EPISCOPAL ELECTIONS IN CYPRIAN: CLERICAL AND LAY, PARTICIPATION

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THE DEACON Pontius, the first biographer of the martyr-bishop of Carthage, wrote devotedly that Cyprian "will probably never cease to speak even to the end of the world."[1] The words of Pontius appear to have been prophetic, since Cyprian has had to date a significant influence on the development of the Christian Church. He has been repeatedly appealed to as an authority by other Church Fathers, by medieval theologians, by both the Reformers and their opponents, by countless generations of Christian leaders and preachers, and by present-day ecumenists in almost all Christian denominations. Cyprian's enduring popularity is due in no small measure, as Quasten observes, to "those noble qualities of heart that attract charity and gentleness, prudence and spirit of union."[2]

In the Roman Catholic communion today the writings of Cyprian are referred to with increasing frequency and approval. This is especially evident in contemporary research on the nature of episcopal ministry and on the coresponsibility of all levels of Church membership. The witness of Cyprian is important at a time when demands are being made for structural reform and greater democratization of the Roman Church. Cyprian furnished valuable information on the practical operation of shared responsibility in the election of bishops. He stated emphatically that the entire community—clergy, laity, and neighboring bishops— should participate in the selection of episcopal leaders. In this he anticipated the important assertion made by Leo the Great two centuries later: "Qui praefuturus est omnibus, eligi debet ab omnibus."[3] Cyprian's consistency in recognizing the popular voice in the election of bishops is particularly remarkable when compared with his teaching on the elevated status of the episcopacy. He was, as Monceaux has noted, "a man of authority,"[4] who staunchly affirmed that a bishop's actions could only be judged by the Lord;[5] yet no other early Christian writer, before or

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[1] *Vita Caecilii Cypriani* 1 (*CSEL* 3, xc).

[2] J. Quasten, *Patrology* 2 (Westminster, Md., 1964) 340.

[3] *Ep.* 10, 6 (*PL* 54, 634).

[4] He adds: "Il paraissait l'être à l'excès" (P. Monceaux, *Histoire littéraire de l'Afrique chrétienne* 2 [Paris, 1902] 239). On this point see K. H. Lütcke, *Auctoritas bei Augustin: Mit Einleitung zur römischen Vorgeschichte des Begriffs* (Stuttgart, 1968) pp. 57 ff.

[5] *Sententiae episcoporum* (*CSEL* 3, 436). Also see M. Bévenot, "A Bishop Is Responsible to God Alone," *Recherches de science religieuse* 39 (1951) 397–415.

after Cyprian, has so championed the cause of community participation and has given us more details concerning the elective procedure.[6]

My concern here is primarily with the role of the clergy and laity in the election of bishops, with special emphasis on the meaning of *suffragium*. There will be three sections: first, an overview of the elective process: its major elements, its authority, and its geographic extension; second, an examination of the specific roles played by clergy, laity, and bishops; and third, secondary issues involving *suffragium* and the nominating method.

OVERVIEW OF THE ELECTIVE PROCESS

Elements

The elements of the elective process are found in the letters of Cyprian. His frequent references reveal the importance he attached to this major moment in the life of the community. The chaotic atmosphere caused by the Roman persecutions severely strained the normal functioning of the Christian assembly. Several bishops were martyred and occasionally an undesirable claimant to the episcopal *cathedra* came from the ranks of the *lapsi*.[7] Cyprian, therefore, felt impelled to employ the traditional and tested practice of electing bishops in order to preserve the stability and unity of the Church.

A vacant see was filled in the following manner. In time of peace,[8] when Christian assemblies were permitted, the local bishopless community gathered together and a bishop was chosen "sub omnium oculis."[9] At this meeting were the local clergy and people and the bishops of the province. All the members of the community participated. Thus, Cyprian referred to the "universae fraternitatis suffragium,"[10] the "publicum iudicium ac testimonium,"[11] and the "omnium suffragium et iudicium."[12] He assigned specific tasks to the clergy, laity, and bishops.

