept sticking to any contravention of the dominant political and social order is accurate. But beyond such a general statement one expects to see which people and which actual conduct are designated as impious. Cohen, for the sake of a universal interpretation, does not underline that victims of such prosecutions are principally foreigners and persons involved in cult as priests or priestesses.

There is much more difficulty in explaining factual cases. In the last quarter of the fifth century, according to late sources, there is almost a pogrom against the sophists, among whom are Protagoras, Anaxagoras, Prodikos, Diagoras of Melos, and later on in

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<sup>36</sup> Ruschenbusch, E. (1957) "ΔΙΚΑΣΤΗΡΙΟΝ ΠΑΝΤΩΝ ΚΑΛΩΝ" *Historia*, 6, 266.

the end of the fourth century Aristotle and Demades.<sup>37</sup> Socrates is of course the most eminent example of those prosecuted for impiety. There are numerous detailed discussions of Socrates' case,<sup>38</sup> some underlining especially the political character of the trial and the role that the continuous defamation of Socrates' activity in comedy played in his conviction. Some thought that the accusation of impiety was simply the pretext since there was not any other means to prosecute him for his relation with prominent oligarchs or opportunists like Alcibiades.

More solid ground for my purpose is offered by the cases of Phryne and Theoris,<sup>39</sup> while the evidence for Ninos

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<sup>37</sup> For a detailed discussion of the evidence concerning these cases see Dover (1975).

<sup>38</sup> See Brickhouse, T.C. and N.D. Smith (1989) Socrates on Trial, Oxford: CP and Connor, W.R. (1991) "The other 399: Religion and the trial of Socrates" in Flower, M.A. and M. Toher (eds) Georgika. Greek studies in honour of George Cawkwell, 49-56, (Bulletin Supplement 58), London: Institut of Classical Studies.

<sup>39</sup> Testimonia: a) D. 25.79: ἀλλ' ἐφ' οἷς ὑμεῖς τὴν μιὰν Θεωρίδα, τὴν Λημνίαν, τὴν φαρμακίδα, καὶ αὐτὴν καὶ τὸ γένος πᾶν ἀπεκτείνετε (the filthy sorceress Theoris of Lemnos, whom you put to death on that account with all her family); b) Plu. Dem 14.6: κατηγορήσε δὲ καὶ τῆς ἰέρειας

has been discussed above. All of them occurred in the second half of the fourth century. Theoris is referred to as a μάντις. For the accusation against her there are conflicting pieces of evidence. Demosthenes claims that Theoris was condemned as φαρμακίς while, a century later, Philochoros assures us that she was convicted on the ground of impiety. This ambiguity may be well explained if we consider the highly effective, emotive character of an accusation for impiety and its long lasting effect in the memory of the citizens. Theoris and Ninós may have been sorcerers or magicians, but the label of impious, when attached, probably by a skillful orator, led them to death. Phryne seems to offer the least controversial

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Θεωρίδος ὡς ἄλλα τε ῥαδιουργούσης πολλὰ καὶ τοὺς δούλους ἐξαπατᾶν διδασκούσης· καὶ θανάτου τιμησάμενος ἀπέκτεινε

(He also accused the priestess Theoris of many misdemeanours, and particularly of teaching the slaves to practice deceit; and by fixing the penalty at death he brought about her execution); and c) FGrHist 328 F60:

Θεωρίς, Δημοσθένους ἐν τῷ Κατ'Αριστογείτονος εἰ γνήσιος, μάντις ἦν ἣ Θεωρίς καὶ ἀσεβείας κριθεῖσα ἀπέθανεν ὡς καὶ Φιλόχορος ἐν ᾧ γράφει [Theoris, Demosthenes in his speech against Aristogeiton if it is genuine, Theoris was a mantis and being prosecuted for impiety executed, as Philochoros writes in the sixth book (my translation)].



example of prosecution for impiety.<sup>40</sup> For Foucart (1873: 136 and 1902: 217) her case together with Josephus' testimony is enough proof that there was a law punishing impiety. But the preserved text is clear, Phryne committed impiety, because she parodied mysteries, she introduced a new god and convened illegal confraternities of men and women. Each of these acts in itself may constitute a minor cultic offense, but all together can support a *γραφὴ ἀσεβείας*. If *ἀσέβεια* had been defined in the law, Euthias would not have proceeded to explain the deviant conduct. Thus, I do not think that Phryne's case can support the claim for the existence of a law on impiety. Moreover, if there was any law forbidding the introduction of foreign cults, denoting these acts as impiety, then it would be difficult to explain the blooming of foreign deities in the fourth century.

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<sup>40</sup> The actual accusation against Phryne may be preserved in the summary of Euthias' speech as emended by Foucart (1902: 218): 'Ἐπέδειξα τοίνυν ὑμῖν ἀσεβῆ Φρύνην, κωμάσασαν ἀναιδῶς <ἐν Λυκείῳ> καινοῦ θεοῦ εἰσηγήτριαν, θιάσους ἀνδρῶν ἐκθέσμονς καὶ γυναικῶν συναγαγοῦσα [So, I have proved that Phryne is impious, by reveling without shame <in the temple of Apollon Lykeios>, by introducing a new god, and convening outlawed confraternities of men and women (my translation)].

It is remarkable that apart from philosophers and the particular case of Socrates', in which more than one factor led to his conviction, the remaining cases concern priestesses or persons with ritual duties. The prominent role of a priestess in the cult might have considerable impact on the devotees and her prosecution may have been a source of deterrence and open disapproval of the new cult. This suggests that, because of their active involvement in the cult, priestesses were an easier target for any prosecutor than the devotees.

The introduction of a new deity was confronted with the religious beliefs and practices of the Athenians and it would be very easy for anyone to be prosecuted on the grounds that he or she introduced a new religion and did not believe in city's gods. In these very dangerous circumstances, there were two ways of escape: a) to connect the new deity with one of the Greek Pantheon, usually devising an aition, and b) the introduction of the cult by an oracular response (IG II<sup>2</sup> 1283.4). In that way, the worshippers and the priesthood of a new deity would escape any prosecution and at the same time they would attract more new devotees; but the danger of assimilation in the existing cults was always present.<sup>41</sup> This pattern was followed a) in Bendis' case, where she is

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<sup>41</sup> Versnel (1990: 110).

identified, at least pictorially, with Artemis, b) in the worship of the Mother of the Gods, who had been earlier identified with Rhea or Demeter, and the more savage and cruel part of the worship was followed only by the *θιαῶται* in Piraeus, and c) in the case of a Syrian deity worshipped as Aphrodite.

## II. MEMBERSHIP

There are not enough documents among the preserved decrees which offer conclusive evidence about the way or ways of joining this kind of orgeonic association.

There are sufficient indications that, at least for the cult of Bendis, there were two orgeonic associations, one for the Athenians and one for the Thracians, and after 260/59 still one more for the Thracians living in Athens.<sup>42</sup>

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<sup>42</sup> The distinction between Athenians and Thracians is the pattern of organizing the worship mainly in the late fifth century, reflecting the main duality concerning the civic status of a person. This rule seems to relax in the third century, when the orgeonic association of the Mother of the Gods accepted some non-citizens in its ranks; it is especially interesting in the case of Ergasion, a person without any patronymic or demotikon or even toponymic, appearing as epimeletes in IG II<sup>2</sup> 1327. Although it is the only known case, Ferguson's assumption (1944: 140)

It is possible that all the three associations had different procedures of admission, stricter for the Athenians and more lax for the Thracians.

Ziebarth (1896: 141) suggested that two qualifications were necessary for membership in an association of this kind: citizenship (*bürgerliche Qualität*) and moral qualities (*moralische Qualität*). But the orgeonic association of Thracians, as well as the *ὀργεῶνες* of the Mother of the Gods (IG II<sup>2</sup> 1327), did not consist exclusively of citizens. As for the moral standards, Ziebarth did not offer any examples except the late IG II<sup>2</sup> 1366 and 1369, which can hardly apply in the social context of the fourth and third century.

The only relevant text is 1361 of the second half of the fourth century, attributed by Ferguson (1944: 98) to citizen *ὀργεῶνες*, where a pattern of joining the orgeonic association is described as follows (IG II<sup>2</sup> 1361.21-4):

ὅπως δ' ἂν ὦ/[s πλ]εῖστοι ὦσιν ὀργεῶνες τοῦ  
ἱερο[ῦ], ἐξεῖναι [τῷ] βουλομένῳ  
εἰσεν[έ]γκαντι/[...δ]ραχμὰς μετεῖναι αὐτῷ τοῦ  
ἱεροῦ καὶ εἰς τὴν στήλην ἐγγράφεσθαι, τ[οὺς]/[δὲ  
γεγραμ]μένους εἰς τὴν στήλην δο[κιμὰ]ζειν τοὺς  
ὀργεῶνας (so that the orgeones of the temple may

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that he was an alien seems more plausible than Poland's (1909: 306) claim that he was a slave.

be as many as possible, anybody who wishes to join is to be allowed to participate having paid ? drachmas and his name is to be inscribed on a stele, and those inscribed are to be scrutinized by the orgeones).

The inscription clearly defines the reason and a procedure to follow to increase the number of the members. First, the candidate should pay a certain sum of money, the exact amount is unknown, and then be registered in a list recorded on a column; only the candidates whose names have been recorded on the column would pass to the second stage of the scrutiny, which was held by the members of the association. We do not know anything about the content of this scrutiny, whether it was similar to the one held in demes or to others taking place in religious groups and having connection with cleansing or abstention.

Ferguson (1944: 99-100) alleged that a new pattern of recruitment is introduced by this provision. As an argument ex silentio, he claimed that before the second half of the fourth century the admission to orgeonic associations was hereditary. His main argument comes from IG II<sup>2</sup> 1361.1-2:

----]χεναικε.<sup>θ</sup>.ιε.<sup>θ</sup>.ας ὅποσοι ἐν τῇ[ι στή]λῃ[ι  
 ἐ]γ[γεγρα]μμένοι εἰσὶν ἢ το[ύς τ]ούτων ἐκγόνους  
 V (as many as are inscribed on the stele or  
 their descendants).

which implies that the association had inscribed on a stele the names of its members.

Ferguson's point concerns the existence of a stele with the names of the members and their descendants. First of all the fragmentary condition of this part of the inscription makes any interpretation difficult. Moreover, in lines 22-3 another stele is mentioned; so this particular association would have at the end two stelai with members. To assume that lines 1-2 have any connection with membership or joining the association would be rather hazardous in view of lines 22-3. The content of the inscription is articulated in sections; in each of them a different subject is treated. So IG II<sup>2</sup> 1361.1-2 cannot concern sacrifices (1.4-8), repair (1.8-12), finances or the mode of joining the association (1.20-24) with which the association has dealt below. The association probably kept one updated stele, any application had to be registered and in case of unsuccessful scrutiny the name had to be erased.

The reason for such hypothetical change, if there was any, in the admission policy of the ὀργάνους of Bendis, is mentioned in lines 20-21; it is the need for having more members, to make the procession more impressive, financial independence, a more approachable target and, finally, the recruitment of new devotees easier and more effective.

The next issue concerns the participation of women in the association and their functions. There is no clear

reference to women being members. However, we know that, in the *ὀργεῶνες* of Mother of Gods, there was the office of priestess, to which a woman was elected every year from the womenfolk. Some other ritual duties were performed by women bearing titles such as *φιαληφόροι* and *ζάκοροι*. In the orgeonic association of Bendis the wives of the members participated in the banquets after the sacrifice and a portion of the sacrificed animal was given to them, and after 413/2 they could be elected as priestesses. We do not know whether the selection presupposed the woman's individual participation in the association's life, as seems to be the case in IG II<sup>2</sup> 1314, or whether her husband's membership<sup>43</sup> was enough qualification for selection, as it seems in 1316. It is possible that at an earlier stage participation of the husband was necessary and only later women could participate in their own right.

### III. OFFICES, OFFICERS AND HONOURS

For the administration of orgeonic associations,

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<sup>43</sup> Ferguson (1944: 109 n.53) following Poland (1909: 298) maintains that women did not participate in the associations *ipso jure* but "through being wives, sisters, daughters of members". On the other hand Foucart (1873: 6) claims that women played a considerable role in an association's life.

there were numerous offices and officers. It seems that the officers were allotted or elected in the first assembly of the members in each year, probably for a one-year term of office. The terms designating the method of selection of an officer are: λαχούσα (allotted), a term used exclusively for an *ἱέρεια*,<sup>44</sup> and αἵρεθεις (elected) for the remaining officers. There were also the neutral terms γενόμενος and κατασταθεις,<sup>45</sup> designating that someone has been in office.

Although the offices in general were held annually, it was not uncommon that certain officials held the same office for more than a year, as described in IG II<sup>2</sup> 1325, 1327, 1284B, 1329, and 1334; whether they were in office in consecutive years is not clear. Ziebarth (1896: 147) maintained that such cases were exceptional, but it seems to me that in the course of time this exception might have become the rule.

(i) Meetings: All the associations seem to hold monthly meetings. The time of the meeting is designated with, for example, the expression Μουνιχιῶνος ἀγορᾶι

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<sup>44</sup> Poland (1909: 416).

<sup>45</sup> Poland (1909: 417) argues that the expression καθίστημι etc designates officers appointed. But it was also possible that sometimes an appointment was hidden behind an expression of election or allotment.



κυρίαι (April/May), a quite common date for the meetings of the ὀργεῶνες of the Mother of the Gods [see IG II<sup>2</sup> 1314, 1315, 1327, 1328A, 1328B and 1329 but not in 1316 where the date is Hekatombaion (July/August)]; the Διονυσιασταὶ held their assemblies in Posideon (December) (see IG II<sup>2</sup> 1325 and 1326), the orgeonic associations of Bendis met either in the month of Skirophorion (June/July) (1284B) or Hekatombaion (1283) and for Aphrodite in Skirophorion and Thargelion. A uniform dating system is followed, according to which the documents of almost all the associations are dated with the name of the eponymous archon of the city.<sup>46</sup>

However, these dates are given only in connection with the honouring of officials, normally after the end of their term in office and they cannot help us to determine the frequency of the other meetings, apart from the orgeonic association of Bendis in which monthly meetings were held (1361). In this respect the terms ἀγοραὶ κυρίαι, which occurs in the majority of our records, and ἀγορὰν καὶ ξύλλογον ποεῖν, raise questions concerning their meaning in an associative context.

The Athenian ekklesia<sup>47</sup> in the fourth century was convened four times in the period of each prytany and the

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<sup>46</sup> Contra Ziebarth (1896: 147).

<sup>47</sup> Hansen (1983: 35-62), (1987: 20-4) and (1989: 197-92).

term *ἐκκλησία κυρία* was used to designate only the first meeting. It is, then, probable that, by analogy, the phraseology was adopted by the associations and denoted the first meeting of each month.<sup>48</sup> In this case, there must have been, at least, one meeting per month. Ziebarth (1896: 144) claimed on the basis of IG II<sup>2</sup> 1361 that the day of the assembly was constitutionally fixed. It may be possible to confirm Ziebarth's assertion depending on the way of interpreting this particular document. In my opinion IG II<sup>2</sup> 1361 cannot be considered as a constitution in the modern sense, and hence I do not think that Ziebarth's argument is convincing.

The second phrase *ἀγορὰ καὶ ξύλλογον ποεῖν* distinguishes between *ἀγορὰ* and *ξύλλογος*;<sup>49</sup> if we suppose that the first term describes the ordinary assemblies of the association every month, the second can designate neither an extraordinary meeting, since these two meetings are held on the same day, nor a religious ceremony for the same reason. Poland (1909: 331 n.+) suggested that *ξύλλογος* simply reinforces the meaning of *ἀγορὰ*. Later he claimed in *RE* *σύλλογος* that the term *ξύλλογος* is a pleonasm. But the meaning of the word as explained in LSJ

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<sup>48</sup> Poland (1909: 331).

<sup>49</sup> For the meaning of *ξύλλογος* in Thucydides see Hansen (1989: 195-209).

s.v. *σύλλογος* rules out any such interpretation. The remaining possibility, although it seems difficult to find any evidence in favour of such a technical meaning for the term, is that the word *ξύλλογος* means a preliminary meeting of the administrators during which the agenda for the assembly was prepared.

## OFFICES

A. Ἱεροποιοὶ (Hieropoioi): They occur in three inscriptions, IG II<sup>2</sup> 1255 (337/6), 1361 (4th century) and SEG 21.531 (3rd century) coming, all of them, from the ὀργεῶνες of Bendis. In 1255 three names are mentioned under this title; their duties are designated as:

καλῶς ἐπεμε]λήθησαν καὶ φιλ[ο]/[τίμως τῆς τε  
πο]μπῆς καὶ τῆς κρε[α]/[νομίας καὶ τῶν] ἄλλων  
πάντων (they took care very well and zealously  
of the procession and the distribution of the  
meat and everything else);

while in 1361 they appear to hold a monthly meeting on the second day of the month with the superintendents in order to take care of the association's matters,

ἀγο[ρὰν δὲ κ]αὶ [ξ]ύ[λλ]ογον ποεῖν τοὺς  
ἐπιμελητὰς καὶ τοὺς ἱεροποιοὺς ἐν τῷ ἱερ/[ῶι  
πε]ρὶ τῶν κοινῶν τῇ δευτέραι ἱσταμένου τοῦ  
μηνὸς ἐκάστου<sup>v</sup> (the epimeletai and the  
hieropoioi are to call a meeting and an assembly  
in the temple for the common affairs on the  
second day of each month).

Ferguson (1944: 102) maintained that these hieropoioi were officers appointed by the city, as happened in the festival of Panathenaia, and only for the Athenian

ὀργεῶνες.<sup>50</sup> But it would be quite strange if public officers were involved in the administration of an orgeonic association forming, together with the superintendents, the executive board of this particular association. Hieropoioi as officials of the city had the task of helping in the organisation of the four-year festivals;<sup>51</sup> but in the ὀργεῶνες of Bendis seem to participate actively, not only in the organization of the Bendideia, which was not organized every four years, but also in the administration of the association. The title is perhaps an analogy from the name of officers appointed for preparing the festival of the Panathenaia. A similar case is probably that of IG II<sup>2</sup> 2932 (342/1), a dedication of two hieropoioi of Sabazios. Hieropoioi seem to be an early office in Bendis' ὀργεῶνες and their duty was taking care of the annual procession and the distribution of the sacrificed animal for the feast, according to the associations' rules. This office corresponds to the ἐστιάτορες of the earlier type of association. But it seems also that this office was abolished in the

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<sup>50</sup> Schwenk (1985: 66-7) objects to Ferguson's interpretation. For hieropoioi in demes see Whitehead (1986: 142).

<sup>51</sup> Garland, R. (1984) "Religious authority in archaic and classical Athens", ABSA 79, 75-123.

organisation of relatively late orgeonic associations and that the priest was charged with their duties. Ziebarth (1896: 195) suggested that hieropoioi had financial duties and that the introduction of treasurers deprived hieropoioi of such duties. But one should remark that a) hieropoioi are known only in the *ὀργεῶνες* of Bendis during the fourth and third centuries but not later and b) there are cases where hieropoioi are working together with treasurers (SEG 21.531 and IG II<sup>2</sup> 1284).

B. 'Επιμεληταὶ (Superintendents): This office occurs in all the four known orgeonic associations, that is in the two of Bendis [IG II<sup>2</sup> 1256 (329/8), 1324 (4th/3rd century)], in the one of the Mother of the Gods [IG II<sup>2</sup> 1314 (213/2), 1316 (272/1)] and in the one of 'Αφροδίτη Συρία [SIA I, p.263 (138/7)]. In 1256 the function of these officers is described, in general terms, as:

καλῶς καὶ φιλοτίμως ἐπεμελήθησαν καὶ ἀξίως τῆς θεοῦ καὶ τῶν ὀργεῶνων (they took care well and zealously of the affairs of the goddess and of the orgeones);

in 1324 (4th/3rd century) the activity of the honoured is described as follows:

[τῆς τοῦ]/[ἱερο]ῦ ἐπισκε[υῆς π]ροέσ[τηκε  
κα]/[θάπε]ρ προσῆκ[ο]ν ἦν, ἔπεμψε [δὲ]/[καὶ] τὴν  
πομπὴν ἀξίως τῆς θε[οῦ]/[φ]ιλοτιμηθεὶς ἐμ πᾶσι  
τούτοις κ[αὶ] προσαναλώσας ἐκ τῶν ἰδίων καὶ  
τ[ῶ]ν λοιπῶν δὲ ὧν καθῆκεν ἐν τῷ ἐν[ι] αὐτῷ

ἐπεμελήθη καλῶς καὶ εὐσχημόνως (he supervised duly the repair of the temple, supervised well the procession of the goddess showing zeal in all these matters and spending his own money, and took care, well and properly, of the rest of the orgeones' affairs during the year);

while in SIA I, p.263 (138/7) we read:

τὰς τε θυσίας ἔθυσεν τοῖς θεοῖς τὰς καθηκούσας ἐν τῷ ἱερῷ καὶ [ἐ]/καλλιέρησεν ὑπέρ τε τοῦ κοινού τῶν ὀργεῶνων καὶ παίδων καὶ γ[υναι]/κῶν καὶ τοῦ δήμου τῶν Ἀθηναίων ἐπεμελήθη δὲ καὶ τῶν ὀργε[ῶνων]/καλῶς καὶ εὐσχημόνως ἐν ὅλῳ τῷ ἐνιαυτῷ ἐθεράπευσεν [δὲ καὶ τοὺς θεοὺς]/ἐκ τῶν ἰδίων ἐκονίασεν δὲ καὶ τὰ βάθρα τὰ ἐν τῷ ἱε[ρῷ σταθέντα]/καὶ τὸν λουτρῶνα τὸν ἀνδρεῖον ὑπομείνας δὲ καὶ πᾶσα[ν τὴν ἐπιμέλειαν]/ἐπέδωκεν τοῖς ὀργεῶσιν καλῶς καὶ εὐσχημόνως περὶ πλείστου ποι]/ούμενος τὴν εἰς τοὺς θεοὺς εὐσέβειαν καὶ τῇ[ν πρὸς τοὺς ὀργεῶνας]/φιλοτιμίαν (he sacrificed to the gods the necessary sacrifices in the temple with favourable signs for the orgeones, children, women, and the Athenian people, he took care of the orgeones' affairs well and properly during the whole year, he contributed to the worship of the gods from his own resources, he replastered the statues' bases in the temple and the men's bath,

he remained in the office and gave all attention to the orgeones well and properly, attaching the greatest importance to piety to the gods and his zeal towards the orgeones).

Their regular duties included the supervising of the construction and establishment of a statue or a picture of the honoured person or the obligation to mention the honoured person in certain religious and sacral occasions; besides they were responsible for the arrangement of any inconvenience arising from the everyday life of the association. That is why *ἐπιμεληταὶ* participated in the monthly meetings with the *hieropoioi*. In extraordinary circumstances they could be charged with or perform more difficult tasks, as for example in the case of 1324.<sup>52</sup> In the orgeonic association of the Mother of the Gods they are responsible for the inscription of the decrees (1314, 1315 etc). The number of *ἐπιμεληταὶ* was normally three (1327), although in the honorary decrees usually only one is honoured.

Γ. Γραμματεὺς (Secretary): The office occurs in IG II<sup>2</sup> 1284B (259/8), where the activities of the secretary are described as follows:

διώι[κηκεν τὰ πρ]/οσταττόμεν' αὐτῶι ὑ[πὸ τ]ῶν

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<sup>52</sup> The wide variety of tasks assigned to *ἐπιμεληταὶ* and to the verb *ἐπιμελοῦμαι* is discussed in Poland (1909: 405ff).



νόμων ὀρθῶς καὶ δικαίως ἀν[έγκ]λητον αὐτὸν  
παρέ/χων καὶ [περὶ] ὧν οἰκονόμηκεν λόγον καὶ/  
[εὐθύ]ν[α]ς δέδωκεν (he rightly and honestly  
fulfilled his duties, which were prescribed by  
laws, without giving any cause for blame and he  
rendered accounts of his management);

while in 1329 (175/4) the list is longer

οὐθὲν ἐνλέλοιπεν φιλο/τιμίας συναύξων τε  
διατετέλεκεν τοῖς ὀρ/γεῶσιν τὴν σύνοδον,  
πεφρόντικεν δὲ καὶ θερα/πήας τοῦ ἱεροῦ  
πλεονάκεις, οὐκ ἀπολέλιπται δὲ/οὐδ' ἐν ἐπιδόσει  
οὐδεμιᾷ, εἰσήνευκεν δὲ καὶ/ψηφίσματα ἐπὶ τῷ  
συνφέρουσι ἵνα συνσταλῶ/σιν αἱ λίαν ἄκαιροι  
δαπάναι, ἐφρόντισεν δὲ τοῦ καὶ/τοὺς δημοτικούς  
μετέχειν τῶν δεδομένων ὑπὸ/τῶν ὀργεῶνων  
φιλανθρώπων, διατετέλεκεν δὲ καὶ/συνλειτουργῶν  
ἐν τοῖς ἀγερμοῖς καὶ ταῖς στῤῥωσε/σι ταῖς ἱερῇαις  
προευχρήστηκεν δὲ καὶ διάφορον/πλεονάκεις ἄτοκον  
ἀποδημοῦντος τοῦ ταμίου, ἐπαγ/γέλλεται δὲ καὶ  
εἰς τὸν λοιπὸν χρόνον συνφροντι/εῖν εἰς ὃ ἂν  
αὐτὸν παρακαλῶσιν οἱ ὀργεῶνες (he did not fall  
short in zeal, he continually helped the  
association to expand, he took care of the  
temple's repair frequently, he took part in all  
the exceptional contributions, he proposed  
decrees beneficially aiming to reduce the  
association's inappropriate expenses, he took

care that the general public should also receive a share of the benefactions donated by the orgeones, he participated in the collection of money and in the sacral spreadings, he lent money frequently without any interest, when the treasurer was away and he promises that he will help the group in the future for whatever purpose the orgeones call upon him).

Normally, the duty of the secretary was to supervise with the *ἐπιμεληταὶ* the inscribing of the decrees (e.g. IG II<sup>2</sup> 1255, 1284A, B) and to do everything else that is prescribed in the laws; in fact, we do not know exactly what laws, probably in the sense of association's ordinances or customs, ordered. At the end of this period the secretary underwent an examination of his activities during his term of office (1284B), a practice which probably extended to all the officers. It was possible to be re-appointed for several successive years, as in 1284B and 1329.<sup>53</sup>

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<sup>53</sup> IG II<sup>2</sup> 1329 is the only instance of a secretary in the orgeonic association of the Mother of the Gods. For the possibility of re-appointment see Poland (1909: 420-21). Garland (1987: 130) suggested, without, however, providing any evidence, that in the orgeones of the Mother of the Gods the secretary was appointed rather than elected.

Δ. Ταμίας (Treasurer): Occurs in IG II<sup>2</sup> 1325, 1326, 1327 all of the second century. However, a treasurer is attested in 1284A and B, 1316 1324 etc. In 1325 his services to the *ὀργεῶνες* consisted of:

τόν τε νεὸ τοῦ θεοῦ κατεσκεύασεν καὶ ἐκόσμησεν πολλοῖς/[καὶ καλοῖς ἀνα]θήμασιν καὶ εἰς ταῦτα ἀνῆλκεν οὐκ ὀλίον πλῆθος ἀργυρίου, ἐπέδω/[κεν δὲ καὶ εἰς τὸ κοι]νὸν δραχμὰς χιλίας ὅπως ἔχουσιν ἀπὸ τῆς προσόδου θύειν τῷ θεῷ κα/[τὰ μῆνα ἑκαστον κ]ατὰ τὰ πάτρια, παρεσκεύασεν δὲ τοῖς Διονυσιασταῖς ἵν' ἔχουσιν χρᾶ/[σθαι αὐτοῖς καὶ χρυσῶ]ματα καὶ ἀργυρώματα καὶ τὴν λοιπὴν χορηγίαν πᾶσαν τὴν δέο/[υσαν εἰς τὰ ἱερὰ καὶ τόπον εἰ]ς ὃν συνιόντες καθ' ἑκαστον μῆνα μεθέξουσιν τῶν ἱερῶν (he sponsored the building and the decoration of god's temple with many beautiful ornaments spending much money, he granted a thousand drachmas to the group to provide funds for monthly sacrifices to the god according to the ancestral tradition and he prepared and gave to the Dionysiaiastai golden and silver objects and everything necessary for the worship and a plot to gather every month in order to worship).

In parallel runs the text of 1326 (176/5), where the same person and the same references are mentioned.

However, what is important here is also the post-mortem honours granted to him, and especially his heroization and the grant, for life, of his office to the older of his sons, as a law of this association ordered.

In 1327 (178/7) the services performed by the honoured treasurer are described as follows:

εἰς τε τοὺς θεοὺς εὐσεβῶς διατελε[ῖ]/καὶ κοινεῖ  
τοῖς ὀργεῶσιν καὶ ἰδίαί ἐκάστωι εὐχρησ/τον αὐτὸν  
παρασκευάζων καὶ φιλοτιμούμενος τὰς/τε θυσίας  
τοῖς θεοῖς θύεσθαι τὰς καθηκούσας/καὶ εἰς ταῦτα  
προεισευπορῶν πλεονάκις ἐκ τῶν ἰ/δίῳν καὶ τισιν  
τῶν ἀπογεγονότων οὐχ ὑπάρχοντος/ἀργυρίου τῷ  
κοινῷ προῖέμενος εἰς τὴν ταφὴν τοῦ/εὐσχημονεῖν  
αὐτοὺς καὶ τετελευτηκότας καὶ/εἰς τὰς ἐπισκευὰς  
δὲ προαναλίσκων καὶ τοῦ ἐρά/νου τοῦ ἀργυρηροῦ  
ἀρχηγὸς γενόμενος συναχθῆ/ναι, καὶ τὰ ἄριστα  
συμβουλεύων καὶ λέγων διατελεῖ/καὶ ἐμ πᾶσιν  
εὖνον ἐαυτὸν παρασκευάζων (he is continually  
pious, he makes himself helpful to the orgeones  
both as a group and as individuals, he  
zealously contributes frequently from his own  
resources to the customary sacrifices to the  
gods, he contributes also to the common fund  
for some of the deceased when money is not  
available for their burial, to maintain their  
decorum even after death, and he also advanced  
funds for repairs and he was the responsible

person for the collection of an amicable loan  
and he continually speaks and advises  
excellently and he is favourable to everyone).

The duty of the *ταμίᾱς* was the administration of all the association's financial matters, including giving money for the erection of a picture of the honoured person (e.g. 1316). A source of income for an orgeonic association was the leasing of the temple, which seems to be common practice for the *ὀργεῶνες* of a hero. There is only one reference in 1361.9-11, where it is ordered that the *ὀργεῶνες* should repair their temple using the monthly rent of it and the sale of water from a spring. Another source was the different fines imposed on members (1361.13, 20) or on officials (1328A.13-14, 18-19), the fees paid for a sacrifice by a non-*ὀργεῶν* or by *ὀργεῶνες* (1361.19) and the fees for the registration in the association.<sup>54</sup> The treasurer had to administer properly these sums of money so as to pay for the sacrificed animal(s) and also for the erection of the statues, pictures and crowns. He may have been also the head of an *ἐρανος*, that is an amicable loan among the members of the association, and probably the person responsible for leasing the association's estate.<sup>55</sup> Ziebarth (1896: 152)

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<sup>54</sup> Poland (1909: 493).

<sup>55</sup> Poland (1909: 490) rightly discards the theory of

assumed that the wealthy members of the association were appointed as treasurers. The available evidence cannot confirm or reject such an assumption. However, the record of the documents reveals that financial help to the association did not come only from treasurers; secretaries may have well financed certain activities and promised assistance in the future (e.g. 1329). IG II<sup>2</sup> 1324.32 disproves Ziebarth's assumption that the appearance of the office of treasurer in the second century meant the abolishment of hieropoioi, since it bears testimony to the existence of a ταμίας already in the late fourth century.<sup>56</sup>

E. Ἱέρεια (Priestess): This is the only office reserved for women and, as far as our pieces of evidence show, only in the association of the Mother of the Gods. In particular this office occurs in IG II<sup>2</sup> 1314, 1315, 1316, 1334, 1337 and SEG 17.36, all of the third century and onwards. Priestesses are mentioned in IG I<sup>3</sup> 136 as well. Although in some associations there are priests besides the priestesses, we do not hear anything about them.

In SEG 17.36 (212/1) the priestess is honoured because:

καλῶς καὶ εὖσ]εβῶς τὴν ἱερῶ[σύνην] / [ἐξήγαγεν

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drafting a budget as one of the duties of the secretary.

<sup>56</sup> Poland (1909: 376).

καὶ τὰς θυσιὰς τὰς καθηκού[σας εἶ]/[θυσεν καὶ  
τὰ λοιπὰ ἐφιλοτιμήθη...ἐπεμ]ελήθη δὲ τῆς  
στ[ρώ]/[σεως τῆς κλίνης τῶν θεῶν] ν μετὰ πάσης  
[σπουδῆς]/[δῆς καὶ προθυμίας...] (she fulfilled  
her duties as priestess piously and well, she  
sacrificed the proper sacrifices and was  
zealous in her other duties...and she took care  
of preparing the bed of the Goddesses eagerly  
and zealously);

The services in 1314 (213/2) are described as:

κ[α]λῶς καὶ εὐσεβῶς/τὴν ἱερωσύνην ἐξήγαγεν καὶ  
τὰ λοιπὰ ἐφιλοτιμήθη ὅσα προσῆκεν τεῇ θεῷ (she  
fulfilled piously her duties as priestess and  
was zealous in the other duties which concerned  
the goddess);

in 1315 (211/10):

τά/τε εἰσιτήρια ἔθυσεν καὶ τὰς λοιπὰς/θυσίας  
[τ]ὰς καθῆκεν θύειν ὑπὲρ τοῦ/κοινοῦ, ὃ ἔστρωσεν  
δὲ καὶ κλίνην εἰς/ἀμφοτέρω τὰ Ἀττίδεια καὶ τὰ  
λοιπὰ πα/ρεσκεύασεν καλῶς καὶ ἱεροπρεπῶς οὐ/θὲν  
ἐνλείπουσα φιλοτιμίας καὶ τὸν ἐ/νιαντὸν καλῶς  
καὶ εὐσεβῶς διατέλε/σεν θεραπεύουσα τὰς θεὰς καὶ  
ἀνοίγου/σα τὸ ἱερὸν ἐν ταῖς καθηκούσαις ἡμέραις  
(she sacrificed the initial and the rest of the  
appropriate sacrifices for the association, and  
she prepared the couch for both the Attideia and  
she made the rest of the preparation well and

reverently without lack of zeal and she spent the year worshipping the Goddesses well and piously, opening the temple the days due);

in the quite particular case of 1316 (272/1):

καλῶς καὶ φιλοτίμως ἐπεμελήθησαν [τῆς]  
ἱε[ρ]/[ειωσ]ύνης καὶ τοῦ ἱεροῦ, ἐπεμελήθησαν δὲ  
καὶ τῶν ὀργεῶνων ἐκ τῶν ἰδίων ἀναλωμάτων,  
ἀπέφηναν [δὲ τῶι]/κοινῶι καὶ τὰ ἀναθήματα τὰ  
ἐφ' αὐτῶν ἀνατεθέντ[α ὁ]ρθῶς καὶ δικαίως ἀπέδωκαν  
[δ]ὲ κα[ὶ τ]ῇν π[ρόσοδο]ν [τῇ]/[ν γ]ε[ν]ομένην  
ἐφ' αὐτῶν [δικ]αίως (they took care well and  
zealously of the priesthood and of the temple,  
they took care of the orgeones from their own  
expenditure, they displayed to the association  
their offerings rightly and honestly and they,  
also honestly gave back the grant which they had  
received);

while in 1334 (71/70)

[καλῶς καὶ εὐσεβῶς τῇ]ν ἱερωσύνην διεξήγαγεν  
προ[νοουμένη τῆς περὶ τὸ ἱε]ρὸν εὐκοσμίας καὶ τὰ  
λοιπὰ ἐ/[φιλοτιμήθη ὅσα καθῆ]κον ἦν τεῖ θεῶι,  
ἔθυσεν δὲ καὶ/[τὰς καθηκούσας θυσίας] ἀλύπως τε  
πρὸς πάντας ἀν[εστράφη τοὺς ὀργεῶνας] (she  
fulfilled the priesthood well and piously,  
taking care of good order around the temple, and  
she zealously performed all the other  
appropriate duties to the goddess and she



sacrificed the necessary sacrifices and she conducted herself towards all the orgeones without giving offence).

Her duty was the performance of all the religious and ritual acts, the preserving of the temple in a good condition and making it accessible to the members of the association. She was helped by an assistant, always also a woman, called ζάκορος (1328A, B). Sometimes the priestess was, additionally, helped of her husband (1316).<sup>57</sup> The office of ἱέρεια, was exclusively reserved for women, who were elected by lot every year: λαχοῦσα τῷ ἐνιαντῷ τῷ ἐπὶ... ἄρχοντος is the standard phrase, and it was possible for someone to be re-elected.<sup>58</sup> In IG II<sup>2</sup> 1328, an order is given that the ἱέρεια should appoint a ζάκορος from the ἱέρειαι of the previous years, while it was possible for a woman to be appointed as ζάκορος for life, as in the case of 1328B. A priestess is to be appointed in IG I<sup>3</sup> 136 as well as priests, for whose activity no honorary decree survives.

The pattern of honouring a member, normally *an* ex-official, can be analyzed in a) the use of the infinitives ἐπαινέσαι and στεφανῶσαι; b) the reason for such an action, which sometimes escapes from the absolute

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<sup>57</sup> Poland (1909: 416).

<sup>58</sup> This is the case in IG II<sup>2</sup> 1334.

formality and uniformity and provides us with some hints either about the position of the honoured person in the association's structure or about his or her services to the association. It is clear for example that *ἱέρεια* were honoured for their *εὐσέβεια* to the gods and their *φιλοτιμία* to the *ὀργεῶνες* or in the second century for their *ἀρετὴ*, while for the other officials the pattern *φιλοτιμίας καὶ δικαιοσύνης* was prevailing till the middle of the third century; and c) the value of the crown or of the special treatment later on. The term *φιλοτιμία* in the record of public documents designates the intense public activity of a person for the profit of the community. This activity, in the case of an orgeonic association, was orientated to the well-being of the association and of the members individually (see the terms *κοινῇ καὶ ἰδίαι* used in the inscriptions).<sup>59</sup> But after the middle of the third century the term simply disappeared from the associations' decrees and *ἀρετὴ* became the dominant element, a more individualistic feature of a person's activity.<sup>60</sup> In documents of the second century and onwards (1327, 1329 and 1334) all the officials are honoured because of *ἀρετῆς καὶ εὐσεβείας*.

The real reason for attributing honours varies

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<sup>59</sup> Whitehead (1983: 55-74).

