The Church Acquires and Administers "Patrimony" Free Will Offerings in the Third Century

Monsignor Thomas J. Harrington, J.C.L.

Follow this and additional works at: https://scholarship.law.stjohns.edu/tcl

Part of the Catholic Studies Commons
During the third century, the "great church" and the individual Christian communities in the urban areas of the Roman Empire underwent significant development. The leaders of the church displayed exceptional flexibility and creativity during a period of unprecedented external harassment from the imperial authorities and from internal conflict touching upon both doctrinal belief and disciplinary practice. As a result, policies were devised for dealing with such strife, for controlling individual deviance, and for providing appropriate warrants for the duly authorized officials to govern.¹

At the same time, simple administrative procedures emerged for accomplishing the essential economic activities in which the ecclesial communities engaged. The church congregations, because of their civil-legal status, were bereft of the ability to acquire or maintain buildings and property. Thus, the administrative parameters for financial activity and liability were modest. Although contributions were derived mainly from the collections taken up regularly at liturgical assemblies, substantial philanthropic benefactions given by wealthy individual

¹ These procedures were devised as a result of experimentation, adaptation from other societies, and appropriation from independent ecclesial communities.
Christians also comprised a portion of the total donations. In turn, these contributions were held in custody by ecclesial authorities, generally the local bishops, who distributed much of the resources as alms to needy members of the local congregations. Other alms were transmitted from the more prosperous Christian communities to congregations where co-religionists existed in circumstances of economic privation. Finally, some revenues were allocated to the support and maintenance of the clergy, although precise systematization of this ecclesial concern was to prove elusive.

Occasionally, a confluence of the significant movements and influences which shape a defined moment in history will find resonance in the life of a particular individual who lived in the midst of such an epoch. Exemplifying this, many of the salient developments associated with the ecclesial administration of modest "patrimony" and the development of the Christian community in the third century touch intimately upon the life and ministry of the celebrated bishop of the local church of Carthage in North Africa, the martyr, Thascius Caecilius Cyprian.

CYPRIAN - A DECADE AS BISHOP OF CARTHAGE

Cyprian was the bishop of Carthage during a decade of intense ferment affecting both the local church which he served as pastor and the "great church" of the Mediterranean littoral. In the year 248, though he had been an adherent of the Christian religion for only two years, Cyprian was elected by the presbyters of the venerable North African city of Carthage to serve as

---

bishops of the local Christian community. Cyprian, by then a mature gentleman well educated in rhetoric and civil law, enjoyed substantial material wealth. He served as bishop for ten years and, by the time of his execution as a *martyr*, had insured his place in both secular and ecclesiastical history by contributing enormously to developments affecting ecclesial life and secular society.

During Cyprian's tenure in the episcopal office, appropriate forms had to be devised for providing leadership and pastoral care for the Christian congregation, which was enduring systematic persecution by imperial officials on a scale and scope hitherto unprecedented. Thorny questions had to be resolved in regard to the reintegration of lapsed\(^3\) and heretical members into communion with the legitimate ecclesial congregation.\(^4\) There was, moreover, significant development associated with the emergence of the Roman church and its bishop to a position of leadership - acknowledged in some quarters and challenged in others - throughout the "great church." Finally, there were important developments affecting the systematization of procedures for the collection and disbursement of free will offerings, the financial contributions made to the churches by wealthy individuals and the Christian congregations acting corporately. It was here that Cyprian's personal deportment was especially instructive.

In 249, the Emperor Decius acceded to the principate and ordered a general festival throughout the empire at which every subject was required to take an active part in pagan observances, specifically prayer and sacrifice for the new emperor. Anyone resisting the edict was to be forcibly constrained to participate. Arrangements were made for the issuance of certificates to every resident of the imperial domain attesting to his or her compliance. The measure was calculated: Imperial authorities anticipated that any member of the Christian congregation who took part in the ritual, even under physical compulsion, would thereby effectively sever his or her affiliation with the Christian religion. It was obvious that the emperor and his advisors had begun to recognize Christianity as posing a substantial potential

\(^3\) These members of the Christian community were known as the *lapsi*.

\(^4\) In this respect, great impetus was given to a special expedient: the synodal gathering of bishops of an entire region to confront common pastoral and administrative concerns affecting the local churches and the broader Christian community.
threat to the hegemony of the secular government over the subjects of the empire in virtually every locale.