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[6] Much has been written on the election of church officials The following studies present some of the patristic evidence J Eidenschink, *The Election of Bishops in the Letters of Gregory the Great* (Washington, D C , 1945), R Eno, "Shared Responsibility in the Early Church," *Chicago Studies* 9 (1970) 129–41, F L Ganshof, "Note sur l'election des evêques dans l'empire romain au IVe et pendant la première moitie de Ve siècle," *Revue internationale des droits de l'antiquite* 4 (1950) 467–98, P Granfield, *Ecclesial Cybernetics* (New York, 1973) pp 148–56, J E Lynch, "Co-Responsibility in the First Five Centuries Presbyteral Colleges and the Election of Bishops," *Jurist* 31 (1971) 14–53, A Parsons, *Canonical Elections An Historical Synopsis and Commentary* (Washington, D C , 1939), E Roland, "Election des evêques," *Dictionnaire de theologie catholique* 4, 2256–81, and G Thils, *Choisir les evêques? Elire le pape?* (Paris, 1970)

[7] Cyprian was adamant in his refusal to permit a lapsed bishop, even after his reconciliation, to return to his diocese as bishop, cf *Epp.* 65, 67, 68

[8] *Ep* 59, 6 (*CSEL* 3, 673)   [9] *Ep* 67, 4 (*CSEL* 3, 738)
[10] *Ep* 67, 5 (*CSEL* 3, 739)   [11] *Ep* 67, 4 (*CSEL* 3, 738)
[12] *Ibid*

There were the "cleri suffragium"[13] and the "clericorum testimonium."[14] He mentioned also the "suffragium"[15] and the "testimonium et iudicium"[16] of the people. Finally, there were the "collegarum [i.e., bishops] testimonium et iudicium"[17] and the "coepiscoporum consensus."[18] The most important element, however, which unified and ultimately confirmed the entire procedure, was the "Dei iudicium"[19] or the "divinum iudicium."[20] This was necessary, since it was "Deus qui episcopos facit."[21] The divine judgment was seen as the final confirmatory seal on the community's choice. In fact, the divine will and the community's will coincided.

The purpose of the process outlined above was to select for the office of bishop suitable candidates whose qualifications were known by all.[22] Cyprian required the participation of all levels of Church membership in order that "no unworthy person may creep into the ministry of the altar."[23] The necessity of an open participative procedure conducted in the presence of all was given biblical justification by references to the elevation of Eleazar as high priest and to the election of Matthias and the Seven.[24]

Authority

The authority on which Cyprian based this process was of the highest order: God Himself. Cyprian was no innovator; he constantly insisted that his teaching was part of the traditional patrimony of truth and was rooted in the will of God. Thus, it was by "divina auctoritas"[25] that a bishop was chosen before all the people, in order that the ordination

[13] *Ep.* 68, 2 (*CSEL* 3, 745).   [14] *Ep.* 55, 8 (*CSEL* 3, 629-30).

[15] This is found not only in *Ep.* 55, 8 and *Ep.* 68, 2, but also in three other letters: *Ep.* 43, 1 (*CSEL* 3, 591) was sent to the community at Carthage and mentioned the schismatic priests who earlier had opposed Cyprian's own election (*Vita* 5 [*CSEL* 3, xcvi]) and who continued to act "contra meum episcopatum immo contra suffragium vestrum et Dei iudicium." *Ep.* 59, 5 (*CSEL* 3, 672) to Cornelius: "Nemo post divinum iudicium, post populi suffragium, post coepiscoporum consensum, iudicem se non iam episcopis sed Deo faceret." And finally, in *Ep.* 59, 6 (*CSEL* 3, 673): "Dico enim provocatus...quando episcopus in locum defuncti substituitur, quando populi universi suffragio in pace deligitur...."

[16] *Ep.* 44, 3 (*CSEL* 3, 599).

[17] *Ibid.* The *iudicium* of the bishops is also mentioned in *Ep.* 67, 5 (*CSEL* 3, 739).

[18] *Ep.* 59, 5 (*CSEL* 3, 672).