<sup>60</sup> In this respect see Ziebarth (1896: 187).

between successful fulfilment of regular duties (this is the case in 1255 and all the records concerning priestesses) and extraordinary services, exceeding the prescribed duties for any office (this is the case in e.g. 1329). In the course of the time, it becomes evident that the honouring for exceptional services became the commoner case; the evolution to honouring for exceptional services reveals that associations were more and more dependant upon benefactors, occasional or not. The attributed honours vary according to the period and to the services provided. In this respect, exceptional services are rewarded with a crown, picture, solemn pronouncement and crowning of the picture (e.g. 1327), while regular duties are rewarded usually with a crown only (e.g. 1255).

The attribution of honours was not only a formal and standardized custom; its purpose was double, in the first place to honour the officer and in this way to increase his or her social esteem among the members of the association or in an even larger community, and secondly to motivate other persons to hold the association's offices. In addition, as Whitehead (1986: 250) has concisely pointed out in the context of demes, the incitement is not addressed only to wealthy members, but to less prosperous as well to contribute according to their potential. This feed-back procedure is revealed clearly by the explicit phraseology of the relevant text from IG II<sup>2</sup> 1324.10-12 and 19-23:

ὅπως ἂν οὖν καὶ οἱ ὀργεῶνες/φαίνωνται χάριτας  
ἀξίας ἀποδιδόν/τες τοῖς ἀεὶ φιλοτιμουμένοις...  
ἵνα καὶ τοῖς/λοιποῖς τῶν ὀργεῶνων ἅπασιν  
ἐ/φάμιλλον εἴ τοῖς βουλομένοις πρ/ὸς τοὺς θεοὺς  
εὐσεβεῖν καὶ πρὸς/τοὺς ὀργεῶνας φιλοτιμεῖσθαι,  
εἰ/δότας ὅτι καταξίας χάριτας κομι/οῦνται παρὰ  
τῶν ὀργεῶνων (so that the orgeones may be seen  
as rewarding worthily those who give zealous  
service...and so that all the remaining members  
of the association may strive to be pious to the  
gods and zealous towards the orgeones knowing  
that they will receive proper honours from the  
orgeones).

## CHAPTER 3

### ΘΙΑΣΙΑΙ IN ANCIENT ATHENS

#### A. INTRODUCTION

The traditional opinion about *θίασοι* and *θιαῶται* was focused heavily on an evolutionary conception about them. In the first stage, their links with the cult of Dionysus<sup>1</sup> predominate being considered as expressions of humble people's religiosity,<sup>2</sup> which was attracted by the particularities of the Bacchic cult. In the next stage, they are connected with the phratry and the social history of Athens. In the last stage these groups are seen as religious associations of non-citizens developed especially in hellenistic times because of the profound changes which occurred in the structure of Greek thought and the Greek world. Recently Freyburger et al. (1986: 61-2) introduced a partly old conjecture about the distinction between *ὀργεῶνες* and *θιαῶται*, claiming that

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<sup>1</sup> Foucart (1873: 2), Poland (1909: 196) and contra Caillemer (1872: 37).

<sup>2</sup> Guarducci (1935: 335) and Glotz (1928: 26).

θίασοι were simply associations of citizens, at the level of the deme, worshipping Dionysos, in contrast to ὀργεῶνες who "peuvent être des étrangers associés pour célébrer des dieux de leur pays d'origine".<sup>3</sup>

In order to criticize these theories it is essential to give, in advance, an answer to the fundamental question of the distinction between the terms θίασοι and θιασῶται by examining the terms as they appear in different contexts. In this respect it is necessary to reconsider the preserved evidence, both literary and epigraphical, as well as the lexicographical tradition, in spite of its possible inaccuracies.

The use of the words in the sources, in fact, does suggest a simplistic, evolutionary approach of the above

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<sup>3</sup> This opinion is not widely held among the scholars, although its origin is found in Hammond (1961: 80), who was the first to claim that orgeones were aliens incorporated in the Athenian phratries. Tod (1932: 74-5) maintains the traditional opinion, that is, that thiasotai were aliens forming societies in order to preserve their religious beliefs alive. Cf. Poland (1909: 22) and Guarducci (1935: 333). Anyway, the citizenship is no more a reliable criterion for the distinction between orgeones and thiasotai, since we have examples of citizens and foreigners both as orgeones and as thiasotai.

mentioned kind. On the other hand it poses several difficult problems concerning the exact meaning of the terms in each instance and period of time. Furthermore, it is necessary to account for each use and interpret their importance and meaning for the participants. In this respect, the threefold methodological proposal of Cazanove (1986: 2)

en premier lieu, une analyse de l'expérience religieuse collective qui est celle de la transe; puis l'examen des structures internes au thiase; enfin une enquête sur l'attitude de celui-ci face au monde, à la société dont il est issu

for the exploration of the complexity and variety of these groups, is tempting, especially the last two points, which overlap the legal aspect of the association's activity.

The evidence shows that the name *θίασος* or *θιασῶται* for an association covers a vast geographical area, extending from Sicily (SEG 35.1009) to the colonies on the shores of the Black Sea [IOPE III 365, 389, 445-48, 454-55, 460], Egypt [P. Grenf. I.31], Asia Minor [SEG 27.1384 and 32.1170], mainland Greece [Macedonia: SEG 31.633, Thessaly: MDAI.A 16 (1891) 261, Peloponnese:<sup>4</sup> SEG

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<sup>4</sup> Although Poland (1909: 22) claims that there is no evidence about any association of this kind in

26.473, Lokris: IG IX 670], Aegean islands [Lesbos: SEG 26.909, Aegina: SEG 36.305, Keos: IG XII.5 606, Delos: Michel 998, Tenos: RIJG I.7, Rhodes: SIG<sup>3</sup> 1114], Crete [ICret IV 174] and Cyprus [SEG 39.1526].

The period of time is extensive as well, since the earliest evidence appears in the 7th or 6th centuries and the latest in the 3rd century A.D. Such an expanse, both in space and time, is likely to cause differences and peculiarities. I do not aim to cover this entire period but I shall limit my research to the clarification of evidence from Attica from the classical and hellenistic era. Evidence from other regions and periods, however, may prove useful in the understanding of these forms of associations.

The first thing to be considered is whether these local differences had any influence on the structure of the association and whether they produced any kind of collective conscience among their members.

I think that, although the terms *θίασος* and *θιασώται* do not reveal any particular religious belief or "credo",<sup>5</sup> or consequently, any idea of exclusion and isolation in the society, there existed an implied meaning including

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Peloponnese, recently discovered documents seem to undermine decisively this opinion.

<sup>5</sup> Burkert (1987: 43).



certain attitudes and practices in the association's life. There was also a different collective and individual conscience that compelled other groups to declare their diversity through the use of a different name coming from their particular worship. An explanation of these differences will be attempted in the course of this work. Therefore, the object of study in this chapter will be the clear and explicit appearances (authentic or restored) of one or both terms in these documents.<sup>6</sup>

### B. LITERARY EVIDENCE

The literary evidence for Attica covers mainly the period from the fifth to the third centuries. Therefore, it is necessary to take into account pieces of evidence from other regions and for earlier or later periods and to use them cautiously. In the first place I shall examine the occurrence and the meaning of the word θίασος (A) and then of the word θιασῶται (B). It is important to note in advance that the words θίασος and θιασῶται do not appear in the Homeric poems, where only the word θοίνα is attested.

(A) The earliest instance of θίασος is a fragment of a poem of Alkman (end of 7th century), preserved by Strabo

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<sup>6</sup> For a similar methodological principle in the case of eranoi see Vondeling (1961: 259 n.2).

X 4.18 ii 410 [PMGF 98 = Calame (1983: F129)]

[έν] θοίναϊς δὲ καὶ ἐν θιάσοισιν ἀνδρείων παρὰ  
δαιτυμόνεσσι πρέπει παιᾶνα κατάρχην (and at the  
meals and banquets of the messes it is right to  
strike up the paeon in the presence of the  
feasters) (D.A. Campbell's translation).

From the context where the word occurs, it is clear that θίασος denotes an activity, like θοίνα, of ἀνδρεία, that is of the institutionalised gatherings of Spartan men; these two activities should start with the singing of a paeon, a propitiatory song, according to Calame (1977: 148) or something similar to the preaching of the Christian era. Θοίνα means meal or feast (see LSJ φοίνα and θοίνα-η), exclusively of men. For Guarducci (1935: 333 n.3) θίασος seems to indicate a banquet. In this case there is a pleonasm since both terms mean the same thing. Calame (1977: 363-67) suggests that the term θίασος may well fit the content of the women's lyric chorus. His argument is largely based on the structural similarity between the colleges of priestesses of the hellenistic era and the choruses of girls in the archaic era. Their similarity consists in the performance of some sort of rites. Therefore θίασος, the name used to describe the groups of the hellenistic era, can be adopted for the archaic era as well. The occurrence of θίασος in the fragment of Alkman leads Calame to the following conclusion:

Le caractère évidemment institutionnel et politique des syssities lacédémoniennes pourrait conduire l'interprète à attribuer à l'association que désigne le terme *thiasé* une base juridique analogue. L'usage très large de ce mot pour désigner les confréries hellénistiques serait alors un exemple du passage d'un terme ayant un sens précis à l'époque archaïque, du domaine public au domaine privé. Cette modification du champ d'application du mot *thiasé* sur le plan social aurait, comme complément le maintien des structures formelles de l'institution qu'il désigne: une assemblée de commensaux liés pour des intérêts communs.

In his later work Calame (1983: 532) defined *θίασος* as a group of persons gathered for dancing on the occasion of worship.

I think that Calame's assertion that the *θίασος* of the archaic era are connected with that of the hellenistic era is based on a methodological premise that is hardly sufficient. Calame uses and transposes pieces of evidence from different regions, from different periods of time, without explaining which is the evidence that allows such a conjecture. Alkman's testimony refers specifically to men's groups; apart from Alkman's testimony there is no other instance of *θίασος* in the archaic era.

Another, more relevant, instance of the word *θίασος* appears in the fifth century, in a poem of Critias [IEG II, F6 = Ath. *Deipnosophistai* 10.432d]

καὶ τόδ' ἔθος Σπάρτῃ μελέτημά τε κείμενόν ἐστι  
πίνειν τὴν αὐτὴν οἶνοφόρον κύλικα μήδ'  
ἀποδωρεῖσθαι προπόσεις ὀνομαστὶ λέγοντα μήδ' ἐπὶ  
δεξιτέραν χεῖρα κύκλῳ θιάσου (this also is a  
custom at Sparta and a set practice to drink  
from the same wine-bearing cup, and not to give  
toasts, pledging them by name, nor send them  
round in the circle of the party from left hand  
to right).

This fragment shows one of the activities in the circumstances of a *θίασος* in Sparta. One cannot assume that drinking or dancing was the only activity; it is more probable that *θίασος* denoted, as in later times any grouping of men or women. In this respect the word occurs in Poll. *Lexicon* (Book 6.7-8) as one of *συμποτικὰ ὀνόματα* and there is a mention in Phot. δ 27 = Sud. δ 125 = PCG III.2 122, ii of the word *θιασῶται* as a synonym of *δαιταλῆς* and *δαιτυμόνες*, including only one of the possible semantical dimensions.

In the Greek literature of the classical era, the word *θίασος* occurs in several plays and in almost all the literary genres. In historiography, there is a mention of the word in Hdt. 4.79, where the author describes the northern kingdom of Scythia and the initiation of its

king, Skyles, to Bacchic rites.<sup>7</sup>

In tragedy the word occurs only in Euripides' plays, and in particular in the most Bacchic, Βάκχαι, there are 13 instances (verses 56, 74, 115, 137, 221, 379, 532, 548, 558, 584, 680, 978, 1180) of the word θίασος and of its related words such as θιασώτης, θιασεύειν and θιασεύομαι. Among these there are clear examples, where Dionysus is linked with θίασοι as:

θίασος ἐμὸς, γυναῖκες, ὅς ἐκ βαρβάρων ἐκόμισα  
(56) (Women my revel-rout, from alien homes),

Βρόμιος εὐτ' ἂν ἄγῃ θιάσους (115) (when led by  
the clamour king),

μόλε νυν ἡμέτερον εἰς

θίασον, ὦ Βρόμιε, Βρόμιε (584) (come to our  
revel band thou, clamour king, clamour king).

There are as well instances where the word has the general sense of a group or a gathering in a Dionysiac context,

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<sup>7</sup> ἐπεῖτε δὲ παρήιε σὺν τῷ θιάσῳ ὁ Σκύλης καὶ εἶδόν μιν  
βακχεύοντα οἱ Σκύθαι, κάρτα συμφορὴν μεγάλην ἐποιήσαντο,  
ἐξελθόντες δὲ ἐσήμαινον πάσῃ τῇ στρατῇ τὰ ἴδοιεν (when  
Scyles appeared with his band of devotees and the  
Scythians saw him in Bacchic frenzy they were furious at  
it and went and told the whole army what they had seen)  
(translation of D. Grene Herodotus. The History, 1987,  
London).

like

ὁρῶ δὲ θιάσους τρεῖς γυναικείων χορῶν (680) (I  
see three bacchant women bands),  
θίασον ἔνθ' ἔχουσι Κάδμου κόραι (978) (where  
Cadmus's daughters hold revel),  
ἐμὸν τὸ γέρας. μάκαιρ' Ἀγαύη κληζόμεθ' ἐν  
θιάσοις (1179-80) (mine is the guerdon, their  
revel-rout singeth me - Happy Agave their  
burden).

The semantic diversification, in the most **B**acchic drama,  
reveals that the word is not a product of the Dionysiac  
cult. The meaning of the word in the other three plays,  
is clearly more general and includes any group of persons  
or half-human creatures.<sup>8</sup>

In comedy there are two instances; in Ar. Frogs  
156-7:

καὶ μυρρινῶνας καὶ θιάσους εὐδαίμονας  
ἀνδρῶν γυναικῶν καὶ πρότον χειρῶν πολὺν  
(and myrtle groves, and happy bands who clap  
their hands in triumph, men and women too),

and Thesmophoriazousai 39-42:

εὐφημος πᾶς ἔστω λαὸς, / στόμα συγκλείσας·  
ἐπιδημεῖ γὰρ / θίασος Μουσῶν ἔνδον μελάθρων /  
τῶν δεσποσύνων μελοποιῶν (all people to be

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<sup>8</sup> E. II 1145-7, IA 1059-61, and Ph. 795-7.

still, allow not a word from your lips to be heard, for the Muses are here and are making their odes in my master's abodes).

where the word means a group of people gathered for celebration and in general any group, even Μουσῶν. The word has the same meaning in Pl. Plt 303c. But in X. Mem 2.1.31, in the context of the legendary dispute between Virtue and Maliciousness:

τίς δ' ἂν σοι λεγούσῃ τὶ πιστεύσειε; τίς δ' ἂν δεομένη τινὸς ἐπαρκέσειε; τίς ἂν εὖ φρονῶν τοῦ σοῦ θιάσου τολμήσειεν εἶναι; (who will believe what you do say? Who will grant what you do ask?

Or what sane man will dare join your throng?), the word θίασος means the group of disciples, followers of a particular way of living.

In the forensic speeches of the fourth century, the word seems to lack the initial dionysiac colour of celebration and religiosity, and its meaning designates the groups of humble and noisy people, who worship foreign deities, especially of Thracian and oriental origin, without dignity and self-respect. The examples from the Corpus Demosthenicum, where there are three instances in the attacks of Demosthenes against his opponent Aischines and his notorious mother, are obviously partial.<sup>9</sup>

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<sup>9</sup> For explanations about the notoriety of Aischines'

D. 18.260: ἐν δὲ ταῖς ἡμέραις τοὺς καλοὺς θιάσους ἄγων διὰ τῶν ὁδῶν, (in daytime you were leading the fine groups of worshippers in the streets),

D. 19.199: οὐκ ἴσασιν οὗτοι τὸ μὲν ἐξ ἀρχῆς τὰς βίβλους ἀναγιγνώσκοντά σε τῇ μητρὶ τελούσῃ καὶ παῖδ' ὄντα ἐν θιάσοις καὶ μεθύουσιν ἀνθρώποις καλινδούμενον; (do not they know that first you were reading the sacral books, while your mother was performing rites and you, although a child, were continually busy with the worshippers' clubs and the drunkards),

D. 19.281: τὸν δ' Ἀτρομήτου τοῦ γραμματιστοῦ καὶ Γλαυκοθέας τῆς τοὺς θιάσους συναγούσης ἐφ' οἷς ἑτέρα τέθυηκεν ἱέρεια, τοῦτον ὑμεῖς λαβόντες ἀφήσετε; (the son of Atrometus the schoolmaster and of Glaukothea, the convener of the religious clubs, for which another priestess has been put to death, when you have him in your power, are you going to release him?) (my translations).

The example of the famous case of Phryne, who was accused, among other things because θιάσους ἀνδρῶν καὶ

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mother and in general about the opinion of the Athenians in this era about thiasoi see Scholia Demosthenica ed. M.R.Dilts, vol.I, 18.260 and II, 19.199 and 281, 1983-6, Leipzig: Teubner.



γυναικῶν συνήγαγεν<sup>10</sup> can only support the conclusions drawn from the use of the word in Demosthenes' speeches. Later the word θίασος means any group of people.<sup>11</sup> So, the definition of θίασος given by most of the lexicographers as: θίασός ἐστι τὸ ἀθροιζόμενον πλῆθος ἐπὶ τελετῇ καὶ τιμῇ θεῶν in parallel with θίασος as ἱερὸς χορὸς (only in Sud. θ 379), is fully comprehensible.

In general, the central meaning of the word θίασος is a group of people, mainly men, gathered for a certain common activity, such as feasting, drinking or dancing. In the notion of feast, as a manifestation of a rural population's<sup>12</sup> sociability, the word signifies simply the gathering of males, while the presence of the god of wine and the connection of Dionysus with θίασος was developed later, probably in the Athenian society of the fifth century, after the adoption of the cult by the city-state in the sixth century and the introduction of the Dionysia into the sacral calendar of Athens.

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<sup>10</sup> See chapter 2.

<sup>11</sup> J. AJ 14.215 and 216, Plu. Alex 2.9, Cleom 34.2, Ant 24.2 and 75, Moralia vol.4 301F, D. Chrys. Orationes 4.84, Lucian Salt 22.9, Hld. Aethiopsis 2.33.5, Him. Or 32.53, Athe. Deipnosophistai 8.362e, Nonn. D 14.106.

<sup>12</sup> For this subject see the old but still important study of Gernet (1968: 21-61).

(B) The first pieces of evidence about θιασῶται come from E. Ba 547-9:

τὸν ἐμὸν δ' ἐντὸς ἔχει δῶμα / τοῖς ἤδη θιασώταν /  
σκοτίαισι χρυπτὸν ἐν εἰρκταῖς. (He has  
imprisoned my companion in a gloomy dungeon).

So already in the fifth century B.C. it was used to mean simply the follower or the disciple as in Ar. Frogs 324-7, in Wasps 728-30:

"Ἄλλ' ὦ τῆς ἡλικίας ἡμῖν τῆς αὐτῆς συνθιασώτα,  
πιθοῦ, πιθοῦ λόγοισι, μηδ' ἄφρων γένῃ,  
μηδ' ἀτενὴς ἄγαν ἀτεράμων τ' ἀνὴρ. (and we turn to  
talk to our old compeer / our choir - companion  
of many a day. Don't be fool, / give in, give  
in nor too perverse and stubborn),

and Wealth 508:

ξυνθιασώτα τοῦ ληρεῖν καὶ τοῦ παραπαίειν<sup>13</sup>  
(companion enrolled in the Order of Zanies and  
fools).

In the fourth century we have the first instances of a new content of the word, that is as members of an

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<sup>13</sup> It is really interesting to notice that the scholia identify thiasotai with dancers (see Scholia Graeca in Aristophanem ed. Deubner, Paris 1855, Thesmophoriazousai 41, Frogs 327, Wealth 508, Wasps 728).

association of private cult; this is the meaning in Is.

9.30

καὶ εἰς τοὺς θιασῶτας Ἡρακλέους ἐκεῖνον [αὐτὸν]  
εἰσήγαγεν ἵνα μετέχῃ τῆς κοινωνίας. αὐτοὶ  
δ' ὑμῖν οἱ θιασῶται μαρτυρήσουσιν (he also  
introduced him to the confraternity of Herakles  
in order that he might become member of this  
association. The other members will bear  
witness to this).

where the word θιασῶται denotes members of a cult  
association, as well as in Arist. EN II 1160a 19:

ἔνιοι δὲ τῶν κοινωνιῶν δι' ἡδονὴν δοκοῦσι  
γίγνεσθαι θιασῶτων καὶ ἐρανιστῶν

and in Oec 1346b 13-19.<sup>14</sup> The term θιασῶται appears in the  
law, of an uncertain date, attributed to Solon  
(Ruschenbusch 1966: 99 F76a), in the sense of members of  
an association. The lexicographers seem to preserve this  
range of possible meanings when they define the word  
θιασῶται as κυρίως οἱ περὶ τὸν Διόνυσον (Sud. § 379) and  
ἐκαλοῦντο οἱ κοινωνοῦντες τῶν θιάσων (Sud. § 380) and  
θιασώτης, ὁ χορευτής (Sud. § 379).

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<sup>14</sup> For the term θιασῶτικὰ see a fragmentary inscription of  
the first half of the third century from Thasos in IG XII  
suppl. 356.5: ἡ θιασῶτικὰ ἡ χωριτικὰ, a document possibly  
concerning a regulation of debts.

In conclusion, the use of the words in the literature does not designate any clear-cut distinction. The word *θίασος* is used to describe in the beginning a social gathering without any implication about its particular activity and only after the fifth century the Bacchic group; and even then it can still mean any group of people or worshippers or even group of half-human creatures, such as Centaurs. The word *θιασώται* in the late fifth and early fourth century denotes principally the followers of a cult<sup>15</sup> and only later in the fourth century private cult associations. The wide range of possible meanings attributed to the words cannot indicate anything else but the use of the word to describe different patterns of communal living, whose common feature was conviviality, later on exemplified by a distant or close connection with Dionysus.

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<sup>15</sup> For the use in texts of the Roman era see also Lucian *Fug.* 4, *Deor. Con.* 3, *D.Deor.* 271, D.C. *Historia Romana* 58.12.5 and 56.46.1, Philostr. *Jun. Im.* 884.20.

### C. EPIGRAPHICAL EVIDENCE

The earliest two epigraphical pieces of evidence come from Rhodes (SIG<sup>3</sup> 1035 a. τὸ Κόχλιο/θίασος, 6th/5th century) and Aegina (SEG 36.305:2 θίασον, 510-500) respectively. SEG 35.1009 (500-480) is an extensive and explicit graffito from Sicily on a black glazed Attic vase

τοῦτον τὸν σκύφον Πόρκος ἀποδίδοτι ἐς τὸν θίασον  
τὸν π[...]ν' αἱ δὲ φίλει Φρύναν, οὐκ ἄλλος κ' ἄγε;  
ho δὲ γράσας τὸν ἀννέμο(ν)τα πυγίξει (Porkos  
has dedicated this skyphos to the group of ?; if  
he loves Phryna, nobody else will chase her.

The writer of this will sodomize the reader).<sup>16</sup>  
where θίασος, as in the Rhodian inscription, means a group  
of people without any apparent link with the Dionysiac  
cult.

In the epigraphical records from Attica, the first  
appearance of the term θίασος is in the fragmentary SEG  
10.330 which will be discussed later. At the turn of the  
fifth century θίασος occurs in the Demotionid decrees IG  
II<sup>2</sup> 1237.77 and 105 (396/5). The inscription consists of  
three different decrees, the first issued in 396/5, the  
second soon afterwards, and the third sometime after the  
360s. The word θίασος appears twice in the second decree

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<sup>16</sup> Discussion of particular problems is summarized in SEG  
38.948 and 39.987.

and is clearly understood as a sub-division of the phratry, given the responsibility in the first instance, for the registration or not of a member's new born child, and for penalties in case of proved intrusions, for those members, who deceived or tried to deceive the phratry.<sup>17</sup> The members of this subdivision are called *θιαῶται*.

The significance of the subdivision of the phratry into *θίασοι* is emphasized dramatically by Guarducci (1935: 336) who, in the context of a manichaistic conception for the early Athenian society and its evolution, assumes that the phratry is composed from two different kinds of *θίασοι*, one reserved for the nobility and the other for the plebeians.<sup>18</sup> Following Wade-Gery's (1952: 130) interpretation of IG II<sup>2</sup> 1237, according to which *Δεκελιεῖς* is the name of the phratry and *Δημοτιωνίδαι* the

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<sup>17</sup> The bibliography about this set of decrees is large and its compilation can be found in the latest work of Hedrick (1990). It is needless to repeat it again here.

<sup>18</sup> A similar opinion was expressed later by Nilsson (1951: 157) who distinguishes two different kinds of *thiasoi* in that period: one the subdivision of the phratry and a second one introduced by "families of some standing and belonging to the phratries". In the last category he includes documents like IG II<sup>2</sup> 2344. A similar assumption is held by Meier (1973: 119).

name of a body of *ἐξηγηταὶ*, that is a council of expounders of the sacral law, Guarducci had a precedent of the existence of a noble "body" in phratries. In addition she claimed that the *θίασος* of Etionidai mentioned in SEG 10.330, a dedication possibly to Herakles from the late fifth century, is substantially similar to the *Δημοτιωνίδαι* and therefore the *θίασος* of SEG 10.330<sup>19</sup> should be considered as a *θίασος* of noblemen in an unknown phratry. Her main argument is built around the importance of the patronymic form of the name Etionidai. I think that Guarducci's claim is not sustainable since her main argument, that of patronymic ending, does not prove a possible aristocratic origin. There are examples of patronymic names in the form of *-ίδαι* denoting simply descendants (*Πεισιστρατίδαι*) or phratries (*Θερρικλείδαι*, *Μεδοντίδαι*) or what in the fourth century B.C. were called *gene*. The *θίασος* of SEG 10.330 has nothing to do

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<sup>19</sup> For this controversial inscription see Ferguson (1944: 134) who based on different readings, suggested that this inscription has nothing to do with phratry but it refers simply to a *thiasos*. However, the term *thiasos* is only rarely used as a collective name by the synonymous associations of the late fourth century. Lambert (1986: 48) suggested that this document may come from a particular Heraklean *thiasos*. Cf. Andrewes (1961a: 12).

whatsoever with phratries.

Hedrick (1990: 57) notes, in addition to Andrewes' remark (1961a: 12) about the lack of name in these *θίασοι*, that "the organization of *θίασοι* seems suspiciously regular and symmetrical". Unfortunately, we know neither the size<sup>20</sup> of *θίασοι* as subdivisions of a phratry, nor their number in each phratry,<sup>21</sup> nor even whether this division was something widespread among the Athenian phratries, since the only reference concerns the Dekeleian one.

We do not know when this division was introduced or even if it was a provision made by the state or by the phratries independently. It does not seem that it was promulgated by the city-state, since there is not the slightest evidence or even implication of that. Besides, it was possible that a phratry had the right to be organized without any restriction by the state, according to the law attributed to Solon (Dig. 47.22.4);<sup>22</sup> a large phratry would be sub-divided in order to control the candidates efficiently and dissuade possible intruders. The size of *θίασοι* whose members' records are preserved proves that these were groups, sometimes, of less than

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<sup>20</sup> In IG II<sup>2</sup> 2345 the size of different thiasoi varies from 13 to 33 members; in 2344 only 20 names are mentioned.

<sup>21</sup> Four survive in IG II<sup>2</sup> 2345.

<sup>22</sup> See above chapter 1 and Nilsson (1951: 157-8).



twenty people and that their main function was of guarantors of a phratry's integrity. It is quite plausible to attribute the introduction of *θίασοι* as a subdivision to a phratry's initiative. As for a possible date, it is quite difficult to define one, since in IG II<sup>2</sup> 1237 the system is in operation even before the issue of this decree.<sup>23</sup> The most probable seems to be the second half of the fifth century, when demographic problems, as a consequence of the continued Peloponnesian war, made the Athenians worry about the integrity of the citizen body and the word *θίασος* in literary sources is not used only in connection with Dionysus.<sup>24</sup> The purpose of such a

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<sup>23</sup> Poland (1909: 18) suggests that Kleisthenes might have introduced *thiasoi* as a subdivision of a phratry. Ferguson (1944: 67) and recently Lambert (1986: 28) hold the same view. On the other hand, Arist. *AP* 21.6 indicates that Kleisthenes made no change in the phratries.

<sup>24</sup> Andrewes (1961a: 12) maintains that the system should have been introduced before the occupation of Dekeleia by the Spartans. Hedrick (1990: 58) is of the opinion that the division of the phratry into *thiasoi* was introduced first in the late fifth or early fourth century. For criticism of the conceptualization of *thiasoi* as subdivisions of the phratries see Lambert (1986: 56).

reform varies, according to the scholars, from a democratic reform movement (Andrewes 1961a: 12) to a conservative re-establishment of the old order (Thompson 1968: 51). Of similar origin seem to be some inscriptions preserving lists of members, like IG II<sup>2</sup> 2344 and 2345.<sup>25</sup>

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Lambert's criticism is right in some points of detail but his interpretation overestimates the importance of other divisions of phratry than thiasoi.

<sup>25</sup> For IG II<sup>2</sup> 2344 see Hedrick, C. W. (1989) "The phratry from Paiania", CQ n.s. 39, 126-35. For the nature of IG II<sup>2</sup> 2345 as list of phratores see the reservations of Poland (1909: 18) whether it is plausible, only on the grounds of patronymic and demotic names, to reach such a conclusion. But in the end he admits that these documents preserve names of individuals who were presented as "Neuburgers" to the phratry. This inscription is discussed by Hedrick (1991). I cannot accept Golden's view [Golden, M. (1979) "Demosthenes and the age of majority in Athens" Phoenix 33, 25-38] that IG II<sup>2</sup> 2347 is a document of a thiasos - part of a phratry. Thiasoi as divisions of phratries have never used the expression  $\chi\omicron\iota\upsilon\omicron\nu\tau\omicron\nu\ \tau\omega\nu\ \theta\iota\alpha\sigma\omega\tau\omega\nu$ , which is used constantly by associations of thiasotai. Cf. the recent article of Humphreys, S.C. (1990) "Phrateres in Alopeke, and the Salaminioi" ZPE 83, 243-48. For a new interpretation of IG

The next piece of evidence comes from the reading of a decree inscribed on a cult-table, published initially as IG II<sup>2</sup> 1246. Dow and Gill (1965: 111-12) read the palimpsest inscriptions and in SEG 22.122:4 and 123:3 the phrase ἐν τῷ θιάσῳ occurs designating the place where the stele should have been erected. According to the editors, θιάσος has not any specific or technical sense; it is simply the earliest evidence of the word meaning cult association. In the temple of Ὀργεῶνες nobody could have been misled by this reference.

The word θιάσος appears again in a document of the fourth century (IG II<sup>2</sup> 1177) and in three documents of the third century, 1275, 1297 and 4985. IG II<sup>2</sup> 1275 is a decree regulating the burial of a member of an association of θιασῶται (1-7), mutual aid among the members (7-9), the strict application of the decree's provisions (9-12) and penalty in case of infringement (14-17). IG II<sup>2</sup> 1297 is an honorary decree in favour of an official bearing the title of ἀρχεραυιστής. IG II<sup>2</sup> 4985 is a quite puzzling inscription, especially because of its brevity. Its three words: Ὁμολογίας τοῦ θιάσου cannot help us to identify the exact meaning of θιάσος; whether it is a permanent

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II<sup>2</sup> 2343 as a group of thiasotai from Kydathenaion see Lind, H. (1990) Der Gerber Kleon in den "Rittern" des Aristophanes, 132-64, Frankfurt: Lang.

association or a group gathered only for a specific temporary religious purpose.

But the use of the word in 1177, 1275 and 1297 gives us more hints and clues, in order to analyse the semantic alteration of the word. In this respect, IG II<sup>2</sup> 1297.2-5 (237/6) is the document in which the use of the word *θείασος* implies a solution:

ἐπειδὴ Σώφρων καλῶς καὶ φι[ιλ]οτί/μως συνήγαγε  
τὸν θείασον, ἐπέδωκεν δὲ καὶ στή/λην ὥστε  
ἀνατεθῆναι εἰς τὸ ἱερὸν βουλόμενος/ς αὐξεῖν τὸ  
κοινὸν ἐκ τῶν ἰδίων (since Sophron well and  
zealously convened the thiasos and gave a stele  
in order to be dedicated in the temple, desiring  
to increase the treasury from its own).

The phrase *συνήγαγε τὸν θείασον* suggests that Sophron was responsible for convening the group for a religious ceremony. The same phrasing appears in D. 19.281 and in the accusation of Phryne (see above p.129) and 1177 (see below p.182). However, *θείασος* in 1297 appears only once while the association is described either by the word *θιασῶται* (1.9, 15), or the phrase *ἔδοξεν τῷ κοινῷ* (1.1-2). I do not think that all these three forms mean the same thing and are used interchangeably. The only possibility was the limited interchangeable use of the terms *θιασῶται* and *κοινὸν*. The word *θείασος* in this document refers explicitly to the strictly religious aspect of the association. *θείασος* means the group of

people coming together (that is the reason for the use of the verb *συνήγαγε*) for a specific religious ceremony. Sophron is honoured as the one who convened the group and for his zeal in increasing the available funds of the group. His title implies that he might have been the head of an *eranos* raised among the members of the group. The title *ἀρχεραυλοτής* is possibly an honorific one. *Θιασῶται* and *κοινὸν* are the expressions used in order to denote the association in other instances. This interpretation of the word *θίασος* applies to 1177.3-6 (mid 4th century):

[ὅπως ἂν μ]/[ηδ] εἰς ἀφέτους ἀφίει μηδὲ

θιά[σο]/[υς] συνάγει μηδὲ ἱερὰ ἐνιδρεύω[ν]/[ται].

This inscription preserves part of the decision of the deme of Piraeus to keep Thesmophorion in proper condition and in order during the enumerated festivals. Among other prohibitions, it is not allowed for anybody to convene *thiasoi* in the premises of Thesmophorion. Moreover, it is difficult to imagine that during the several festivals mentioned in 1177.8-10 all the numerous associations of Piraeus had to postpone their activities. Simply, they had to be cautious and they had to avoid the building called Thesmophorion.<sup>26</sup>

It is more difficult to reach a conclusion for the

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<sup>26</sup> Ziebarth (1896: 167), Poland (1909: 19), Radin (1910: 54), Vinogradoff (1920-22: 2.125-6) and LSCG 36.

meaning of the word in 1275 (325-275). The word occurs only once in 1.5-6: ἡ ὅς ἂν οἰκειότατος εἴ τοῦ θιάσου. In the same document, there is a mention of κοινὸν (1.17), when it is needed to describe the body, which inflicts penalties in case of disobedience while the subject of activities like ratifying a regulation (1.13) or prosecuting an infringer (1.15) is described by the term θιασῶται. In this case, it is not expedient to suggest that these three terms could be used interchangeably as Tod (1906: 331 n.2) assumed, and interpret the term θίασος as the whole of θιασῶται. The use of three different terms was not something meaningless. Each had a particular connotation, depending on the context. Θίασος as a technical term was used cautiously only when there was a religious function to be performed and death was an occasion for ritual and ceremonies, to appease the dead person. On such an occasion the group is self-designated using a name of religious character. In other words, the word θίασος has a specific sacral connotation. That is why it is used only once in this inscription, in order to designate the group as a religious community.<sup>27</sup>

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<sup>27</sup> I do not agree with Baslez (1988: 141) who considers this headless decree as coming from an association of Semitic people, because "la fonction funéraire de deux thiasos étrangers d'Attique est caractéristique du mrzh

The word *θίασος* appears once more with the same meaning in the beginning of the second century in a poem preserved on stone and published as IG II<sup>2</sup> 2948.5 and 6:

[᾽Α]νθ' ὧν, ὧ Διόνυσ', ὧν ἱλαος οἶκον  
 ἄμ' αὐτοῦ/[καὶ] γενεῇν σώιζοις πάντα τε σὸν  
 θίασον

a clear reference to its link with the cult of Dionysus, although the association calls itself *ὀργεῶνες*! (1325 and 1326). These three inscriptions can be linked, because they have been discovered in the same place and in 2948.2 there is a reference to Dionysius, the leader of the *ὀργεῶνες* of 1325 and 1326.

The majority of the documents come from the very end of the fourth century onwards (see Table 7) and the standard formula used by the associations to express their identity is *κοινὸν θιασωτῶν* or *θιασῶται*. Can we assert then that the name *θίασος* was used only in connection with Dionysiac guilds and the rest of such groups were called *θιασῶται*? Why then in literature is there a constant, undifferentiated use of the term *θίασος* for both of them? And moreover is there any similarity in a structural level between these two, apparently different types of associations? We can only conjecture an answer if we assume that the orators were especially interested in the

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sémitique".

functions of these associations and not in their internal structure and their differences. As far as our epigraphical evidence goes, it is clear that the word θίασος is used either in order to designate a subdivision of the phratry, at least in the fourth century, or to indicate a religious gathering of any group of θιασῶται. The term θιασῶται is used in general to describe not only the members of a phratry's θίασος, but also to define an association of private cult, acquiring in this way a broader sense. Poland (1909: 20) assumes that the terminological difference between the terms θίασος and θιασῶται describe two different structures, θίασοι designating the "athenischen Bürgerbevölkerung", while the phrase θιασῶται and κοινὸν θιασωτῶν refers to a more recent type, which possibly consists of foreigners and in which the religious element is underlined. However, the limited use of the word θίασος in the above examined documents undermines seriously the conclusion of Poland. Even if we discard the use of the word in Demosthenes as non-technical, there are still some epigraphical instances, where an explanation following Poland's assertion would have been tentative. As a result, I think that a sharp distinction along the lines of natives and foreigners is not plausible or at least it was already blurred in the fourth century and onwards.

Next I shall try to approach the structure of these associations through the study of their membership,



finances, offices and the honours attributed to their members.

#### NOTES ON INSCRIPTIONS

Before going on with the study of the structure of associations called *θιαῶται* it is necessary to comment on some aspects of the compiled material. First of all a note on chronology should be given. Poland (1909: 20) followed by Ferguson (1944: 67) remarked that there is a concentration of the "thiasotendekreten" in the period 301-277. However, this assumption is not confirmed at all from the available evidence because the documents, where an association of *θιαῶται* is present, cover a period of more than a century, while the latest trace comes from the imperial era. [Tables 7, 8 and already Vinogradoff (1920-22: 127)].

