CHAPTER THREE

COLLEGIARIA, LAW, AND UTILITAS PUBLICA

The key question for this Chapter concerns how official policies influence the *collegia centonariorum* as a specific type of *collegia*. Their standing in the eyes of law and public authorities must be understood in the broader context of the legal frameworks governing the phenomenon of *collegia*. From the Late Republic throughout the Imperial Period, there accumulated a multitude of *leges*, senatorial decrees, *mandata*, Imperial rescripts and so on that regulated *collegia*. These legal regulations have been systematically sorted out by earlier scholarly works, especially those of Mommsen, Waltzing, and De Robertis. At the methodological level, however, the drawbacks of the earlier scholarship have become increasingly clear, for it was confined to the juristic framework, and directed its attention to intentions of law without taking into much consideration its implementations and its social effects. Still, a general neglect of the impact of official regulations does not do justice to the ancient sources. Instead, it will hinder a proper understanding of the history of *collegia*. B. Sirks’s study of the food supply and the development of the *collegia naviculariorum*, as well as other *collegia* involved in that system, is an illuminating demonstration of how much we can benefit by approaching these *collegia* from the point of view of legal history. In fact, it will become clear from the discussions in this Chapter that the interaction between *collegia* and law was not a separate domain or plateau divorced from the other aspects-social or economic—of these *collegia*.

Governmental Control versus Promotion

While earlier scholarship fixed its attention on central legislation and approached state regulations mainly in terms of normative repression, recent researchers have called into question the alleged severity of those restrictive regulations and their actual implementation. Several scholars have suggested that as far as Egypt and Asia Minor are concerned, there did not seem to have been any general ban of associations or consistent
enforcement of restrictive regulations.\textsuperscript{1} The occasional suppressions of associations or assemblies occurred in circumscribed contexts and were often for practical aim only.\textsuperscript{2} There has been a visible scholarly tendency to minimize the governmental anxieties over the associations, and to emphasize the ineffectiveness or failure of law enforcement. While this scholarship has substantially expanded our understanding of the complexity of the interactions between the public authorities and collegia, a further aspect, that is, the authorities as validators of associations, has not been fully integrated into the scholarly narrative of the social history of collegia.\textsuperscript{3} It is important to emphasize from the outset that the Roman State played a dual role in both controlling and validating collegia. Certain aspects of collegia caused anxiety on the part of the authorities, which simultaneously promoted, and were attracted to, certain other aspects of these organizations. Similarly, certain types of collegia were more acceptable to the authorities than others. The collegia fabrum, in particular, were often cited as representatives of collegia by the jurists and ancient authors.\textsuperscript{4}

Acknowledging the dual role of the Roman State means that we do not need to brush aside the Roman government’s anxieties toward collegia’s potential as sources of unrest.\textsuperscript{5} These anxieties, although not to the extent of ‘morbid fear’,\textsuperscript{6} were real and persistent, as shown mainly by a number of legal citations in the Digesta. Although the jurists’ writings excerpted in the Digesta cannot be taken as representing positive laws at the time they were issued, they are nevertheless indicative of the concerns of the ruling elite at a given time. In addition, official regulations such as Imperial rescripts were sometimes cited in these juristic writings.\textsuperscript{7} According to a clause in the Twelve Tables preserved in the Digesta, collegia had the right to make internal agreements (pactio) as

\textsuperscript{3} Tran 2006 is an exception.
\textsuperscript{4} Cf. Pliny’s reference to the senatorial debate de instituendo collegio fabrorum and Trajan’s familiarity with the functions of the collegia fabrum elsewhere (Pliny, Pan. 54.4; Ep. 10.34).
\textsuperscript{5} Arnaoutoglou 2002: 44.
\textsuperscript{7} E.g., Dig. 1.12.1.14 (Ulpianus l. S. de off. praef. urb.): Divus Severus rescriptis eos etiam, qui illicitum collegium coisse dicuntur, apud praefectum urbi accusandos.