[19] *Ep.* 55, 8 (*CSEL* 3, 629) and *Ep.* 68, 2 (*CSEL* 3, 745).

[20] *Ep.* 59, 5 (*CSEL* 3, 672).   [21] *Ep.* 3, 3 (*CSEL* 3, 471).

[22] *Ep.* 67, 2 (*CSEL* 3, 736-37).   [23] *Ep.* 67, 4 (*CSEL* 3, 738-39).

[24] *Ibid.* The biblical references are from Nm 20:25-28 and Acts 1:2-26; 6:2-6. All deal with election, but in the text from Numbers the community has a passive role. On Cyprian's use of Scripture see M. A. Fahey, *Cyprian and the Bible: A Study of Third-Century Exegesis* (Tübingen, 1971).

[25] *Ep.* 67, 4 (*CSEL* 3, 738).

would be "justa et legitima."[26] Such a practice was "traditio divina et apostolica observatio."[27] According to Cyprian, this practice was followed in the Spanish Church (at least Leon-Astorga and Merida) during the election of Sabinus, who was chosen to replace the lapsed Basilides. Sabinus was chosen by the *suffragium* of the whole brotherhood and "hands were imposed upon him"[28] in the place of Basilides. Since the ordination of Sabinus was an "ordinatio jure perfecta,"[29] it could not be rescinded. On similar grounds Cyprian recognized the legitimacy of the election of Cornelius as bishop of Rome. His ordination involved both the clergy and the people and hence was in conformity with the sanctity and truth "divinae traditionis et ecclesiasticae institutionis."[30]

Geographic Extension

The geographic extension of the elective process described by Cyprian is quite broad. It appears, as we have seen above, to have been the ordinary and normal way of electing bishops in at least three important Christian centers: Rome, Spain, and Africa. Cyprian referred to his own election, at which he was chosen bishop "populi universi suffragio."[31] He also stated that the custom of popular election was observed not only in Africa ("apud nos") but "fere per provincias universas."[32] The qualifying use of *fere* may indicate that Cyprian was aware of some church (one at least, but possibly more) where a different practice of electing bishops prevailed. Does this text refer to the Alexandrian Church? There, according to Jerome, it was the tradition from its founding well into the third century that the priests appointed the bishops.[33]

Cyprian's views on the election of bishops can be put into better geographic perspective by references to two other third-century witnesses: Hippolytus and Origen. Hippolytus of Rome, who died about 236, wrote in his *Apostolic Tradition:* "Let the bishop be ordained after he has been chosen by all the people."[34] This document is important not only

[26] *Ibid.*   [27] *Ep.* 67, 5 (*CSEL* 3, 739).
[28] *Ibid.*   [29] *Ibid.*
[30] *Ep.* 45, 1 (*CSEL* 3, 600).

[31] Pontius wrote that Cyprian was chosen bishop "iudicio Dei et plebis favore" (*Vita* 5 [*CSEL* 3, xcv]).

[32] *Ep.* 67, 5 (*CSEL* 3, 739).

[33] *Ep.* 146, 1 (*CSEL* 56, 310). Eutychius, the Melkite Patriarch of Alexandria in the tenth century, said that the priests consecrated the bishop (*PG* 111, 982). For further material on this problem, see K. Müller, "Die älteste Bischofswahl und -weihe in Rom und Alexandrien," *Zeitschrift für die neutestamentliche Wissenchaft* 18 (1929) 274–96; E. W. Kemp, "Bishops and Presbyters at Alexandria," *Journal of Ecclesiastical History* 6 (1955) 125–42; and J. Lécuyer, "Le problème des consécrations épiscopales dans l'église d'Alexandrie," *Bulletin de littérature ecclésiastique* 65 (1964) 241–57.