The majority of associations of *θιαῶται* worship a foreign deity. Although more information for most of them is not currently available, it is fair to assume that, at least in the case of Bendis' *θιαῶται*, we can have a clear picture of its structure and prosopography for the period 248/7-242/1. Among our documents, there are four, IG II<sup>2</sup> 1317, 1317b, SEG 2.9 and 10 respectively, coming from Salamis and presenting certain similarities. In particular, there are striking similarities, between 1317 and 1317b, on the one hand, and SEG 2.10 on the other, concerning not only the date of their assembly *μηνὸς*

Σκιροφοριῶνος, δευτέραι ἴσταμένου,<sup>28</sup> and the fact that all the three have been found in Salamis, but also the structure of their board of administration, where the same offices occur in all the documents, with the exception of the mutilated 1317,<sup>29</sup> and the same number of ἐπιμεληταὶ, three in each inscription. These associations follow the same practice, that is honour their officers collectively. Last but not least, a prosopographical remark concerning the identification of certain members of the administration in the above mentioned period; Νικίας appears in all the three documents either as ἐπιμελητῆς (1317b.11) or as treasurer (1317.7) or as a member proposing a decree (SEG 2.10:3), Στρατοκλῆς is the secretary in all the three documents, ῥύθμος, a diminutive for Εὐρυθμος, is honoured as ἐπιμελητῆς in SEG 2.10:11 and proposes the honouring of other officials in 1317b.2 and possibly Μένων, who is a superintendent in

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<sup>28</sup> As a result, I think that in the first line of 1317 we should read μηνὸς Σκιροφοριῶνος δευτέρα[ι ἴσταμένου, κυρίαι ἀγοραί --] as in 1317b and SEG 2.10. Of course there is a problem with the length of the first line but the proposed restoration is more or less certain, if the common origin of these three documents is accepted.

<sup>29</sup> See the suggested restoration in SEG 3.127.

1317b.11, had been ἐπιμελητῆς as well in 1317.7-8.<sup>30</sup> It is reasonable to conclude from these facts that these three documents were issued from the same association.

However, there are some difficulties about inserting in this category the document SEG 2.9. It comes from Salamis and has some common features with the three mentioned; i) the name Δόκιμος which occurs in SEG 2.10, ii) the same, more or less, structure of the board of administration, that is three ἐπιμεληταὶ, secretary and treasurer, and iii) en bloc honouring of officers. Nevertheless, it cannot be fully understood in the context of the previous three, because the list of officials of SEG 2.9, which covers the period 247/6-242/1, does not agree with the evidence from 1317b. In particular, in 1317b the names of officials honoured in the archonship of Hieron (245/4) do not correspond to the names of the officials mentioned in SEG 2.9:18-21. So, it is more prudent to suppose that at that time there were two different associations of διασῶται on the island, although we do not know anything about a possible criterion for the distinction. SEG 2.9 is important from another point of view. It is the only decree in which the names of officers are preserved for three (247/6-245/4) and two (242/1-241/40) consecutive years respectively. It reveals in this way the structure

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<sup>30</sup> So, in 1317.7-8 we may read [...Μένω]/να ἐπιμελητῆν.

of relationships among the members and the decisive factors leading to the selection of officials in an association. But the discussion of this extremely interesting aspect will follow in subsection II.

IG II<sup>2</sup> 1318 (end 3rd century), a badly mutilated document of the third century, does not contain the names and the titles of the officers, but it is fair to assume that they were probably ἐπιμεληταὶ, since there are indications of being plural (6:δεδώκασιν and 8:αὐτοῖ[s]), their duties are described in the same way as in SEG 2.9, 10 and IG II<sup>2</sup> 1277 and, finally, they were scrutinized for the administration of the association's financial affairs. IG II<sup>2</sup> 1319 (c. 215) is an even worse preserved text and the only possible conjecture concerns the number of the honoured persons. It seems, from the space remaining in the last two lines, that more than two officials were honoured with this decree.

SEG 24.156 (238/7), a decree honouring Παιδίκος as having preserved, through difficult circumstances, the collected ἔρανος, is another interesting case, since this mutilated stone led Robert (1969: 14-23) to an obscure conclusion like: "Ce thiase était exactement un éranos". Although his general epigraphical remarks are accurate, the assumption concerning the nature of the association is extremely misleading. If it were an ἔρανος, then the most common expression for its members would be ἐρανισταὶ and not θιασῶται. This inscription has its parallel in IG II<sup>2</sup>

1298 where again an ἔρανος is mentioned. The word ἔρανος, in this context does not mean an association, but a kind of amicable loan collected among the associates and existing for their needs.

IG II<sup>2</sup> 1273 was dated by the editors of IG II<sup>2</sup> in the year of the archon Aristonymos (281/80) only on the ground that his name was one letter shorter than the other possible solution.<sup>31</sup> But modern reconstruction of the Athenian calendar has undergone several radical changes and in more recent accounts the archonship of Aristonymos is dated in 281/80 and followed by Kimon. Moreover, in a stoichedon inscription of 30 letters, with only two lines deviating from the rule, the IG II<sup>2</sup> restoration gives a line of 39 letters long. Osborne (1989: 230 n.97), having examined the stone, claims that it should be dated in 265/4 in the year of the archon Φανόμαχος. Osborne's main argument concerns the length of 1273.1; he assumes that its length is 36 1/2 letters and that the name of the

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<sup>31</sup> Foucart (1873: 205-6) dated the inscription in the year of the archon Γοργίας (280/79), a date which does not fit the chronology since archon of the previous year is Οὐρίας. Oikonomides, A.N. (1978) "P. Haun 6 and Euxenos the Athenian Eponymous of 222/1 B.C." ZPE 32, 85-6 suggested without any particular argumentation that this inscription should be dated in 222/21.

archon should have nine letters. The key to a solution is offered in lines 5-6: αἶρεθεῖς ὑπ/[ὸ τ]ῶν θιασωτῶν ἐπὶ Νικίου ἄρχοντος; so Nikias was the archon of the previous year. There were three archons with the name Nikias in the third century, but only one who is followed by an archon whose name fits the requirements of this particular inscription; this is Nikias of the year 282/1 and Ourios was archon in 281/0. The restoration [Ἐπ'Οὐρίου ἄρχοντ]ος μηνὸς Ἀνθεστηριῶνος gives 33 1/2 letters slightly less from the two exceptionally long lines of this document.

The last remark concerns a quantitative and descriptive approach to the use of the terms κοινὸν τῶν θιασωτῶν and θιασῶται. The first term appears only 28 times in the corpus, while the second one appears 55 times. The way these terms are used is much more significant. The phrase κοινὸν τῶν θιασωτῶν does not designate only an active subject, which decides, ἐδόξε (or δεδόχθαι) τῷ κοινῷ, honours, according to previously defined standards, imposes penalties, elects or allots officials; but also a "body" which accepts the benevolence of its members, or receives the payment of the imposed fines. Nevertheless, the latter use is very scarce and limited. On the other hand, the alternative is the use of the word θιασῶται, which seems to be quite widespread in the corpus of the documents. Under this term as a subject, a wide range of activities is described,

including secular ones such as issuing a resolution (ἔδοξεν), forming the assembly (ἀγορὰ), electing officials (αἵρεθεῖς), deciding by vote (ψηφισαμένων), collecting money (εἰσπραξίς), inflicting penalties (κύρωσις) or giving the right for prosecution (τῷ βουλομένῳ τῶν θιασωτῶν), as well as sacral: θύωσι - στεφανοῦσι. An interesting case with the use of both terms, side by side, appears in IG II<sup>2</sup> 2347 (second half of the 4th century) which comes from Salamis and where it is said in column A.1-2:

τούσδε ἐστεφάνωσαν οἱ θια[σ]ῶται φιλοτιμίας  
 ἕνεκεν τῆς εἰς ἑαυτοὺς

followed by two names, while in lines 5-6 the phrase:

τούσδε ἐστεφάνωσεν τὸ κοινὸν τῶν θιασωτῶν ἀρετῆς  
 ἕνεκα καὶ δικαιοσύνης τῆς εἰς τὸ κοινὸν τῶν  
 θιασωτῶν

seems to refer to another crowning of members or even officials of consecutive years. This interchangeable use of these terms implies that at least in some cases they were regarded as real alternatives.

## I. MEMBERSHIP AND FINANCE

Membership did not depend upon any previous qualification.<sup>32</sup> The payment of a contribution is the only

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<sup>32</sup> Freyburger et al. (1986: 67) claim that there was a

known prerequisite (IG II<sup>2</sup> 1298 and 2356, where besides the names there is a number, probably of the money owed). It seems that even the scrutiny (of religious character) of the ὀργεῶνες is not the rule. Men and women were equally welcomed to this kind of association; the lists of some of them (1297, 1298, 2343, 2347, 2348, 2349, 2351, 2352 and 2356)<sup>33</sup> are explicit about women's participation. In 1298, women are becoming ἑρέραι of Artemis but this is our only epigraphical evidence about women holding a post in an association of θιασῶται. Some of the known members are actually non-Athenians,<sup>34</sup> but for the majority of the

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δοκιμασία for the admission. But there is no trace in the evidence for thiasotai association.

<sup>33</sup> The following inscriptions contain list of thiasotai, either as subdivisions of a phratry or as members of cult-groups: IG II<sup>2</sup> 2344, 2345, 2346 all coming from the 4th or 3rd century and 2359 of c. 100.

<sup>34</sup> See for example in IG II<sup>2</sup> 1263 Δημήτριος Σωσάνδρου Ὀλύμπιος, 1271 Μῆνις Μυησιθέου Ἡρακλεώτης 1273 Κεφαλίων Ἡρακλεώτης and Σωτήριχος Τροζήνιος. But in 1317, 1317b, 1262, 1277, 1297, 1298, SEG 2.9 and 10 there is no reference to any particular nationality, which could allow us to conjecture about the origin of the officials. The example of 1323, however, reveals that there were Athenian citizens among their ranks and most probably metics [IG



members there is not any evidence at all.

The financial situation of almost all the associations of *θιασῶται* was more or less gloomy. Their income, which eventually may have taken the form of an *ἔρανος* (1298), depended heavily on the entrance fees of the new members, the regular and exceptional contributions of their members, either in cash or in kind (1282, 1271 and 1277), and the penalties exacted in case of a violation of a decree by an official (1263, 1273 and 1297) or by any member (1275). On the other hand the expenditures were increased not only because of the annual honouring of officials (1261A-C, 1263, 1278 and 1317b), but also because of the restoration or preservation of the temple or other premises (1301). In some cases, there is a reference that the burial of a deceased member will be performed by the association (1277.14-16, 1323.11, 1275.6-7 and 1278 restored). It is important that associations of *θιασῶται* do not appear in records of leases, securities or purchases except in one document (Finley 43) where an *ὄρος* of *πρᾶσις ἐπὶ λύσει* was placed by *θιασῶται*. Does that mean that simply they did not own any estate and they could not take profit from it, or that they did not have the inventive spirit of *ὀργεῶνες*? The

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II<sup>2</sup> 1261A-C, according to Foucart's conjecture in BCH 3 (1879) 510].

fact that a large part of the *ῥαῖσται* were not Athenian citizens suggests that they could not acquire any land.

The amount of money owed to the association is declared to be either sacral (1273) or owed to the goddess (1297). Ziebarth (1896: 175) suggested that in this case there was no need for the association to follow a legal procedure in order to receive the money, because its claim could be satisfied directly. What would be the next step, we do not know. Maybe an act towards the seizure of property? But since the contribution was small and the consequence of non-payment was rather the exclusion or the marginalisation of the non-payer than any other penalty, a punishment that meant the loss of a whole network of friends and possibly supporters, I think that it is not appropriate to discuss seizures.

## II. OFFICERS, OFFICES AND HONOURS

In all the known associations of *θιασῶται*, there is a very simple administrative structure, consisting of *ἐπιμελητῆς* or *ἐπιμεληταὶ*, *ταμίας*, and *γραμματεὺς*. The sacerdotal duties are performed by a person who in the majority of the documents bears the title of *ἱερεὺς* or *ἱεροποιὸς* when he is a man, and *ἱέρεια* when a woman. There is no trace of hierarchy among the different kind of officials.

There seem to be two methods of selection: *αἵρεθεῖς* and *λαχῶν*, but the neutral terms *κατασταθεῖς* and *γενόμενος* are attested as well. The term *λαχῶν* describes exclusively the method of selection for sacerdotal offices<sup>36</sup> (see for *ἱεροποιὸς* IG II<sup>2</sup> 1261c, 1263 and for *ἱερεὺς* 1273a, b) while the term *αἵρεθεῖς* or (*προσ*)*αἵρεθέντες* defines the selection for the office of *ταμίας* (1271 and probably 1273a) or *γραμματεὺς* (1263) or *ἐπιμεληταὶ* (1301) or of special committees (SEG 2.9 and IG II<sup>2</sup> 1282). The terms *κατασταθεῖς*, *κατασταθέντες* are ascribed to officials of previous years, who were elected

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<sup>36</sup> This fact is explained by the character of the Greek religion as one without any organised priesthood and system of beliefs. The nature of the religion as a collection of rituals gave the opportunity to anyone to perform these duties.

(SEG 2.9-10, IG II<sup>2</sup> 1277, 1278), while the term *γενόμενος* is connected with a sacerdotal office (1261c, 1297 and 1298), although there is an exception (1261a).

All the officials stayed in office for one year; the evidence about this is explicit and covers almost every office (for *γραμματεὺς* IG II<sup>2</sup> 1263, *ἐπιμεληταὶ* SEG 2.9-10, *ταμίας* IG II<sup>2</sup> 1278 and 1323, *ἱέρειαι* 1298, *ἱεροποιοὶ* 1261b). It is possible but not definitely proved that in 1273b the office of *ἱερεὺς* was shorter than a year, since in the decree there is a mention of the year and the month (*ἐπὶ Νικίου ἄρχοντος μηνὸς Βοηδρομιῶνος*) when the priest was allotted, while in 1273a the meeting takes place in *Ἀνθεστηριῶν*<sup>37</sup>. The annual term in office was not always the rule since there are cases where officials stayed in charge for more than one year:

*ἐπειδὴ Θέων κατασταθεὶς ταμίας εἰς τὸν ἐνιαυτὸν  
τὸν ἐπὶ Νικοφῶντος ἄρχοντος λελειτούργηκεν ἔτη*

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<sup>37</sup> This oddity was explained as a semestral allotment of officials (Ferguson 1944: 107, n.49) with the assumption that such an arrangement was convenient for merchants and without any precedent in Attica or as a monthly rotation in this office (Kirchner, IG II<sup>2</sup> 1273.30). With no more available evidence, I am inclined to accept Foucart's (1873: 206) conclusion that we do not know whether it was regular or exceptional.

πλείω (since Theon was elected as treasurer in the year of the archon Nikophon, he stayed in office for several years (IG II<sup>2</sup> 1323.5-8 and 11-13)).

There is a similar case in 1261B and C where Στέφανος Μυλωθροῦ appeared as ἱεροποιὸς for two consecutive years.

The meetings of the associations of θιασῶται took place every month. Bendis' θιασῶται gathered on the second day of the month of Skirophorion in order to pay honour to their officials, just as the ὀργεῶνες held their meetings on the same date. Their decrees start with the standard phrase κυρίαὶ ἀγοραῖ (SEG 2.9 and 10, IG II<sup>2</sup> 1317b).

SEG 2.9 offers some interesting evidence not only on the problem of the duration of the term in office, but also on how the selection of officials proceeded. In a record of the officials for six years, that is from 247/6 to 242/1, certain names appear again and again, like the name Θάλλος, which occurs three times as ἐπιμελητὴς (in the years 247/6, 245/4 and 242/1) or the name Βάτραχος, which occurs three times as well, twice as γραμματεὺς (247/6 and 241/40) and once as ταμίας (245/4), while he was elected as a member of the committee for the erection of that column. The same is true for Κράτης (242/1 and 241/40) and Ἀρχέπολις (245/4 and 241/40). So in a period of six years, four persons seem not simply to participate in the administration of the association, but to conduct

virtually all its activities and administer its survival. The mode of selection actually conduced to the association's survival, which was guaranteed through the generous and benevolent aid of the wealthier members,<sup>38</sup> who in return received these offices.

After the end of the term in office, the officers, and especially the treasurer (1271), the secretary (1263), and the superintendents (SEG 2.9), had to be scrutinised about the way they had administered the association's affairs, and especially those involving financial matters. The expressions used are either καὶ τοὺς λόγους ἀποδέδωκαν τῶν ἀνηλωμένων (SEG 2.9:5-6) or δεδώκασιν δὲ λόγον καὶ εὐθύνας πάντων ὧν διωκήκασιν (1277.16) and in one case ἀνένκλητον παρέχων ἑαυτὸν πᾶσι τοῖς θιασώταις (1271.8-9).

The pattern of honouring seems to follow a different path from that of ὀργεῶνες, preferring to honour all the officials of a year in one decree, instead of each one separately. The reason for such an arrangement may lay in the historical development and was dictated by historical and financial necessities. This practice is used frequently by the majority of the associations of θιασῶται (12 out of 21 cases). Thus, it is more difficult to distinguish through a general, multi-clausal statement, the duties of each official. In this respect,

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<sup>38</sup> Similarly Burkert (1987: 32).

I shall examine first the cases where collective honours are bestowed and later the individual cases.

1. COLLECTIVE HONOURING: This practice is met in the following documents:

α) SEG 2.9 and IG II<sup>2</sup> 1317 where ἐπιμεληταὶ, γραμματεὺς and ταμίαι are honoured with the following expressions:

καλῶς καὶ φιλοτίμως ἐπιμε/μέληνται τῶν τε θυσιῶν  
ὥς αὐτοῖς πατριὸν ἐστὶν καὶ τῶν ἄλλων/ῶσων  
αὐτοῖς ὁ νόμος προστάττει καὶ τοὺς λόγους  
ἀποδεδῶκα/σι (they took care well and zealously  
of the sacrifices as it is customary for them  
and of the rest as the law prescribes and they  
were scrutinized for their term in office) (SEG  
2.9:3-6),

and in 1317.2-5:

καλῶς καὶ φιλοτί/μως ἐπεμελήθησαν τῶν τε  
θυσ[ιῶν ὧ]ν π[ροσῆκεν αὐτοῖς καὶ τῶν ἄλλων  
τῶν]/περὶ τὸ κοινὸν τῶν θιασωτῶν καὶ  
[προσανήλωσαν ἀργύριον παρ'ἑαυ]/τῶν (they took  
care well and zealously of the sacrifices which  
they had to perform and of all the remaining  
affairs of the association of thiasotai and  
they spent money from their own revenue).

β) SEG 2.10:5-8 and IG II<sup>2</sup> 1317b.4-6 where in addition to the officials of the previous document, an ἱερεὺς is honoured,

καλῶς καὶ φιλοτί/μως ἐπεμελήθησαν τῶν τε θυσιῶν

τοῖς θεοῖς καὶ τῶν ἄλ/λων ἀπάντων τῶν περὶ τὸ  
κοινὸν καὶ τοὺς λόγους ἀπέδω/καν τῶν ἀνηλωμένων  
(they took care of the sacrifices to the gods  
and all the other affairs of the association and  
their accounts have been checked)

and

ἐπεμελήθησαν τῶν τε θυσιῶν καὶ τῶν ἄλλων ἀπάντων  
τῶν περὶ τὸ ἱερὸν τῆς Βενδίδος (they took care  
of the sacrifices and all the other affairs of  
the temple of Bendis).

γ) IG II<sup>2</sup> 1323.10-4, where the secretary and the treasurer  
are honoured separately:

μεμέρικεν δὲ καὶ εἰς τὰς θ[υ]/σίᾱς ἐν τοῖς  
καθήκουσι χρόνοις ἀπρ[ο]/φασίστως δέδωκεν δὲ καὶ  
τοῖς μετα[λ]/[λ]ᾶσαι τὸ ταφικὸν παραχρῆμα  
ὁ[μ]ο[ί]/ως δὲ καὶ ὁ γραμματεὺς  
λελειτούργ[γ]/[η]κεν ἔτη πλείω καὶ διατελοῦσιν  
εὖνοι (he has allocated funds for sacrifices  
readily in the proper time, he has given money  
for the burial of the deceased members  
immediately; similarly the secretary performed  
his duties for many years and both continue to  
be favourable).

δ) IG II<sup>2</sup> 1277.6-17, where the superintendents and the  
treasurer are honoured:

καὶ τοῦ ἱεροῦ ἐπιμ[εμέ]λη[ν]ται καλῶς καὶ  
φιλοτίμως κα[ὶ] τ[ὰς] θυσ[ί]ας ἔθυσαν π/ᾶσα[s]



κ]ατὰ τὰ πάτρια καὶ τὰ νόμιμα, ἐπεκόσμησαν δὲ  
 κα[ὶ] τ[ῆ]ν θεὸν καὶ τὸν βωμὸν/ν ἐξ ἀρχῆς  
 ὠικοδόμησαν, καὶ εἰς ταῦτα/ἐπιδεδώκασιν  
 παρ' ἐαυτῶν **Π** Δ Γ δραχμὰς, καὶ ποτήριον ἀργυροῦν  
 ποιησάμενοι/παρ' ἐαυτῶν ἀνέστηκαν τῇ θεῷ ὅλην/  
**Π** Δ **Ι** **Ι** /// δραχμὰς, ἐπιμεμέληνται δὲ καὶ τῶν  
 ἀπογενομένων καλῶς καὶ φιλοτίμω/ς, δεδώκασιν δὲ  
 καὶ λόγον καὶ εὐθύνας πάν/των ὧν διωικήκασιν

(and they have taken care of the sanctuary well  
 and zealously and they sacrificed the sacrifices  
 according to the ancestral tradition and the cu-  
 stoms, they decorated the statue of the goddess  
 and they built the shrine from the beggining and  
 they gave for these 65 drachmas and they made a  
 silver cup at their own expense dedicated to the  
 goddess weighing the equal of 62 drachmas and 3  
 obols, they have taken care of the deceased  
 members well and zealously and they have been  
 scrutinized for all they have administered).

ε) while in IG II<sup>2</sup> 1278.2-5 and 1282.6-10 respectively,  
 the offered services are described as follows:

ἔδοσαν [δὲ καὶ ταφικὸν τοῖς]/[μεταλλάξασιν τὸ  
 γεγραμ]μένον ἐκάστωι κατ[ὰ τὸν νόμον καὶ  
 πα]/[ρα]δε[δ]ώκασιν[ν] ἀργυρ[ί]ου περιὸν :X **Π** H  
 H **Π** Δ Δ: ἐπε[μελήθησαν δὲ καὶ]/[τῶ]ν [ἄ]λλων  
 ἀπάντων [μ]ετὰ τῶν ἡγεμόν[ων] κα[λῶς καὶ  
 φιλοτίμω]ς (they gave the prescribed sum of money

for the burial of each of the deceased according to the custom and they have handed over surplus money amounting to 1770 drachmas and they took care of everything else together with the hegemones well and zealously),  
 τῆς προσοικοδομίας τοῦ/ἱερ[οῦ τοῦ] Ἀμμωνος τό  
 τε ἔ[ρ]γον καλὸν καὶ/[ᾧ]ξιο[ν τ]οῦ [θε]οῦ  
 ἐποίησαν κ[αὶ] ἐπεστάτησα[ν]/[καλῶς καὶ  
 φ]ι[λ]οτίμως καὶ λόγον ἀπέδω[καν τοῦ  
 ἀναλ]ώματος (they built the annexe to the temple of Ammon, a good piece of work and worthy of the God, and they supervised well and zealously and they have been scrutinized about the expenditure).

## 2. INDIVIDUAL HONOURING

i. Ἐπιμεληταὶ: The office occurs in almost all the associations of θιασῶται till the late decades of the third century; the only difference is their number. In Bendis' θιασῶται (IG II<sup>2</sup> 1317, 1317b SEG 2.9, 10) there are three as in 1277, while in 1262 there are two and in 1261, 1278 and 1282 only one is mentioned. Their duties, including taking care of sacrifices, are described as follows:

τῶν κοινῶ[ν πᾶ]/[ν]των ἐπιμεμέληται τὴν  
 ἐπιμ[έ]λειαν ἣν ἔδει αὐτὸν ἐπιμεληθ[ῆναι] καὶ  
 τᾶλλα φιλοτιμούμεν[ος δ]/[ι]ετέλεσεν ὑπὲρ τοῦ  
 κοινοῦ κ[αὶ]/[τ]ὴν πομπὴν τῶν Ἀδωνίων

ἔπεμ[ψε]/[κ]ατὰ τὰ πάτρια (he has taken care of  
 all the common affairs, which he should have  
 taken care of, and he has been zealous in other  
 affairs in favour of the association and he  
 escorted the procession of Adonia according to  
 the ancestral tradition) (1261A.4-10),  
 καλῶς καὶ φ[ιλοτί]/[μωσ] ἐπιμεμέληνται τῶν τε  
 θ[υσιῶ]/[ν κ]αὶ τῶν ἄλλων ἀπάντων τῶν  
 [κοιν]/[ῶν] (they have taken care well and  
 zealously of the sacrifices and any other common  
 affair) (1262.4-7),  
 [ἔπεμε]/[λήθησαν ψηφι]σαμένων τῶ[ν θιασωτῶν ὅπως  
 ἂν ἐπι]/[σκευασθεῖ τὸ μ]αγειρεῖον καὶ  
 τ[---]/[---ἐπι]διδόντες μετὰ [πάσης φιλοτιμίας  
 ---]/[δραχμὰς ? ἐκ] τῶν ἰδίων τὴν π[ᾶσαν σπουδὴν  
 ποιούμενοι]/[ὅπως συντελε]σθεῖ τὰ ἐψηφισμέ[να  
 (in accordance with the vote of the thiasotai  
 they took care of the repair of the kitchen, and  
 --- giving zealously --- drachmas ? of their  
 own, and they were at pains so that the decision  
 will be implemented;) (1301.3-8),  
 αὐ]τὸς δὲ ἐπηγγείλα[το ἐκ τῶν]/[ἰδ]ίων εἰς  
 ἅπαντα τὰ [προσῆ]/[κ]οντα τῷ κοινῷ  
 μερ[εῖν]/δεδώκασιν δὲ καὶ λό[γον καὶ]/εὐθύνα[s  
 ἀπά]ντων τ[ῶν ὠικο]/νομημένων αὐτοῖ[s ἐν  
 τῷ]/[ἐν]ιαυτῷ (he promised that from his own  
 income he would give in everything that is

convenient to the association and they have been scrutinized for their term in office)

(1318.3-9).

Thus, the connection of these officials with the sacrifices is evident; but we should not draw the conclusion that ἐπιμεληταὶ were a kind of sacerdotal officers. On the contrary, they were the ones who arranged the provision of the association with everything necessary for the ceremonies and with specific duties including the carrying out of certain projects as in 1301. ii. Ταμίας: The office occurs in IG II<sup>2</sup> 1263, 1271, 1317, 1317b, 1323 and SEG 2.9 and 2.10. His duty was to take care of the financial affairs of the association, giving money for the erection of the columns and the crowns. But the association itself is responsible for taking the money of fines and penalties, which moreover, are characterized sometimes as sacral.

καλῶς καὶ φιλοτίμως πᾶσ/[ας τὰς] ἐπιμελείας  
ὑπέστη καὶ τό τε προστώριον καὶ/[τ]ὸ [ἀ]έτωμα τοῦ  
ἱεροῦ τοῦ Διὸς τοῦ Λαβραύνδου ἐπε/[τ]έλεσεν  
ἀξίως τοῦ θεοῦ καὶ τὰ κοινὰ καλῶς καὶ δικαί/ως  
διεχείρισεν ἀνένκλητον παρέχων ἑαυτὸν πᾶσ/ι τοῖς  
θιασώταις ἐκ τε τῶν πρότερον χρόνων καὶ ἀφ' οὗ  
εἰς τὴν ἐπιμέλειαν τῆς ταμείας εἰσῆλθεν καὶ ἐκ  
τῶν ἰ/δίω τῶν ἑαυτοῦ προσανήλωσεν ἀργύριον  
ἀπροφασί/στως εἰς τὸ ἱερὸν φανερά ποιούμενος τὴν  
εὐνοίαν ἣν ἔχει εἰς τοὺς θιασώτας καὶ τὴν

ἱερωσύνην ἀξίως ἱερε/ώσατο τοῦ θεοῦ (he undertook well and zealously all the concerns, he built the portico and the gable of the temple of Zeus Labraundos, worthy of the God, he administered the common affairs well and honestly, providing himself blameless to all the thiasotai from the previous years and since he entered the treasurership, and from his own income spent money readily, making evident his goodwill to the thiasotai and he performed worthily the duty of the priest of the God) (1271.4-14).

iii. Γραμματεὺς: This office exists in IG II<sup>2</sup> 1263, 1277, 1278, 1317, 1317b, 1323 and SEG 2.9-10. In most of these cases, the secretary is honoured jointly with other officials and the only instance from which we can assess his duties is 1263.7-19:

καλῶς καὶ δι/καίως ἐπεμελήθη τῶν κοινῶν πάντων  
καὶ τοὺς λογισμοὺς ἀπέδωκεν ὀρθ/[ῶ]ς καὶ δικαίως  
καὶ εὐθύνας ἔδωκεν/ῶν τε αὐτὸς ἐκυρίευσεν καὶ  
[τ]ᾶ πρὸς/τοὺς ἄλλους ἐξελογίσατο ὅσοι τι τ/ῶν  
κοινῶν διεχέρισαν καὶ νῦν δια/τελεῖ τὰ  
συνφέροντα πράττων καὶ λ/έγων ὑπὲρ τῶν θιασωτῶν  
καὶ κοινῇι/καὶ ἰδίαι ὑπὲρ ἑκάστου καὶ  
ψηφισα/μένων τῶν θιασωτῶν μισθὸν αὐτῷ δι/ίδοσθαι  
ἐκ τοῦ κοινοῦ καὶ τοῦτον ἐ/πέδωκε τοῖς θιασώταις  
(he took care well and honestly of all the

common affairs and he gave the accounts rightly and honestly and he rendered account of everything he administered and everything of which he kept account in relation to others who administered some of the common affairs and now he continues to do and suggest what is expedient for the thiasotai both as an association and as individuals, and the thiasotai having voted to grant to him an allowance he returned it to thiasotai).

The next two offices display a certain particularity, since they are sacerdotal and at least in one case both exist at the same time in the same *θιασῶται* association (IG II<sup>2</sup> 1297).

iv. *Ἱεροποιός*: This office appears in IG II<sup>2</sup> 1261B and C, 1263 and 1297. It seems that more than one person was allotted in this office. Their duties concerned the performance of sacrifices and processions:

ἀνὴρ ἀγαθὸς γέγονεν καὶ τὰς [θ]/υσίας ἔθυσε τοῖς θεοῖς ἅς πάτ[ρ]/ιον ἦν αὐτοῖς καὶ τὰλλα ἐπιμε-[μ]/έληται ὅσα προσῆκε[ν] αὐτῷ πε[ρ]/ὶ τὴν ἐπιμέλειαν (he was a virtuous man and he sacrificed the ancestral sacrifices to the Gods and he has taken care of other affairs as he should)  
(1261B.30-4),

εὖ ἐπεμελήθη τῆς θ[υ]/σίας τῆς Ἀφροδίτης (he took care well of the sacrifice to Aphrodite)  
(1261C.46-7).

v. Ἱερεὺς: An official with this title appears in SEG 2.10, 24.223, IG II<sup>2</sup> 1273A and B, 1297 and 1317b. His duties consisted largely in taking part in religious activities as the following extract reveals:

καλῶς καὶ φιλοτίμως ἐπιμεμέλῃται τοῦ τε ἱεροῦ  
τῆς/Μητρὸς τῶν Θεῶν [κ]αὶ τῶν θιασωτῶν (he took  
care well and zealously of the temple of the  
Mother of the Gods and of the thiasotai)  
(1273B.30-32).

There is a surprising uniformity in the way that the association expresses the honour to its officials. In almost all the available intact documents the phrase ἐπαινέσαι καὶ στεφανῶσαι is repeated constantly. The honours attributed are in most of the cases a crown of θαλλὸς, accompanied by ἀναγόμεναι τοῦ στεφάνου in certain ceremonies (IG II<sup>2</sup> 1263, 1273a and 1297), ἀνάθημα (1261a, b, c, 1262 and 1263) and rarely a picture (1271) or an ἑπαινος (1277). The abstract reasons for the honouring seem more interesting. Their diversity is limited to combinations of the terms ἀρετὴ, δικαιοσύνη, φιλοτιμία, ἀνδραγαθία, εὐνοία, and εὐσέβεια. The exclusive use of a term is delimited by εὐσέβεια which qualifies always the successful performance of any sacerdotal duty. The term ἀνδραγαθία is used only in 1261A and B together with φιλοτιμία. As Whitehead (1983: 69) pointed out ἀνδραγαθία in the fourth century does not refer to military prowess but rather to activity favourable to a community. In the

decrees of Bendis' *θιασῶται* which come from the middle of the third century the phrase *ἀρετῆς ἕνεκα καὶ δικαιοσύνης* is repeated constantly. Finally, the term *ἀρετῇ* appears only in the first half of the third century. The term *φιλοτιμία*, which occurs most often among these reasons, clearly designates in that historical context, the economical and financial help offered as well as *ἀνδραγαθία*, in the earlier decrees. The real reasons for the honouring are, in all but three cases, the successful fulfilment of the regular duties of officials (IG II<sup>2</sup> 1261a, b, c) or of persons appointed for a specific purpose (1282). The exceptional cases are included in decrees (1263, 1271 and 1277) where the contribution of the official(s) exceeds the limits of their prescribed competence, and often consists of financial aid, through the sponsoring of e.g. the temple's refurbishment in 1271.

The motivation follows the same pattern as the one in *ὀργεῶνες*. It occurs not only in the cases of individual honouring, but in cases of collective honouring as well. It does not emerge at all in the decrees from the *θιασῶται* association of Bendis. The main objective of honouring is, through the exemplification of certain exceptional contributions or fulfilment of regular duties, to instigate members (*ὅπως ἂν ᾧσι πολλοὶ οἱ φιλοτιμούμενοι, εἰδότες ὅτι ἐπίστανται χάριτας ἀποδιδόναι οἱ θιασῶται*, 1261C) and officials (*ὅπως ἂν πάντες οἱ ἀεὶ καθιστάμενοι εἰς τὰς ἐπιμελείας φιλοτιμῶνται πρὸς τε τὴν*



θεὸν καὶ τὸ κοινὸν εἰδότες ὅτι χάριτας ἀξίας κομιοῦνται, 1277) alike, to act for the well-being of the association, promising precious rewards according to the value of the benevolence. Competition is the motivating force and honour the reward.<sup>39</sup>

Summing up, I should emphasize the different uses of the term θίασος; it emerged that the use of this particular term in inscriptions is very limited (all in all six times in Attica) and when used had a connotation of a group performing religious functions. The terms κοινὸν θιασωτῶν and θιασῶται were widely used. The different and numerous associations of θιασῶται present a lot of similarities with ὀργεῶνες. Their main distinctive feature is the collective honouring of officials and the well attested participation of women.

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<sup>39</sup> Burkert (1987: 44).

## CHAPTER 4

### ΕΠΑΛΙΣΤΙΑΙ IN ANCIENT ATHENS

#### A. INTRODUCTION

For *ἐπαλισταὶ* there is a wide range of evidence, both literary and epigraphical. The latter category includes a few honorary decrees, dedications and laws from the Roman era (Table 9), sixteen horoi<sup>1</sup> and seventeen entries among the numerous freedmen's bowls [catalogi paterarum argentearum (IG II<sup>2</sup> 1553-1572)].<sup>2</sup>

"*Επαυος* as an expression of a collective activity, namely that of banqueting, is present already in Homer."<sup>3</sup>

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<sup>1</sup> In chronological order: SEG 32.236, Finley 71, 114, 32, 30, 31, 40, 42, 44, 70, 112, 113, 31A-B, 78A, 114A and 163A.

<sup>2</sup> See the list compiled by Vondeling (1961: 118-19). I do not reproduce the tables here, since only in SEG 18.36 and 25.178 new readings and restorations of the existing entries are mentioned without adding anything new. Cf. SEG 27.7, 35.248, 38.53 and 39.168.

<sup>3</sup> E.g. *Od* α 226 and λ 415.

In classical Athens the word occurs in comedy (e.g. *Ar. Ach.* 614-17 and *Lys.* 651-53), tragedy (e.g. *E. Supp.* 363 and *Hel.* 388) and in the orators (e.g. Antiphon *Tetralogies* 2B.9, D. 21.101 and 184, *Hyp.* 5.14). It is even more frequent in the third century. Its meaning and semantic evolution from the period before the Peloponnesian War up to the early Christian era is traced in the exhaustive work of Vondeling (1961).<sup>4</sup>

The epigraphical evidence for *ἐρασιῶται* in Attica ranges from the second half of the fourth century till the second century A.D. with certain chronological gaps in the documentation.

This chapter is confined to the study of the term *ἐρασιῶται* and *κοινὸν ἐρασιῶτων* according to the available literary and epigraphical evidence in relation to *ἔρανος*. The main question concerns a possible identification of *ἔρανος* and *ἐρασιῶται* (B), to show that there is no sufficient evidence to identify *ἐρασιῶται* with a few

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<sup>4</sup> Cf. Pleket, H. *IG* 75 (1962) 447-80 and Wolff, H.J. *Labeo* 11 (1965) 220-224. Vondeling's book remains the fundamental study on *eranos*; for an account of the published work on *eranos* after Vondeling's see Millett (1991: 294-5 n.33). For a different approach, underlining an anthropological-psychological aspect, see Gernet (1968: 21-61 and especially 46).

religious associations whose name ends in -οται (Table 10), and which appear in the third century and later (C) and to point out some features of the structure of these ἐπανιοται-associations (D).

The interpretation of horoi and freedmen's bowls will play a considerable role in this attempt, since these documents are the most numerous and important testimonies about the nature of the κοινὰ ἐπανιστῶν and their uniformities or irregularities. The type and the nature of documents compiled in Table 9 does not cover the overall activities of these κοινὰ.

#### B. EPANISTAI IN ATHENS

Caillemer in one of his lectures,<sup>5</sup> distinguished between the principal two meanings of the word ἔρανος. In Homer it meant a picnic, but this meaning was altered as early as the fifth century.<sup>6</sup> Caillemer pointed out that

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<sup>5</sup> Reprinted in Caillemer (1872). According to Lipsius (1905-15: 730, n.197) this distinction was first made by Van Holst De eranis veterum Graecorum inprimis ex jure Attico, 73ff, Leyden 1832. Caillemer's lecture is an attempt to undermine Van Holst's - largely unknown - view of eranos as an association without a solidarity fund for its members.

<sup>6</sup> Vondeling (1961: 15-27 and 258). In the fifth century

the meaning of the word in the classical era describes a society with religious purposes and "une société du secours mutuel". But he did not say whether these functions are performed by the same group or by two different ones.