The Decian persecution marked a new departure for secular authorities. Heretofore, "persecutions" had consisted principally of rather localized "pogroms" directed against individual Christians, savage enough to entail even martyrdom in some instances. Now there was a concerted effort to undermine the very communities themselves - organized social entities scattered in virtually all urban areas of the empire and as a palpably united "world-wide" body. The persecution, which was bitter enough, constituted a tacit recognition by imperial authorities of the growing influence of the Christian movement.\(^5\)

Cyprian, as other ecclesiastical leaders had done, fled his post in Carthage and took refuge in a remote, secure hiding place. Meanwhile, some of the Christians of Carthage, as elsewhere, steadfastly resisted the overtures of the imperial magistrates and agents. They were arrested, imprisoned, subjected to torture and, in some instances, executed. Many of the Christians, however, found various ways of securing official certificates which indicated that they had conformed with the directives, although they had not in fact participated in the incompatible pagan rites. Other Christians simply went through the motions of conforming with the decrees because they feared suffering physical abuse or were apprehensive about having their tangible possessions confiscated.

\(^5\) See G.E.M. de Ste. Croix, Why Were the Early Christians Persecuted? 26 PAST AND PRESENT 6-38 (1963) (explaining that a new phase in the unfolding history of the official persecution of Christians and Christianity came with the policy of Decius and was exacerbated within a decade in a subsequent program undertaken during Valerian reighn). The official efforts were geared more to the systematic disruption of the community, though individual Christians remained susceptible to the process cognitio extra ordinem. Id. at 10-11. Although Christian assemblies are mentioned in the secular sources from the very early second century, during this period they were proscribed for the first time. Id. at 27. The persecutors appear to have concluded that a policy of coercing Christians to indulge in sacrificial gestures and rites would result in their contamination or pollution. This is a sophisticated interpretation of Christian discipline to which the persecutors were undoubtedly led by perfidious former adherents to the Christian religion. Special punitive measures were directed toward the ecclesial officials - bishops, presbyters and deacons are specifically mentioned in the edicts - and toward adherents possessing substantial material resources who faced the prospect of losing their possessions to confiscatory seizure. In marked contrast to prior incidents of persecution which tended to be characteristically "local" in character, the scope and extent of this persecutory activity was unprecedented, encompassing all regions of the empire.
All of this gave rise to complex new difficulties regarding the
discernment of which members of the Christian community
should be considered "faithful." Thus, when Cyprian returned
within a year to Carthage to assume personal supervision of ec-
clesial life after the persecution had subsided, he was confronted
with the perplexing problem of reintegrating the lapsi into com-
munion with the church. Cyprian insisted that the bishop
should be the one to mediate the administration of penance for
those who had actually offered sacrifice or who had compromised
their Christian commitment by obtaining "certificates" through
bribes of public officials or by coercion of slaves to perform the
indicated ritual gestures in their steads. His adamant stance in
this regard was prompted by a practice which had subtly
emerged whereby the "confessors," those who had actually been
placed in prison and subjected to torture, would assure their
less-determined co-religionists that compensatory suffrages
would be offered to the deity for the remission of the weakness of
the lapsi. Letters purporting to document this participation of
the lapsi in the suffrage of the "confessors" became common-
place, a poignant mirror image of the certificates originally se-
cured by timorous Christians to indicate that they had fulfilled
the compromising demands of the secular officials.

6 Cyprian was not present to offer much encouragement or to provide an exam-
ple, heroic or otherwise, for his congregation. In fact, in a rather bold display of ini-
tiative, some of the presbyters of the local church in Rome, after their own bishop,
Fabian, had been martyred, took it upon themselves to write to Cyprian to question
his course of action. Cyprian responded carefully to these correspondents. He
noted that throughout the persecution he had maintained close liaison with the
Christian community, utilizing the services of emissaries who shuttled between
Carthage and his refuge to direct to the congregation a stream of encouraging mes-
ages and letters. See Cyprian, Epistles VIII - IX, in CSEL, supra note 2 (containing
pertinent correspondence between Cyprian and presbyters of Roman church).

7 See Cyprian, Epistle XVI, in CSEL, supra note 2 (documenting Cyprian's insis-
tence on cautioning against facile reconciliation of lapsi by presbyters); Cyprian,
Epistle XV, in CSEL, supra note 2 (admonishing "confessors" to be discrete in use of
their intercessory mediation); Cyprian, Epistle XVIII, in CSEL, supra note 2 (stipulating that lapsi are to perform appropriate penance); Cyprian, Epistle XXXV,
in CSEL, supra note 2 (prescribing that "peace" is not to be casually accorded by
"confessors," but rather entails both grace and good will on the part of lapsi, who
are to be referred to bishops for reconciliation "in accord with the gospel").