[34] *The Apostolic Tradition of Hippolytus* 2, 1 (tr. B. S. Easton; Cambridge, 1934) p. 33.

because it refers to Rome but also because, through its Arabic, Coptic, and Ethiopic translations, it exercised considerable influence on Church organization in the Christian communities of Egypt and Syria. The *Apostolic Tradition*, then, agrees with Cyprian's ideas on the election of bishops and may well indicate that the practice of popular election was also observed in some of the churches of the East. This seems to be confirmed in one instance by Origen, an older contemporary of Cyprian, who wrote about the electoral process in the Egyptian Church. The bishop is to be ordained "in the presence of the whole laity, in order that all may know for certain that the man elected to the episcopate is of the whole people the most eminent."[35]

It cannot be said for certain that bishops were elected by the clergy and people in *every* Christian church during the third century. Church order at that time was still developing and it is likely that there was a variety of electoral practices. However, the popular election of bishops was a widely diffused custom and accepted as ordinary and traditional in many churches of both the East and the West.

SPECIFIC ROLES OF CLERGY, LAITY, AND BISHOPS

There seems little doubt that Cyprian described an established legal custom when he discussed the election of bishops. The very terms he used—*consensus, deligo, eligo, iudicium, suffragium,* and *testimonium*—support this contention. D'Alès, however, seems too easily satisfied when he claims that Cyprian details the elective procedure "with the precision of a jurist."[36] Indeed, it is just this juridical precision that is lacking. Cyprian gives us only the bare bones of the process. The very brevity of his explanation with its elliptical style raises many questions. It may be that Cyprian thought it unnecessary to repeat the details of a tradition that was well known and understood by the recipients of his letters. Thus he would have simply reminded his readers in a general way to continue to observe a venerable custom. Whatever the reason, there is ambiguity in the texts and no unanimity among Cyprianic commentators. All the commentators agree that Cyprian envisions a participatory process; yet there is a wide diversity of opinion when it comes to assigning specific roles to each group within the community.

Clergy

The clergy was mentioned only twice by Cyprian in the election texts and both of those dealt with the election of Cornelius, bishop of Rome.

[35] *Homilia in Leviticum* 6, 3 (*PG* 12, 480).

[36] A. d'Alès, *La théologie de saint Cyprien* (Paris, 1922) p. 306. Also see A. Beck, *Römisches Recht bei Tertullian und Cyprian* (Halle, 1930).

The clergy's activity involved *testimonium* and *suffragium*. It included as well *iudicium*, for Cyprian spoke of "publicum iudicium" and "omnium iudicium"[37] and there seems no reason to exclude the clergy from this action. On the basis of this meager evidence the commentators draw various conclusions. Some speak enigmatically of the "vote" of the clergy in contrast to the "suffrage" of the people.[38] Others seem to restrict the clergy to the giving of public testimony and make no reference to their *suffragium*.[39] For Vilela, the task of the clergy was "to present the candidate and his qualities in view of election"[40]—a nominating function. Funk, however, stays closer to the texts when he refuses to give any special task to the clergy in the election of bishops that is not shared by the people.[41] His reason is that *suffragium* and *testimonium* were also used to refer to the laity.

Laity

The laity, according to Cyprian, gave *testimonium, suffragium,* and *iudicium*. The main area of interpretation centers on the meaning of *suffragium*. Two views, each with variations, are given: one affirms that *suffragium* means an actual vote, the other equates it with assent. The first view argues that it is probable that episcopal elections followed the practice of the old Roman popular meetings, where the votes were recorded on fragments.[42] This seems to be a reference to the *comitia* system of the Roman Republic.[43] Cyprian, however, did not indicate how in practice the *suffragium* was made. A variation on this theme is that the *fraternitas* (including both clergy and laity) had what amounts to a nominating right.[44] Funk agrees with this position, but he feels that it

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[37] *Ep.* 67, 4 (*CSEL* 3, 738).

[38] Cf. P. Battifol, *L'Eglise naissante et le catholicisme* (Paris, 1909) p. 402, and R. F. Evans, *One and Holy: The Church in Latin Patristic Thought* (London, 1972) p. 52.

[39] Cf. d'Alès, *op. cit.,* pp. 305-6, and E. W. Benson, *Cyprian: His Life, His Times, His Work* (New York, 1897). Benson does not adequately explain the function of the clergy. He states: "We found no particular authority assigned to the Clerus in the election of a Bishop. Their part was to bear testimony to the life of the person proposed for election" (p. 327). We are still left with explaining the meaning of "cleri suffragium" in *Ep.* 68, 2.