Foucart (1873: 3) was the first who explained that there were "deux genres d'éranes" coming from the original Homeric meaning. The first he called "éranes civiles", whose aim was the grant of interest-free loans, and the second "éranes religieux". Foucart (1873) distinguished between the different contents of the word but not between the terms ἐρασισταὶ and ἔρανος. Foucart's distinction still holds good among most of the scholars. It may appear under different names but the core of the distinction is the same.<sup>7</sup> It is important to seek the reasons for such a distinction, because the confirmation of this principle will have considerable impact on the problem of identifying and interpreting the status of these associations.

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eranos means either a loan (Antiphon Tetralogies 2B.9, Ar. Ach. 615) or generally a sum of money collected for a concrete purpose (Ar. Lys. 653).

<sup>7</sup> See Beauchet (1896: 4.258) where the terms are "érane-prêt" and "érane-société" and Finley (1951: 100) "eranos-loan" and "eranos-club".

Beauchet (1897: 4.258 and 354), following Reinach (1892: 805), was the first who tried to look for evidence to establish this distinction. He pointed out that there was a difference in the terminology, concerning not only the titles of officers, but also the essential function of these groups. In particular, he remarked that when there is a mention of "eranos-loan" there are expressions like *ἐρανιζόμενος*, *ἐρανίζοντες*, *πληρωταὶ* (D. 21.101 and Hyp. 3.7), *συλλέγειν ἔρανον* (D. 18.312 and Antiphon Tetralogies 2B.9) and the rest. On the other hand in "eranos-club" there are such terms as *ἀρχ(ι)ερανιστῆς*, *προερανίστρια*, *ἐρανισταὶ*, *κοινὸν ἐρανιστῶν* and the like (see documents in Table 9). Furthermore, Beauchet (1897: 4.269) claimed that there is no evidence in support of the opinion<sup>8</sup> that in case of emergency any member of the group had access to a special fund and obtained an interest-free loan. Instead, in all the cases of an "eranos-loan", the lenders are rich persons having no associative links. Ziebarth (1896: 16), followed by San Nicolo (1915-19: 214-15), claimed that besides the eranos-societas, which had financial activities concerning mainly the grant of interest-free loans, there was another type of association called eranos-vereine, which was developed from the original eranos-societas and had largely religious

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<sup>8</sup> Opinion held by Caillemet (1872: 20).

functions. He interpreted the horoi and the freedmen's bowls as being issued by such associations.

In the scholarship of the twentieth century, most authors seem to accept Ziebarth's distinction between *eranos-societas* and *eranos-vereine*. Poland (1909: 28), following Lipsius (1905-15: 730, n.197), did reject it. Poland (1909: 29) maintained that the meaning of the late fourth century references<sup>9</sup> to *ἐρασιῶται* is confined to loose groups of individuals. Finley (1951: 100) adopted Poland's remark and excluded all these documents from his study. He distinguished between *eranos-loan* and *eranos-club*, but the use of the term *ἐρασιῶται* is for him merely a matter of wording and precision. Vondeling (1961: 82-3) seems to be more cautious; he admits that whereas the terms *ἐρανος* and *ἐρασιῶται* can be considered as synonyms, there is a considerable chronological gap in their use. Maier (1969: 75), committed to a more legally orientated study of *ἐρανος*, follows essentially the prevailing opinion and in the beginning he identifies *ἐρασιῶται* with members of an *ἐρανος* association, but later on (100) he realises that there is a difference between the expressions *ἐρασιῶται* and *κοινὸν ἐρασιῶτων* on one hand and *ἐρανος* on the other;

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<sup>9</sup> That is references in horoi, freedmen's bowls and IG II<sup>2</sup> 2935, 2940 and 10248.

Die Summe der Mitglieder wurde dann mit οἱ ἑρανισταὶ benannt werden, der Verein als solcher dagegen mit ὁ ἔρανος.

In order to maintain his initially expressed view, he attributes the interchangeable use of the terms to the lack of distinction between "korporation" and "Gesamtheit der Mitglieder". The interesting points raised by Maier in this particular connection will be examined in the next chapter. Millett (1991: 153) and Harris (1992: 311) claim that ἔρανος describes the "contributors collectively", that the word ἑρανισταὶ designates the individual lenders and that κοινὸν ἑρανιστῶν is a synonym for ἔρανος.

All in all, the prevailing opinion considers ἑρανισταὶ as the members of an ἔρανος raised by friends of the debtor and without any technical meaning. A re-examination of the available evidence will test the validity of this view.

## I. LITERARY EVIDENCE

The word ἑρανισταὶ occurs for the first time in the sixth century in a fragment from the work of Pherekydes (FGrHist 3 F11):

Περσέως δὲ πνυθόμενου ἐπὶ τίνι ὁ ἔρανος  
εὐωχεῖται, τοῦ δὲ φήσαντος ἐπὶ ἵππῳ, Περσεὺς  
εἶπεν ἐπὶ τῇ τῆς Γοργόνης κεφαλῇ. μετὰ δὲ τὸν  
ἔρανον τῇ ἐξῆς ἡμέρᾳ, ὅτε οἱ ἄλλοι ἑρανισταὶ τὸν  
ἵππον ἀπεκόμιζον, καὶ Περσεὺς. (When Perseus



asked what would be the counter-gift for the feast, and he said a horse, Perseus said the head of Gorgon. The sixth day after the feast, when the other banqueters brought each one a horse, Perseus did as well) (my translation).

Although the passage is preserved only through a scholion on A. R. Argonautika, IV 1515 and it is not quite reliable, it appears to be the first testimony of *ἐρανισταὶ* and it means participants, of a noble status, in a banquet.

In the fifth century the word occurs in a fragment of the Aristophanic *Ὀλκιάδες* (PCG III.2, frg. 419)

πρῶην ἐρανιστὰς ἐστιῶν ἡψησ' ἔτνος (the day before yesterday feasting banqueters he prepared a thick soup) (my translation).

In the fourth century there is, apart from the references in the Corpus Aristotelicum, a mention in an ambiguous passage of Crobylus (PCG IV frg. 1) and in the third century among others in Euphro (PCG V, frg. 9)

ὅταν ἐρανισταῖς, Καρίων, διακονῆς  
οὐκ ἔστι παίζειν, οὐδ' ἂν μεμάθηκας ποιεῖν

(when you are serving banqueters, Karion, it is not allowed either to play, or to do things you have learned) (my translation).

where *ἐρανισταὶ* are qualified as *συρφετὸς* and the names of persons (Dromon, Kerdon, Soterides) are added implying a sort of newly rich people, who pay as much as they asked

for.

In all these passages the connection of the word *ἐρανισταὶ* with a dinner (or the preparation of it) is evident. Therefore, *ἐρανισταὶ* means the people (nobles earlier, common later) who sit together for dinner. This meaning is present also in Arist. EN 1123a 20-2 (Δ.2.20):

ἐν γὰρ τοῖς μικροῖς τῶν δαπανημάτων πολλὰ  
ἀναλίσκει καὶ λαμπρύνεται παρὰ μέλος, οἷον  
ἐρανιστὰς γαμικῶς ἐστιῶν (he spends a great deal  
and makes a tasteless display on unimportant  
occasions; for instance, he gives a dinner to  
his club on the scale of a wedding banquet),

and Arist. MM 1192b 2 (A.26):

ὅστις μὲν οὖν δαπανᾷ οὐ μὴ δεῖ, σαλάκων, οἷον  
εἴ τις ἐστιᾷ ἐρανιστὰς ὥς ἂν γάμους τις ἐστιῶν  
ὁ τοιοῦτος σαλάκων (he who is lavish in the  
wrong place is ostentatious. A man, for  
example, who entertains the members of his club  
with all the lavishness of a wedding feast is  
ostentatious).

In both passages the feasting of *ἐρανισταὶ*, tentatively translated as club, is likened to a marriage, implying that the lavishness in the former case is something excessive, a feature of newly rich people.

However, in Arist. EN 1160a 19-20 (H.9.5-6):

ἐνταῦθα δὲ τῶν κοινωνιῶν δι' ἡδονὴν δοκοῦσι  
γίγνεσθαι <οἷον> θιασωτῶν καὶ ἐρανιστῶν αὐταῖ

γὰρ θυσίας ἔνεκα καὶ συνουσίας (and some associations appear to be formed for the sake of pleasure, for example religious associations and dining-clubs, which are unions for sacrifice and social intercourse).

the meaning assigned to ἔραυιτοῖ is slightly different, since it means an association of people coming together for pleasure rather than for religion. Phrases like ἡστιάσεν ἔραυιτοὺς or ἑστιῶν ἔραυιτοὺς etc and in general the connection of ἔραυιτοῖ with a feast seem to persist from the sixth to the first century (IG II<sup>2</sup> 1343).<sup>10</sup>

Another reference to ἔραυιτοῖ concerns their alleged connection with ἔραυικαὶ δίκαι mentioned in Arist. AP 52.2. Three opinions have been expressed since the 19th century; one holds that this procedure concerns only loans and debts created by the non-payment of the loan,<sup>11</sup> a second one that it concerns the associations and the cases of members avoiding payment of their subscription<sup>12</sup> and the

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<sup>10</sup> Millett (1991: 155).

<sup>11</sup> This opinion seems to prevail among the scholars, see among others Lipsius (1905-15: 734), Harrison (1968-71: 2.22), Maier (1969: 168), Cohen (1973: 21) and (1992: 209) Rhodes (1981: 585), Millett (1991: 154) and Harris (1992: 312, n.12).

<sup>12</sup> Caillemer (1872: 31).

third one is a combination of the previous two.<sup>13</sup> In my opinion, differences among associates would have been settled with a mediator, usually a co-associate, or with other measures of disapproval and rejection by the whole of the associates, instead of the "modern" remedy of litigation, prescribed in all the modern law codes. The implication of both the second and third interpretation is that these associations are considered as having juristic (legal) personality, a feature unattested elsewhere in our sources. Thus, it is extremely implausible that these *ἐρασικαὶ δίκαι* concern anything else but the settlement of the repayment of friendly loans. The introduction of this special procedure was probably a necessity, so that the decision over pending cases would be accelerated by inclusion among the monthly cases (*δίκαι ἑμμηνοί*) and the confidence of the people to this kind of credit would not be undermined, since it constituted a substantial method of raising capital especially in an emergency.

The identification of the term *ἐρανος* with the term *κοινὸν ἐρασιστῶν*, which is predominant among the scholars, is due to the lexicographers and scholiasts who preserved the quite late meaning of the word *ἐρανος* and *ἐρασιστῆς*. Most of the lexicographers explain the word as follows:

*Ἐρασιστῆς μέντοι κυρίως ἔστιν ὁ τοῦ ἐράνου*

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<sup>13</sup> Beauchet (1897: 4.357) and Reinach (1892: 807).

μετέχων καὶ τὴν φορὰν ἣν ἑκάστου μηνὸς ἔδει  
καταβάλλειν εἰσφέρων<sup>14</sup> (Eranistes is the one who  
takes part in a friendly loan and pays the  
contribution which he owes every month).

Two examples are characteristic of the distortion:

a) Pl. Leg. 11.915E:

ἐράνων δὲ πέρι, τὸν βουλόμενον ἐρανίζειν φίλον  
παρὰ φίλοις· ἐάν δέ τις διαφορὰ γίγνηται περὶ  
τῆς ἐρανίσεως, οὕτω πράττειν ὥς δικῶν μηδενὶ  
περὶ τούτων μηδαμῶς ἐσομένων (about friendly  
loans, let anyone who wants to collect  
contributions as friend from friends; in case of  
any disagreement concerning the friendly loan,  
act on the assumption that no legal remedy is  
provided about it) (my translation)

and Sch. Plat. in Leg. 11.915E:

ἐρανος ἐστὶν εἰσφορά τις ἑκάστου μηνὸς, ἢ ἐκ  
συμβολῆς δεῖπνον, ἢ εὐωχία, ἢ ἀνὰ μέρος δεῖπνον.  
καὶ ἐρανισταὶ οἱ τε τὴν εἰσφορὰν αὐτὴν  
εἰσφέροντες καὶ οἱ κοινωνοὶ ταύτης (eranos is a  
monthly contribution, or the feast made up by  
contributions or a banquet or a dinner in which

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<sup>14</sup> Harp. ε 129, Phot. s.v., Sud. ε 2892, EM. s.v. Pollux  
(3.129, 6.7-8, 8.37, 101, 144 and 157) collected only the  
contexts in which the word occurs.

each one brings something. And eranistai are the contributors paying the contributions and the participants in it) (my translation).

From a mere comparison of both texts we can see the distortion caused by the scholiast. "Έρανος in the Platonic text means loan and not meal or feast. And the ideal legislation, on disputes springing from friendly loans, does not provide any legal remedy. Unfortunately for the scholiast, "Έρανος was not the monthly contribution, but rather the capital gathered. And the misleading comment goes on, introducing the word έρανισταὶ as members of such a collection of money, while in the text the terms are φίλον and φίλοις, underscoring the friendly character. It is noteworthy that the scholion provides for "Έρανος two explanations, that is feast or contribution, but identifies έρανισταὶ only with the members of a loan. It is exactly this biased interpretation which is still predominant. Saunders in his translation<sup>15</sup> of Pl. Leg. translated "Έρανος as "contributions to clubs" without taking into account the fact that there is no mention of members of any club, but

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<sup>15</sup> Plato. The Laws, 453, transl. by T.J. Saunders, 1970, London: Penguin and similarly The Laws of Plato, transl. by Th. Pangle, 1980, London: The University of Chicago Press.

simply of friends. The Platonic statement is, in that respect, quite clear; friendly loans, whether in the context of associations or friendly circles, is without importance, should not be recovered by juridical means.

b) A similar case can be seen between, on the one hand Ar. Ach. 614-17:

οὐ φασιν. ἀλλ' ὁ Κοισύρας καὶ Λάμαχος,  
οἷς ὑπ' ἐράνου τε καὶ χρεῶν πρώην ποτέ,  
ὥσπερ ἀπόνιπτρον ἐκχέοντες ἐσπέρας,  
ἅπαντες ἐξίστω παρήινουν οἱ φίλοι.

(They say no. Instead it's Lamachus and the son of Coesyra who go - though the other day, on account of contributions and debts, all their friends were warning them to "stay clear" as if they were emptying slops in the evening)

(Translation from Sommerstein's edition).

and PCG III.2 frg 419 on the other. (see above p.217) How can we identify *ἐρανος* and *ἐρανισταὶ* when the former refers clearly to loans and debts and the latter occurs in the context of a banquet? Nevertheless, Vondeling (1961: 73) is convinced by the scholion to Ar. Ach. 615 and not by the substantial semantic difference of these words.

From the examination of the literary evidence the following scheme of evolution appears as probable: It is well-known that the initial meaning of *ἐρανος* is a feast to which the participants are contributing. In that case *ἐρανισταὶ* would mean simply the participants in the feast,

as it appears in FGrHist 3 F11. One may object to this interpretation on grounds of the interchangeable use of the terms ἔρανος and ἐρανισταί in that fragment, or of the two terms being almost synonymous. In order to refute such objection I should stress the late date (not earlier than the Hellenistic Period) of the scholion in which the fragment is found, since when this comment was written ἔρανος and ἐρανισταί were almost synonyms. The element of contribution soon fades and then ἐρανισταί means the participants in any meal. This seems to be the meaning of the word in the passages of the comedians, while in the fourth century the word ἔρανος means exclusively a friendly loan. The long fragment of Euphro clarifies another aspect, namely that the participants did not contribute anything to the meal, since a μάγειρος instructs his assistant how to serve in such gatherings. The reciprocity, evident in the original meaning, was replaced by rotating meals provided by the friends. Furthermore, the repetition of the feast-gatherings on a regular basis, with an ordinary and simple organization and preparation led to the establishment of quasi-associative links among the members, combined with the concept of φιλία, whereas the traditional meaning of participating in a banquet did not die out easily. Therefore, ἐρανισταί means the participants in a feast, which in the course of time crystallized and possibly institutionalized taking the form of an association, similar to other kinds of



association which already existed. The adoption of a religious pretext is already evident in the third century.

## II. EPIGRAPHICAL EVIDENCE

However, the question of the relation between the terms *ἔρανος* and *ἐρανοῖται* remains open. Can we identify them or not? Vondeling (1961: 82) showed that *ἔρανος* obtains a meaning which amounts to *κοινὸν ἐρανοῖτῶν* only after the second century.<sup>16</sup> What is the relation between the terms before this post quem limit?

The epigraphical evidence about *ἐρανοῖται* in Attica comes from the second half of the fourth century.<sup>17</sup> It consists largely of horoi and freedmen's bowls. Therefore, the interpretation of *κοινὰ ἐρανοῖτῶν* mentioned there is of crucial importance.

II.1 Since the most thorough analysis of horoi was done by Finley (1951),<sup>18</sup> where the previous bibliography is

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<sup>16</sup> Vondeling's conclusions are largely founded on evidence from Rhodes.

<sup>17</sup> The word *eranos* is possibly attested in a long, fragmentary and "serpental" inscription of the seventh century from Tiryns for which see SEG 30.380, 34.296, 35.275 and 36.347.

<sup>18</sup> The most recent discussion of horoi is in the introduction by Millett in the reprint of Finley (1951).

mentioned, I think it is proper to start from his account of them.

For Finley (1951: 101) the important question to be asked is "which meaning is to be assigned to the eranists of the horoi". His answer is short but coherent and well supported; "from the outset, the available evidence argues in favor of the eranos-loan". His arguments can be summarized in five points:

- a. "Eranos almost invariably means loan (or the lending group) and not club; the earliest use that may rendered "club" or "society" is in the passage in Arist. EN 1123a 22" (101),
- b. "The earliest epigraphical documents of eranos-associations date in the middle of the third century B.C. The one dated horos mentioning eranists, in contrast, is no 71 of the year 309/8 B.C. Furthermore, all indications point to 250 B.C. as more or less the terminal date for the horoi

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Millett (1991) uses Finley's conclusions as far as they concern eranistai emphasizing the role of the informal procedures for raising loans. For a summary of recently published articles on horoi see Millett (1991: 222-24). The list provided by Millett (1991: 295 n.34) includes documents from Amorgos (Finley 8) and Lemnos (Finley 110) but Finley 78A is omitted.

- generally, as we have seen" (101),
- c. "The internal evidence of the horoi is largely inferential, but it supports the loan interpretation". Then he studies briefly horos No 40 (IG II<sup>2</sup> 2721) in which there is a πληρωτῆς and συνερανισταῖ. He claims that "plerotes is a technical word for a contributor to an eranos-loan" and that in this horos "Leochares, we may safely assume, was the head of the group of men who made the loan" without presenting any decisive evidence, and he concludes: "There can be no question of a club in this instance",
  - d. He points out two peculiarities: a) "ἐρανοὶ always stand alone as the creditors, whereas the associations more often than not appear in combination" and b) "not a single one of the ten horoi refers to a written instrument or contract. That fact may be no more than a statistical accident but the more probable explanation is that it reflects the friendly character of the transaction, the underlying philanthropic ethic" (102),
  - e. "They (the historians opposed to such an interpretation) must explain finally how the eranos-societies differed so radically in purpose, constitution, and, above all, financial position, as to be able to make loans ranging as high as 6,000 drachmas, when phratries, orgeones, and the rest,

could do so rarely, if ever" (101).<sup>19</sup>

The conclusion is that the word *ἐπαιτοῖται* means members of an eranos-loan; then the inevitable question is why property was given as real security. The *raison d'être* of these stones according to Finley (1951: 103), is special circumstances that would occasionally induce the man in need of a large sum of cash to offer some realty as a guaranty, especially if he were a man of substantial property.

Ten years later Vondeling (1961: 137-142) put forward strong objections against Finley's interpretation. In particular, he argued that

i. Finley's distinction between religious (cult) bodies and *ἐπαιτοῖται* cannot be sustained because the latter had a religious function to perform (138),

ii. The *ἐπαιτοῖται* mentioned in horoi can mean associations, since our epigraphical evidence about them is extended well beyond the end of the fourth century and it is contemporary with Arist. *EN* 1123a 22 (138), in which the meaning of association is already present,

iii. The sums of money for which a security has been put up are not so considerably bigger for *ἐπαιτοῖται* than for the other forms of associations (139),

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<sup>19</sup> A similar argument but not so much elaborated was expressed by Poland (1909: 29).

iv. That the case of Finley 40 is compatible with the consideration of ἐρανοισταὶ as association (139-140), and

v. That the lack of any contract proves little, because it does not seem to be a uniform practice in the rest of the horoi (141).

He concludes that in horoi the κοινὰ ἐρανοιστῶν are essentially associations which appeared with their head officer and that hypothecation was a part of their activities. Recently Millett (1991: 155-6) has pointed out that Vondeling's evolutionary

scheme is attractive in the prominence given to reciprocity, its culmination in closed groups of eranists seems to diminish the range of mutual support in fourth-century society ... But in his preoccupation with the formal side of eranos-credit, Vondeling is in danger of overlooking the detailed evidence for the raising of an eranos-loan. When pieced together, the material makes it clear that mutual assistance between citizens meant far more than predetermined groups of eranists.

From the discussion emerges a quite sharp division of opinions about ἐρανοισταὶ; Finley followed by Millett (1991: 153-9) considers them as casual gatherings of, primarily, wealthy people, while Vondeling tries to prove that financial activities were a part of the day-to-day life of ἐρανοισταὶ associations. But both authors fail to

make clear what is the meaning of the terms *ἐρανισταὶ* and *ἔρανος* respectively. In particular:

1. Finley is right in his remark that "eranos means loan". But the focal point is not so much the meaning of *ἔρανος* as the meaning of *ἐρανισταὶ*. In this respect, Finley fails to provide any evidence to prove that *ἐρανισταὶ* means members of an *ἔρανος*-loan.

2. The earliest epigraphical evidence about an association of *ἐρανισταὶ* does not come from the middle of the third century but is even earlier. These are three dedications [IG II<sup>2</sup> 2935 (324/3), 2940 and 10248 (end of the fourth century)], a decree [IG II<sup>2</sup> 1265 (300)] and most important a mention in a *tabula poletarum* [IG II<sup>2</sup> 1583 = Agora 19 P14 face B, col.III 384-5 and 395 (c. 350): καλουμένην ἣ γ[εῖτων τὸ κοινὸν]/[ν τῶν ἐ]ρανιστῶν τῶν μ[ετὰ...]. One cannot doubt about Kirchner's restoration which is fairly plausible since in similar documents the group of *Eikadeis* is present. Poland (1909: 29) had already rejected their validity as proofs of the existence of *ἐρανισταὶ* associations and considered them as groups of loose structure; Finley (1951) and Millett (1991) seemed to overlook them. But a question remains about the purpose of a dedication to Zeus of Friendship made by *ἐρανισταὶ* as a casual group or of another dedication in Laureion by slaves working in the mines and designating themselves as *ἐρανισταὶ*, or of the dedication on the tomb of Ἀρτεμίδωρος Σελευκεύς. But the most

decisive evidence is IG II<sup>2</sup> 1583 whose restoration invalidates at least partly the suggestion of loose groups. I think that loose groups would not proceed in such costly demonstrations of intimacy.<sup>20</sup> Thus, it is not at all improbable that *ἐρασιῶται* mentioned in horoi are actually associations and not simply lending groups.

3. The lack of any contract or any agreement, due to the friendly character of the loan, is not a sound argument, because such an explanation can fit as well in the context of an association, in which friendly loans could be arranged, without any documents being drafted.

4. While in 12 out of 16 cases there is the standard phrase *ἐρασιῶταις τοῖς μετὰ*, in the remaining cases there are considerable differences. The two sets of exceptions are the following:

a) Finley 44 and Finley 71, in which there is a simple reference to *ἐρασιῶταις* without any further specification, because creditors and debtor were probably well known, and

b) Finley 40 and Finley 114A, in which the terminology is totally different from the rest of the horoi. In

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<sup>20</sup> For other examples of a later era see SEG 21.633 (first half of the second century) and a recently discovered and yet unpublished inscription from Rhamnous containing a catalogue of eranists from the middle of the first century reported in BCH 116 (1992) 846.

Finley 40 a loan of 3.000 drachmas has been concluded between the unknown borrower and Λεωχάρης, who is designated as πληρωτής and his συνερανισταί. In Finley 114A, the restoration of which by Fine was strongly criticised by Finley, there is a loan called ἔρανος of 500 drachmas and a woman is designated as πληρώτρια and the loan as ἔρανος. These differences cannot be explained by considering them as a unique case, which however provides enough ground to found a whole interpretation of ἔρανοι. The term συνερανισταί is found again in SEG 31.122 of the second century A.D. and like the terms συμπρυτάνεις or συνέφηβοι cannot mean anything more than "fellow eranists" and I do not think it is substantially different from ἔρανισταί. The terms πληρωτής-τρια in the literature mean always the contributor,<sup>21</sup> but never the head of an ἔρανος while ἔρανος means, everywhere at that period, a friendly loan. These rare and exceptional words cannot support Finley's view that the groups mentioned in horoi were ad hoc groups granting exclusively loans without interest. A group of friends granting an interest-free loan would designate it

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<sup>21</sup> Harris (1992: 312 n.11) claims that plerotes denotes not the contributor but the collector on behalf of the borrower. However, the evidence he invokes (D. 21.101, 184, 185, 25.21, Hyp. 3.7, 9, 11) is hardly sufficient to make such a contention even arguable.



as ὁ ἔρανος, but they would never have called themselves ἐρανισταὶ, unless they were also members of an association.

5. The recently published horos, Finley 163A,

ὄρος οἰκιῶν καὶ/περιοικίου ἀπο(τ)/τιμήματος  
ἐρανισταῖς τοῖς μετὰ Μνησιθέου Ἀλωπεκῆ(θεν)  
τοῦ/ἐράνου τοῦ τα/[λ]αντιαίου.

could be an important piece of evidence to the contrary. In particular, this inscription gives some credit to Finley's interpretation and casts doubts on Vondeling's statement that ἐρανιστῆς never means a member of an ἔρανος.<sup>22</sup> The crucial point is to define the exact meaning of ἔρανος and ἐρανισταὶ in this horos.

Ἐρανος means a sum of money - a talent in this case - lent by a group of people without interest; it is not a δάνειον, the standard Greek term for loan, but an ἔρανος. This friendly loan was secured with the hypothecation of the house and the surrounding plot.<sup>23</sup>

Ἐρανισταὶ on the other hand, imply an association of people, one of whose activities was the grant of free interest loans. In this document ἐρανισταὶ existed before

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<sup>22</sup> Editio princeps: Vanderpool, E. (1966) "Some Attic Inscriptions" *Hesperia* 35, 277, no 4.

<sup>23</sup> That is the meaning of ἀποτίμημα, according to Finley (1951: xviii).

the loan was made and probably after it. In this case, it was difficult to raise so large a sum as a talent only among friends, but the intervention of a more established network such as an association could constitute a decisive factor in this attempt.

6. Finley's (1951: 106) contention that the picture emerging from the horoi depicts the world of the wealthy Athenians is not wholly convincing. A prosopographical examination of the horoi set up by ἑραμιστᾶι discloses only one prominent figure, that of Νεοπτόλεμος Ἀντικλέους Μελιτεὺς. For the remaining names there is no further evidence.<sup>24</sup>

7. The putting up of security is not due to the willingness of the borrower, but rather to a practice, identified in other societies and concerning social distance, in terms of kinship, between the lender(s) and the borrower(s). When there is a close relation, then there is no need for security, but in cases of distant relations putting up securities is more likely. In our evidence, even if the participants were considered as

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<sup>24</sup> There is reservation about the identification of Μνησίθεος Ἀλωπεκῆθεν of Finley 163A with the homonym witness mentioned in D. 21.82 and that of Βλεπαῖος of Finley 31A-B with the banker mentioned by Demosthenes (see D. 21.215 and 40.52).

friends, the security was thought necessary, presumably because of the high values of the land.

8. Millett's criticism is preoccupied by the relative preponderance of informal types of mutual assistance between friends over the ἐρανισταὶ associations. But since these associations were merely expressions and forms related to a joint pleasure, mutual assistance and the particular concept of friendship, there must have been several possibilities of concluding friendly loans. In Athenian society of the fourth century there are no signs of bipolarity between informal networks of mutual assistance and "predetermined groups of eranists", since the latter are a development of these informal networks. In other words, the existence of informal groups of lenders does not preclude lending by an association of ἐρανισταὶ.

Therefore, the meaning of ἐρανισταὶ in horoi is more likely to be association, with the exception of Finley 40, and not an ad hoc group of lenders. The word ἔρανος and its terminology πληρωτῆς, πληρώτρια and συνερανισταὶ suggest a loose and perhaps ad hoc group, while the majority of horoi refer to ἐρανισταὶ associations.<sup>25</sup>

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<sup>25</sup> Similar opinion expressed by Gernet (1968: 47 n.144 and 51) and recently by Cohen (1992: 208 n.111). I do not agree with Cohen (1992: 208) on the use of the terms eranos and eranistai as having the same meaning.

II.2 The second important group of documents is the well-known freedmen's bowls. My discussion will be confined to the most recent opinions, that of Finley (1951: 103-106) and Vondeling (1961: 132ff), where there are references to earlier bibliography.

The group of freedmen's bowls contains nearly 200 entries, among them 17 in which there is a mention of κοινὸν ἔρασιςτων. These silver bowls were offered by manumitted slaves<sup>26</sup> after their victory in a special legal procedure called "dike apostasiou".<sup>27</sup> They are dated, more or less, in the last third of the 4th century. The question concerns again the nature of the κοινὰ ἔρασιςτων.

We can summarize Finley's view about the nature of eranists mentioned in this group of documents as follows:

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<sup>26</sup> The word eranos appears similarly in inscriptions from Delphi (e.g. RIJG 2.16) and Boiotia (e.g. SIG<sup>9</sup> 1207); cf. Albrecht, K.-D. (1978) Rechtsprobleme in den Freilassungen der Bötier, Phoker, Dorier, Ost- und Westlokrer, Paderborn: Schöningh.

<sup>27</sup> For the legal procedure see Harrison (1968-71: 1.182-3). Harrison's statement that "in seventeen cases an eranos, usually with a named leader is mentioned" is inaccurate since in these seventeen entries there is only a mention of κοινὸν ἔρασιςτων. Millett (1991: 296 n.39) follows essentially Harrison's view.

In these records κοινὸν ἔρανιστῶν does not refer to anything else than to an "eranos-loan, an ad hoc group of people" from whom the slave borrowed money in order to buy his or her freedom. Finley (1951: 104-105) argues that the traditional theory that the manumitted slaves belonged to the societies is untenable for three reasons, 1. these references to groups are earlier than the first epigraphical evidence of eranos-clubs, 2. there was no apparent reason for any society to own slaves with the skills mentioned in these inscriptions and 3. the occurrence of two names of individuals in IG II<sup>2</sup> 1558.37:

Νικίας λιβανωτο ἐμ [Π]/εἰ οἴκ[ω]ν ἀποφυγῶν/  
 Φιλοκράτη Ἐπικράτο/Ἐλευσι καὶ κοινὸ  
 ἔρανιστῶν τῶμ μετὰ Θεοφ/ράστου Βαθύλλου  
 Χολ/αργέως, φιάλ σταθμο [:H]

and 1559.26:

Βίων ἐμ Μελ οἴκω δακ/τυλιογλυ ἀποφυγῶν/Χαίριππον  
 Χαιρεδὴ/μου Ἀλαιε καὶ κοι ἔρανι τῶν μετὰ  
 Χαίρίπ/πο Ἀλαιε, φιάλη σταθμο : H

instead of one plus the expression κοινὸν ἔρανιστῶν makes it difficult to accept the view that these κοινὰ were actually associations. Instead, Finley (1951: 105) argues that in these cases where two names of individuals occur, the one is the name of the freer and the second of the head of the loan group. His argument stems from (D.) 59.31, where Neaira is collecting an ἔρανος in order to buy her freedom. Finley claims that Phrynion would be the

head of this *ἐρανος*, which was collected by Neaira in order to buy her freedom, since Neaira was a slave and has no right to participate in any transaction in her own name. Phrynion was the decisive contributor for Neaira's enfranchisement. In IG II<sup>2</sup> 1558.37, according to Finley, Theophrastos is, generally speaking, in a position analogous to Phrynion's.<sup>28</sup>

Vondeling (1961: 126) considers these documents as "the public proof of their (slaves') exemption from paramone-duty" and maintains that in these records we have a loan to the slave by a *κοινὸν* and in return the slave should perform certain duties in the society (132). He does not accept Finley's third argument on the ground that if Phrynion was the head of such an *ἐρανος*, he could not be called *ἐρανοιοτῆς*, since the latter means always a member of an association, but never a member of an *ἐρανος*. Instead Vondeling (1961: 132) proposes that

We should consider *κοινὰ ἐρανοιοτῶν* as associations of people who have provided the total or partial sum needed by the freedman to effect apolysis of paramone and to have this fact registered. So *κοινὰ ἐρανοιοτῶν* are especially found where the freedman himself was unable to pay and the master was impecunious or

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<sup>28</sup> A similar explanation is offered by Millett (1991: 158).

unwilling to pay; and at the time of the release they procured the ransom for the latter, who in turn, stood security for the slave to his association; the registration here indicates that the former slave has discharged all his obligations and has thus attained full freedom.

On the one hand, I think that Finley's (1951: 101) objection is not sustainable since as I have shown, *ἐπαυλοταὶ* associations existed already in the second half of the 4th century. On the other hand, I would agree with Finley (1951: 104) that there is no evidence of associations owning slaves in Athens and in Attica in general. But I cannot see any reason for wealthy Athenians to contribute to the collection of 100 drachmas. The suggestion that an association was helping them is not improbable, if we consider that the group would have an advantage in the allegiance of the freed person.

### C. ASSOCIATIONS IN -ΕΤΑΙ

Another significant aspect of the problem arising from the indiscriminate use of the term *ἐπαυλοταὶ* concerns their relation with the associations which designate themselves with a collective noun coming from their cult and the ending -οταὶ. (see Table 10) Foucart (1873: 3) claimed that in these cases the groups are using these names in order to be distinguished from other similar *ἐπαυλοταὶ*. Poland (1909: 30) tried to explain this

particularity by citing titles of officials of these associations, in which there is the stem *-εραν-* like *ἀρχ(ι)ερανιστῆς* (IG II<sup>2</sup> 1322.21, 1339.4 and 1343.33), *προερανίστρια* (1292.23 and 29) and above all 1335.4-6: *ἔδοξεν τοῖς Σαβαζιασταῖς, ἀναγράφαι τὰ ὀνόματα τῶν ἐρανιστῶν ἐν στήλῃ.*<sup>29</sup> Vondeling (1961: 259 n.2) follows the methodological path of Poland trying to find an *ἔρανος* in any inscription where the stem *-εραν-* occurs and concludes "in fact under *-ι(α)σταῖ*, *ἔρανοι* or *ἐρανισταῖ* could be hidden". Maier (1969: 83) follows the prevailing opinion, stating

nach ihm wird sogar bisweilen die Eranos -  
Vereinigung naher bezeichnet (*ὧν ἀρχερανιστῆς*).

Recently Raubitschek (1981: 96) adhered to this view.<sup>30</sup>

It is difficult to adopt such a generalization when there is no conclusive evidence. It is worth stating that in the earliest documents of this kind there is no mention of the word *ἐρανισταῖ* [IG II<sup>2</sup> 1322.11 (229) *δεδόχθαι τοῖς Ἀμφιεραῖσταῖς* and 18, IG II<sup>2</sup> 1292.2, 10, 12, 17, 22

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<sup>29</sup> For a collection of the inscriptions referring to Sabazios see Lane, E. (1989) *Corpus Cultus Iovis Sabazii*, (CCIS), Leiden: Brill.

<sup>30</sup> Dow (1937) follows a different interpretation. Throughout his article he never qualifies *Σαραπιασταῖ* as *ἐρανισταῖ*.



(216/5) Σαραπιασταὶ, SEG 18.33:7 and 9 (212/1-174/3) το κοινὸν[υ τῶν ᾽Α]/σκληπιαστῶν and IG II<sup>2</sup> 2960 (2nd century) ᾽Ασκληπιασταὶ]. If, in these cases, they considered themselves as ἔρανισταὶ, they should have used this term. Considering some documents in which both ἔρανισταὶ and another title occur (IG II<sup>2</sup> 1343, SEG 31.122) it seems implausible that in the above mentioned cases the association, although it considers its members as ἔρανισταὶ, designates itself as e.g. ᾽Ασκληπιασταὶ only.<sup>31</sup>

Poland's argument from the officers' titles is not convincing since on the one hand ἀρχερανιστῆς occurs in IG II<sup>2</sup> 1297.10 (237/6), where the group is self-designated as κοινὸν θιασωτῶν, and on the other, the title ἀρχερανιστῆς does not appear in any document of κοινὸν ἔρανιστῶν before the first century A.D. (IG II<sup>2</sup> 1345.3).

Furthermore, the title προερανίστρια is possibly a honorific title, devised in order to praise the contribution of Νικίππη to the association of Σαραπιασταὶ.<sup>32</sup> The only seemingly convincing argument is the above mentioned identification of Σαβαζιασταὶ and ἔρανισταὶ in 1335.4-6 (101/100). But ἔρανισταὶ in this case may well mean "contributors to an eranos-loan", since the document is of quite a late date. The use of ἔρανισταὶ

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<sup>31</sup> See the reservations expressed by Aleshire (1989: 69).

<sup>32</sup> Dow (1937: 193-5).

for members of association persists throughout the first century and onwards; for example

IG II<sup>2</sup> 1345.26 ἥστιάσεν τοὺς ἐρανιστὰς,

IG II<sup>2</sup> 1366.21-22

τοὺς δὲ βουλομένους ἔρανον συνάγειν Μηνὶ  
Τυρράνῳ ἐπ' ἀγαθῇ τύχῃ / ὁμοίως δὲ παρέξουσιν  
οἱ ἐρανισταὶ τὰ καθήκοντα τῷ θεῷ, (and those  
who want to convene an eranos on the name of Men  
Tyrranos, let them have good luck; similarly the  
members of eranos will give the appropriate  
(offerings) to the god),

and SEG 31.122:8-9

καὶ ἐξανάγκη πραττέσθω τῶν σ/υ[ν]ερανιστῶν ψῆφον  
λαβόντων ἐκβιβάσαι. [and without fail let him be  
(made to be) expelled after his fellow eranistai  
have cast a vote] [translated by Raubitschek  
(1981)].

From the overall account, we can draw three main conclusions:

1. The term ἔρανος has nothing to do with associations, at least till the first century in Attica.<sup>33</sup> Only after

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<sup>33</sup> Vondeling (1961: 82) based on evidence from Rhodes claims that the term eranos appears since the second century. However, his statement cannot be applied to Athens. In his final account of the word eranos and its

the first century the term ἔρανος designates a group of ἐρασιῶται and other features of the associative life like an assembly; the reason for this transformation will be traced later in this chapter. Evidence for this evolution is provided by three inscriptions where an ἔρανος is mentioned in the framework of an existing association as in ὀργεῶνες (IG II<sup>2</sup> 1298.18-20), in θιασῶται (1327.13-14) and in ἐρασιῶται (1291.5, 7 and 15).