8 See John P. Knipfing, The Libelli of the Decian Persecution, 16 HARV.
THEOLOGICAL REV. 345-90 (1923) (presenting forty-one extant documents which give
accounts of papyri discovered in Egypt illustrating "certificates"); A NEW EUSEBIUS:
DOCUMENTS ILLUSTRATIVE OF THE HISTORY OF THE CHURCH TO A.D. 337 228 (J. Ste-
venson ed., 1957), [hereinafter ANE] (including representative libelli among other
documents of early Christian history).
Cyprian sought to find a middle ground between the “rigorous” approach characteristic of the disciplinary tradition of the North African church, the legacy of the brilliant if erratic Christian writer, Tertullian (220 A.D.), upon whose corpus of writings Cyprian was frequently dependent, and the pastoral solicitude which was a hallmark of his personal affection and care for the Carthaginian congregation. He had extraordinary admiration for the “confessors” and was prepared to admit that it was most fitting for the “confessors” to commend weaker Christians in their prayers. Nonetheless, he insisted that the formal reconciliation of lapsed members into communion with the local ecclesial congregation must remain the exclusive preserve of the bishop.⁹

Cyprian sought to devise a middle ground between the chaos of utter reliance upon the casual reintegration of the lapsi by the novel means of the libelli of the “confessors” and the adamant rejection of reconciliation espoused by rigorists. Indeed, had not some pastorally motivated discipline affording reconciliation been devised, the imperial design of breaking up the Christian influence in the empire might well have succeeded. If the “rigorists” had their way, the Christian community would have been reduced to a decimated remnant, more a sect than a worldwide communio. Similarly, had the episcopal office been in-

⁹ Compounding this already complex situation was the emergence of heretical and schismatic groups. After the decade in which Cyprian exercised the Episcopal office in Carthage, doctrinal differences affecting the Christological and Trinitarian mysteries of the Christian church’s credal formulations caused the fragmentation of ecclesial unity. During Cyprian’s tenure, however, incidents resulting in the departure and defection of adherents from orthodox unity occurred because of disputes touching upon disciplinary matters. Although Cyprian’s election to the episcopate had been popularly received, he was not without some jealous detractors. Conflict was stirred up in Carthage by a faction of such critics, led by the presbyter Novatus and the deacon Felicissimus. Just as Cyprian was confronting local opposition, there was emerging in Rome a schismatic opposition to the legitimate bishop, Cornelius. The question of reconciling sinners seemed to arouse passionate reactions, and thus it afforded dissidents in Carthage and Rome a popular public issue to exploit.

There is precedent for the dispute between proponents of a rigorous penitential discipline and those favoring a more measured policy of reconciliation. See GRANT, AUGUSTUS TO CONSTANTINE, supra note 2, at 210-11. In about 220 A.D., a schism had broken out in Rome pitting Hippolytus as a rival to the legitimate bishop, Callistus, over the issue of reconciling those who have violated the moral code by sexual misconduct. Id. Hippolytus was an advocate of rigidity in the discipline of reconciliation and criticized Callistus for pastorally-motivated flexibility in extending forgiveness to adulterers and fornicators. Id.
fringed by total reliance upon the “charismatic” discipline of the “confessors,” the necessary focus of unity within the community would have been exposed to severe jeopardy.

To confront the perplexing difficulties, Cyprian adduced a mechanism which had some precedent in the Christian east and a more direct antecedence in North Africa. He convened, from the prestigious see of Carthage, a series of synodal gatherings, enlisting the participation of his peers in the episcopate in the ecclesial communities scattered across the provinces of Africa, Mauretania, and Numidia. These councils devoted corporate attention to the problems of reintegrating the lapsi. Among other concerns was the confrontation of heretical factions. Frequent recourse to the use of the “synodal” gathering resulted in promoting considerable impetus for this expedient as a useful way of resolving common problems. The “councils” provided opportunities for the pastors of the neighboring local churches to develop common strategies and to cement a sense of unity within the larger ecclesial community.