[40] A. Vilela, *La condition collégiale des prêtres au IIIe siècle* (Paris, 1971) p. 309. I will discuss the problem of nomination in the third section of this article and examine Vilela's opinion.

[41] F. X. Funk, "Die Bischofswahl in christlichen Altertum und im Anfang des Mittelalters," in *Kirchengeschichtliche Abhandlungen und Untersuchungen* (Paderborn, 1897) p. 27.

[42] Cf. H. Gerdes, *Die Bischofswahlen in Deutschland unter Otto dem Grossen* (Hamburg, 1878) p. 2.

[43] P. Stockmeier appears to accept this position in "Gemeinde und Bischofsamt in der alten Kirche," *Theologische Quartalschrift* 2 (1969) 138.

[44] Cf. C. J. von Hefele, "Die Bischofswahlen in den ersten christlichen Jahrhunderten," in *Beiträge zur Kirchengeschichte, Archäologie und Liturgik* 1 (Tübingen, 1864) 141.

does not go far enough. He affirms that the entire community had not only a nominating right (*Vorschlagsrecht*) but also a genuine voting or elective right (*Wahlrecht*) "in the full sense of the word."[45] He does not, however, offer any suggestions how the actual voting was conducted.

The second view puts *suffragium* in the general category of assent. Some simply equate it with assent,[46] while others prefer to describe it as approbation.[47] Battifol[48] mentions the suffrage of the people, but argues that the people had a largely negative voice in the election. By this he means that the *plebs* could reject a candidate who was selected "most often" without their participation. This seems to be an inadequate interpretation of the texts and more specifically of that statement of Cyprian that the *plebs* has "potestatem vel eligendi dignos sacerdotes vel indignos recusandi."[49] Battifol focuses his attention on only the second half of the text and hence neglects the "power of electing" that the people had. Benson describes *suffragium* as the "presence and support of the Plebes"[50] concerning a candidate chosen by the bishops. Benson, however, is not consistent. Later in his study of Cyprian he writes that "the laity elected; the neighboring bishops assented and ordained."[51]

Bishops

The provincial bishops also played a decisive role in elections. Cyprian used the terms *testimonium, iudicium,* and *consensus* in this context. He never used *suffragium* in reference to the action of bishops. Here again the commentators present various opinions. All would agree that there is a juridical precision concerning one aspect of the bishops' role: only the bishops have the right to perform the actual ordination ritual. What was their function before a candidate was ordained? Some contend that the *iudicium* is best understood as an assent or ratification of the choice made by the community.[52] The majority of the commentators, however, ascribe a more determinative role to the bishops and argue that the

[45] *Op. cit.,* p. 28.

[46] Cf. W. Beveridge, *Synodicon sive Pandectae canonum et conciliorum* 2 (Oxford, 1672) Appendix 47, and G. S. M. Walker, *The Churchmanship of St. Cyprian* (London, 1968) p. 37.

[47] Cf. H. von Campenhausen, *Kirchliches Amt und geistliche Vollmacht in den ersten drei Jahrhunderten* (Tübingen, 1963) p. 301. P. M. Grossi describes *suffragium* as "un vero e proprio votum" in the sense of "una espressione di desiderio" ("Unanimitas: Alle origini del concetto di persona giuridica nel diritto canonico," in *Annali di storia del diritto* 2 [1958] 278). Also see Vilela, *op. cit.,* p. 297, and G. Phillips and F. H. Vering, *Kirchenrecht* 8 (Regensburg, 1889) 10.

[48] *Op. cit.,* p. 409.

[49] *Ep.* 67, 3 (*CSEL* 3, 738).

[50] *Op. cit.,* p. 26.

[51] *Ibid.,* p. 327.