2. The terms ἐρασιῶται or κοινὸν ἐρασιῶτων designate from their first occurrence, in inscriptions, members of an association and an association respectively. It was quite possible for such an association to be involved in financial matters.<sup>34</sup>

3. There is no strong evidence for an identification of different associations having names in -ῶται with ἐρασιῶται before the first century. Their main differences lay in their insistence on using a particular term and on the adoption of a slightly different structure, in which the preponderance of the individual is evident. After this date, it is possible to identify

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meanings, he realizes this but the only evidence he provides for Attica are the late IG II<sup>2</sup> 1366, 1369 and SIA I, p.306.

<sup>34</sup> In this respect I agree with Vondeling (1961: 129) and Harris (1992: 311).

them, since both types seem to have the same structure (IG II<sup>2</sup> 1335, 1343, 1369 and SEG 31.122).

However, I should point out that the distinction between ἑταῖρος and ἑταῖροισι before the first century cannot prove that these two forms never included the same persons. The structure of associations prompted their members to such gestures of benevolence; some of them had the backing of the association (ἑταῖροισι) and some not (ἑταῖρος).

#### NOTES ON THE TABLES 9-10

1. IG II<sup>2</sup> 1266 is included in Table 9 on grounds of its title in IG edition. There is no trace or any mention of ἔρανισταὶ in this fragmentary inscription. The document mentions only ἐπιμεληταὶ, an office which occurs in 1291 in almost all the orgeonic associations [e.g. 1256 (329/8)] and in certain διασώται associations [e.g. 1261 (302/1)]. An interpretation considering 1266 as produced by the association of ἔρανισταὶ of 1291 is quite possible, but far from being proved.

2. IG II<sup>2</sup> 2932 (342/1) is supposed to belong to the association of 1335 (101/100) according to the editor: "sunt ἱεροποιοὶ Sabaziastarum", because probably both found in Peiraeus. But in 1335 there is no reference to ἱεροποιοὶ; only an ἱερεὺς is mentioned. Moreover the considerable chronological gap, separating these documents, does not allow further conclusions.

3. IG II<sup>2</sup> 2937 (4th century) οἶδε ἀνέθεσαν... followed by eleven names is identified as similar to 2940 (end of 4th century), a dedication to Men Tyrran from eleven people, on grounds of three common names (Κάδους, Τίβειος, Καλλίας) and the same place of origin (Laureion). The latter is considered by Lauffer (1979: 189) the earliest testimony about a slave-association. The restoration of IG II<sup>2</sup> 2940 is very doubtful; the one adopted in the edition of IG II<sup>2</sup> followed Bourguet [BCH 18 (1894) 532], while Perdrizet [BCH 20 (1896) 55-106 and

especially 85] raised considerable arguments against it. Peek proposed an alternative restoration<sup>35</sup> in MDAI.A 67 (1942) 44, No 57 and now in SIA I, p.319.

4. IG II<sup>2</sup> 1292 (215/4) is not a constitution as erroneously stated by Dow (1937: 191). It is an honorific decree since several officials are honoured for their services to the association, while there is no mention of regulating any important affairs.

5 In IG II<sup>2</sup> 2358 (c. 150) there is no reference to ἑρανισταὶ; only the titles ἀρχερανιστῆς and ἱερεὺς occur. Also, noteworthy, but inconclusive, is the occurrence of several theophoric names of the Mother of the Gods (Μητροδώρα, Μητροφάνης and Μητρίχη), of a Semitic deity (Εὐπορία twice), of Egyptian gods (Ἀμμωνία, Σαραπίων and Ἴσις) and Ἀσκληπιᾶς. These are indicators of the possible origin of some members and their status.

6. SEG 31.122 (121/22 A.D.) is the most recently published document and fortunately it is complete. Raubitschek (1981: 95), in its editio princeps, after rejecting the assumption that the association "was located in Paiania" claims that

Under these circumstances it may be best to assume that the two inscriptions (SEG 31.122 and IG II<sup>2</sup> 1369) were set up in Paiania because

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<sup>35</sup> [Ἡ]ραχ[λεῖ θεῶι] or [Ἡ]ραχ[λεῖ Τυρίωι].

Eucharistos was at home there. This would mean that IG II<sup>2</sup> 1369 should also be connected, if not with him, then at least with his son or grandson. (95-6)

However, the demotic does not designate necessarily the actual residence of a person, but his ancestors' residence during the introduction of the system.

Raubitschek's assumption is not based on safe ground. Although both inscriptions were found in the same area, they do not seem to have much in common. In particular:

i) IG II<sup>2</sup> 1369 is the common decision of φίλοι ἄνδρες while SEG 31.122 is the decision and order of an ἀρχεραιότης.

ii) On the one hand, SEG 31.122 reveals an association orientated to financial activities together with religious ones, having a complex structure aiming at the guarantee and maintenance of their financial activities. On the other hand, 1369 is brief and regulates essential parameters of the associative life. In this respect, it is quite improbable to suggest that a sudden shift to the interests and to the orientation of the association occurred.

iii) There are certain differences in the ways in which these documents regulate some aspects of the organization and the activities in the association. For example, the fines in 1369 are five times higher than in SEG 31.122, although the chronological gap between them is not

considerable; in 1369 there is no reference to an entrance fee but only to a certain procedure called δοκιμασία, while in SEG 31.122 there is no procedure but instead only a fee. The board of officials is totally different in these two inscriptions; the only common ground they have is the existence of an ἀρχεραυιστής. Even this superficial similarity is undermined seriously by the fact that in SEG 31.122 this office seems to be life-long while, in 1369 it is annual.

As a result I think that there is no conclusive evidence for relating these two documents as Raubitschek (1981: 96) suggested. Their common origin may suggest a geographical link, but nothing more can be safely asserted.

#### D. THE STRUCTURE OF THE EPANISTAI ASSOCIATION

Having drawn an outline of what we may call an ἐραυισταὶ association, it is the right time to have a look on its structure as an association. Unfortunately, our evidence can hardly be characterized as sufficient. The few available decrees are fragmentary and the information provided is scarce. Only after the first century is there considerable evidence; and our account of what was an ἐραυισταὶ association in Attica rests heavily on these inscriptions. Thus, the description of their structure is not at all representative of all the ἐραυισταὶ associations, but rather weighted towards the later part



of the period. The implications of this situation for our understanding cannot be ignored.

As in the other types of associations, I am going to follow a positivistic approach in the examination of the structure. In other words, my working model will be that of a modern association or club. The limits of such an approach are discussed in Chapter 5. In that respect we should look for: a> Foundation, b> Membership, c> Administration and d> Purposes. The majority of authors have followed such an analytic approach and more recently Maier (1969: 75). My purpose is not merely to repeat them, but to amplify the examination in order to check our assumptions.

a> Foundation: It was claimed by Maier (1969: 76) that the foundation of an ἐργασιαὶ association could result either from the initiative of an individual<sup>36</sup> or from a jointly issued decision of members. But the formation of an association, as it is understood in the modern law, presupposes the will of several people. There is another pattern which at the same period was often used, that of a trust, that is a considerable amount of money or property provided for a specific cult. The arguments in favour of an individual founding rest upon ambiguous expressions such as

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<sup>36</sup> Vondeling (1961: 91-2).

ἐπειδὴ Διοκλῆς συνῆ/χε τῷ Ἀμφιαράῳ σύνοδον  
(IG II<sup>2</sup> 1322.1-2), or

γενηθεῖς δ[ἐ]/καὶ παραίτιος τῆς ἄνωθεν συλλογῆς  
καὶ τὴν σύνοδον αὐτὸς κτίσας ἀρχερανισ[τ]/ῆς  
ὑπέμεινεν

and followed by five years of consecutive services for the κοινὸν (IG II<sup>2</sup> 1343). From these phrases the only conclusion confirms the fact that the mentioned individual gathered a number of people in the cult of a deity and nothing more; the use of the terms σύνοδος and συλλογή, instead of κοινὸν, implies such meaning.

The second pattern used for establishing an ἐρανισταὶ association is by the manifest expression of the common will of the constitutive members. Our sole example is that of IG II<sup>2</sup> 1369.24-27

ἀρχων μὲν Ταυρίσκος, ἀτὰρ μὴν Μουνυχιῶν ἦν/  
ὀκτ[ω]καιδεκάτῃ δ' ἐρανον σύναγον/φίλοι  
ἄνδρες/καὶ κοινῇ βουλῇ θεσμὸν φιλίας  
ὑπέγραψαν (Tauriskos was archon, the eighteenth  
of Mounychion, friends found a club and signed  
institution of common friendship).

The terminology applied by the associations, as far as it concerns the description of the collectivity and of the members, may prove illuminating. In the earliest documents of ἐρανισταὶ there is a constant use of the term κοινὸν ἐρανιστῶν or ἐρανισταὶ (IG II<sup>2</sup> 1265.1, 2, 5, 10, 12 and 1291.2, 9, 11, 15, 20 and 27). In two of the latest

documents, IG II<sup>2</sup> 1369.10-12 and SEG 31.122:44 ἔρανος appears as denoting the association or the assembly. The reason for this transformation is not quite clear, but it may be connected with semantical differentiation and the change in the actual funding, which in this era is heavily dependent on a single, prominent figure. A similar tendency can be observed among the associations in -σται<sup>37</sup>. It is not clear whether in cases where the term σύνοδος occurs, the contribution of an individual to the establishment of the association was primary and in those cases where κοινὸν or other alternatives occur, other forms of foundation were used.

There is no trace of even one provision concerning dissolution. This peculiarity can be attributed to the conviction of ἐρανισταὶ that the continuation of their activities was guaranteed, through the introduction of their offspring into the association (SEG 31.122) or the introduction of members promising considerable benefactions (ἐπὶ φιλοτιμείαις) to the association (IG II<sup>2</sup> 1369.40).<sup>38</sup>

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<sup>37</sup> Compare for example IG II<sup>2</sup> 1292.2, 10, 12, 17, 22, 28, 1293.9, 10, 12, 16 and 1322.11 with 1339.3-6, 15 and 1343. The differentiation is considerable and the trend to abandon the expression κοινὸν is evident.

<sup>38</sup> This is the interpretation adopted by Robert L. (1979)

b) Members: The evidence about the prerequisites of joining an *ἐπαινοταὶ* association is also limited. In the second century A.D. it seems that there were at least two different modes. One mode required a special procedure during which the candidate would be examined, by the officials of the association to see if he was *ἀγνὸς* (pure), *εὐσεβὴς* (pious) and *ἀγαθὸς* (good in character).<sup>39</sup> The second one involved the payment of an entrance fee.<sup>40</sup> It was possible for those who were already members to introduce their children (SEG 31.122:38).

It does not seem that there were any special restrictions referring to the status of the (future) members. So, in the *ἐπαινοταὶ*-associations we find citizens (possibly IG II<sup>2</sup> 1266 and 1335), metics (1291) and slaves (2940 and 1335). In associations in *-οταὶ*, two documents imply exclusive or preponderant participation of citizens.<sup>41</sup> In IG II<sup>2</sup> 1322, all but one of the preserved

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"Deux inscriptions de l'époque impériale en Attique" *AJPh* 100, 153-159 and now in *Opera Minora Selecta* v.5, 123-29, 1989, Amsterdam: Hakkert.

<sup>39</sup> IG II<sup>2</sup> 1369.33-4.

<sup>40</sup> SEG 31.122:38-9 and IG II<sup>2</sup> 1339.16-7.

<sup>41</sup> In IG II<sup>2</sup> 1322.30-40 all but one are citizens and in 1335 in which 12 toponymics suggesting foreigners, 37

names of members are followed by their demotic; the remaining name is followed by a toponymic. In 1293, 2353 and 2960 all the preserved names belonged to citizens. Women in this type of association are to be found in the lists<sup>42</sup> but not among the officials, with the sole exception of προερανίστρια Νικίππη (IG II<sup>2</sup> 1292.23).

The question of a member's expulsion does not seem to have occupied an important place in the earlier documents and, consequently, we do not have any evidence from that period. Maier (1969: 78) claimed that there are no traces of provisions for the expulsion of members. But he seems to disregard at least three provisions of a later era which so provide: IG II<sup>2</sup> 1369.40-2

εἰ δέ τις μά/χας ἢ θορύβους κεινῶν  
φαίνοιτο/ἐκβαλλέσθω τοῦ ἐράνου (if somebody is  
seen to initiate fights or troubles, let him  
be expelled from the group),

SEG 31.122:8-9

καὶ ἐξανάνχα πραττέσθω τῶν σ/[υ]νεραμιστῶν ψῆφον  
λαβόντων ἐκβιβάσαι [and without fail let him be

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citizens and 4 "bare" names implying servile status in the total of 53 names. In contrast see IG II<sup>2</sup> 2358 in which only 4 citizens are attested for certain.

<sup>42</sup> See IG II<sup>2</sup> 2354 in which 13 women's name occur out of 23 and 2358 in which 36 names out of 94 are female.

expelled after his fellow eranistai have cast a vote. Translated by Raubitschek (1981)],

SEG 31.122:42-5

τὰς δὲ φορὰς/καταφέρειν τῷ ταμίᾳ ἐπάναγκες ἰς  
τὰς ἐγδόοις· ὁ δὲ μὴ κατενέγκας/ἀποτινέτω τὸ  
διπλοῦν· ὁ δὲ μὴ δοὺς τὸ κάθολον ἐξέρανος/ἔστω  
[the dues are to be brought to the treasurer  
without fail for the making of loans; he who  
does not bring his dues is to pay as fine double  
the amount; he who does not pay at all is to be  
expelled. Translated by Raubitschek (1981)],

and IG II<sup>2</sup> 1339.13-14:

ἐὰν δὲ μὴ διδ[ῶσι]/[τὴν φορὰν εἰ]δοξεν μὴ  
μετέχειν αὐτο[ῦς]/[τοῦ ἐράν]ου (if they do not  
give the contribution it was resolved that they  
should not participate in the group).

From these provisions<sup>43</sup> it is evident that there were mainly two causes for expulsion of any member. In the earliest document the non-payment of the contribution could lead to this measure, which, however, was exceptional. In the latest two the culprit of disorder and quarrels could be expelled either from the assembly or from the association.

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<sup>43</sup> For Vondeling (1961: 148) eranos in IG II<sup>2</sup> 1339.16 means "entry" and in 1369.42 it means "assembly".

c> Offices: The committee of a κοινὸν ἔραμιστῶν includes a ταμίας (IG II<sup>2</sup> 1265 and 1291), an ἱεροποιὸς (1265) or ἱεροποιοὶ (1291), ἐπιμεληταὶ (1291 and 1266) and a γραμματεὺς (1291). It is important that among them there is no ἀρχεραμιστῆς, at least till the second century. In other associations in -σταὶ the board includes the following:

ταμίας (IG II<sup>2</sup> 1292, 1293, 1322, 1335, 1339, 1343, 1369 and SEG 31.122)

γραμματεὺς (IG II<sup>2</sup> 1292, 1322, 1335 and 1369)

ἐπιμελητῆς (IG II<sup>2</sup> 1292, 1335)

ἀρχεραμιστῆς (IG II<sup>2</sup> 1322, 1339, 1343, SEG 37.103 and SEG 31.122)

ἱερεὺς (IG II<sup>2</sup> 1335, 1343)

In certain documents and especially in SEG 31.122 and IG II<sup>2</sup> 1369,<sup>44</sup> there is a series of other officials of minor importance. It should be noted that the board of the association is becoming more complex and more numerous in the era of the Roman empire.

The κοινὰ ἔραμιστῶν follow the pattern of collective honouring just like θιασῶται (above chapter 3).

Associations in -σταὶ either follow this pattern (IG II<sup>2</sup> 1292) or the individual honouring of their ἀρχεραμιστῆς

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<sup>44</sup> For ὁμολεΐτωρ see as well, SEG 36.548 from Epirus of the third century and IG II<sup>2</sup> 4817 of the Roman era.

(1343) or their officers (1293).

It has been maintained by Beauchet (1896: 4.356), Dow (1937: 194), Vondeling (1961: 148), Maier (1969: 83) and Raubitchek (1981: 98) that the ἀρχεραμιστής was the actual leader or the head officer of the association, its most eminent official and sometimes the founder himself. The reason for attributing such a prominent role is, according to Dow (1937: 193-94), the primacy of this official in the preserved documents and especially in IG II<sup>2</sup> 1297, 1319, 1322, 1339, 1343 and 2358. But these pieces of evidence do not provide sufficient proof for such a statement, since some of them honour simply an individual (1297 and 1343), in 1339.4-5 a ταμίας is mentioned first and not an ἀρχεραμιστής, also in 1369 ἀρχεραμιστής is not mentioned first. IG II<sup>2</sup> 1319 and 1345 are too fragmentary to prove anything else more than the existence of such a title. Therefore, the predominant role attributed to ἀρχεραμιστής is largely inferential. This interpretation disregards certain evidence (e.g. 1343 and 1345) and distorts the position and the true value of ἀρχεραμιστής. This title appears late in the board of κοινὰ ἑραμιστῶν (only in the second century) though it exists since the second half of the third century in the associations in -σται. In the most complete case of honouring an ἀρχεραμιστής, that is IG II<sup>2</sup> 1343, we can see that his contribution did not result from holding the post of ἀρχεραμιστής as such. This office was rather honorific in



order to reward him for the services previously rendered to the association, mainly financial, when he had the post of treasurer. The only other evidence is the four lines long IG II<sup>2</sup> 1345, in which an ἀρχερανιστῆς is honoured because εὐχρηστον τὸν ἑαυτὸν παρέχει τῷ [κοινῷ], and three inscriptions (IG II<sup>2</sup> 1322, 1339 and SEG 37.103) in which simple mention of the title occurs. Thus, it is fair to assume that ἀρχερανιστῆς was simply a honorific title, conferred only on those members who, taking into account their immense contribution to the well-being of the association, were proclaimed, probably in a special assembly, "first of the fellow eranists". This does not prove that the aggregation was called ἐρανισταί. This title quickly faded out since the financial support by an important person led soon to the concentration of all the power in his hands. As a result, ἀρχερανιστῆς became the head officer as it appears in SEG 31.122.<sup>45</sup> But in IG II<sup>2</sup>

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<sup>45</sup> The same explanation may apply to the unusual title proeranistria. Dow (1937: 195) offers three possible explanations. The first one, that proeranistria had founded the society, is completely improbable. The other two, that she had made large gifts to it or that she continued to pay for the sacrifices, seem to be plausible. For examples of prominent women in associations see Veyne (1976: 357, n.261).

1369 ἄρχερανιστῆς is classified among the annual offices, implying a different status and function.

For the rest of the officers, appearing in the associations in -σταῖ, there is little or no evidence. In particular, there is but the title for ἐπιμελητῆς (IG II<sup>2</sup> 1292, 1335) and γραμματεὺς (1292, 1322 and 1335). The office of ἱερεὺς is merely mentioned in 1335, but in 1343.24-7 the activity of the priest is described as follows:

κατασταθεὶς δὲ καὶ ἱερεὺς τῆς Σωτείρας ἐν τῷ  
ἐ/πὶ Μενάνδρου ἄρχοντος ἐνιαυτῷ ἐκαλλιέρησεν  
καὶ ἀφιλαργύρως/ἰστανόμενος ἡστίασεν τοὺς  
ἐρανιστὰς ἐκ τῷ[ι]ν ἰδίων/ἀναλώσας οὐκ ὀλίγον  
χρῆμα (and he has been selected as priest of the  
Saviouress in the year of the archon Menander he  
obtained good omens and he offered lavish feasts  
to the associates from his own revenues spending  
no little money).

The same seems to be the case for ταμίας. Although there are eight references, six of them are single words, and further details are provided only in IG II<sup>2</sup> 1343 and SEG 31.122, where different expressions are used for expressing the contributions made to the association.<sup>46</sup>

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<sup>46</sup> IG II<sup>2</sup> 1343.14-5: προεστά/τησεν τοῦ θεμελιωθῆναι τὴν  
σύνοδον, 17: ὡσαύτως εὐξήσεν τὰ κοινὰ, 20-1: ἐποί/ησεν ἐκ

Under normal circumstances the term in office was one year. This seem to be the rule for both *ἐρανισταὶ* associations (1265) and associations in *-σταὶ*.<sup>47</sup> In 1335 a person is at the same time *γραμματεὺς*, *ταμίας* and *ἐπιμελητῆς*. In 1292.5 there is the only reference to scrutiny of officials at the end of their term in office. Officers of inferior rank in SEG 31.122 are obliged to conform with certain regulations concerning the proper performance of their duty,<sup>48</sup> and threatened with heavy fines in case they do not.

d) Purposes: The conception of predetermined aims describing the activities or the direction of an association is based heavily on the Pandectist tradition

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*πλήρους τὰ δίκαια* and 23-4: *εἰσηνέγκατο σπουδὴν καὶ φιλοτιμίαν περὶ τῶν κοινῶν*.

<sup>47</sup> For an example of the division between annual and life offices see IG II<sup>2</sup> 1369.36-7. For associations in *-σταὶ* see 1343.35-6 and 1292.8.

<sup>48</sup> In SEG 31.122 besides *ἀρχερανιστῆς* and *ταμίας*, several other offices occur, like *παννυχισταὶ* (24), *πράκτορες* (27), *ἐγλογισταὶ* (30) and *στρεπτοὶ* (32), with sometimes quite obscure duties. It is worthwhile to note the way of selection of certain of them either by lot or by the *ἀρχερανιστῆς*; in case of refusal to perform their duty, fines were inflicted.

of the law of associations. Things seem different when we are swimming in the dark waters of Greek legal documents, where such a tradition simply does not exist. That is why the scholars reverse their methods of investigation and deduce principles from the associations' functions. While in the modern legal system the model of deduction from a general rule is predominant, our approach for discovering the aims of associations should follow cautiously the inductive path.<sup>49</sup>

In literature the only mention of an *ἐρασισταὶ* association is in Arist. *EN* 1160a 19-20, where we are told that *ἐρασισταὶ* are formed for the sake of pleasure. In inscriptions it is reported that the life of such an association was characterized by certain religious activities, sacrifices, probably feasts financed by the wealthier members of the association (IG II<sup>2</sup> 1265, where the terms *φιλοτιμούμενος* and *εὐνοίαν* implies considerable contributions as well in 1291). Later on, in the first century and well into the imperial era some associations

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<sup>49</sup> Vondeling (1961: 144) followed this method and distinguished three major functions, religious, social and financial. He insisted on including in the social and religious dimension the provision and looking after of tombs, an activity for which there is no evidence from Attica.

seem to promote a (re)distribution of wealth on a small scale, when they decide to organize funds for granting loans (SEG 31.122) or when they organize feasts for sixty persons (IG II<sup>2</sup> 1343). The provider was rewarded with the increased social prestige and sometimes with a life-long title. The alleged financial activities of these associations are even more controversial. It has been proved that, at least in the fourth century, these groups might have played a considerable role in friendly loans in Athens.

Summarizing the examination of particular aspects of *ἐρασιῶται* associations and associations in *-ῶται* we may draw the following conclusions:

1. *Ἐρασιῶται* associations were founded by the common will of the members, as also were certain associations in *-ῶται*. The promotion of a cult was the result of an individual's activity, but an individual could never found an association alone, as it has been asserted.

2. These associations were not exclusively male-dominated or citizen-dominated. Of course there are examples of associations where the citizenry is overwhelming, but it was not the rule. The position of women was rather inferior in comparison to that in *θιαῶται*. They could be members, but they did not get offices.

3. *Ἐρασιῶται*, together with late *θιαῶται*, is the type of association which honours the individual not only with

a wreath, but also with granting him the title ἀρχεραυιστῆς as a life-long title.

4. Their structure is similar to that of certain θιασῶται, a fact that led to groundless identifications with them.

5. Their main difference from θιασῶται consists of the relatively more frequently revealed social dimension combined with religious purposes.

6. Their will to designate themselves as ἐραυισταὶ or Σαραυισταὶ et al. reveals the need to feel distinct from the bulk of other devotees. In that respect the modern study should not easily label them θιασῶται or ἐραυισταὶ indiscriminately.

## CHAPTER 5

### A LEGAL APPROACH TO ATHENIAN ASSOCIATIONS

In the previous four chapters we have seen the actual use of the terms ὀργεῶνες, διασῶται and ἐπανισταὶ as designating specific types of associations, and we have traced their structure and their activities. We have pointed out certain ambiguities as well as similarities concerning mainly the foundation and the strategies for ensuring the existence of associations, thus avoiding abandonment of their cult and dissolution. These strategies included different patterns of recruiting members, bestowing honours and privileges and prompting the generosity of their wealthier members. In this chapter the examination will focus on the legal assessment of the associations' features.

It has been claimed<sup>1</sup> that the task of a legal historian cannot be simply the reconstruction of a legal reality with its peculiarities and regularities. The

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<sup>1</sup> Wolff, H.J. (1971) "Juristische Gräzistik - Aufgaben, Probleme, Möglichkeiten" in Wolff, H.J. (ed) Symposion 1971, 1-22, 1975, Köln: Böhlau.

legal historian should try to explain and to interpret different legal institutions and practices in the light of their contemporaneous fundamental financial, social, ideological, religious and political concepts which constitute the complex social context, where legal institutions and practices appear and function. In this respect, the problem of which method is going to be used in the investigation for the associations' legal aspects is of paramount importance.

Methodological investigations in the history of ancient Greek law have been predominantly bound up with a positivist perception of what is considered as legal. According to this approach rules were regarded as legal only if they appeared in the form of written laws or other binding enactments of the city-state. Legal positivism as a reaction against the abstract principles of the various natural law theories focused on a sharp distinction between morality and law. The task of jurisprudence is the study of "jus positum", the law introduced by the state-nation. The study of the law in its positivist aspect aims to clarify the legal concepts and present them in a logical order. Together with legal positivism, legal formalism led to the search for modern concepts in the Athenian law and, in general, in the various legislations of the ancient Greek world. Although positivism long since ceased to be the current methodological stream in jurisprudence, it is still predominant in the history of



ancient Greek laws, where only a few scholars are critical of it. Cohen (1991: 15), for instance, remarked that

the positivist account of "the law" as nothing more than the relevant valid statutes blinds us to the normative structures of the community of which the law is but a part and which gives it its social meaning.

I shall attempt to show that the modern legal background of associations, which still relies heavily on the great debate of the late nineteenth and early twentieth centuries, is entirely irrelevant to the Athenian experience, as it is revealed in the examples of these three specific types of associations. A new interpretation does not need to follow the positivist tradition, but should rather rely, primarily, on the available evidence. The results of this investigation give credence to the Aristotelian theory of associations as a part of the city-state. Since Aristotle was the political philosopher par excellence of his own time he can be a very useful guide. In this respect, I shall try to show that through the use of an analytical model based on the most essential features of the Athenian city-state,<sup>2</sup> we can hope to approach closely the

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<sup>2</sup> The organisational similarity between city-state and association was first noted by Foucart (1873: 51) and then

associations and thus understand better their function and their impact on Athenian society.

My argumentation will be concentrated: A. on the historic failure of the legal historians to explain satisfactorily the associative phenomenon, B. on the theoretical background of this failure and especially on the predominant theories of the nineteenth century. An assessment of the particularly interesting legal features of associations such as I. Dig. 47.22.4: Recognition or Autonomy, II. Foundation and Dissolution, III. Name, and IV. Property will follow. Finally section C will be devoted to the exploration of the parallelism between city-state and association as a product and, at the same time, a limit of ancient Athenian legal thought.

#### *A. THE LEGAL HISTORIANS AND THE PUZZLE OF JURISTIC PERSONALITY*

In this part, I am going to give a well-documented,

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Ziebarth (1896: 193), but neither of them proceeds to an examination based on this model. Poland (1909: 337) has expressed reservations about the importance attributed to these similarities. For the essential features of the city-state, that is direct popular participation in decision-making, in the judiciary and in legislation, see Arist. Pol. 1317b (Z.2.5-8).

although not very detailed, summary of each historian's opinion, in a chronological order.

The question of juristic personality in the Athenian law appears in the early scholarship in connection with the same question in Roman law<sup>3</sup> and in the Pandectist tradition. Wescher (1865: 220) wrote about *ἐπαινοταὶ*:

Les sociétés d'éranistes, libres de  
s'administrer intérieurement elles-mêmes,  
étaient tenues de se faire autoriser par l'Etat,  
et elles ne devenaient des personnes civiles,  
capables de plaider en justice, que lorsqu'elles

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<sup>3</sup> From the abundant bibliography about juristic personality in Roman law see: Carolsfeld (1933), Duff (1938: 129-58), the summary provided by Wilcken, U. (1953) Die Quellen des römischen Rechts, 789-94, Wien: Holzhausen, Kaser, M. (1968) Roman Private Law. 77-79, transl. by R. Dannenbring, Durban: Butterworths and De Robertis, F.M. (1973) Storia delle corporazioni e del regime associativo nel mondo romano, Bari. The most recent articles about particular problems are Biscardi, A. (1980) "Rappresentanza sostanziale e processuale dei "collegia" in diritto romano" IURA 31, 1-20, De Robertis (1984), and Salerno, F. (1984) "Collegia adversus rem publicam" in Sodalitas. Scritti in onore di A. Guarino, vol.2, 615-31, Napoli: Jovene.

avaient obtenu la reconnaissance officielle. Caillemmer (1872: 11), followed by Foucart (1873: 48), refuted this opinion with two counter-arguments: a) if there was any restriction, statutory or administrative, it would have appeared as well in Roman law. A well-known instance of suppression of an association<sup>4</sup> during the Republic comes from 186, when the Senate with the S. C. de Bacchanalibus prohibited any religious association; this measure would have been superfluous if associations could not exist without prior authorisation by the Senate; b) the only reference to state control of associations occurs in Isoc. Nicocles 54, written between 372 and 365:

Ἑταιρίας μὴ ποιεῖσθαι μηδὲ συνόδους ἄνευ τῆς  
ἐμῆς γνώμης. αἱ γὰρ τοιαῦται συστάσεις ἐν μὲν

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<sup>4</sup> Similar measure was taken by the Ptolemies in Hellenistic Egypt; see the fragmentary document in Lenger, M.-T. (1964) Corpus des Ordonnances des Ptolémées, Brussels: Palais des Academies, reprint 1980, No 50 (131-125). For S.C. de Bacchanalibus see Riccobono, S. (ed) (1941) Fontes Juris Romani Antejustiniani, I No 30 and similarly No 46. For the Bacchanalia affair see Pailler, J.-M. (1988) Bacchanales, Rome: Ecole Française de Rome. Carolsfeld (1933: 236-66) and Duff (1938: 95-128) provide useful summary of the policy of the Roman state in view of the freedom to associate.

ταῖς ἄλλαις πολιτείαις πλεονεκτοῦσιν, ἐν δὲ ταῖς  
μοναρχίαις κινδυνεύουσιν.<sup>5</sup> (Do not form  
political societies or unions without my  
sanction; for such associations may be an  
advantage in the other forms of government, but  
in monarchies they are a danger).

Both Caillemier's counter-arguments miss the target. His assumption that the legislations of Athens and Rome should be similar is dubious. His second argument concerns clubs with political aims rather than associations in general, though the text can refer to other kinds of associations besides political ones. But Caillemier (1872: 13) wonders whether

la défense de former des associations sans  
l'agrément des pouvoirs établis, compatible avec  
la forme monarchique était jugée par les anciens  
inconciliable avec les principes admis dans les  
republiques?

Presumably, both Wescher and Caillemier were convinced that

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<sup>5</sup> For a distinction between *σύννοδος* and the rest of the terms denoting a collectivity see Poland (1909: 158-63) who claims that this term refers to an association with profane aims and not to a religious one. Also, Arist. *Pol.* 1313a (E.11.5) attributes the suppression of associations to tyrannical regimes.

an association and especially *ἐπαινοτάι* had a juristic personality; they only disagreed about the mode of obtaining it.

Guiraud (1893: 382) writes about societies that "En principe, toute corporation pouvait prendre naissance sans autorisation préalable" and that "elles jouissaient de la personnalité civile dans toute sa plénitude".

Ziebarth (1896: 179-83) distinguishes between associations of public and private law, presumably on the basis of the modern distinction, and attributes to the latter type unquestionable "juristic personality". A central point in his argument is a positivist concept of an association as one which carries a name and property.

Beauchet (1897: 4.163, 343 and 348-9), according to several of his remarks, is equally convinced that an association in antiquity was considered as a "personnalité morale", having the right to acquire land and to dispose of it, to sue and to be sued. Therefore, he does not further examine this question in detail.

Poland (1909) in what remains the most exhaustive and fundamental, although outdated, study of associations *in* the Greek world, curiously avoids this question altogether.

Radin (1910: 22) while criticizing previously expressed opinions, implies that juristic personality did exist in ancient Athens.

Lipsius (1905-15: 799) thinks that both the

associations of citizens and the associations of non-citizens were regarded as juristic persons. Using evidence drawn mainly from procedure he claims that it was possible for an association to sue and to be sued, exercising these functions through certain officials.

For San Nicolo (1913-15: 1.8-10), the question of juristic personality of an association is connected with the modern ways to achieve its recognition as such. He proposes three alternative solutions, including the principle of free establishment (das System freier Körperschaftsbildung), the principle of concession (Konzessionssystem) and the principle of the legally binding rule (das System der gesetzlichen Normativbedingungen). He seems to follow Ziebarth in his conclusion that the principle of free establishment was predominant in Greece and probably in republican Rome.<sup>6</sup>

Vinogradoff (1920-22: 2.122) sees an evolution from "occasional association" to the "enduring life of moral

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<sup>6</sup> Während in Griechenland und auch im ptolemäischen Ägypten das freie Vereinigungsprinzip allgemein galt und bei der Vereinsgründung keine solche Spuren eines staatlichen Zwanges oder einer Aufsicht zu entdecken sind, darf in Rom die Freiheit des Zusammenschlusses zu korporativen Organisationen höchstens für die republikanische Zeit angenommen werden.

persons". He claims that "the constitutive elements of a "moral person" were clearly at hand" but he does not clarify which were these elements. One can assume that they were a) the permanent character of the association and b) a super-individual personality, which was provided by the personification of the hero-worship. Although these traits are quite obscure, his final statement

the Greek "moral and juridical person" had reflected and continued to reflect the religious or quasi-religious personification of the social side of human life" (127).

has been unjustifiably ignored.

Bolkestein (1923: 115), in the context of the theoretical debate about the character of the ancient Greek economy, asserts categorically that the modern concept of legal personality and its application in the form of corporate companies to the world of trade and commerce was unknown in the Greek world.

Kahrstedt (1934: 187-89) states, without further examination, that the associations mentioned in Dig. 47.22.4, as well as the associations of freed slaves, were regarded as "juristische Person".

Finley (1951: 89), following essentially Wenger,<sup>7</sup>

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<sup>7</sup> "Das Recht der Griechen und Römer" in Die Kultur der Gegenwart vol.II, VII.I Allgemeine Rechtsgeschichte. Heft



reports merely his belief that "the modern institution of the juristic person was largely unknown in the Greek cities". However, in a lengthy footnote (275 n.5) *he* summarizes critically the existing literature. Finley's judicious contribution is all the greater, because he was the first, in my knowledge, who questioned the accuracy of ownership of property as a criterion for juristic personality.<sup>8</sup>

Jones (1956: 162-66) confirms that "the concept of the corporate person in our sense never found expression in any specific term" and that the collective feature of association was far more important than the corporate.

Kränzlein (1963: 136-7) examines the ambiguous terminology of the epigraphical sources, where either the members of the association or a collective name appears as owner, and concludes that the question of legal personality was not addressed by the associations.

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1, 208-11, Leipzig - Berlin 1914, which was not available to me.

<sup>8</sup> Followed by Harris (1992: 339). Cohen (1992: 63) argues against Finley's core assumption that the differentiation of terminology substantiate the claim for the non-existence of the concept of legal personality in ancient Athens. In the following pages it will be shown that his differentiation conveys a particular meaning.

Harrison (1968-71: 1.242) holds the view that

the Athenians never achieved the convenient fiction of regarding such a group of joint owners as a single person juristically. They remained joint several owners.

He remarks that the evidence for such a suggestion is rather slender. However, in 2.84 he states:

Various subdivisions of the body politic, such as tribes and demes, phratries and γένη, could sue and be sued in the courts as could free associations, such as ἔρανοι, θίασοι, and ὀργεῶνες

thus leaving open the problem of legal representation of these free associations in courts.

Maier (1969: 75ff and especially 98-104), makes the most coherent study of the problem in connection with κοινὰ ἑρανοῦτων and ἔρανοι. The most important part of his analysis is the model of association he adopts. He presupposes that an association must always have: fixed objectives, a fixed period of activity, a constitution, a common name, property, self-administration and the members' free will as the cornerstone of the group. Maier objects to the belief of legal historians that juristic personality as a concept was unknown to Greeks (99). His conclusion is not in accordance with the prevailing opinion, since he claims that it is possible to see a

precursor of a modern association (100)<sup>9</sup> in the term "ἐρανος".

Chadzopoulos (1973: 73-115 and especially in 81-113) attempts an approach founded on a fundamentally different basis. He claims that in the origin of any association there is a contract, according to which every member had to promote and fulfil the aims of the association. Although Chadzopoulos admits that the modern idea of juristic personality *was* unknown in ancient Greece, he traces a third abstract person in the form of the deity honoured who intervenes in three inscriptions (IG II<sup>2</sup> 1361, IG XII.9 191 and Michel 1014). This fact leads him to suggest that under this formula a precursor of juristic personality appears, since in its name fines are paid and in some cases the real estate of the association belongs to it.<sup>10</sup>

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<sup>9</sup> "Hierin könnten also die Anfänge eine juristischen Person stecken" but further "Um einem zuverlässigen Schluss bezüglich dieses Frage der juristischen Person ziehen zu können, müssten neben dem Eranos-Verein auch sämtliche übrigen formen des Zusammenschlusses mehrerer Personen im griechischen Recht auf eine solche Erscheinung hin untersuchen werden".

<sup>10</sup> "Und eben bezüglich der Erhaltung diese kapitals, das den Vereinzielen dient, besteht ein Ansatz zu der Idee

Biscardi (1982: 206) admits that Greek law did not arrive at the personification of the association, while earlier in Biscardi (1955) and (1958: 328-9) he explored a possible interpretation for that. In particular, he observed that the ambiguity of the terms denoting the subject of any activity of associations appears in the documents of the city-state as well. In the city-state there are several legal orders or legal sub-systems, such as deme, phratry etc. He introduces in that scheme the legal sub-system created by the self-administration of the association, granted by the alleged Solonian law. In this respect it is possible to see an embryonic form of juristic personality as it concerns the autonomy of the association's sub-system.