Yet another important factor, related and equally complex, emerged to contribute to the extraordinary ferment of Cyprian’s brief tenure in office. Cyprian had formally and energetically acknowledged the special place of the local church of Rome and its bishop within the “great church” of the Mediterranean littoral. He demonstrated this when the tension coincident with Novatian’s emergence as a leader of the rigorist faction disrupted the Roman ecclesial community. After making careful inquiries about the circumstances of the episcopal election, Cyprian vigorously supported Cornelius and lent his considerable prestige to his side in the ensuing internal church conflict. In manifesting his support of Cornelius, Cyprian waxed eloquently about the venerable church of Rome.

When, however, Stephen, a successor of Cornelius as bishop

---

10 A “council” had been held in North Africa in the year 220, convoked by Agrippinus, a predecessor of Cyprian’s in the Carthaginian Episcopal office, to discuss the problems of heretical baptism. See id. at 220-21. Cyprian himself convoked a series of such synodal gatherings annually, and, in some instances, even more frequently, between 251 and 256. Id. at 222-24; see also HARDUIN, 1 ACTA CONCILII ROMANI 133-36, 147-80 (providing acta of certain of these councils). The first several councils, through the year 254, addressed the question of the reconciliation of the lapsi. GRANT, AUGUSTUS TO CONSTANTINE, supra note 2, at 222-23. Four of the councils, to the year 256, dealt with the question of admitting heretics to communion, specifically on the point of “rebaptism.” Id.
CATHOLIC LAWYER, No. 3

of Rome, adopted a relatively liberal policy for the reintegration of those who had adhered to heretical factions, Cyprian was both energetic and acerbic in registering opposition. The crux of the dispute, more theological than disciplinary, involved the integration (or reintegration) of those who had adhered to heretical or schismatic groups within the orthodox community. Stephen adopted the position that such individuals were to be simply accepted into communion, with no necessity for readministering baptism. Cyprian adamantly called for "re-baptism." A great deal of animosity was engendered. Once again turning to the expedient of the "synodal gathering," Cyprian rounded up considerable support for his position in practically all of the local churches of Africa, Numidia, and Mauretania. Cyprian's strong and guiding hand can clearly be discerned in the acta of the councils, which report the unanimous sentiments of the bishops of North Africa as diametrically opposed to the Roman practice, constituting a formidable challenge to the authority of that see. These sentiments were expressed despite the prior acknowledgment made by Cyprian of the special "primacy" enjoyed by the Roman church and its bishop.12

Happily for all concerned, the potential extent of this bitterness was never realized, for persecution resumed in 257. Subjected again to systematic oppression, this time instituted by Emperor Valerian and his aide, Macrianus, the church could ill afford to devote the bulk of its energy to internal controversy. In

11 See Cyprian, Epistles LXX-LXXII, LXXIV-V, in CSEL, supra note 2 (providing flavor of controversy between Cyprian and Stephen); 29 THE FATHERS OF THE CHURCH: EUSEBIUS PAMPHILI ECCLESIASTICAL HISTORY 94 (Roy J. Deferrari trans., 1955) [hereinafter EUSEBIUS] (summarizing dispute). The author mentioned the matter of the "rebaptism" of heretics and schismatics in the second chapter, and then, in what must be regarded as a classic example of understatement, he alluded to the dispute between Cyprian and Stephen. Id. at 92-94. The entire text of the third chapter reads: "Cyprian, the shepherd of the parish at Carthage, considered it necessary that they be admitted after they had first been purged of their error. But Stephen, thinking that no innovation should be made contrary to the tradition which has prevailed from the beginning, was full of indignation at this." Id. at 94.

12 The question has been subjected to incessant debate: Did Cyprian support or oppose "Papal primacy?" It is clearly beyond the scope of this exercise to pursue this matter. However, for a very insightful reflection on the entire matter, see HINCHCLIFF, supra note 2, at 98-118; J.N.D. KELLY, EARLY CHRISTIAN DOCTRINES 205-06 (2d ed. 1960) (providing an informative discussion of controversy). Hinchcliff also provides a good analysis of the textual history of Cyprian's treatise, DE ECCLESIAE CATHOLICAE UNITATE, with its variant references to the "Petrine succession."
this season of official hostility towards the church, there was nei-
ther the opportunity for, nor question of, flight. Cyprian and Di-
onysius of Alexandria, the renowned bishop of another local ec-
clesial community on the African coast, were haled before the
imperial magistrate and sent into banishment. Cyprian re-
turned to Carthage within the year, but the peril had not abated.
Xystus, who had succeeded Stephen as bishop of the ecclesial
community in Rome, was executed on August 6, 258 A.D. Cyp-
rian, upon hearing of this news, anticipated a similar fate. On
September 13th of that year, he was again brought before the
magistrate, where a cursory process ensued. Cyprian was con-
victed of adhering to Christianity and was sentenced to death.
The following day, accompanied by a grieving throng from his
congregation, he was beheaded.