[52] Cf. Funk, *op. cit.,* p. 28, and d'Alès, *op. cit.,* p. 306.

bishops had the ultimate deciding judgment.[53] Battifol, for example, says that the election depends on the bishops and "from them it receives its validity."[54]

What conclusions can we draw from the election texts in Cyprian and from the opinions of the commentators? If we leave aside the *Dei iudicium*, which has an overarching dimension, we can discern three distinct functions operative in the election of bishops: *testimonium*, *suffragium*, and *iudicium*. We will examine each of these separately.

First, *testimonium* is that act by which the entire community (clergy, people, bishops) publicly manifested their views on the qualification of candidates for the office of bishop. The time of witnessing, *sede vacante*, was an opportunity for all to discuss openly the positive and negative qualities of someone who was most probably known by most of those present. The purpose of the hearing was to make sure that the person finally selected was worthy to hold the episcopal office.

Second, *suffragium* is that act by which the clergy and the people (not the bishops) indicated in some manner whom they wished to be bishop. Logically, the *suffragium* would have come after the *testimonium*. The two actions were not synonymous or simultaneous, although it is possible that in practice the distinction between them may have become blurred. The desired result of the *suffragium* was a unanimous verdict, but this was not always the case. In Cyprian's own election, as we have seen, there were some who did not support him. What was sought, however, was that at least the majority of those present made a clear affirmative choice.

How did the community manifest its approval or disapproval through the *suffragium?* Was it by ballots (secret or open), lots, show of hands, voice vote of ayes and nays, or in some other manner? Cyprian gives us no information. There are some commentators, as we saw above, who suggest that the voting method used was based on the Roman practice. That argument presents many difficulties. Cyprian lived at the end of the Principate or Early Empire (27 B.C. to A.D. 285). He was made bishop in 248 (or 249) and was martyred in 258. By that time the Roman voting procedures had evolved considerably.[55] The earlier Republican assemblies did use *tabellae* for voting, and in connection with this process we find mention of such technical terms as *diribitio, rogatio legis*, and the *ius suffragii*. During Cyprian's lifetime this procedure was no longer fully in operation. In the third and fourth centuries popular

[53] Cf. Beveridge, *loc. cit.;* A. Boucharlat, *Les élections épiscopales sous les Mérovingiens* (Paris, 1904) p. 16; and von Hefele, *loc. cit.*

[54] *Op. cit.*, p. 402.

[55] Cf. U. Hall, "Voting Procedures in Roman Assemblies," *Historia* 13 (1964) 267–306, and C. Collot, "La pratique et l'institution du suffragium au Bas-Empire," *Revue historique de droit français et étranger* 43 (1965) 185–221.

elections were rare. It is doubtful, therefore, that Cyprian followed closely the then outdated Roman system. Furthermore, there is no evidence for this either in the writings of Cyprian or in any ancient Christian author.

To reject the opinion that *suffragium* in Cyprian meant actual balloting with all the accessories of Roman law is one thing, to reduce it to a mere formality is something else. We have to assert that the clergy and laity played a decisive role in the election of bishops and that their action was much more than a mere *pro forma* approval. If they did not use ballots, it is quite possible that they expressed their choice of a candidate by vocal approbation. Such an interpretation of *suffragium* would be a valid means of indicating preference. There is, then, no problem with defining *suffragium* as assent, approbation, or approval, as long as it does not minimize the essential and legitimating part the clergy and the laity played in episcopal elections.

Third, *iudicium* is that act by which the entire electing body (bishops included) publicly affirmed the result of the *suffragium*. Ideally, it raised to the level of unanimity what may have been present only at the level of majority. By the *iudicium* the person elected was given a popular mandate. The *iudicium* and *consensus* of the neighboring bishops had an added canonical force. It meant accepting one into the episcopal college as well as ratifying the community's decision.

OTHER USES OF SUFFRAGIUM AND NOMINATION

Before we conclude, two further problems require attention: the other uses of *suffragium* in Cyprian and the nomination of candidates.