After this chronological review of the opinions expressed on juristic personality two remarks may be made:

1. Till the middle of the twentieth century the scholars, with the exception of Wenger and Bolkestein, explicitly or implicitly, accepted that the concept of juristic personality existed in the Athenian law. Since the 1950s the absence of the modern concept of juristic

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einer unabhängigen und selbständigen Vermögens -  
Persönlichkeit mit eigener Rechtsgrundlage und eigenem  
Vermögen, das unabhängig von jenem der Mitglieder ist"  
(97).

personality from Athenian law has been repeatedly stated. Some scholars tried to find alternative interpretations, concentrating their efforts in the field of property relations.

2. The scholars before the 1950s seem to be unaware of the formalistic nature of the logic they try to apply to the legal relations of Antiquity. There is more or less a mechanical transposition of doctrines of legal positivism to a fundamentally different legal context; for example, the impact of the concession theory on the explanation adopted by Wescher (1865), the model on which Ziebarth (1896) and Poland (1909) base their analysis and, recently, the influence of the omnipotent fiction theory on Harrison (1968-71: 2.84).

## B. THE THEORETICAL BACKGROUND OF THE FAILURE

The modern theories about juristic personality - and by the term "modern" I mean those developed in the nineteenth century and since - were the main reserve from which legal historians drew their fundamental perceptions of juristic personality. So, it is expedient in this part to review in brief the four main theories, Fictional, Realistic, Symbolistic and Purpose,<sup>11</sup> suggested in order to explain and regulate sufficiently the associative phenomenon, in the context of the legal apparatus.

These four theories and their innumerable variations can be divided into two main categories. There are those conceptualizations (the fictional, symbolistic, and purpose theories) whose basic assumption can be summarized in the principle that since only people are natural or physical persons, that is subjects of rights and duties, anything else cannot but be artificial.<sup>12</sup> This artificial character was called also fictional, by Savigny<sup>13</sup> and, in connection with the concession theory which regards only

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<sup>11</sup> For a more detailed and comprehensive account of these theories see Duff (1938: 208-20) and Dias, R.W.M. (1970) Jurisprudence, 3rd ed. London: Butterworths.

<sup>12</sup> For a criticism of this concept see Nekam (1938).

<sup>13</sup> Savigny, C. von (1842) System des heutigen romischen Rechts, 2.236ff and Heiman (1977: 26).

the state as the source of juristic personality, formed the orthodox continental view on associations. The symbolistic theory of Jhering<sup>14</sup> suggested that the concept of juristic personality is but a symbol, a device facilitating legal relations. The purpose theory of Brinz pointed out that juristic personality is a mechanism in the service of certain purposes; it exists only in regard to the aims pursued by the association. The fictional approach to the problem of juristic personality ignores, among others, two fundamental facts: a) that not only individuals are regarded as bearers of rights and duties in the positive law, but also the unborn or the deceased and b) the belief in the exclusivity of the individual as subject of rights and duties, some of them inalienable, as legal person is rather a product of philosophical considerations, influenced by the political philosophy of the Enlightenment.

The second category includes the so called realist theory,<sup>15</sup> whose main expounder was Otto von Gierke. His

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<sup>14</sup> Jhering, R. von (1858-78) Geist des römischen Rechts, Leipzig.

<sup>15</sup> The monumental work of Otto von Gierke (1864) Das deutsche Genossenschaftsrecht has been only partly translated into English by Maitland F.W. (1900) Political theories of the Middle Ages, Cambridge, Barker, E. (1934)

theory emanates from an a priori belief that humans have an associative nature, or as Heiman (1977: 16) puts it:

To Gierke, men's will and right to associate are so fundamental that they appear almost as a natural law, a basic human attribute and a fundamental expression of individuality.

This associative nature of human beings leads to the formation of associations, not on the basis of a contractual unity, but rather on the basis of an organic one. A historical perspective reinforces the consideration of the group as prior to the individual. So every group is not the mere aggregation of individuals and their wills but

has a real and independent communal life, a conscious will, and an ability to act that are distinct from the lives and wills of its individual members.

In this respect, "the organized group had an independent personality of its own" (6).

So, the main theoretical debate was confined to the problem of whether the concept of a juristic person is a fictitious or a real one. The variation of the suggested

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Natural Law and the Theory of Society. 1500-1800,  
Cambridge and Heiman (1977).



answers<sup>16</sup> was so large, that some urged the prohibition of publishing any more work on this subject. After the second world war this question was abandoned and the scholars tried to deduce features from day-to-day experience,<sup>17</sup> instead of looking for an a priori definition. However, historical research suggests that the origin of the concept of an association as a person cannot be traced earlier than the Middle Ages. It was the socio-economical structure of the medieval city, the feudal context and the influence of the Church, that led

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<sup>16</sup> Among others see i) Duguit, L. (1920) Les transformations generales du droit prive depuis le Code Napoleon, about juristic personality as an expression of social solidarity, ii) Kelsen's view of juristic personality as a device of the legal thought in Introduction to the problems of legal theory, transl. by B. Litschewski - Paulson and S.L. Paulson, 48-9, 1992, Oxford: CP, and iii) Hauriou's opinion about juristic personality as an "institution" in La theorie de l'institution et de la fondation, Paris, 1925.

<sup>17</sup> Nekam (1938: 116), Hart, H.L.A. (1954) "Definition and Theory in Jurisprudence" Law Quarterly Review 70, 37-60, and Derham, D.P. (1955) "Theories of legal personality" in Webb, L.C. (ed) Legal personality and political pluralism, Melbourne: Melbourne University Press.

to the formation of such a concept.<sup>18</sup> Moreover, political motives were also behind the bitterly opposed theories, which had to do with the legitimacy of the emerging nation-state.<sup>19</sup>

In the last five decades, together with the development of large corporations and organisations, sociologists shifted their interest to the study of these phenomena.<sup>20</sup> Some of these studies are not directly relevant to the subject, as some of their approaches are not suitable for the study of cult association. Nevertheless, they provide possible insights and working hypotheses, which can be taken into account for further investigation, like organization as a social order, a social practice, a symbolic construction, a negotiated order or even a structure of power and domination.

None of the above mentioned theories can provide a sufficiently interpretative scheme of the Attic association, since the social, religious and economical conditions were radically different. In particular, the

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<sup>18</sup> Bouckaert (1991: 156-78).

<sup>19</sup> For an evaluation of the political, social and ideological consequences of this debate see Orestano (1968: 39-41).

<sup>20</sup> The literature is quite rich. Smith (1974) is very helpful while Reed (1992) offers a useful overview.

city-state never had any decisive say nor ever intervened in the formation of groups or in their activities. The political structure of the Athenian city consisted of individuals not guilds.<sup>21</sup> The ideas about work and commerce in Athens, activities which were largely in the hands of metics and freedmen, but not exclusively, since the majority of the Athenians owned land and cultivated it, were in contrast with the medieval ethics.

Thus, I believe that the majority of legal historians, educated according to the principles of the positivist law, posed the wrong question, namely whether the association in ancient Athens had juristic personality. Consequently, the range of their possible answers was confined to a simple yes or no. In order to avoid this unhistorical impasse, I think that we need to modify the question to be asked. But this attempt will be made after the end of criticism of the grounds on which legal historians tried to found their opinion about juristic personality or the hints, which they tried to identify as precursors.

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<sup>21</sup> Hasebroek (1933: 30), Finley (1973: 138), Meier (1980: 58) and Bouckaert (1991: 162-64) for the role of guilds in the development of the concept of juristic personality.

#### I: DIG. 47.22.4: RECOGNITION OR AUTONOMY?

As we have seen in Chapter 1 the controversy about the authenticity, the chronology and, consequently, the political and social context of this law cannot provide us with definite answers in order to establish any one interpretation. The highly polarized opinions for and against a Solonian origin are both possible, but without any decisive evidence.

However, the law has a form resembling essentially that of a modern legal provision. In order to examine it from a strictly legal viewpoint we should consider what its value and importance would be if its Solonian origin were accepted. Two introductory remarks seem necessary: i) the law presupposes a distinction between private and public law (*δημόσια γράμματα* means that there are some private as well); one may object to the interpretation of the word *γράμματα* as laws, but it is hard to see what else this word can mean in a legal context apart from legal documents. I think that the expression *δημόσια γράμματα* refers to the decrees and the laws of the city in contrast with private documents which are called *συνθήκαι*, (e.g. SEG 24.203:26-7) and ii) the law assumes that there will be someone, individual or collective body, who will supervise and control the activities of associations, to see whether they conform with the city's laws. With these two remarks in our mind we should proceed to examine whether this law a) grants juristic personality to the

aforementioned types of associations or b) grants the right to associate or c) recognises the associations' autonomy and the binding force of their regulations among their members.

The third interpretation is adopted by the majority of legal historians. The law does not grant anything, but simply admits the existence of certain collectivities and recognises their autonomy in regulating their own affairs.<sup>22</sup>

Πανταζόπουλος (1946: 34) followed by Vamvoukos (1979: 104), is the only one to my knowledge who maintained that this law gives partial recognition of the right to associate to the commoners, whereas the same right was previously a prerogative of the noblemen.

Ziebarth (1896: 167) claims that the law recognized the absolutely free establishment of associations without any limitation from the state.<sup>23</sup> The founding of an

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<sup>22</sup> Advocates of this opinion are: Caillemer (1872: 11), Foucart (1873: 47), Wilamowitz-Möllendorff (1881: 272), Beauchet (1897: 4.342), Radin (1910: 40), Lipsius (1909-15: 367), San Nicolo (1913-15: 1.17), Vinogradoff (1920-22: 2.120), Tod (1931: 72), Finley (1951: 88), Jones (1956: 160) and most of the modern scholars.

<sup>23</sup> "Ein Vereinsgesetz ist es eigentlich nicht, eher könnte man von einem Gesetze, betreffend die Regelung der Rechte

association is based on a contract under which all the members are obliged to contribute to the accomplishment of the association's aims (171).

The main problem focuses on the interpretation of the phrase ὅτι ἂν τούτων διαθῶνται πρὸς ἀλλήλους, κύριον εἶναι. The verb διατίθεμαι has at least six different meanings ranging from "arrange", or "dispose of" (property or merchandise) to "compose" or "recite"; the meaning of "arrange, dispose" makes sense in this case. But what are the associations going to arrange? Ziebarth (1896: 167) assumes that autonomy was confined only to the arrangement of property affairs. But the generality of the expression implies that this freedom could encompass every activity; the limitation (ἐὰν...δημόσια γράμματα) immediately follows, and, if there was no significant difference in practice, then we can safely assume that this freedom to dispose could regulate not only the relations among the members, but also property affairs and the relations of the group with the rest of society. The allegedly Solonian law imposes restrictions in case of transgression

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einer juristischen Person, sprechen" and further "Das Gesetz bestimmt völlige Freiheit der Vereinsbildung und in der That finden wir keinen der zahlreichen attischen Vereine irgendwie einem staatlichen Zwang oder Aufsicht unterworfen".

of the city's law and not on the content of the societal arrangement, which may concern practically every matter in which an association may have a role to play.

Consequently, Dig. 47.22.4 did not recognize any right of existence, but implicitly admits and legitimizes the existence of certain associations. Its most important feature is the grant of the right for self-administration in all the possible aspects of the associative life. The simple but obscure limitation was explicitly stated.

## II: FOUNDATION AND DISSOLUTION

The formalistic perception of an association always needs the setting of limits, a period of time, delimited activities, minimum limit of members, limit of contributions etc. This intellectual apparatus presupposes the existence of an omnipresent and omnipotent state, able to impose and to implement these preconditions. In that theoretical climate, legal historians struggled to trace the same prohibitions and limits. Unfortunately for them no constitution is preserved.

On the other hand, at least three, acts of establishing a "bequest" or a "trust" have survived,<sup>24</sup> a

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<sup>24</sup> See SIG<sup>3</sup> 1044 [(3rd century) Halikarnassos], 1106 [(c. 300) Cos] and Michel 1001 [(c. 200) Thera]. Kamps, W.

fact that may lead us to assume that if a constitution was needed for the foundation of an association, it could have been drawn up since the technique was known. But no such act survives and moreover, as will be shown later, no hint about it can be traced.

One can argue that the types of association under examination were based on relations characterized as *φιλία* rather than on any other formal grounds. The concept of *φιλία*<sup>25</sup> is not anything ideal, but it is materialized in

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(1937) "Les origines de la fondation cultuelle dans la Grèce ancienne" AHDO 1, 145-79, is the starting point for a modern legal discussion on "fondation". Cf. Manzmann, A. (1956) "Die Rechtsform der griechischen Stiftung" RIDA 3, 119-34 and Wittenburg, A. (1990) Il testamento di Epikteta, Trieste: Bernardi.

<sup>25</sup> The concept of *φιλία* is the subject of the eighth and ninth book of Arist. NE, where the different types of associations are considered as friendships based on utility. See the commentary of Gauthier, R.A. and J.Y. Jolif (1959) L'Ethique à Nicomaque II.2, 696-99, Louvain: Publications Universitaires de Louvain and Price, A.W. (1989) Love and friendship in Plato and Aristotle, 131-61, Oxford: CP. An account of the importance of this concept in everyday life is offered by Fisher (ed) (1976: 18-20) and of its impact on economic affairs by Millett



the day-to-day life among neighbours and fellow men and it constitutes, to a considerable degree, the cornerstone of the civic life in Athens.

If we take into account both the lack of constitution and the role of *φιλία*, it is comprehensible that the establishment of a cult association may not need a formal act, as Wilamowitz-Möllendorff (1881: 275) has already pointed out, but a kind of a cult regulation arranging details of the cult, the performers of the ritual and the participation of the devotees was enough. Sometimes it may have conformed to local customs or particular traditions.

Legal historians claimed that in antiquity there were two modes of establishing an association. Ziebarth (1896: 140) asserted that the establishment of an association followed the free gathering of the first members or occurred through a testament.<sup>26</sup> Poland (1909: 271) sees as

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(1991: 109-27). A lively example of expected attitudes and actual conduct occurs in (Lys.) 8 *Κατηγορία πρὸς τοὺς συνουσιαστὰς κακολογίων*.

<sup>26</sup> "Die Gründung erfolgte durch freiwilligen Zusammentritt der ersten Mitglieder, wobei meist einem das Hauptverdienst zufiel, welcher dann als *κτίστης* besonders geehrt wurde, auch wohl dem Verein den Namen gab; oder sie beruhte auf einem eventuell testamentarischen Stiftungsakt

more important the first of the two modes of Ziebarth, and later San Nicolo (1913-15: 1.6) identifies two different modes based on the preponderant role of an individual. Moreover, Ziebarth (1896: 171) implies the existence of a contract among the members of an association, by which they are obliged to conform to the association's objectives and the association has disciplinary power over them. Unfortunately, the explanation of the founding of an association with the device of a contract may have fitted well in nineteenth-century Hamburg, but not in ancient Athens.

The only available evidence (IG II<sup>2</sup> 1369) comes from a late period, around the second century A.D. and in principle agrees with the preponderance attributed by Poland to the foundation by the members' consent. The tendency to confuse both these modes may be due to the fact that an individual could establish or simply endorse with his or her (IG II<sup>2</sup> 1292) prestige or wealth a cult, but could not establish an association.

Ziebarth (1896: 144-5) claims that the first and most important duty of the assembly was to give a constitution to the association. Further on he asserts that these

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des Gründers, wodurch meist die materiellen Grundlagen des neuen Vereins sichergestellt wurden".

constitutions were called νόμοι.<sup>27</sup> According to Ziebarth, a constitution was incorporated in certain νόμοι or even it was called νόμος itself. Amendments were possible to the original constitution, but Poland (1909: 338) correctly dismisses this allegation. I believe that Ziebarth's claim remains unsubstantiated if we take into account the fact that he is using evidence from different places and periods of time, with substantially different legal traditions, and the problem of the exact meaning of the word νόμος. For this purpose a review of the terms used to denote the decision of the association such as νόμος, ψήφισμα and δόγμα is needed.

The term δόγμα appears in the first century and onwards (IG II<sup>2</sup> 1343.38-9 and 45, and especially SEG 31.122:3-4) and has a more autocratic connotation. The other two terms are not distinguished by a clearly drawn line and in some cases they are overlapping. In almost all the documents, the clause ἀναγραφέτωσαν τόδε τὸ ψήφισμα or a similar wording is included, preceded by the name of the proposer plus εἶπεν. From these pieces of evidence one can fairly assume that every decision of an

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<sup>27</sup> "Die Verfassung wurde ausgesprochen und niedergelegt in dem νόμος des Vereins. Vollständig erhalten sind uns: 1. der νόμος (in Form eines Dekrets) des Familienvereins in Thera, 2. der νόμος der Ἰόβακχοι, 3. der νόμος ἐρανιστῶν".

association taken by the assembly of its members is designated as ψήφισμα. Not only honorary decrees belong to this category but also decrees concerning the regulation of matters connected with the function of the association (e.g. IG II<sup>2</sup> 1327.26, 1261C.52-3, 1328A.19 and SEG 21.530:8-9). Νόμος appears in 12 enactments of which seven are honorary decrees (SEG 2.9:6, IG II<sup>2</sup> 1291.5-6, 1282.10-12, 1284B.23-4, 1298.20, 1326.22-23, 30, 40 and 1325.28) and five are decrees on other subjects (1283.10 and 25, 1369.31, 1361.13, 1275.12-14 and 1278.2-3). They are the following:

1. IG II<sup>2</sup> 1275.12-14: ἐπειδὴν δὲ κυρώσωσι τὸν νόμ/ον οἱ θιασῶται, μηθὲν εἶναι τοῦ νόμου κυριώτερ/ον εἰὰν δέ τις παρὰ τὸν νόμον ἢ εἴπει ἢ πράξει,
2. IG II<sup>2</sup> 1278.2-3: τὸ]ν νόμον, ἔδοσαν [δὲ καὶ ταφικὸν τοῖς]/[μεταλλάξασιν τὸ γεγραμ]μένον ἐκάστωι κατ[ὰ τὸν νόμον,
3. IG II<sup>2</sup> 1282.10-12: ἐπαινέσαι καὶ στεφ[α]/[νῶσαι
4. IG II<sup>2</sup> 1283.9-11: ὅπως ἂν οὖν φα/[ίν]ωνται καὶ οἱ,
4. IG II<sup>2</sup> 1283.9-11: ὅπως ἂν οὖν φα/[ίν]ωνται καὶ οἱ ὀργεῶνες τῷ τε τῆς πόλεως νόμῳι πειθαρχοῦντες and 25-6: κατὰ τὰ πάτρια τῶν θραικῶν καὶ τοὺς τῆς πόλ[εως νόμου]/s,
5. IG II<sup>2</sup> 1284B.23-4: διώ[ικηκεν τὰ πρ]οσταττόμεν' αὐτῷ ὑ[πὸ τ]ῶν νόμων ὀρθ/ῶς καὶ δικαίως,
6. IG II<sup>2</sup> 1291.3-6: διεχείρισε τὸ ἅ]/[ρ]γύριον τ[ὸ] κοινὸ[ν ὃ παρακατέθεν]/το αὐτῷ οἱ ἔρανιστ[αὶ κατὰ τοὺς

- νό]/μους τοὺς κοινοὺς τ[ῶν ἐρανιστῶ]/[ν,
7. IG II<sup>2</sup> 1298.16-20: ἀναγράφ/ειν δὲ καὶ τῶν ἐπεισιόντων  
 συνθιαστωτῶν/τὰ ὀνόματα ἐπὰν καταβάλωσιν τὸ ἐπιβάλλο/[ν]  
 αὐτοῖς τοῦ ὑπάρχοντος ἀργυρίου κατὰ τὸ/[ν ν] ὅμον ἐν τῷ  
 ἐράνῳ,
8. IG II<sup>2</sup> 1325.27-8: καὶ στεφά/[νῶσαι κ]ιττοῦ στεφάνῳ  
 κατὰ τὸν νόμον ἀρετῆς ἐνεκεν καὶ καλοκαγαθίας,
9. IG II<sup>2</sup> 1326.21-3: ἀνθ' ὧν ἐπιγνόντες οἱ Διονυσιασταὶ  
 ἐτίμησαν/αὐτὸν ἄξιον ὄντα καὶ ἐστεφάνωσαν κατὰ  
 τὸν/νόμον,
- 9a. ----- .30: περὶ ὧν καὶ ὁ νόμος τῶν ὀργεύνων καλεῖ  
 πρῶτον,
- 9b. ----- .44: ὑπάρχοντα [μ]εθέξοντα τῶν κοινῶν κατὰ  
 τὸν νόμον,
10. IG II<sup>2</sup> 1361.13: [ἐὰ]ν δ[έ τι]ς [ε]ἴπ[η] ἢ ἐπιψηφίσῃ  
 παρὰ τόνδε τὸν νόμον,
11. IG II<sup>2</sup> 1369.10: Νόμος ἐρανιστῶν,
12. SEG 2.9:4-6 οἱ καθιστάμενοι εἰς τὰς ἐπιμελείας καλῶς  
 καὶ φιλοτίμως ἐπιμε/μέληνται τῶν τε θυσιῶν, ὥς αὐτοῖς  
 πατριὸν ἐστίν, καὶ τῶν ἄλλων/ᾧσων αὐτοῖς ὁ νόμος  
 προστάττει καὶ τοὺς λόγους ἀποδεδώκα/σι.

First of all it is clear that a νόμος is never called ψήφισμα and is never ratified in a psephismatic form. On the other hand, a ψήφισμα may include passing references to νόμοι. In the latter cases (IG II<sup>2</sup> 1284B.23-4 and 31-2, 1325.28 and 30-1, 1326.22-3 and 48) the word νόμος refers to regulations concerning the activity of the

officers during their term in office.

Secondly, we should notice that in the case of 1 and 10 the demonstrative *τὸνδε* provides us with a clue about the content of the word because it shows that these documents are considered as *νόμοι*. In both cases, they include provisions concerning the administration of common activities. Some of the regulated activities, like the sacrifice in the case of the introduction of a new member, have a more permanent character than others, like the sale of water and the rent of a house. But these rules do not have the general, abstract and impersonal character of a modern constitution. Number 11 preserves a brief text which can be considered as the re-inscription of the basic rules of an association. The chronological span and its telegraphic brevity cannot justify any analogy drawn between the modern concept of constitution and this one. In IG II<sup>2</sup> 1283 *νόμος* clearly refers to the laws of the city. In the honorary decrees (3, 5-9 and 12) *νόμος* denotes that the accomplishment of the duties of officials conformed to the prescribed way; the accomplishment of especially sacral duties did not need to have been dictated by a written rule, but rather by custom.

Therefore, *νόμος* in the context of the Athenian association could be better understood as a set of rules applied to all members, without distinction, or regulating

common activities,<sup>28</sup> while *ψήφισμα* denotes any decision of the assembly of the members which concerns individuals. *Nómos* has nothing to do with constitution, if that term includes the founding act of an association.

Thus, the founding of an association as a separate legal concept and activity never appears in ancient Athens.<sup>29</sup>

Dissolution is generally regarded as the opposite end of foundation. However, such a contrast is meaningless in a context where no foundation exists. It is not accidental that we do not have any act of dissolution. Moreover, the only surviving provision mentioning it concerns the prohibition<sup>30</sup> of dissolution. In this respect

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<sup>28</sup> For the meaning of *νόμος* in general and its difference from *θεσμός* see Ostwald, M. (1969) Nomos and the beginnings of the Athenian Democracy, Oxford: CP. For a distinction between *νόμος* and *ψήφισμα* see Quass, F. (1971) Nomos und Psephisma, 23-43, München: Beck, Lepri-Sorge, L. (1974) "Ai confini fra 'psephisma' e 'nomos'" in Biscardi, A. (ed) Symposion 1974 (Cargnano am Gardsee 5-8.06.1974) 307-26, 1979, Köln: Böhlau and Hansen (1983: 161-76).

<sup>29</sup> See the analysis of different types of mystery cults and the volatility of their organization in Burkert (1987: 32).

<sup>30</sup> Michel 1001, col. VIII. 4-15. Poland (1909: 275)

Ziebarth's (1896: 140) assertion that "Die Majoritat hat also über die Auflösung zu entscheiden" seems to be without basis.

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remarked that because of the close connection between religion and associations "man meist in naiver Weise an ein Aufhören der Genossenschaft von vornherein nicht denken wollte".



### III: THE NAME OF THE ASSOCIATION AS AN INDICATOR

The experience of modern law on associations led scholars to the assumption that a common individual name for an association is a *sine qua non*, an essential trait of its nature, a common denominator for every kind of association and, consequently, a safe indication of being regarded as juristic person.

Almost everyone writing about Athenian associations has noticed the variation of the terms describing the association. Sometimes a plural name like *ἐρανισταὶ*, *ὀργεῶνες*, *θιασῶται* is used, while elsewhere there are only expressions like *τὸ κοινὸν τῶν ὀργεῶνων*, *τὸ κοινὸν τῶν θιασωτῶν*, *τὸ κοινὸν τῶν ἐρανιστῶν*. But nobody went further to explain when and where these expressions are used, whether the variations in the use are significant and if so, why.

The adoption of an individual name by groups of people was not unknown in ancient Athens,<sup>31</sup> but it seems

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<sup>31</sup> For the use of a separate name besides the name showing the character of the group see: i) D. 54.39: *ἐταίρους εἶναι μεῖράκι' ὄντας καὶ Τριβαλλοὺς ἐπωνυμίαν ἔχειν*, ii) D. 54.14: *οἱ παίζοντες οἱ ἄνθρωποι νέοι σφίσιν αὐτοῖς ἐπωνυμίας πεποίηνται, καὶ καλοῦσι τοὺς μὲν ἰθυφάλλους, τοὺς δὲ αὐτοληκύνθους* and iii) Lys. (ed. Thalheim) frg. 73.2: *οὐ μετὰ τούτου ποτὲ Ἀπολλοφάνης καὶ Μυσταλίδης καὶ*

that cult-associations stuck to the use of the cult-name. A reason for this may lie in the fact that the individual name of associations distinguishes them from similar groups; but *ὀρχεῶνες*, *θιασῶται* and *ἐρανισταὶ* are denoting types of associations and not names. If one of these groups had wanted to make evident its different character, it would have used a cult-marker<sup>32</sup> rather than a name. Names like *Ἀσκληπιασταὶ* etc may work as distinctive elements of the identity of the group, but we cannot determine if they considered themselves *ὀρχεῶνες*, *θιασῶται*, *ἐρανισταὶ* or something distinct from all of these.

Therefore, the question remains whether it is possible to consider the use of a particular name or phrase as an indication of juristic personality. The analysis that follows is confined to the discovery of possibly regular patterns, with which the associations

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Λυσίθεος συνεισιτῶντο μίαν ἡμέραν ταξάμενοι τῶν ἀποφράδων ἀντὶ δὲ νομηνιαστῶν κακοδαιμονιστὰς σφίσιν αὐτοῖς τοῦνομα θέμενοι.

<sup>32</sup> For example we have in our records documents from orgeonic associations of Bendis, Mother of the Gods and different heroes. The same is true for thiasotai and eranistai. Their distinctive feature is the worshipped deity.

under examination express their identity. From a merely quantitative aspect it is clear that the phrase ἔδοξεν or δεδόχθαι plus plural dative, is widely used both in terms of number and span of time. It appears in 32 documents, while the expression ἔδοξεν or δεδόχθαι τῷ κοινῷ occurs only in 9 documents, all dated in the second half of the third century and onwards.<sup>32</sup> The preponderance of the former type is an indication that the concept of an association as something entirely different from the mere totality of members is far from being well established. Although so characteristic, these pieces of evidence are not conclusive, since it is possible that this predominant use may merely be due to stylistic reasons. One should seek the ways, the activities and the qualities, in connection with which each expression is used in the available documents.

Before this attempt, I should make clear that the term κοινὸν was taken into account only when it was used together with one of the associations' plural names or when it referred to such a type. This remark is essential since κοινὸν is used quite freely in order to denote the treasury (IG II<sup>2</sup> 1261C.50, 1262, 1263.17-18, 1292.27-8,

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<sup>32</sup> IG II<sup>2</sup> 1317b (246/5), SEG 2.9 (242/1), IG II<sup>2</sup> 1297 (237/6), 1298 (245/4), SEG 21.532 (227/6), IG II<sup>2</sup> 1334 (71), 1339 (57/6), 1343 (37/6) and 1345 (53/4 A.D.).

1293.20, 1297.5-6, 1316.23-4, 1327.10-11 and 29, and 1343.18) or the common affairs of the group (1255, 1263.8 and 12-13, 1252.19-20, 1271.7-8, 1291.4-6, 1361.14-17 and 1343.23-4).<sup>34</sup>

The term *κοινὸν* is used throughout only in three decrees (1317b, 1343 and 1345) and in a dedication (2347). In these documents it replaces any reference to the ambivalent plural name. Since all these enactments are of a late period it cannot be assumed that this use reflects any significant change in the way that Athenians perceived the collective entity.

Considering first the cases where the group is the subject of certain activities, one can remark that the activities performed only by *ὀρχεῶνες* etc and activities performed both by *κοινὸν* and by *ὀρχεῶνες* etc. are not very distinct; but only the plural name is used when there is a reference to sacrifice (IG II<sup>2</sup> 1273.14-15 and 2499.24-5), passing a law (1275.12-13), inflicting a penalty (1328A.11-12), or scrutinizing future members (1361.23). The expression *ὀρχεῶνες* is used when the association is referring to activities underscoring particular gratitude (1329) or even a request (1329.19). The type *κοινὸν* is used, among others, in the provisions of selecting (SEG

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<sup>34</sup> Similar remarks in Poland (1909: 489) and Jones (1956: 163).

2.9) and honouring officials (1261A.18). As far as the cases in which the association receives services are concerned, it seems that, although there is quite a wide range of services ascribed to the association under both expressions, still some were considered only on an individual rather than collective level. In that respect, whenever there is a reference to an individual's quality as εὐνους, εὐχρηστος, δίκαιος or ἀγαθός, then the phrase κοινὸν plus dative is used (IG II<sup>2</sup> 1252, 1253, 1323 and 1345) as the recipient of these services. But when certain qualities are ascribed or actual deeds are mentioned, then there is a balanced use of both modes (e.g. IG II<sup>2</sup> 1261 and 1265).

The use of κοινὸν διασωτῶν etc in documents reveals certain features of their difference. In the documents which had to be published in the community at large and in these with references to legal activities - and with this term I mean any kind of activity aiming to enforce rules, even in internal associative affairs - the word κοινὸν appears in IG II<sup>2</sup> 1275.17, 1583, in SEG 12.100 and in freedmen's bowls. In the remaining six instances the plural name is used. (IG II<sup>2</sup> 1275.12- 3, 1273.24-5, 1328A.11-12, 2499.2 and 36-7, 2501, SEG 24.203, and in horoi). The use of plural name is exclusive when sacral activities are mentioned (1273.14-15, 1292.12-13 and 2499.24-5). The remaining occurrences of the word κοινὸν refer to associative activities. In these instances,

κοινὸν designates the recipient of φιλοτιμία, εὐεργεσία and the like (IG II<sup>2</sup> 1261A, 1261B, 1262, 1263, 1265, 1277, 1291, 1293, 1297, 1314, 1318, 1323, 1327, 1337, 2347, and SEG 21.532).

The distinction, although loose, might have relied upon the concepts of collective and individual acts shared by the members of the association. It was unlikely for the associates to perceive that the generosity of any benefactor could be addressed only to members individually (ἰδίαι) and not to all of them as a group (κοινῇ). In this respect, the use of the word κοινὸν is accurate since it signifies, as Poland (1909: 164) already noticed, only a group of people without any other particular connotation. The word κοινὸν when used by associations did not signify anything more than when used by autonomous city-states, in the Hellenistic era, participating in federations designated as e.g. κοινὸν Αἰτωλῶν. The importance lies in the fact that these political units are not absorbed into a monarchical power structure. The implication for cult associations lies in the fact that their members do not lose their individuality.<sup>35</sup> The abstraction from conceivable and

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<sup>35</sup> Compare Finley (1951: 90) "For demes, tribes, and gene the collective proper noun (e.g. the Phlyasians) was considered sufficient identification as a rule." Although

touchable realities to more composite entities was limited to those activities which regularly occurred and had a highly formal and public character in the context of the associative life. In conclusion, we cannot allege that the existing regular patterns in the use of the name for an association can constitute a decisive proof in favour of the name as an indicator of juristic personality. However, this ambivalence cannot convincingly back up considerations of the name as a constituent part of juristic personality.

#### IV: PROPERTY AS AN INDICATOR OF JURISTIC PERSONALITY

Facing an impasse in their attempt to find evidence proving the existence of juristic personality in ancient Athens, scholars thought that property would be a safe indicator of juristic personality.<sup>36</sup> If associations had property they should have obtained it somehow, but since only persons could obtain legally real estate, the associations were regarded as persons. Of course this is

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an exhaustive study of the naming pattern cannot be undertaken here, Finley's statement is essentially true; but one should take into account of the exceptions such as IG II<sup>2</sup> 1178, 1198 and 2500, where the the word demos is employed.

<sup>36</sup> For Roman law see Duff (1938: 130).

an oversimplified and sketchy account of the traditional explanation.<sup>37</sup> A more elaborate form of this statement can be found in Ziebarth (1896: 180)

A central point of the juristic person of private law is rights on property. The property of an association consists mostly of real estate ...With the "Vermögensrechtsfähigkeit" the association acquires at the same time the ability to undertake legal action alone, which it uses in the acquisition and disposal of real estate.

Finley (1951: 89) expressed doubts about such an approach asserting that

whether these groups were endowed by law with legal personality ... cannot be determined by the relative frequency or infrequency of group holding of real property or of group participation in the taking and giving of land as security.

However, after this cautious statement, a series of studies appeared which tried to establish a link between joint ownership and the property of associations.

Biscardi (1958) concluded that the concept of

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<sup>37</sup> This is implied from the way in which Foucart (1873: 48-50) reaches this conclusion.



juristic person was not totally unknown to Athenians. In particular, he saw that the concept of juristic personality would have existed in an embryonic form, in the plurality of legal sub-systems of the city-state, such as demes, phratries etc. (Biscardi 1982: 11) These legal sub-orders had a distinctive character that may enable us to attribute to these groups an elementary form of legal personality. This imperfect form can render possible the presence of associations in the field of property transactions.

However, one can argue against this deliberately vague but nonetheless clever interpretation, that the plurality of legal orders in the structure of the city-state is not an outcome of the spontaneous gathering of people, but the product of the city, which rearranges its structure and the new overall organisation and adopts a fragmentation of the population into smaller units. Biscardi attributes implicitly to certain types of associations a feature that exists only among the groups established by the city and on this ground he bases his theory of the embryonic concept of juristic personality. Legal pluralism does not correspond to the set of rules and regulations introduced by a central authority. The only Athenian associations with a legal order hardly different from that of demes and the other sub-divisions of the citizens' body are the ones under examination.

Contrary to Biscardi's view, Taubenschlag (1955: 62),

Kränzlein (1963: 136) and Harrison (1968-71: 1.241) claimed that there did not exist a hint of juristic person, but only joint ownership. The problem with such a view is that it disregards the fact that the common property seems to be inalienable.<sup>38</sup> A joint ownership conflicts with the character of inalienability and renders the property alienable by individuals.

Chadzopoulos (1973: 84) claims, following essentially Ziebarth, that

in the preservation of this capital (formed by contributions and fines) which served the aims of the association, there exists the base of the idea of an independent and self-sufficient Vermögensrechtsfähigkeit with a legal base and property. This Vermögensrechtsfähigkeit is independent from the members. The Greeks called this Vermögensrechtsfähigkeit κοινόν and its items of property κοινὰ. They express more, when they ascribe the objects to a deity, which under different names dominated nearly every association.<sup>39</sup>

Chadzopoulos reaches this conclusion after having cited

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<sup>38</sup> IG II<sup>2</sup> 1289 and 1599.

<sup>39</sup> For a similar conclusion see Duff (1938: 133) quoting Mommsen.

three inscriptions from different places and periods;  
namely IG II<sup>2</sup> 1361.14-16 (4th century) from Piraeus:

ἐὰν δ[ὲ τι]ς [ε]ῖπ[ηι] ἢ ἐπιψηφίῃσι παρὰ  
τόνδε τὸν νόμον, ὀφειλέτω :Ρ: δραχμὰς  
τῇι/[θεῶι] ὅ[τε εἰπὼν καὶ] ὁ ἐπιψηφίσας καὶ  
μὴ μετέστω αὐτῷ τῶν κοινῶν ἀναγράφειν δ/[ὲ  
αὐτὸν ὀφείλο]ντα τῇι θεῶι τοῦτο τὸ ἀργύριον  
εἰς τὴν στήλην τοὺς ἐπιμελητὰς] (If somebody  
tells or puts to vote against this law, he shall  
owe 5 drachmas to the goddess both the proposer  
and the voter for, and shall not allowed be to  
take part in the common activities, the  
superintendents shall inscribe his name as  
debtor of the goddess for this amount of money  
on a stele),

IG XII.9 191.56ff (4th century) from Eretria:

ἐὰν δὲ τις λέγει ἢ γράφει ἢ ἐπιψηφίζει παρὰ  
τοὺς ὅρκους, ὡς ἀκυροῦν δεῖ τὰς συνθήκας, ἄτιμος  
ἔστω καὶ τὰ χρήματα αὐτοῦ ἱερὰ ἔστω τῇς  
Ἀρτέμιδος τῇς Ἀμαρυσίας (if somebody says or  
suggests or put to vote a decree against the  
oaths taken, that the contract should be  
annulled, he shall be without honour and his  
property shall belong to the goddess Artemis of  
Amarysia),

and Michel 1014.19-22 = IK 28.1 No 152 (151) from Iasos:

ὅς δὲ τῶν/νεμηθέντων ὑπὸ τοῦ πλήθους μὴ

παραγένηται εἰς Ἰασὸν ἢ μὴ [ἐπιτε]/λ[έ]σῃ τοὺς  
 ἀγῶνας, ἀποτεισάτω τῷ κοινῷ τῶν περὶ τὸν  
 Διόνυσον τε/χνιτῶν Ἀντιοχ[εῖ]ας δραχμὰς χιλίας  
 ἱερὰς ἀπαραιτήτους τοῦ θεοῦ (and he, who  
 although allotted by the assembly, will not be  
 in Iasos or will not perform the contests, he  
 shall pay to the group of Dionysiac technitai  
 1000 Antiochic drachmas, which are to be sacred  
 and which the god may not be asked to remit).

This evidence, according to Chadzopoulos, suggests that  
 the creditor is not a natural person, but a separate,  
 supernatural person, the deity (85). Similarly there was  
 not any personal, mutual remedy to any dispute which  
 arises between members, but it was considered as an  
 offence against the deity (88) and only the deity's  
 representatives had the right to sue. He attributes this  
 concept to the older social structure of Attica and its  
 organization in phratries and gene, whose property was  
 inalienable by their members and membership in these units  
 was connected with the use of the land.

