

CAPInv. GR-30: *epi leian oichomenoi*

I. LOCATION

i. Geographical area	Attica with Salamis
ii. Region	Attica
iii. Site	Athens

II. GENERAL REFERENCE

i.a. Full reference (original language)	ἐπὶ λείαν οἰχόμενοι (Dig. 47.22.4 = <i>Gaius, libro quarto ad legem duodecimo tabularum</i>)
i.b. Full reference (transliterated)	<i>epi leian oichomenoi</i>
ii. Reference context	The term occurs in a passage of the <i>Digesta</i> , a 6th century AD compilation of opinions expressed by leading classical Roman jurists. The rule in Greek was apparently quoted by Gaius, a mid 2nd century AD jurist. It states that whatever <i>hoi epi leian oichomenoi</i> agree between themselves is valid provided that it does not conflict with <i>polis</i> laws.

III. DATE

i. Date(s)	Hell. - Imp.
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V. SOURCES

i. Source(s)	Dig. 47.22.4 = <i>Gaius, libro quarto ad legem duodecimo tabularum</i> (Hell. - Imp.)
Note	Other publications: Ruschenbusch 1966: F77; Ruschenbusch and Burgmann 2010: F76a.
Online Resources	The text is found at this address: http://droitromain.upmf-grenoble.fr/Corpus/d-47.htm#22 (copy and paste link in address bar)
i.a. Source type(s)	Literary source(s)
i.b. Document(s) typology & language/script	A passage from the commentary of Gaius on the legislation of the Twelve Tables: the passage is quoted in Greek.

VIII. NOTES

i. Comments	<p>The date of the provision is highly disputed, since in the passage it is ascribed to Solon. Most scholars would follow the above date, e.g. Foucart (1873: 47), Beauchet (1897: 4.343), Radin (1910: 50), Pantazopoulos (1946: 257-9), Hatzopoulos (1980: 949-51), Leiwo (1997: 104), Jones (1999: 33-45, 318), Ustinova (2005: 183-5), Ismard (2007: 20-2). Busolt and Swoboda (1926: 252) and Davies (1996: 635) argued for a Cleisthenic date, while some others (Ferguson 1944: 64-6; Bravo 1980: 857; Whitehead 1986: 15) claimed that the regulation is a conflation of archaic elements with later ones; however, it has been argued that this is, at the earliest, a Hellenistic regulation, Arnaoutoglou (2003: 55-7) or a fifth-century BC re-edited law (Ismard 2010: 44-57).</p>
iii. Bibliography	<p>Arnaoutoglou, I. (2003), <i>Thusias heneka kai sunousias. Private religious associations in Hellenistic Athens</i>. Athens.</p> <p>Beauchet, L. (1897), <i>Histoire du droit privé de la république athénienne</i>. 4 vols. Paris.</p> <p>Bravo, B. (1980), 'Sylân. Représailles et justice privée contre des étrangers dans les cités grecques (Étude du vocabulaire et des institutions)', <i>ASNP</i> 10.3: 857-987.</p> <p>Busolt, G., and Swoboda, H. (1920-26), <i>Griechische Staatskunde</i>. 2 vols. München.</p> <p>Davies, J. (1996), 'Strutture e suddivisioni delle poleis archaiche: tribu, fratrie, ghene e ripartizioni minori: loro natura. I quadri istituzionali della vitta cittadina', in S. Settis (ed.), <i>I Greci. Storia, cultura, arte, società. 2. Una storia greca I. Formazione</i>. Torino: 599-652.</p> <p>Ferguson, W. (1944), 'The Attic orgeones', <i>HThR</i> 37: 61-140, esp. 63-67.</p> <p>Foucart, P. (1873), <i>Les associations religieuses chez les Grecs. Thiasés, éranes, orgéons</i>. Paris.</p> <p>Hatzopoulos, C. (1980), 'Personae collectivae sto attikon dikaion', <i>Nomikon Bema</i> 28: 949-51.</p> <p>Ismard, P. (2007), 'Les associations en Attique de Solon à Clisthène', in J.-Chr. Couvenhes and S. Milanezi (eds.), <i>Individus, groupes et politique à Athènes de Solon à Mithridate</i> (Actes du colloque international, Tours, 7 et 8 mars 2005). Tours: 17-34.</p> <p>Jones, N. (1999), <i>The associations of classical Athens. A response to democracy</i>. New York.</p> <p>Lambert, S. (1993), <i>The phratries of Attica</i>. Ann Arbor, Michigan.</p> <p>Leiwo, M. (1997), 'Religion, or other reasons? Private associations in Athens', in J. Frosen (ed.), <i>Early Hellenistic Athens. Symptoms of a change</i>. Helsinki: 103-18.</p> <p>Lipsius, J. (1905), <i>Das attische Recht und Rechtsverfahren mit Benutzung des attischen Prozesses</i>. Leipzig.</p> <p>Pantazopoulos, N. (1946), <i>Hai hellenikai koinonias. Prolegomena eis to attikon somateiakon dikaion</i>. Athens: 261-5.</p> <p>Pantazopoulos, N. (1948), 'Orgeones', <i>Polemon</i> 3: 97-128.</p> <p>Radin, M. (1910), <i>The legislation of Greeks and Romans on corporations</i>. New York.</p> <p>Ruschenbusch, E. (1966), <i>Solonos Nomoi. Die Fragmente des solonischen Gesetzeswerkes mit einer Text- und Überlieferungsgeschichte</i>. Wiesbaden.</p> <p>Ruschenbusch, E. and Bringmann, K. (2010), <i>Solon: das Gesetzwerkes Fragmente</i>. Stuttgart.</p> <p>Ustinova, Y. (2005), 'Lege et consuetudine: Voluntary cult associations in the Greek law', in V. Dasen and M. Pierart (eds.), <i>Idia kai demosia. Les cadres "prives" et "publics" de la religion grecque antique</i> (Actes du IXe colloque du CIERGA tenu a Fribourg du 8 au 10 septembre 2003). Liege: 177-90.</p> <p>Willamowitz-Moellendorf, U. (1881), <i>Antigonos of Karystos</i>. Berlin.</p>

IX. EVALUATION

i. Private associations	Possible
Note	The individuals embarking on raids for plunder, <i>epi leian oichomenoi</i> may have formed private associations only.
ii. Historical authenticity	The authenticity of the text is not disputed, despite a textual corruption.