Suffragium

Suffragium is used by Cyprian at least four other times without any reference to the election of bishops. In one instance he spoke of the Jews calling for the death of Christ "suffragiis violentis ac pertinacibus."[56] In another text he wrote that Brutus put his sons to death "ut crescat de suffragio sceleris commendatio dignitatis."[57] On another occasion Cyprian, absent from Carthage, explained that while his usual policy was to consult before ordaining any clerics, he had made some exceptions because "expectanda non sunt testimonia humana cum praecedunt divina suffragia."[58] Finally, in speaking of the five schismatic priests at Carthage, he said that they have condemned themselves "secundum

[56] *Quod idola* 13 (*CSEL* 3, 30). Pontius used it in the same manner when he described the people demanding Cyprian's death "suffragiis saepe repetitis" (*Vita* 7 [*CSEL* 3, xcvii]).

[57] *Ibid*. 5 (*CSEL* 3, 23).

[58] *Ep*. 38, 1 (*CSEL* 3, 580).

vestra et divina suffragia."[59] In these texts *suffragium* is used in a broad or extended sense. According to the context, the term can be correctly translated by "approval," without any legal meaning attached to it. In the election texts, however, the use of *suffragium* does have a juridical sense.

Nomination

The nomination procedure is not clearly explained in Cyprian. Among the commentators we find three opinions. Some hold that the entire community (clergy and laity) participated in designating candidates.[60] They do not explain how this was done. Was it an initial part of the *testimonium* or did it entail a separate meeting concerned solely with nomination? Others, who emphasize the role of the neighboring bishops in elections, seem to suggest that the bishops had a prominent part in selecting candidates.[61] Finally, there are those like Vilela, who argue that the clergy nominated candidates. Since this third opinion is based almost exclusively on extratextual material, it deserves further attention.

Vilela constructs his argument on parallels found in Roman civil procedure.[62] He attempts to show that the clergy, as did certain authorities in the Empire, nominated candidates for the episcopal office who were then approved by the *suffragia* of the people. He cites two principal sources. The first is from the Code of Theodosius, which referred to the customary practice in Africa and instructed magistrates to seek diligently suitable candidates who would be elected by the people.[63] A second text is from Lampridius who reported that the Emperor Alexander Severus submitted to the people names for the office of governor and procurator. The Emperor encouraged the people to reveal any serious crimes which may have been committed by the nominees. This method, he argued, was followed by Christians and Jews when they appointed priests.[64]

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[59] *Ep.* 43, 1 (*CSEL* 3, 591). Cornelius also used *suffragium* in this sense in a letter to Cyprian. He referred to the return to the Church of two repentant confessors "cum ingenti populi suffragio" (*Ep.* 49, 2 [*CSEL* 3, 612]).

[60] Funk and von Hefele.   [61] Battifol and Beveridge.

[62] *Op. cit.*, pp. 309 f.

[63] *Code of Theodosius* 12, 5, 1 (*Theodosiani libri 16*, eds. T. Mommsen and P. M. Meyer [Berlin, 1954] p. 712).

[64] Lampridius, *Alexander Severus* 45, 6–7 (*Scriptores historiae Augustae*, eds. E. Hohl, C. Samberger, and W. Seyfarth, 1 [Leipzig, 1965] 287). For an analysis of this text, see J. Straub, "Zur Ordination von Bischöfen und Beamten in der christlichen Spätantike: Ein Reformvorschlag der Historia Augusta?" in *Mullus: Festschrift T. Klauser* (Münster, 1964).

The evidence that Vilela presents is intriguing, even though it is perhaps more representative of the fourth than the third century, the time of Cyprian.[65] Evaluating this argument in relationship to Cyprian, I make two observations. On the one hand, Cyprian nowhere in the election texts explicitly assigns a nominating role to the clergy. According to Lynch, "clerical designation with communal approval was quite rare in the first four centuries."[66] The main point that Cyprian makes is that in the election of bishops the entire *fraternitas* must participate. There is no compelling evidence in Cyprian that the clergy had any role in the election of the bishop distinct from that of the laity.