Apart from the artificial connection of the system  
 with archaic Athens, Chadzopoulos's suggestion is not  
 entirely erroneous. His remark that certain fines are to  
 be paid in the name of the deity honoured by the  
 association occurs in some cases like IG II<sup>2</sup> 1273.21-5  
 (281/80):

εἰάν δὲ ὁ ἱερεὺς μὴ στεφανώσῃ ἢ μὴ ἀνείπει

καθάπερ γέγραπται, ἅπ/οτινέτω :Π: δραχμὰς  
 παραχρῆμα ἱεράς τ/[ε]ῖ Μητρὶ τῶν θεῶν, ἥ δ'  
 εἴσπραξις ἔστω τ/[ο]ῖς θιασώταις καθάπερ τᾶλλα  
 ὀφει/ιλήματα (and if the priest will not crown or  
 pronounce as it is prescribed, he shall pay  
 immediately 50 sacral drachmas to the Mother of  
 the Gods, and the exaction will be made by  
 thiasotai as for the other debts),

1289.4-5 (3rd century):

τὰ μὲν κτήματ[α εἶναι τῆς]/θεοῦ (the property  
 will belong to the goddess)

and 9 ἀπαγορεύει δὲ καὶ ἡ θεὸς κ[αὶ] (the goddess  
 prohibits),

1297.17-18 (237/6)

ἐὰν δὲ μὴ ἀναγορεύωσιν, ὀφει/λέτωσαν τέτταρας  
 δραχμὰς ἱεράς τῇ θεῷ (and if they do not  
 pronounce, they will owe to the goddess 4  
 sacral drachmas),

and SIA I, p.263:18-20 (138/7):

ἐὰν δὲ μὴ ἀναγορεύω σιν ἢ μὴ στεφανώσωσιν,  
 ἀποτεῖσαι]/[δρ]α[χμ]ὰς:Π: ἱεράς τῇ Ἀφροδίτῃ  
 (and if they will not proclaim or crown, they  
 shall pay 50 sacral drachmas to Aphrodite)

But in some other inscriptions this clause is entirely

absent or replaced by another provision.<sup>40</sup> This is the case in IG II<sup>2</sup> 1263.43-5 (300-299):

ἐὰν δὲ μὴ ἀναγο/ρεύσωσι ἀποτινέτωσαν τῷ  
κοινῷ/:Π: δραχμὰς (and if they will not  
proclaim, they shall pay to the group 50  
drachmas),

in 1292.16-17 (215/4):

ἀποτελοῦσάτω ἕκαστος ἀν[τῶν...]/[δ]ραχμὰς ἱερὰς  
τοῖς Σαραπιασταῖς (each of them shall pay ?  
sacral drachmas to Sarapiastai),

and in 1328A.11-14 (183/2):

[ἐὰ]ν [δ]ὲ παρὰ ταῦν/τα ποιῇ, κύριοι ἔ[σ]τωσαν  
οἱ ὀργεῶνες ζημιοῦντε[ς τῇ]ν [π]α[ρ]αβαίνουσά[ν]  
/τι τῶν γεγραμμένων μέχρι δραχμῶν π[εν]τήκον[τα  
κα]ὶ εἰσπρατ[τόν]/των τρόπῳ ὅτῳ ἂν [δύνωνται  
(and if somebody acts against these, the  
orgeones will have the authority to punish the  
infringer with a fine up to fifty drachmas and

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<sup>40</sup> The discrepancy regarding the recipient of the fine was noticed first by Poland (1909: 450). He remarked that in the earlier documents the fine is payable to the deity while in the later to the association. Nevertheless, I think that such a distinction is hazardous because of the inadequacy of the preserved evidence and the inconsistency of the terminology used.

receiving it by all the available means).

It does not seem then that there was any consistent use of terms and therefore, these occurrences cannot stand as proof of Chadzopoulos's theory. It seems quite possible that these references to the deity as the recipient of the payment may aim merely at compelling the debtors to pay their fines or contributions, by regarding the debts as sacral, and therefore the non-payers as impious.<sup>41</sup>

Moreover, in three of the above mentioned inscriptions, the fine is inflicted upon officials, a fact that reinforces the aforementioned interpretation.

Property problems have been discussed at length since long ago. As far as associations are concerned the following points should be stressed:

1. In the corpus of inscriptions concerning the activity of cult associations in Athens, there is no transaction which concerns the purchase or the sale of any

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<sup>41</sup> Compare IG II<sup>2</sup> 1289, in which the real property is said to belong to the goddess and consequently no alienation of it is allowed. Clearly in this case there is a manipulation in order to avoid the sale of the common property and discredit the supporters of such a move. In close connection with that belief lies the fact that most of the precincts were built on (re)consecrated plots of land. Jones (1956: 165) has concluded similarly.

association's property, with only one possible exception.<sup>42</sup> The property of an association is never alienated in any way. The sacral character of the common property rendered it de facto inalienable. Associations may have claims on the property of other people but no one has any claim to associations' property. It was not impossible for associations to sell certain movable commodities in order to gain money for the restoration of the temple (IG II<sup>2</sup> 1361).

2. Consequently, we can fairly deduce that the acquisition of land followed other than the current legally defined patterns.<sup>43</sup> The association possibly acquired real property by donations or gifts made by members, through the confiscation of the secured property of a debtor (SEG 12.100), or, by what seems even more probable, taking into account the predominantly religious character of the associations, through the reconsecration

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<sup>42</sup> IG II<sup>2</sup> 1599. It preserves very likely the record of the sale of orgeonic property; the state retains one per cent of the price as tax. The regular character of this procedure has been disputed by Lewis, D. "The Athenian Rationes Centesimarum" in Finley, M.I. (ed) (1973) Problèmes de la terre en Grèce ancienne, 187-212, Paris: Mouton.

<sup>43</sup> Finley (1973: 121) and Humphreys (1985: 213).



of a place where a tomb or a temple existed before.<sup>44</sup> Last but not least, the city-state could grant the right to acquire a plot of land, as happened in IG II<sup>2</sup> 337, especially when the applicants were foreigners.

3. The only income from the real property comes from leasing, as it appears from three leasing contracts of the fourth century all of them concerning *ὀργεῶνες*.<sup>45</sup> In these contracts, there are minutely arranged details about the maintenance of the integrity of the plot and the temple, as well as the exploitation and the offered easements.<sup>46</sup>

4. The legal transactions in which cult associations are involved are not abundant; they include the above mentioned three leases by various orgeonic associations, the corpus of horoi and freedmen's bowls reviewed in

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<sup>44</sup> See for example the excavations on the Acropolis on the site of Amyneion and the fact that shrines were founded on Mycenaean tombs on the Acropolis or in the Agora. In this respect see Thompson, W. (1978) "Minor shrines in Athens" in Athens comes of age. From Solon to Salamis, 96-108, Princeton. Poland (1909: 455-57) pointed out that older associations usually did not possess large fields (*τεμένη*) but simply an *ἱερόν* with an altar.

<sup>45</sup> IG II<sup>2</sup> 2499, 2501 and SEG 24.203.

<sup>46</sup> For an assessment of the social and economic importance of these documents see Osborne (1988: 292).

chapter 4, an horos of  $\theta\lambda\alpha\sigma\omega\tau\alpha\iota$  (Finley 40) and a mention in a tabula poletarum (SEG 12.100). These documents reveal the ways in which associations identify themselves in relation to the other contracting parties. In particular, they use widely the expressions  $\acute{\epsilon}\rho\alpha\nu\iota\sigma\tau\alpha\iota$  etc  $\acute{\omicron}\acute{\iota}$   $\mu\epsilon\tau\grave{\alpha}$   $\tau\omicron\upsilon$  ... or the plain expression  $\acute{\omicron}\acute{\iota}$   $\acute{\omicron}\rho\gamma\epsilon\omega\nu\epsilon\varsigma$  (IG II<sup>2</sup> 2501, SEG 24.203). The term  $\kappa\omicron\iota\nu\acute{\omicron}\nu$  appears in SEG 12.100 and in IG II<sup>2</sup> 1583. An explanation which is not far from pure speculation, since the evidence is meagre, may be found in the fact that when a document is going to be available to a wider public than the associates, then the terminology used is aiming to state clearly the identity of the association, usually connected with an individual.<sup>47</sup> On the other hand there are some cases in which such a cautious attempt is missing and only general references to  $\acute{\omicron}\rho\gamma\epsilon\omega\nu\epsilon\varsigma$  etc are surviving. In these cases

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<sup>47</sup> IG II<sup>2</sup> 1596.5 and 12, 1597.15 and 18, 1598.37 and SEG 21.578:5. The same strategy is followed grosso modo by demes; when a document is to be published in the society at large, then the term  $\kappa\omicron\iota\nu\acute{\omicron}\nu$  is used [e.g. SEG 12.100:16-19, Finley 41, IG I<sup>2</sup> 189 (470-460)] in case it is to be published in the context of the deme, then the plural name designation is used (e.g. SEG 24.151, IG II<sup>2</sup> 2492, 2498, 2493, I<sup>3</sup> 258).

the lessee was probably a member of the association.<sup>48</sup>

As a conclusion, property matters are actually quite an indecisive factor in our attempt to assess the juristic personality of the ancient Athenian association. The property transactions cannot provide us with sufficient evidence about juristic personality.

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<sup>48</sup> IG II<sup>2</sup> 2499, 2501 and Osborne (1988: 292). Whitehead (1986: 157) concluded, about the leasing pattern of the deme property that "the great majority of tenants are themselves members of the leasing organisation or group".

### *C. THE CONCEPTUAL HORIZON OF THE ASSOCIATES*

The examination of the question of juristic personality has shown that such a concept had not entered into the, otherwise unsystematized, legal vocabulary of ancient Athens. Therefore, any examination of the legal features of Athenian associations based on or presupposing the concept of juristic personality is going to fail.

A modification of the question to be asked is the first thing that a new approach should resolve. My impression is that the right question is "How did Athenian associations regulate the transference of property or conclude their contracts of lease or of easements, when such a necessity appeared?" "Which are the name patterns that the associations themselves are using?"<sup>49</sup> "Do we have any evidence about the legal representation of an association in a popular court or in an arbitration procedure in Athens and if so which was the actual practice?"

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<sup>49</sup> For a similar methodological attitude, but with a broader aspect and perspective, see Orestano (1968: 80-88) and De Robertis (1984: 1259). This approach in the context of Roman law can be very effective, since in that context there is an authority which grants specific rights to groups. In contrast, in the city-state there is no such authority apart from the assembly of citizens.

From the above assessed material it is clear that cult associations did not innovate, but rather followed the example of other groups of the Athenian society. As far as the handling of property relations is concerned, their mode of action was based on their officials, who were responsible for the representation of the group in the conclusion of any contract. The name pattern does not suggest any innovation either; the collectivity is not distinguished from the totality of its members. Last but not least, the question of judicial representation cannot be answered since there is only one inscription [IG II<sup>2</sup> 1258, (324/3)] which does give us some hints of what would be the mode of representation in the lawcourts. Although 1258 does not come from an association of ὀργεῶνες, διασώται, or ἐρανισταί, I think it is useful to review its content. The association of Εἰχαδεῖς decided to honour one of its members because he took the initiative in prosecuting for perjury some co-associates, who were harming the association; in addition the association will elect three members who will help the prosecutor. Despite the lack of important information about the allegations, the pattern of action emerges clearly; in case of slander or other activities against the interest of the association, the association's defence depended upon the initiative of its members. I think that this is an example of the association's structural inability to intervene as such and I cannot see how other

associations would cure this defect.

One may argue that the occurrence of the term *κοινωνικαὶ δίκαι* in AP 52.2 implies that associations had the right to appear in court as such and therefore, they had a degree of legal personality.<sup>50</sup> The term *κοινωνικαὶ* occurs also in D. 14.16 composed in 355. There the young Demosthenes explains who will be exempted from the proposed reorganisation of the symmoriai system. There is a general agreement about the meaning of *κοινωνικαὶ* in that passage, namely it denotes the joint ownership of the paternal property by the brothers. Demosthenes thought that it should be exempted in case of division producing two shares non-liaible to liturgies.<sup>51</sup> An identification of the Aristotelian *κοινωνικαὶ δίκαι* with the Demosthenic *κοινωνικαὶ* avoids the "reef" of juristic personality altogether; it seems to me that there are two reasons for doing so: 1) In the list of suits enumerated as *ἐμμηνοὶ*, actions concerning the return of

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<sup>50</sup> Such an interpretation is proposed by Lipsius (1909-15: 771) and Cohen (1973: 14). Beauchet (1897: 4.353) saw in the term *koinonikai* "les actions entre associés". Harrison (1968-71: 2.22 n.8) and Rhodes (1981: 586) justifiably expressed doubts about the plausibility of the traditional interpretation.

<sup>51</sup> Lipsius (190-15: 575 n. 102) and Biscardi (1982: 209).

dowries are included. There is no reason why differences concerning patrimony could have been excluded and 2) the special rapid character and adjudication of these cases, in which suits are accepted every month would precipitate the issue of decisions in otherwise long lasting disputes.

In order to understand and properly to assess the conditions that did not favour the development in ancient Athens of a concept similar or identical to that of modern juristic personality, we should start from a clarifying approach to this contemporary concept.

Juristic personality designates any entity, an individual or a group, bearing rights and duties in the context of a legal system, that is a structured set of socially adopted norms, whose application is guaranteed by the use of physical or other types of coercion. In other words, the pure form of juristic personality presupposes a one-to-one relationship between a physical and a legal person; every physical person is considered legal as well. In the origin of this doctrine lies the philosophical conviction that individuals are the only bearers of rights and duties.

But in ancient Athens, we know that there were not such convictions and philosophical principles. What today is called legal personality and legal capacity was then determined by each individual's status. Status was a matter of sex (male - female), of nativity (citizen -

foreigner) and of personal freedom (free - slave).<sup>52</sup> These divisions include further distinctions on each side. In this respect, a citizen could acquire land, while a metic, unless specially privileged, or a foreigner could not. A male citizen could sue in his own name, while a female needed the tutelage of a male relative. Citizenship entitled individuals to enjoy full rights.<sup>53</sup> A one-to-one relationship between physical and legal person cannot be found in Athenian law. A citizen could have been deprived of certain legal rights without losing his status as citizen, as in the case of partial *ἀτιμία*<sup>54</sup> while a slave would have worse treatment, as in testifying in cases of homicide.<sup>55</sup>

Secondly, a new approach to associations should take

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<sup>52</sup> For an exposé of the different statuses in the Athenian society see MacDowell (1978: 64-83) and Sinclair (1988: 28-34).

<sup>53</sup> For norms of citizenship see Whitehead (1991).

<sup>54</sup> A similar interpretation is elaborated for Roman law by Tur (1987: 117).

<sup>55</sup> See Grace (1973). She claims that the normative field of the law on homicide included solely citizens. This kind of segregation was cutting across several other enactments.



into account the theoretical scheme in which Arist. NE 1160a 8-14 (H.9.4.) includes his theory of associations. According to Aristotle, Αἱ δὲ κοινωνίαι πᾶσαι μορίοις εἰκασί τῆς πολιτικῆς,<sup>56</sup> associations are only parts, molecules (μόρια) of the whole political community, of the city-state. The latter was organized on the basis of the general interest (τὸ κοινῇ συμφέρον) while the former were organized on the grounds of particular interests (κατὰ μέρη τοῦ συμφέροντος), for example money (χρημάτων), victory (νίκης), conquering a city (πόλεως ὀρεγόμενοι), pleasure (ἡδονή), sacrifice (θυσίαι), conviviality (συνουσία). The associations based on particular interests are perceived actually as hierarchically inferior to the political community (ὑπὸ τὴν πολιτικὴν εἰκασιν εἶναι). It is the political community which provides them with the context and the material for development. It is the community of citizens that sets up the exemplary collective behaviour, which particular associations follow; it is the polis which sets the pace and the variants of the collective life. In this respect, the Aristotelian theory provides us with the solution of the problem of conflicting alliances at the expense of the

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<sup>56</sup> A similar statement is repeated in EE 1241b.25 (Z.8.5.). A definition of πολιτικὴ κοινωνία there is in Pol. 1252a (A.1).

inferior units, and at the same time the model, according to which these associations are organized. In other words, associations are replicas or mirror-images of the city-state.<sup>57</sup> The democratic city-state alone provides the proper context for the flourishing of associations.

The emergence of the Athenian state from the Dark Ages did not need a formal act. The villages came together under the initiative of the legendary Theseus, around a shrine, that is the Acropolis, which became the centre of the new political entity.<sup>58</sup> In the same manner, associations can be established on a local level around a consecrated plot of land or one granted by the city or the shrine of a hero. There are cases where these shrines were simply tombs of the Mycenaean era.<sup>59</sup> Nearly every association has sacerdotal offices as well as secular, almost all of them annual with a special procedure for the complete discharge of the officials. Members joined associations after a scrutiny analogous, in broad lines, to that for deme affiliation. Associations issued decrees and statutes concerning the regulation of day-to-day activities or taking up new initiatives and bestowing

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<sup>57</sup> Osborne (1990: 276).

<sup>58</sup> For a recent elaboration of such a hypothesis see Polignac (1984: 152-57).

<sup>59</sup> Polignac (1984: 128) and Kearns (1992: 67-71).

honours, using a similar, if not identical, phraseology to that of the city-state. The close connection between the organization of the city and that of an association is astonishing. It reveals that the pattern of political activities and organization in Athens influenced decisively that of the association. The conceptual horizon of the Athenians, which was reproduced on every occasion was limited to that of the city, if it is true that members carry in collective formations their bag of rules as Honoré (1975: 165) suggested. For the associations of metics and foreigners, the adoption of similar organization might have been a "must" for being socially accepted and at the same time it constituted an imitation and an imaginary participation in a civic life, from which their exclusion was institutionalised.

Apart from this essential resemblance, the problem of the juristic personality remains unanswered. Taking into account the previous analysis it is fair to suggest that it was impossible that a concept like the modern juristic personality could have been developed in ancient Athens. It is difficult to imagine in the context of a society of low technological and financial development, like the Athenian society, collective bodies being vested with juristic personality, when citizens were considered as an

entirety of political and legal rights.<sup>60</sup> In other words, being a citizen means having rights and duties, above all, towards the city and only secondly as an individual.<sup>61</sup>

This suggestion is reinforced by the mode with which associations are represented in different circumstances and especially in property transactions; only the intervention of an individual renders possible the participation of the association. Groups of citizens were considered as having the same rights as individual citizens. Groups of foreigners had to face the same institutionalised constraints as the individual foreigners. Groups of both citizens and foreigners could act through the mandatory appointment of citizen-members. The ambiguity in the use of names implies as well that the association was not perceived as something totally different from its members. One may argue against this suggestion that the phrase

εὐσεβῶς διατελε[ῖ]/καὶ κοινεῖ τοῖς ὀργεῶσιν καὶ  
ἰδίαι ἐκάστωι (he continues to be pious to the  
group of orgeones and to each one individually)

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<sup>60</sup> For the primacy of the political see Rahe, P.A. (1984) "The primacy of politics in classical Greece" AHR 89, 265-93 and especially 268.

<sup>61</sup> Veyne (1976: 192), Saxonhouse (1983: 363) and Baslez (1984: 17).

(IG II<sup>2</sup> 1263.15-16 and 1327.5-6)

may imply a distinction between the community and the individuals. But one may also wonder why such a distinction does not appear in the significant legal documents and other manifestations of relations with non-members and it is limited only to such formalistic expressions.

Thus, considering cult associations as a miniature of the city, we may apply the model of the public introduced by Smith (1974: 94).<sup>62</sup> Since associations have not any clauses of dissolution, one can easily realize that they have been established in order to endure in perpetuity. Joining such associations was a matter of an established practice, during which certain elements were assessed. Membership was, then, under control. They had procedures for the regulation of their internal affairs (cult regulations, offices, election or allotment of officers, duties of officers, honouring, discipline, mutual assistance) and of their external affairs (paying εἰσφορά, representations in different transactions, processions) (IG II<sup>2</sup> 1361, 1369). The set of norms ruling almost every aspect of the collective life provides a decisive clue about their independence from state control or intervention.

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<sup>62</sup> See Introduction p.5.

In this respect, cult associations are considered as structured collective entities, whose study is not restricted by the modern concept of juristic personality and the deficiencies of a formalistic approach. Therefore, there is no need to look for foundation and dissolution acts or for an official name or for the method and the implications of acquiring property. The above mentioned features underline the particularity of these associations as autonomous factors of the social life, as centres of civic activity, where established beliefs are reassured and socially expected attitudes are rewarded. In the case of non-citizens, these associations delimit their particularity, and at the same time, reproduce civic virtues and attitudes, which make possible *their* tolerance or, in the course of time, their integration in the civic society.

The strong similarities between the city and the associations are confirmed by their almost contemporaneous evolution from the Aristotelian principle of self-sufficiency to their dependence on their wealthy members. This evolution will be the subject of the next chapter.

## CHAPTER 6

### THE SOCIAL FUNCTIONS OF THE CULT ASSOCIATIONS

The preceding legal approach emphasized the inadequacy of an understanding based on formalistic grounds and especially on the concept of juristic personality as an analytic tool in the comprehension of religious associations. At the same time it revealed the connection between these associations and the civic life in Athens. This particular feature can be a decisive parameter in a re-evaluation of the social importance and the role played by these associations. In particular, it is important to look at the relation between these associations and the πόλις and to compare their parallel or overlapping developments in the course of time from the end of the fifth century to the second century A.D.

After the fourth century the πόλις in the classical Athenian form entered into an orbit of gradual deterioration as an independent political unit in the Greek world. The outcome of this progressive erosion of power, prestige and financial muscles became clear after

the second century and the subjugation by the Romans.<sup>1</sup> This era is the peak of another particular type of government, the administration of cities by their notables, as Veyne (1976)<sup>2</sup> has suggested. The questions, to which this chapter is devoted, concern 1. whether it is possible to apply the concept of "euergetism", as has been expounded by Veyne, to the study of religious associations and 2. whether we can see any examples of patronage in the relation between the wealthy members and the rest.

#### *A. ASSOCIATIONS AND EUERGETISM*

The impact of religious associations on the social life of Athens and of Athenians was assessed, in the nineteenth century, mainly on moralistic grounds. Early scholarship considered as worth investigating whether the sudden rise of religious associations in Athenian society constituted a trend towards moral improvement, or

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<sup>1</sup> See Veyne (1976: 256) for the decline of the city as a political unit as a factor leading to the development of "euergetism". For a brief summary of euergetism see below p.333ff.

<sup>2</sup> For a detailed review of Veyne's contribution see Garnsey, P. (1991) "The Generosity of Veyne" *JRS* 81, 164-68.



to moral progress.<sup>3</sup>

Wescher (1865: 219-225) claims that in Hellenistic times, people abandoned the official religion, that is the religion of the city-state, in favour of cults "promoted" or "patronized" by religious associations. The features of these cults were freedom, spontaneity and fraternity. They admitted women and sometimes slaves in their organization, they promoted mutual assistance among their members, and the conditions of admission focused on the candidates' moral qualities rather than on any other qualification. Wescher concludes that the aim of these cult associations was the moral improvement of their members.

Foucart (1873: 140-151), in a devastating criticism of Wescher's view, rejects this interpretation and he considers instead the bulk of religious associations as promoting the superstitions of the poor people and exploiting their spiritual needs. He sees a major difference between traditional religion and the cult of associations. The former is rationalised, controls the passions of the devotees and supervises the outbreaks of the religious feeling in the celebrations. The latter, in

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<sup>3</sup> For Foucart (1873: 152) the ultimate question is whether "cette participation (des femmes et des gens de basse condition) était un progrès moral pour l'humanité".

contrast, encourages all these traits that traditional religion has diminished, gathering people from the lowest social layers. Religious associations represent, as far as cult is concerned, "les symboles d'un naturalisme grossier", a stage that traditional religion has overcome long ago. Finally, Foucart (1873: 186) concludes

On peut donc affirmer que, bien loin d'avoir été un immense progrès pour l'humanité, leur développement, au contraire, lui fit faire un pas en arrière.

Poland (1909: 499-513) put forward objections against Foucart's excessive interpretation. The religious basis of the associations as it is revealed through the use of oaths and the need for purity is undeniable. But this religiosity does not lead to disorder, or to outrageous behaviour, because decent conduct (anständiges Verhalten) was needed. Moreover, there was a continuous effort for ensuring concord among the members, as it appears in certain inscriptions. Last but not least, these features are underscored by the care for the dead persons, which can be expressed in material terms as burial provided by the group or the existence of a grave-yard. All these elements constitute a picture of religious associations which is not relevant to Foucart's groups of charlatans and vagabonds, seers and *μητραγύραι*, superstitious devotees and courtesans, who are but a step back in the history of humankind.

This brief summary of views expressed by scholars is typical of the culturally biased treatment of the Athenian cult associations.

The approach of the scholars of the nineteenth century has the disadvantage of employing early modern pre-conceptions about moral progress or moral regress in the assessment of the situation in ancient Athens. What seems to be neglected is the fact that our concepts are formed by the judeo-christian morality, which is different from that of Greek antiquity.

Second, Foucart's approach especially, and to a lesser degree Wescher's, is biased in the sense that he links progress with rationalization and order, a view heavily indebted to the then dominant positivist approach to the society. Foucart (1873) revealed another biased judgement when he connects traditional Athenian religion with these features. But it is very well known that even in Athenian society people were not free of superstitions,<sup>4</sup> and that certain festivals were the institutionalized form of general disorder, expressed once

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<sup>4</sup> Nilsson, M.P. (1940) Greek Popular Religion, 102-120 New York: Columbia University Press and Meijer, P.A. (1981) "Philosophers, intellectuals and religion in Hellas" in Versnel, H.S. (ed) Faith, Hope and Worship, 216-62, Leiden: Brill.

a year and sometimes only on a symbolic level.<sup>5</sup> Certain festivities ('Αδώνια, Θεομοφώρεια etc) were reserved for celebration by women, irrespective of status and social milieu. The breach of the established order is apparent during festivals celebrated by women, when they were allowed to perform religious rituals on behalf of the community in Athens. But the disorder was not connected only with the breach of the traditional female image; groups of men after the celebrations at the City Dionysia resorted to disorderly celebrations as well.<sup>6</sup>

The above remarks cast doubts on whether a moral approach is the best way to understand the social importance of associations. Such an approach seems to be doomed to overestimate or to underestimate the social realities, since it relies heavily, on the one hand, on our negative or positive prejudices about the nature of progress and, on the other hand, on the way we understand religion in ancient Athens and its role in the society.

If we want to look at religious associations as social factors, as embodiments of sociability and organization of social activities of the individuals, we may examine their function in the society of the city-state, as an integral part of it. Do they follow the

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<sup>5</sup> See as example the αίσχρολογία at Στένια.

<sup>6</sup> Parke (1977: 188).

gradual decline of the city-state? Do they depend on a handful of notables as Veyne (1976) implies? Or do they rather retain a mixture of superficial independence together with economic dependence on one of their most wealthy - and for this reason most prestigious - members? Finally, which is the cohesive force that keeps the members of an association together, or to put it differently, what is the associative link and how is it forged?<sup>7</sup>

In his important work Veyne (1976: 209) suggested that from the second half of the fourth century till the Imperial period the different Greek πόλεις, such as Athens or Ephesos, are not governed essentially by their citizens, but by their notables, men of a certain economic power and prestige in the local community, through the people's assembly. For Veyne this system of government is based on what he calls *εὐεργεσία* and euergetism is the name for the system.<sup>8</sup>

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<sup>7</sup> For a brief answer to these questions see Finley (1973: 151-2).

<sup>8</sup> For the survival of "euergetism" with nuances of charity and Christian philanthropy in modern Greek world during the 18th and 19th centuries see Θεοδώρου, Β. (1987) "Ευεργετισμός και κοινωνική ενσωμάτωση" (Euergetism and social integration) Τα Ιστορικά 7, 119-154 and Campbell

Euergetism means the fact that communities (cities, collegia) expected the rich to contribute from their wealth to the public expenses, and that this expectation was not disappointed: the rich contributed indeed, spontaneously or willingly.<sup>9</sup>

This contribution has neither the character of redistribution of wealth, since it happens in different degrees and not regularly, nor of a mechanism for attaining social equilibrium,<sup>10</sup> nor of philanthropy, nor of exchange of goods since there is not any expectation of goods to be given in return,<sup>11</sup> nor of tax,<sup>12</sup> nor of patronage, since it was addressed to all the citizens. It is sui generis, it is a particular product of the system of liturgies<sup>13</sup> and of the absence of any regular direct taxation<sup>14</sup> in classical

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(1964: 238).

<sup>9</sup> Veyne (1990: 10).

<sup>10</sup> Veyne (1976: 218) "L'évergétisme est extérieur au problème social par ses motifs, ses œuvres et ses effets".

<sup>11</sup> Veyne (1976: 185).

<sup>12</sup> Veyne (1976: 224).

<sup>13</sup> Veyne (1976: 200).

<sup>14</sup> The Athenian εἰσφορὰ was irregular capital levy, imposed

antiquity, together with the prevailing attitudes and values in a face-to-face society. Veyne distinguishes at least three kinds of euergetism: 1. the first kind of *ἐὐεργεσία*

were provided by the notables without their being under any definite obligation to do so and he calls it "voluntary euergetism" (*liberalités*), 2. those provided

on the occasion of their (the notables') election to a public "honour", a municipal magistracy or function

(*ob honorem*), and 3. the establishment of a cult of ancestors through the donation of property for such purposes (foundations).

Veyne (1976: 286-93) explains the formation of associations on the ground of the needs for banqueting and burial; he considers associations as units providing for their members

l'occasion de banqueter ensemble et de leur assurer des funérailles décentes grace à un système mutualiste.

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only in exceptional cases, often in case of war. Cf. Finley (1973: 175) and for a historical overview Thomsen, R. (1964) *Eisphora*, Copenhagen: Gyldendalske.

The challenge is to see if we can apply this model,<sup>15</sup> originally elaborated for the study of cities and supported by a multitude of documents and other epigraphical material, to the study of cult associations in Athens. Veyne (1976: 346 n.199) claims that

Comme la cité, le collège procure un public auprès duquel le mécène peut se mettre en valeur; il constitue une organisation que des leaders feront marcher à leur propres frais pour y avoir le plaisir de diriger et d'organiser; il est le lieu d'une dynamique de groupe où chacun se sent des devoirs envers ses confrères et a quelque pudeur à ne pas s'immoler lui-même lorsque les autres immolent; enfin, comme la cité, le collège poursuit des valeurs qui peuvent intéresser un mécène.

Gauthier (1985: 1) has correctly pointed out that the

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<sup>15</sup> Finley (1973: 181-2) defines a model as follows "a simplified structuring of reality which presents supposedly significant relationships in a generalized form. Models are highly subjective approximations in that they do not include all associated observations or measurements, but as such they are valuable in obscuring incidental detail and in allowing fundamental aspects of reality to appear".



notion of *εὐεργεσία* may have existed in the fifth century as well, if we are to give credit to literary references. But it shows a peak during the late hellenistic era, that is the second century and the imperial period.<sup>16</sup> The evidence from Athenian cult associations suggests that Gauthier's conjecture is probably right, since lavish expenditures, repairs to buildings and other activities are paid for by individuals in the end of the third century and in the second century (e.g. IG II<sup>2</sup> 1325, 1326, 1327, 1343). Gauthier (1985: 30) perceives "euergetism" as a two-fold concept including *sensu stricto* what Veyne (1976) claims and in a larger sense the condition

où les notables, à moins de renoncer délibérément, par conviction ou par tempérament, à toute activité publique, avaient mille occasions d'être sollicités et de prouver leur "excellence" (30).

Secondly, the mechanism through which the notables promised and carried out their promise is important to Veyne's theory. In the beginning a contribution to the city was secured was through *ἐπαγγελίαι* and *ἐπιδόσεις*.<sup>17</sup>

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<sup>16</sup> Gauthier (1985: 67-8).

<sup>17</sup> For *ἐπίδοσις* see Kuenz, A. (1923) *Ἐπίδοσις*, Bern: Hampt, reprint 1979, New York: Arno Press.

In the context of associations, there are two references<sup>18</sup> to a promise, one in IG II<sup>2</sup> 1329.17-19 (175/4):

ἐπαγ/γέλλεται δὲ καὶ εἰς τὸν λοιπὸν χρόνον  
συνφροντι/εῖν εἰς ὃ ἂν αὐτὸν παρακαλῶσιν οἱ  
ὀργεῶνες (he promised that in the future he will  
take care of everything that the orgeones will  
ask him),

and the other in 1318.3-5 (mid 3rd century)

αὐ]τὸς δὲ ἐπηγγείλα[το ἐκ τῶν]/[ίδ]ίῳν εἰς  
ἅπαντα τὰ [προσῆ]/[κ]οντα τῷ κοινῷ μερ[ιεῖν]  
(he promised that he will give his share from  
his income to everything suitable to the group).

As we can see, the object of these promises is not anything particular, a building, the repair of the temple or the cash-flow in the association's treasury. Their content is deliberately vague and general, so that the particular individuals would be morally obliged to help the association in the very next financial difficulty.

Thirdly, in the corpus of associations' documents there is not a single reference to the term *εὐεργέτης* as a title attributed to a honoured person<sup>19</sup> by any cult

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<sup>18</sup> I do not include Foucart (1873: 190, No 3) a dedication reading Οἱ ὀργεῶνες τοὺς ἐπιδεδωκότας, for which there is no further information.

<sup>19</sup> Actually there is only one occurrence of the word

association. An individual may be called *εὖνους* (friendly), or *δίκαιος* (just), or *φιλότιμος* (loving honour), or *ἀγαθός* (virtuous), or *εὐχρηστος* (useful) but never *εὐεργέτης* (benefactor). Instead of the term *εὐεργέτης*, cult associations in their documents prefer to use verbal forms like *εὐεργετεῖν* or *εὐεργετεῖσθαι*. The term *εὐεργέτης* seems to be used only by the city.<sup>20</sup> As a consequence we cannot speak, in the context of Athenian associations, about *εὐεργέται* as an order, a particular social layer in the group. The size of an association cannot provide such an order, but may take advantage of an individual rich man.<sup>21</sup>

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*εὐεργέτης*, in IG II<sup>2</sup> 1277.24-7 (278/7): ἀναγορεύεσθαι δὲ καὶ τοὺς σ/τεφάνους αὐτοῖς καὶ τὸν ἔπαινον καθ' ἑκάστην τὴν θυσίαν μετὰ τῶν ἄλλων εὐεργετῶν (to proclaim their crowns and the praise in every sacrifice together with the other benefactors).

<sup>20</sup> Gauthier (1985: 29) thinks that the use of the term was not confined only to foreigners, but was open to citizens as well; "mais la fonction du citoyen, définie comme la participation aux affaires communes, implique par elle même le dévouement pour la cité et rend inutile, voire incongru, l'octroi par les pairs du titre d'euergetès".

<sup>21</sup> The case of Σίμων Σίμωνος Πόριος (PA 12705) who appears in two different associations, in the orgeones of Μήτηρ

Fourthly, the type of "euergetism" designated as "ob honorem"<sup>22</sup> lies perhaps behind certain selections of officials. The preserved documents are simply enumerating the activities of the officials during their term in office, without any hint of the reason that led to their selection. But we can fairly assume that when an association needed money for a certain project, be it repair or refurbishment or new cult objects, then one of the members who could afford such largesse would have been elected. So, though not explicitly confirmed, this pattern of selection may have been predominant. This scheme provides an explanation for the recurring names in SEG 2.9 and in general in the prosopography of *θιαῶται* associations (see Chapter 3). They were simply a group of prestigious and comparatively rich people who

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*Θεῶν* [IG II<sup>2</sup> 1328A.9 (183/2) and 1327.32 (178/7)] and in orgeones (*Διονυσιασταὶ*) [1325.10 (185/4)] is an interesting example. He is never qualified as *ἐνεργέτης* but he was probably one of the few members of the orgeones of the Mother of the Gods who could support the association financially and whose advice would be endorsed. Cf. Poland (1909: 495) and Baron et al. (1992: 8) about the disproportionate impact of individuals with high status on the decision making of the group.

<sup>22</sup> Veyne (1976: 213).

could afford largesse in order to receive honours, which in their turn would increase their prestige among the associates.

Some more similarities between the concept of euergetism and the realities of associative life appear as far as it concerns: a. The general character of the contribution, made by the honoured person, which is addressed to all the members and not to a section, b. The very fact of contribution signifies a dichotomy between the haves and the have-nots, even within a group, where this division is magnified, c. The occurrence at the closing part of the document of the numbers of the votes cast in favour of or against the proposal for honouring. In IG II<sup>2</sup> 1343 (37/6) the associates unanimously voted the proposed honours to one of the most eminent members of the association, and d. The associations in the closing part of their decrees do not humiliate themselves, but rather underline the expected behaviour of the rest of the members, adopting a patronizing style.

Veyne's (1976: 264) remark that during the fourth century the crowns, little by little, came to be made from gold rather than from leaves, is not confirmed for the associations, in which there is the exactly opposite tendency. There are golden crowns only in the fourth century (IG II<sup>2</sup> 1252, 1253, 1255, 1256) and in one instance in the third century (1316); in the rest of the documents there is the usual olive-leaf crown.

From Gauthier's (1985: 77-125) analysis it emerges that in Athenian decrees there is a certain gradation of the honours attributed to "euergetai". In associations another pattern is observed. In the fourth century the honouring is confined only to crowning, either with a golden crown or with one of olive leaves, depending upon the contribution of the honoured person. In two exceptional cases, in IG II<sup>2</sup> 1252 a combination of honours occurs, a golden crown, a dedication and a free libation, and in 1263 a dedication, an olive-leaves crown and a solemn proclamation. The activities for which the associates are honoured in 1252 are not mentioned at all, while in 1263.7-19 they are recounted at considerable length.

The majority of the documents are dated to the third century. A striking similarity in this period is the almost uniform use of the olive crown, apart from the cases of IG II<sup>2</sup> 1284A and B (oak crown) and 1316 (golden crown). In addition to the crowning, the erection of a statue (εἰκῶν)<sup>23</sup> and the solemn pronouncement (ἀναγόρευσις)<sup>24</sup> occur more frequently, while references to ἀνάθημα<sup>25</sup> are in decline. A particular honour occurring in

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<sup>23</sup> IG II<sup>2</sup> 1271 and 1314.

<sup>24</sup> IG II<sup>2</sup> 1273A, 1282, 1292, 1297, 1314 and 1315.

<sup>25</sup> According to LSJ ἀνάθημα means "that which is set up;

IG II<sup>2</sup> 1292, 1297 and SEG 24.156 consists of putting a ribbon around the head of the honoured man. Combined honours are usually attributed to those persons who had committed themselves to the well-being of the association and had contributed considerable efforts and money to its prosperity. Therefore, in the third century associations seem to have elaborated a system of honouring, according to which simple crowning was attributed to a mere fulfilment of duties, whereas the combined honours to something more substantial.