On the other hand, Cyprian made a clear distinction between clergy and laity. The clergy were part of the *ordo* and hence different from the *plebs*. They had specific administrative and sacramental responsibilities not shared by the laity. In several letters Cyprian indicated that the over-all task of the clergy, especially in his absence, was to maintain ecclesiastical discipline. More specifically, he gave them permission to celebrate the Eucharist;[67] he urged the confessors to obey the presbyters and deacons;[68] and he admonished the clergy to show kindness to the confessors who were in prison[69] and to care for the sick, the poor, and strangers.[70] Cyprian, nevertheless, also limited the power of the clergy. He warned them, for example, that generally they should not receive the *lapsi* back into the Church until he returned and could discuss the matter at a general council.[71]

Weighing the evidence, I do not find it unreasonable to suppose that the clergy, because of their prestigious, yet diaconal, status in the Christian community, would have had a special function in the election of bishops. This function may well have been that of nominating candidates. The texts, however, do not support this assertion, but neither do they directly deny it. Even if we assume that the clergy exercised a right of nomination, it should be remembered that this would have been only one part of the entire process. The laity still preserved the right to express themselves on the candidates' qualification and to indicate their approval or disapproval.

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[65] The Code of Theodosius is fourth century, and the biography of Alexander Severus, who was emperor from 222 to 235, was written at the end of the fourth century. Vilela also refers to a letter from the Council of Nicaea (325) to the Alexandrian Church. It stated that priests who were untouched by the Arian schism "shall have authority to nominate and ordain those who are worthy of the sacred office" (Socrates, *Historia ecclesiastica* 1, 9 [*PG* 67, 81]). This text seems to refer to the unique custom of election observed at Alexandria.

[66] *Op. cit.*, p. 41.   [67] *Ep.* 5, 2 (*CSEL* 3, 479).
[68] *Ep.* 14, 3 (*CSEL* 3, 512).   [69] *Ep.* 12, 1 (*CSEL* 3, 502).
[70] *Ep.* 7, (*CSEL* 3, 485).
[71] *Ep.* 15, (*CSEL* 3, 513 ff.) and *Ep.* 16 (*CSEL* 3, 517 ff.).

CONCLUSION

Cyprian built no lasting procedures. Communal sharing in episcopal elections gradually diminished in subsequent centuries, according to an inverse proportionality: lay participation decreased as episcopal control increased. By the sixth century only the clergy and bishops played a determinative role. Finally, in 1215, the Fourth Lateran Council sounded the death knell for active participation in decreeing that the sole electorate was the cathedral chapter.[72]

What is the theological significance of Cyprian's position on the election of bishops? Three observations may be made. First, Cyprian based his theory on apostolic tradition and divine authority. He did not demand that popular participation be an essential element under pain of invalidity. What Cyprian did propose, admittedly in strong terms, was an ideal. He enshrined this ideal in tradition and insisted that it was reasonable, even preferable, and certainly theologically justifiable. Other procedures were not ruled out. For example, by his mention of "fere per provincias universas," Cyprian indicated that his practice was not followed everywhere.

Second, this ideal failed to gain continued acceptance for three major reasons: the lack of an educated laity, abuses in the traditional electoral process, and interference by secular authorities.

Third, based on Cyprian's theory, clerical and lay participation in contemporary episcopal elections can be seen as a functional goal. Vatican II supports this position by affirming the fundamental equality of the People of God as well as collegiality and subsidiarity. Unfortunately, the 1972 *Vatican Norms for Selecting Bishops* did little to implement these principles in a progressive way.[73] What is needed now is an open election procedure that provides for accountability and guarantees the genuine participation of all in the Church.

A study of the election of bishops in Cyprian presents in valuable detail the theory and practice of one workable process which is admittedly historically conditioned. This remains a critical question for current ecclesiology. An understanding of the Carthage experience sharpens our awareness of the difficulties to be faced and gives profound insights upon which to construct a balanced theology of shared responsibility. By acknowledging the debt of history, we are better prepared to avoid the twin dangers of exaggerated idealism and biased immobilism.

[72] Cf. *Conciliorum oecumenicarum decreta*, ed. J. Alberigo *et al.* (Freiburg, 1962) p. 179.

[73] Cf. *Origins* (NC Documentary Service) 2, no. 1 (May 25, 1972) 1, 3, 8, 9.