It is significant that in the documents of the second century there are only combined honours, among them the

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hence, like ἄγαλμα, votive offering set up in a temple". The practice of associations consisted of providing money for the erection of a monument. Therefore, ἀνάθημα may have two aspects; it may be mentioned in a general way as it happens in IG II<sup>2</sup> 1252, 1261, 1262, 1263, 1278, 1317, 1324 or in a specific term in the form of εἰκόνα in 1271, 1314, 1327, 1334 and 1329. From our evidence it seems likely that the followed practice in the fourth century was a general statement about ἀνάθημα, but during the third century and onwards a specific reference to the kind of the offered ἀνάθημα. This evolution suggests that importance was attributed to the long-lasting effect of the honouring.

erection of a statue and the public proclamation playing an important role.

From the above analysis, it is clear that first there was a moderate honouring system corresponding to the financial potentialities of the association; second there was an evolution in the inscriptions referring to honouring from vague references to the attributed honours to inscriptions in which not only the bestowed honours are enumerated in detail, but the contribution of the honoured person is praised; third, there is a gradual passage from golden crowns of the fourth century to olive-leaves crowns in the third century. Evidently these remarks pose the question "What purpose did these changes serve?" The aim of this honouring system, applied by the Athenian cult association, was to increase the prestige enjoyed by the honoured person, according to their generosity; I think that both changes were aiming at the increase of the bestowed honour and at their longevity in the course of time. A series of honorific behaviour like crowning, erecting an icon and solemnly mentioning the name on every occasion is surely more lasting in the memory of the participants than a golden crown alone.

Veyne's perspective about the extent of "euergetism" as a social phenomenon of late antiquity shows certain similarities with our evidence from associations. But I do not think that it can be fully applied to the examination of association, since it is associated



strictly with the city. It is hard to imagine a different social order of people in the association; rather, that there was a small number of persons, or sometimes even only one person, concentrating all the powers in their hands (IG II<sup>2</sup> 1335.10-13). On the level of associations the moral obligations, the pursuit of ambition (*φιλοτιμία*) and honour<sup>26</sup> are dynamic factors which at any moment decide who will take an office. Finally the mode of "euergetism ob honorem" is based, as we have seen, on inferences and cannot lead to any certain conclusion.

In this respect, I think that the contribution made by Veyne (1976) to the understanding of cult associations is partly right, as far as it integrates associations in the context of social attitudes and behaviour dominant into the society of the city-state.

A sharper insight into associations as a social phenomenon is offered by Schmitt-Pantel (1990a: 199-213). Under the general, and maybe misleading, term "rituals of conviviality" stemming from the different practices

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<sup>26</sup> For the concept of honour, apart from the work of Peristiany (1965) and his collaboration with Pitt-Rivers (1992), see Herzfeld, M. (1980) "Honour and Shame: Problems in the comparative analysis of moral systems" Man n.s. 15, 339-51 and Hatch, E. (1989) "Theories of social honor" American Anthropologist 91, 341-53.

occurring in collective activities, she classifies meetings where sacrifices, meals with meat and communal drinking are taking place. The groups in which such activities occur are a point of contact between the individual and the city; in these groupings, a process of socialization is working; that is, a context where individuals are learning and practising certain social norms, attitudes and values in every aspect of communal and political life by extension. At the same time social inequalities are reflected in the function of these groups. For Schmitt-Pantel (1990a: 206-7) the repetition of these rituals worked as the melting pot and was the forging power of the group's identity and cohesion.

Schmitt-Pantel's analysis is effective in regard to associations. However, it is confined to associations of citizens and the question of the foreigners, following and imitating the same pattern, remains without an answer. Why did foreigners do that? A possible explanation lies in the fact that there were no exclusive associations of foreigners in Athens; in almost every association we can spot citizens as members, but it is citizens who are always the benefactors of the group.<sup>27</sup> Therefore,

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<sup>27</sup> Out of 18 documents for which full identification of the honoured men is available, in eleven cases citizens (IG II<sup>2</sup> 1252, 1255, 1293, 1322, 1325, 1327, 1329, 1343 and SEG

associations, even of predominantly foreign members, felt obliged to follow the organizational structure of the Athenian demos, in order to attract citizens into the group.

Baslez (1984: 331-53) offers an answer to this point, claiming that the city, and especially a city having ports, offers to the alien residents (traders, sailors etc) "un foyer de sociabilité". This step is at the same time a major progress towards the integration of the foreigners. The first stage in which such a process is evident is on the local level; in the political and

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21.533) or wives of citizens (1315? 1316 and SEG 17.36) together with their husbands are honoured. In the other seven cases, there are foreigners and/or metics (1263, 1271, 1273A and B, 1291, 1337 and SIA I, p.263). From a quantitative approach to Athenian associations' membership, the view of male-dominated and citizen centered associative life can be doubted seriously. Although the terms of quantifying the available evidence are precarious and to a certain degree disputable there are attested 718 persons of which 594 men and 124 women. Another distinction according to their status produces even more arguable results; in particular among the 718 persons there are 187 citizens, 27 foreigners, 1 slave and 503 cases of non-identifiable status.

cultural life of the locality. Through different gatherings and festivities on various occasions, the foreigners are reconstructing part of their original rhythm of living and at the same time they are participating in the local rhythm of living.<sup>28</sup> Moreover, the foreigners develop a network of friendships and acquaintances which can serve them during their residence in the city, as guarantors or mentors. But I think that Baslez (1988: 147) stretches the evidence to the extreme when she claims that the communities of foreigners were nothing but faithful to a religious practice and to a structure of sociability characteristic of their country of origin, that is the ritual communal banquet.

So far, we have seen three main attempts to understand the role and the function of religious associations in Athenian society. The associative phenomenon is not explained by "euergetism" alone, nor by the concept of "ritual of conviviality", nor even as an assimilative context for the foreigners. Associations

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<sup>28</sup> Baslez (1984: 346) "Etendant sans cesse son recrutement et ses objectifs, collaborant avec les pouvoirs publics, l'association facilite l'intégration de l'étranger. La participation à un groupe structuré donne en effet aux membres le moyen de jouir d'un faisceau des droits supérieurs à celui des métèques".

were multi-functional units of the people, irrespective of their origin, in which each of the above mentioned features played a significant role. The development of associations followed the development of the city-state, at least in the case of Athens. Within them traits of "euergetism" occur, together with functions linked with civic, political, educational and finally with assimilative forces, which rendered possible the slow, but smooth integration into a new cultural context. Their cohesive link was the satisfaction of certain social needs, like religious sentiments, networks of acquaintances and friends, in one word sociability. Though not at all economically independent, they retained a mode of "paternalism", an attitude which appears especially in the motivation clause of the honorary decrees.

The picture of cult associations drawn so far has emphasized one dimension of their structure, but has underestimated another. Given the reliability of the Aristotelian description of the relation between city-state and cult associations, one can argue that associations constituted a social system in miniature. This assumption makes clear that even among associates tensions could develop, and competition about honour, a certain division of tasks, and not unlikely a hierarchy of wealth and prestige might have emerged. Members were expected to behave in a certain manner. Later disorder

was penalized as well as anti-collective conduct, while conforming with the prevailing attitudes was constantly praised and rewarded, symbolically or otherwise. These inequalities were reflected in the ritual of honouring,<sup>29</sup> which among others constituted a ritual of passage, as Bourdieu (1992) suggested, from the ranks of ordinary men to the ranks of the privileged individuals. The honouring created a deep and insurmountable distinction between the honoured and those who were never going to qualify, especially in these cases in which honour was associated with a certain economic prowess. Simultaneously the honouring resulted in an adjustment of the attitudes of the honoured and of the other members towards him in order to conform to his new status. The reason for pursuing honour is not so much a materialistic approach, but rather a sense of personal fulfilment in exhibiting the activities socially sanctioned as praiseworthy. That is the most possible reason for the parallel existence of honorific decrees for the successful fulfilment of duties and other praising generous contributions.

However, the discourse of the association [or what Ziebarth (1896) calls "Vereinsprache"] as it is revealed

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<sup>29</sup> Pitt-Rivers (1965: 25) "the rituals by which honour is formally bestowed involve a ceremony which commonly centres upon the head of the protagonist".

from their honorific decrees was highly egalitarian and tried to diminish or rather, to channel the contribution of any individual to the common purposes of the cult association.

Therefore, though nominally religious, these associations were, actually, social factors, frameworks in which the reproduction of social values and norms was assured.

#### *B. ASSOCIATIONS AND PATRONAGE*

The problem of the relationship between associations and patronage seems to become central as far as it concerns the assessment of the social function of patronage. Veyne (1976) already had excluded any connection between *ἐμπροσίαι* and patronage. His argumentation, nevertheless, has not precluded some recent studies.<sup>30</sup>

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<sup>30</sup> Finley (1983: 24-49) seems to contradict himself when he advocates that "aristocratic patronage existed in rural areas in subsistence crisis periods when the protective net of an aristocratic patronage seemed appealing and safe" while he admits that the main good for exchange - extra seasonal labour - "could scarcely lay the foundation for widespread clientage in the countryside, and certainly not in the towns". For the possibility of patron-client

Millett's (1989: 15-47)<sup>31</sup> study of patronage in Athens is among the few on this subject. It is interesting to see if the concept of patronage, as it appears in Rome and in modern Mediterranean societies, can be applied to the study of associations.

Millett (1989: 16) lists four essential features of patronage a) "an exchange of goods and/or services, that is reciprocal" between patron and client, b) a personal relationship of a certain duration, c) an asymmetrical relationship as far as it concerns the participants' status and d) reflection of superiority of status of the one party in the relationship. From this four-fold definition, only the first element occurs in the context of Athenian cult associations, considering that the services were offered in regard to or with the perspective of honour. It is very difficult to assess, under the present state of our knowledge, whether any of the remaining three prerequisites of patronage did occur. The patronizing style in the phrasing of the decrees does not allow us such allegations.

Therefore, if Athenians of the classical era found in

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relationship in the political life see Strauss, B.S. (1986) Athens after the Peloponnesian war, 22-30, London: Croom Helm.

<sup>31</sup> Cf. Nicols, J. Gnomon 64 (1992), 129-135.



state pay and in the relationship based on *φιλία* an antidote to patronage, as Millett (1989: 43) concludes, associations based almost entirely on the *φιλοτιμία* of their members encouraged this feeling to the point that it became the only reason for the association's existence.

However, Gallant (1991: 143-169),<sup>32</sup> in a study of the strategies used by peasants to cope with the problem of survival in a highly competitive context, reached totally different conclusions about the relationship between associations and patronage. It is worthwhile to discuss his view briefly.

Gallant's (1991: 161) central viewpoint regards associations in ancient Greece as the most likely structure for the meeting and the reciprocal satisfaction of the needs of peasant-clients and their patrons. He reaches such a conclusion starting from the fact that an ideology of obligation and reciprocity existed in ancient Greece. This dyadic scheme combined with the concept of the "Limited Good"<sup>33</sup> leads to the practice of "communal

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<sup>32</sup> Cf. Garland, R. AHR 97 (1992) 1189 and Osborne, R. CR 42 (1992) 103.

<sup>33</sup> Foster, G.M. (1965) "Peasant Society and the Image of the Limited Good", American Anthropologist 67, 293-315 explains this concept as the view that everything in a peasant's life exists only in a finite quantity and in

patronage".<sup>34</sup> But this relation should appear in a social context and it should be permanent if it is to produce certainties; in the modern Greek society the institution of god-parenthood (through marriage and baptism) is used to that effect, but in ancient Greece the different associations, of real or fictional<sup>35</sup> kinship, were used.

Gallant's (1991) approach, though it is attractive and novel, has certain weak points, which, I think, invalidate his main suggestion about associations and patronage.

His aim is to prove that since both the ideology of social equality and the notion of the "Limited Good" were present in the Greek world after 500 B.C. and, thus by analogy, we can infer the existence of vertical patron-client connections, even though they are not

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short supply.

<sup>34</sup> Goodell, G.E. (1986) "Paternalism, Patronage, and Potlatch: The Dynamics of Giving and Being Given To", Current Anthropology 247-66, distinguishes patronage from paternalism emphasizing the fact that the patron stands by his client ready to cope with new threats which endanger their social context.

<sup>35</sup> However, see IG II<sup>2</sup> 2355 in which fictional kinship is mere fiction.

prominent in the sources. Our sources from antiquity focus almost exclusively on the ideational aspects of obligation and reciprocity, stressing in particular the aspect of equality (146).

But inferences are not enough for the sufficient documentation of this approach; moreover, anyone who reads Millett's (1989) article will see that Gallant's patron-client "connections" hardly exist, at least in the case of classical Athens.

Gallant (1991: 159) uses as analytical tool a concept of patronage significantly narrower than Millett's (1989: 16) one. The result is that he attributes a more or less Roman social feature to ancient Greek society. In this respect it is important to quote Gernell's (1977: 3-4) reservations about the inclusion of small intimate societies in the context of patronage:

Finally, it also seems that small, intimate societies should not be counted as systems of patronage. Such communities are of course familiar with long-term, unsymmetrical relationships, in which incommensurate services and protection are exchanged and accompanied by feelings of loyalty without yet finding formal ratification in a ritual or code. ... In a small intimate society, quasi-patronal relations can hardly form a system, either in the sense of

forming a larger network, or in the sense of being self-conscious. In larger societies, patronage proper is an ethos: people know that it is a way of doing things amongst others.

Athenian society was not an entirely peasant society and associations did not include only peasants and wealthy men; they included metics, slaves and craftsmen as well. Cult associations are attested better in urban areas like the city of Athens and mainly Piraeus. What will be the content of the patron-client relation in this context is not clear. Moreover, the Athenian peasantry consisted of citizens with guaranteed access to political offices. The only inequality was the economic one. Thus, the risk-buffering function is much less important than Gallant (1991) claims, though nobody can exclude it a priori.

Taking into account Campbell's (1964: 299) remark that "poverty associated with dependence on a stranger destroys prestige", one can fairly assume that, in an egalitarian society where prestige plays a significant role, patron-client relation would have been avoided or at least disguised, so that the prestige of the client would have remained integral and the need would have been satisfied. Gallant (1991) disregards the fact that the ideational structure and, especially, the reality of political equality hampered directly the development of

patron-client relation.<sup>36</sup>

Summing up, the examination of the available evidence shows that cult associations were deeply rooted in the life of ancient Attica. They were places where on the one hand an egalitarian discourse was maintained and on the other hand classificatory realities persisted with honouring and praising. At the same time this gap did not discourage the integrative function of these groups. In relation to the question of patronage, it is not possible to identify any patron-client relationship.

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<sup>36</sup> For Roman collegia see CIL IV 787 "Cn. Helvium Sabinum aedilem Isiaki universi rogant" from Pompey mentioned by Franklin, J.L. (1980) Pompei: The electoral programmata, campaigns and politics A.D. 71-79, Rome (Papers and Monographs of the American Academy in Rome vol. 28).

## CONCLUSIONS

This study started with a summary of the opinions about the associative phenomenon in the Greek world and in particular in Athenian society and then proceeded to the examination of three particular forms ὀργεῶνες, θιασῶται, and ἐπαινοταὶ as typical forms of a wide range of activities exercised by associations.

In chapter 1, the available evidence for ὀργεῶνες suggest that orgeonic associations worshipping heroes or heroines may be the oldest, since the early findings in the Amyneion, in Acropolis, are dated in the end of the sixth century. The existence of the group is not confirmed directly by the findings, but is a fair inference. The literary evidence implies an association of the word ὀργεῶνες with performers of rites as early as the seventh century. However, Dig. 47.22.4 and FGrHist 328 F35a add another dimension; they are traditionally connected with a secular aspect of ὀργεῶνες. In my opinion Dig. 47.22.4 cannot be associated directly with sixth-century Athens. The preserved form of this law is definitely post-Solonian and, perhaps, Hadrianic. Its content, though substantially altered, may be Solonian but it is difficult to assess to what degree. As for FGrHist 328 F35a, I have argued that it does not have any relation to the policy on citizenship pursued since Perikles' era,

but rather refers to an enactment going back to an earlier phase of the Athenian social history. The epigraphical evidence indicates that the orgeonic associations of heroes were small groups, including principally citizens, with limited financial resources and a minimum of two or three officers.<sup>1</sup>

The available evidence for orgeones of goddesses and gods was examined in Chapter 2. It seems that, at least in one case, such an association existed in the late fifth century, while more appeared by the late fourth and early third centuries. The major problem to be tackled concerns the acceptability of these cults in the "cosmos" of the city-state and has two particular aspects; did the introduced cult need authorisation from the city and was it possible for anybody to bring forward prosecution for impiety against the participants of these cults? I concluded that the prohibition of acquiring landed property would work as an effective mechanism of control of the introduced cult. Although it was perfectly legal to prosecute someone for impiety on that ground, since any legally sanctioned definition of the crime of impiety was lacking, the advocates of these cults devised different strategies e.g. identification with Greek deities in order to circumscribe this problem. The structure of these

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<sup>1</sup> Kearns (1992: 76-7).

orgeonic associations is clearly more complicated than that of heroes. There are side-by-side secular and sacral offices, the number of the members is probably higher, women were not excluded but their share in the administration was minimal, conditions for admission were limited to the payment of a fee and to a scrutiny whose character remains vague. The terms of honouring officials resemble closely the example of the city-state; the motivation of the members seems to be the only reason for the survival of the association.

In the third chapter I have appraised associations calling themselves *θιαῶται*, which were probably the most widespread in eastern Mediterranean. In ancient literature, *θίασος*, a word of an obscure origin, seems to be a general term describing any group of humans or animals; the word *θιαῶται* designates the participants of these groups, with a special connotation to Dionysiac rites. The epigraphical records cover a period from the end of the fourth century. Associations of *θιαῶται* had in their ranks more women and more non-Athenians of any status than the orgeonic associations, they followed a slightly different strategy in honouring successive holders of an office in one stele. But they were dependant on benefactions of their well-off members, hence the prompting clause in many of their decrees.

In the fourth chapter I have considered the evidence on *ἐραυλοταί*. The use of the word in the literary



evidence suggests an evolution from an a-structural, occasional meeting of nobles or warriors to the widespread practice of banqueting in structured groups. The evidence about the latter is extremely controversial, but I think that the *ἐρασιῶται* mentioned in horoi-inscriptions and in freedmen's bowls cannot be considered exclusively as loose groups of lenders formed on the spot. In other respects associations of *ἐρασιῶται* present essential similarities with the *ὀργεῶνες* and *θιαῶται*.

Then it is possible to draw, to some degree, distinctive lines among *ὀργεῶνες*, *θιαῶται*, and *ἐρασιῶται*.

The major confusion concerns *ὀργεῶνες* and *θιαῶται*. It has been claimed, on the grounds of IG II<sup>2</sup> 1316 and of the similar organisation of these two types, that actually *ὀργεῶνες* and *θιαῶται* were identical groups.<sup>2</sup> Apart from

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<sup>2</sup> Several scholars tried to establish a relationship between these two associations; according to Ziebarth (1896: 133) they were bodies established by public law, for Vinogradoff (1920-22: 124), Busolt-Swoboda (1920-26: 253) Wade-Gery (1958: 87) and Will (1972: 566-67) they were identical, for Kahrstedt (1934: 234) they were synonymous. Dow and Gill (1965) assert that IG II<sup>2</sup> 1246, a cult table, is a palimpsest, preserving two decrees; both refer to an association of *orgeones*, which is called *thiasos*. But as the editors noted this is the only

the scarcity of the invoked evidence, the range of meanings and uses of the terms θίασος and θιασῶται and the meaning and the organisation of ὀργεῶνες are not usually taken into account.

Ὀργεῶνες present a dual aspect. Some are a quite large organization, while others constitute only an elementary body with minimal organisation and in certain cases only with ἐστιάτωρ and ταμίας as administration. Κοινὰ θιασωτῶν on the other hand, have a more elaborate structure and they enroll foreigners in their ranks. Both have to do with religion and cult, but even in that field certain ὀργεῶνες worship heroes, while θιασῶται, except one case,<sup>3</sup> worship deities of Oriental origin. One fact contributing to a distinction is that the first occurrence of a κοινὸν θιασωτῶν is dated in the beginning of the fourth century, while ὀργεῶνες in view of the existing pieces of evidence may have been established in the fifth century.

Apart from the difference between ὀργεῶνες and θιασῶται, a distinction between θιασῶται and ἐραγισταὶ should be drawn. This particular confusion is largely due to the fact that some inscriptions use the term

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evidence and it is probably an exception. For details see chapter 2.

<sup>3</sup> IG II<sup>2</sup> 2343.

ἀρχεραμιστῆς in a context of a κοινὸν θιασῶτων and others the term ἔρανος among θιασῶται. The misunderstanding is founded in an ill-conceived picture of the Athenian associations, regarded as mono-functional groups, which should be only religious or financial. In other words, the possibility that even among low income and low status people, reciprocity and friendship could lead to loans without interest is ignored.

Finally, there is the confusion of different kinds of associations designated with a cult name like Ἀσκληπιασταὶ etc with ἐραμισταὶ. My basic argument can be summarized as follows: Provided that the associations by choosing a particular name show, at the same time, a kind of a group identity, why do these Ἀσκληπιασταὶ etc not use, even occasionally, the term ἐραμισται, but refer to themselves consistently as something distinct? On the other hand we have seen that the terms ὀργεῶνες, θιασῶται and ἐραμισταὶ designate a type of association and not a particular group of it; if an association recognizes itself, for example, as ὀργεῶνες it will use cult markers, in order to be distinguished from similar associations of ὀργεῶνες.

Therefore, I think that we can establish a, grosso modo, clear typology of these associations. Ὀργεῶνες denote the oldest type of association based on locality, but used after the fifth century by foreigners as well θιασῶται designate an association of worshippers earlier

associated with Dionysos but in the fourth century adopted mainly by the worshippers of Oriental deities as a model of organization. 'Ἐπαυλιῶται imply an associative organization linked with mutual assistance as well as cult. Finally, associations in -ῶται were groups of citizens or foreigners devoted to the cult of a particular deity, hence their particular name.

It would be erroneous to pretend that this scheme imposes insurmountable boundaries between the different types. The transformation of a group into something else was dictated by financial constraints, lack of members or even prestige.

Cult associations' organisational centre was the cult of a deity, often of foreign origin, but usually with an Athenian or, broadly speaking, Greek equivalent. The structure of these associations was modelled on the example of the city organisation, aiming to render possible the recruitment of citizens as members, and at the same time confirming that this model constituted the actual conceptual horizon of the Greeks. In this context, we have traced an explanation for the absence of the concept of juristic personality, which is essential for the modern state, but is not found in the ancient Greek legal thought. The core assumption was that legal and political sphere were identical, that citizens had rights and duties towards the city only in their quality as citizens. The protection of foreigners was minimal and

mostly based on bilateral agreements or on the grant of citizenship in individual cases. This conclusion stresses the collective character of Athenian associations rather than the corporate. Thus, associations are not something entirely different from the aggregate of their members. This conclusion is best reflected in the arrangement of property relations. When the association had to deal with non-members, its name was designated by the official's name first and the type of the association following. When it dealt with members, the designation from the type of the association was sufficient. It also emerged that all the associations were set up for eternity, following not necessarily the formal methods dictated by the legal theory of the nineteenth century, and for a permanent reason, which in most cases was connected with cult. Therefore, the question of dissolution is a pseudo-problem.

Associations of citizens and foreigners were the intermediate point of contact for citizens between the city functions and the family life. For the foreigners, they were a meeting place where links with their homeland were kept alive. At the same time new alliances were forged and the aliens or metics were initiated into the political functions of the host city. In these associations solidarity and social distinction went hand in hand, poor and wealthy members shared the meat of the sacrificed animal, which may have been provided from the

purse of the wealthy or from the common contribution of all the members. Social distinctions were based on the wealthy members' ability to pay the expenditures of certain functions that most often led to the allocation of different offices to them, for several consecutive years, through the mechanism of the annual renewal of the term in office. Certainly nobody can doubt the symbolic value of these offices and their influence on the prestige of the individuals, but it is worth mentioning that the fossilised ways of selection recall the omnipotence of the assembly. The range of the relationships developed among the members of these associations was presumably large, extending from help and assistance to asymmetrical relations of giving or patron-client relation.

Nevertheless, cult associations were not a framework into which social differentiation was blurred or abolished, but it survived in more refined forms and through a democratic-egalitarian discourse.

TABLE 1

COLLECTION	DATE	DEITY	OFFICERS
SEG 22.122	post 316/5	?	?
IG II <sup>2</sup> 1259	313/2	"Αμυνος	"Ιοσιάτορες
IG II <sup>2</sup> 1252	350-300	"Αμυνος	?
IG II <sup>2</sup> 1253	mid. 4th c.	"Αμυνος	?
SEG 22.123	3rd c.	?	?

TABLE 2

COLLECTION	DATE	LEGAL TERM	DEITY
SEG 12.100	367/6	πράσις ἐπὶ λύσει	?
SEG 24.203	333/2	μίσθωσις	"ἦρως
IG II <sup>2</sup> 2499	306/5	μίσθωσις	"Εγρέτης
IG II <sup>2</sup> 2501	end 4th c.	μίσθωσις	"Υποδέκτης
SEG 21.530	beg. 3rd c.	regulation	"Εχελος
IG II <sup>2</sup> 1289	mid. 3rd c.	arbitration	τῇι θεῶι
IG II <sup>2</sup> 1294	?	πράσις ἐπὶ λύσει	Ζεὺς Επακ

TABLE 3

COLLECTION	DATE	DEITY
IG II <sup>2</sup> 4365	mid. 4th c.	"Αμυνος, 'Ασκληπιὸς
IG II <sup>2</sup> 4385	mid. 4th c.	"Αμυνος
IG II <sup>2</sup> 4386	mid. 4th c.	?
IG II <sup>2</sup> 4387	mid. 4th c.	?
IG II <sup>2</sup> 4422	4th c.	'Ασκληπιὸς
IG II <sup>2</sup> 4424	4th c.	"Αμυνος
IG II <sup>2</sup> 4435	4th/3rd c.	"Αμυνος
IG II <sup>2</sup> 2355	3rd c.	'Ασκληπιὸς
IG II <sup>2</sup> 4457	2nd half 2nd c.	"Αμυνος, 'Ασκληπιὸς
SEG 39.234	1st c. A.D.	"Αμυνος, 'Ασκληπιὸς



TABLE 4

COLLECTION	DATE	DEITY - NAME
IG I <sup>3</sup> 136	413/2	Βένδης
IG II <sup>2</sup> 1361	mid. 4th c.	Βένδης
IG II <sup>2</sup> 1599	late 4th c.	?
IG II <sup>2</sup> 1283	260/59	Βένδης
SEG 21.528	3rd c.	"Αρτεμις Ἡγεμῶν
IG II <sup>2</sup> 1328A	183/2	Μήτηρ Θεῶν
IG II <sup>2</sup> 1326	176/5	Διονυσιασταὶ
IG II <sup>2</sup> 1328B	175/4	Μήτηρ Θεῶν
SEG 19.125	2nd/1st c.	Βένδης
IG II <sup>2</sup> 1351	170 A.D.	?
IG II <sup>2</sup> 2361	200-211 A.D.	Βελήλα

TABLE 5

COLLECTION	DATE	OFFICER	DEITY - NAME
IG II <sup>2</sup> 1255	337/6	ἱεροποιοὶ	Βένδης
IG II <sup>2</sup> 1256	329/8	ἐπιμεληταὶ	Βένδης
IG II <sup>2</sup> 1284A	mid. 3rd c.	?	Βένδης
IG II <sup>2</sup> 1324	4th/3rd c.	ἐπιμελητῆς	Βένδης
IG II <sup>2</sup> 1316	272/71	ἱέρεια	Μήτηρ Θεῶν
IG II <sup>2</sup> 1284B	259/8	γραμματεὺς	Βένδης
IG II <sup>2</sup> 1314	213/2	ἱέρεια	Μήτηρ Θεῶν
SEG 17.36	212/1	ἱέρεια	Μήτηρ Θεῶν
IG II <sup>2</sup> 1315	211/10	ἱέρεια	Μήτηρ Θεῶν
IG II <sup>2</sup> 1325	185/4	ταμίας	Διονυσιασταὶ
IG II <sup>2</sup> 1327	178/7	ταμίας	Μήτηρ Θεῶν
IG II <sup>2</sup> 1329	175/4	γραμματεὺς	Μήτηρ Θεῶν
SIA I, p.263	138/7	ἐπιμελητῆς	Ἀφροδίτη
SEG 21.531	c. 100	ἱεροποιοὶ	Βένδης
IG II <sup>2</sup> 1337	97/6	ἱέρεια	Ἀφροδίτη
IG II <sup>2</sup> 1334	71/70	ἱέρεια	Μήτηρ Θεῶν

TABLE 6

COLLECTION	DATE	DEITY
IG II <sup>2</sup> 4563	400/350	Μήτηρ Θεῶν
IG II <sup>2</sup> 4586	mid 4th c.	Ἀφροδίτη
IG II <sup>2</sup> 4595	328/7	Μήτηρ Θεῶν
IG II <sup>2</sup> 6288	350-317	Μήτηρ Θεῶν
SEG 39.210	c. 300	Βένδης
IG II <sup>2</sup> 4616	end 4th c.	Ἀφροδίτη
IG II <sup>2</sup> 4636	4th c.	Ἀφροδίτη
IG II <sup>2</sup> 4637	4th c.	Ἀφροδίτη
IG II <sup>2</sup> 4687	213/12	Μήτηρ Θεῶν
IG II <sup>2</sup> 4671	4th/3rd c.	Μήτηρ Θεῶν
IG II <sup>2</sup> 2945	3rd/2nd c.	Μήτηρ Θεῶν
SEG 32.268	c. 150	Μήτηρ Θεῶν
IG II <sup>2</sup> 4714	146/5	Μήτηρ Θεῶν
IG II <sup>2</sup> 4609	c. 130	Μήτηρ Θεῶν
IG II <sup>2</sup> 2950/1	2nd c.	Μήτηρ Θεῶν
IG II <sup>2</sup> 4696	2nd/1st c.	Μήτηρ Θεῶν
IG II <sup>2</sup> 4703	1st c.	Μήτηρ Θεῶν
IG II <sup>2</sup> 4710	1st c.	Μήτηρ Θεῶν
IG II <sup>2</sup> 4038	1st c. A.D.	Μήτηρ Θεῶν
IG II <sup>2</sup> 4760	1st/2nd c. A.D.	Μήτηρ Θεῶν
IG II <sup>2</sup> 2887	163/4 A.D.	Μήτηρ Θεῶν
IG II <sup>2</sup> 4759	2nd c. A.D.	Μήτηρ Θεῶν
IG II <sup>2</sup> 4773	2nd c. A.D.	Μήτηρ Θεῶν
IG II <sup>2</sup> 4814	2nd/3rd c. A.D.	Μήτηρ Θεῶν
SEG 17.89	Roman era	Μήτηρ Θεῶν
IG II <sup>2</sup> 4866	?	Βένδης
IG II <sup>2</sup> 4870	?	Μήτηρ Θεῶν
IG II <sup>2</sup> 5015	?	Μήτηρ Θεῶν
IG II <sup>2</sup> 5016	?	Μήτηρ Θεῶν

TABLE 7

COLLECTION	DATE	OFFICER	DEITY
IG II <sup>2</sup> 1261A	302/1	ἐπιμελητῆς	Ἀφροδίτη
IG II <sup>2</sup> 1261B	301/300	ἱεροποιὸς	Ἀφροδίτη
IG II <sup>2</sup> 1262	301/300	ἐπιμεληταὶ	Τύναρος
IG II <sup>2</sup> 1261C	300/299	ἱεροποιὸς	Ἀφροδίτη
IG II <sup>2</sup> 1263	300/299	γραμματεὺς	?
IG II <sup>2</sup> 1271	299/8	ταμίας	Ζεὺς Λάβραυνδος
IG II <sup>2</sup> 1273B	281/80	ἱερεὺς	Μήτηρ Θεῶν
IG II <sup>2</sup> 1273A	281/80	ἐπιμελητῆς ?	Μήτηρ Θεῶν
IG II <sup>2</sup> 1277	278/7	ἐπιμεληταὶ ταμίας	?
IG II <sup>2</sup> 1278	272/1	?	τοὺς θεοὺς
IG II <sup>2</sup> 1317	272/1	ἐπιμεληταὶ γραμματεὺς/ταμίας	Βένδης
IG II <sup>2</sup> 1282	262/1	ἐπιμελητῆς	Ἀμμων Ἀμφιάραος
SEG 2.10	248/7	ἐπιμεληταὶ/ταμίαν γραμματέαν/ἱερέαν	Βένδης
IG II <sup>2</sup> 1317b	246/5	ἐπιμεληταὶ/ταμίαν γραμματέαν/ἱερέαν	Βένδης
SEG 2.9	242/1	ἐπιμεληταὶ γραμματεὺς/ταμίας	Βένδης
SEG 24.156	238/7	ἱερεὺς	?

IG II <sup>2</sup> 1297	237/6	ἀρχερανιστῆς	Καλλίστη ?
SEG 21.532	227/6	γραμματεὺς	?
IG II <sup>2</sup> 1301	220/19	ἐπιμεληταὶ	Μήτηρ Θεῶν?
IG II <sup>2</sup> 1319	c. 215	ἀρχερανιστῆς ?	?
IG II <sup>2</sup> 1318	end 3rd c.	ἐπιμεληταὶ ?	?
IG II <sup>2</sup> 1323	194/3	ταμίας γραμματεὺς	?

TABLE 8

COLLECTION	DATE	TYPE OF DOCUMENT
IG II <sup>2</sup> 1237	396/5	Demotionid decree
IG II <sup>2</sup> 1177	c. 350	decree of Piraeus
IG II <sup>2</sup> 2939	end 4th c.	dedication
IG II <sup>2</sup> 2936	end 4th c.	dedication
SEG 24.223	4th c.	dedication
IG II <sup>2</sup> 1275	325-275	decree
IG II <sup>2</sup> 1298	245/4	decree
<u>Hesperia</u> 16, p.63 No 1	233/2	dedication
IG II <sup>2</sup> 2943	3rd c.	dedication
IG II <sup>2</sup> 4985	3rd c.	dedication
SEG 21.533	3rd c.	dedication
IG II <sup>2</sup> 2948	beg. 2nd c.	poem
IG II <sup>2</sup> 4013	imperial era	dedication
IG II <sup>2</sup> 2720	?	" <i>opus παράφω</i> "

TABLE 9

COLLECTION	DATE	KIND OF DOCUMENT
IG II <sup>2</sup> 1583	c. 350/49	Poletai record
IG II <sup>2</sup> 2935	324/3	Dedication
IG II <sup>2</sup> 1265	c. 300	Hon. Decree
IG II <sup>2</sup> 1266	end 4th c.	Law?
IG II <sup>2</sup> 2940	end 4th c.	Dedication
IG II <sup>2</sup> 10248	end 4th c.	Dedication
IG II <sup>2</sup> 1291	mid. 3rd c.	Hon. Decree
SEG 21.633	beg. 2nd c.	Dedication
IG II <sup>2</sup> 2358	c. 150	Catalogue
IG II <sup>2</sup> 2354	end 2nd c.	Dedication
SEG 37.103	52/1	Dedication
IG II <sup>2</sup> 1345	53/4 A.D.	Decree
IG II <sup>2</sup> 1366	1st c. A.D.	Law
IG II <sup>2</sup> 1369	end 2nd c. A.D.	Law
SIA 1. p.306	?	Dedication

TABLE 10

COLLECTION	DATE	NAME	OFFICERS
IG II <sup>2</sup> 2353	c. 215	Ἀσκληπιασταὶ	---
IG II <sup>2</sup> 1322	229	Ἀμφιεραῖοι	ἀρχερανοῖς, ταμίαι γραμματεῖς
IG II <sup>2</sup> 1292	215/4	Σαραπιασταὶ	ἐπιμελητὴς, γραμματεὺς προερανοῖς, ταμίαι
IG II <sup>2</sup> 2942	3rd c.	Ἀρτεμισιασταὶ	---
SEG 18.33	212/1-174/3	Ἀσκληπιασταὶ	ταμίαι
IG II <sup>2</sup> 1335	101/100	Σαβαξιασταὶ	ἱερέας, γραμματεῖς ἐπιμελητὴς, ταμίαι
IG II <sup>2</sup> 2960	2nd c.	Ἀσκληπιασταὶ	ἀρχερανοῖς
IG II <sup>2</sup> 1339	57/6	Ἡροῖοι	ἀρχερανοῖς
IG II <sup>2</sup> 1343	37/6	Σωτηριασταὶ	ταμίαι, ἱερεῖς ἀρχερανοῖς
SEG 31.122	121/2 A.D.	Ἡρακλιασταὶ	ἀρχερανοῖς, ταμίαι
IG II <sup>2</sup> 4817	2nd/3rd A.D.	Κολαινιασταὶ	---
SEG 32.232	Roman era	Παιανιασταὶ	---



# CONCORDANCE

Finley	43	350-250 B.C.	IG II2 2720, Poland A23
Finley	71	309/8 B.C.	Agora 19.H84
Finley	114	350-300 B.C.	-
Finley	32	300 B.C.	IG II2 2701, SIG3 1196, Poland A43
Finley	30	?	IG II2 2699, Poland A42
Finley	31	?	IG II2 2700, Poland A40
Finley	42	?	IG II2 2719, Poland A41
Finley	40	?	IG II2 2721
Finley	44	?	IG II2 2722
Finley	70	?	IG II2 2743, Poland A39
Finley	112	?	IG II2 2763, Poland A38
Finley	113	?	IG II2 2764, Poland A43A
Finley	78A	?	Agora 19.H89
Finley	31A-B	?	Agora 19.H94
Finley	163A	?	-
Finley	114A	?	-
Foucart	3	?	-
Hesperia 10	p56	300 B.C.	-
Hesperia 16	p63	233/2 B.C.	-
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Finley	112	?	-
Finley	113	?	-
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IG II2	2359 100 B.C.	-
IG II2	2344 400-350 B.C.	-
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IG II2	1237 396/5 B.C.	See Hedrick (1990)
IG II2	1177 350 B.C.	-
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IG II2	1298 245/4 B.C.	Hiereiai, Tamias, Grammateus
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IG II2	4985 300-200 B.C.	-

IG II2	2948 200-150 B.C.	-
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SEG 2	9	242/1 B.C.	Epimel <del>e</del> tai-Grammateus-Tamias
SEG 10	330	450 B.C.	-
SEG 12	100	367/6 B.C.	-
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SEG 21	533	300-200 B.C.	Tamias
SEG 21	633	200-150 B.C.	-
SEG 22	122	316/5 B.C.	?
SEG 22	123	200 B.C.	?
SEG 24	203	333/2 B.C.	?
SEG 24	156	238/7 B.C.	Hiereus
SEG 24	223	400-300 B.C.	Hiereus
SEG 31	122	121/22 A.D.	Archeranistes, Tamias etc
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