During that decade of intense activity, Cyprian had attended
to the innumerable and complex pastoral tasks with which he
was confronted. While endeavoring to maintain ecclesial unity
in discipline and doctrine in the face of severe challenges, Cyp-
rian also managed to bring his unique and considerable leader-
ship gifts to the administrative functions of the ecclesiastical or-
ganization. This organization, despite the turmoil of persecution
and heresy, was at the same time developing increasingly so-
plicated internal procedures for gathering and processing the
financial contributions received from the membership and chan-
neling these funds to ecclesial needs and charitable endeavors.
In this regard, Cyprian’s personal activities and the administra-
tive expedients which he introduced in the Carthaginian church
during his tenure in office make him truly exemplary in the mat-
ters of organizational structure and administration during the
third century. The systematization of both the occasional phil-
anthropic gifts of wealthy individual Christians and the regular
contributions received from the general membership of congre-
gations underwent significant refinement during Cyprian’s ten-
ure in the Episcopal office. Some detailed consideration of these
factors appears instructive.

THE PHILANTHROPY OF WEALTHY CHRISTIANS

By the second century of the Christian era, as a consequence
of great economic ferment within the Roman Empire, rich men
and women were populating every municipality, the great urban
centers, and such unlikely places as the small cities of Africa,
Gaul, Spain, and even Thrace. A growing number of gentry, not of senatorial or equestrian rank but prosperous as the result of commercial acumen, produced, transported, and distributed countless material goods consumed by the populace from one end of the empire to the other. Although agriculture was effectively a state-controlled monopoly, there was still great latitude where individual initiative in commerce and trade could prove to be very profitable. The prevailing system of civil law in the empire became a mix of formal Roman Law supplemented by and adapted to local legal traditions and systems which were never totally abolished and which often facilitated commercial activity.

The wealthy individuals were expected to assume obligation for public institutions, education, and religion. The need, for example, for "patrons" to underwrite the expense entailed in sacrifices, processions, religious feasts, contests, and games of honor of the various pagan deities occasioned a tacit but real obligation on the part of rich citizens to sponsor such activities in their respective cities. The magnificence of many public and religious edifices in the urban centers scattered across the empire is a testimonial to the liberality of an exceedingly large number of opulent citizens. Moved by public opinion and by their own sense of responsibility for the welfare of the general citizenry,

---

13 See ROSTOVZEF, supra note 2, at 143.
14 The extraordinary development of business life in both eastern and western sections of the empire is especially well documented in the plethora of Greek papyri preserved in Egypt, attesting to the creative ways devised for completing business contracts and ventures. See id. at 174. Rosovtzeff states:
How complicated and elaborate business life was. The different forms of contracts, the various devices for recording them and keeping them accessible, above all the activity of the Egyptian notaries public and of the record offices at Alexandria and the marvelous institution of the Biblioteke hektos, that combination of a land register and a record office for storing statistics about the fortunes of all residents of Egypt—all these convey the impression of a highly-developed economic life, organized in a masterful fashion. The same impression is left by the study of the developments of Roman civil law and by the study of the documents which illustrate this development... inscriptions, the was tablets of Pompeii and Dacia, the rescripts, edicts and letters of the emperors.... It is worthy of note that in some spheres the imperial legislation took over the constructive achievements of the Hellenistic age: thus, for example, it accepted the Rhodin sea-law and applied it to the regulation of maritime commerce.

15 Id. at 139-141; ROBIN LANE FOX, PAGANS AND CHRISTIANS 12-14 (1987) (describing this phenomenon).
they endowed countless worthy objects.

Inevitably, some of these wealthy individuals came to be adherents of the Christian faith and were motivated to enhance the local ecclesial communities with contributions of a philanthropic nature. From the earliest times, the so-called “apostolic” era, there had existed a simple theoretical-ethical basis—a “spirituality”—to guide Christians in the appropriate stewardship of material goods. This spirituality of using material riches in a manner calculated to reflect Christian values, which developed along very simple lines, was first enunciated in the unauthenticated apocalyptic “Shepherd of Hermes,” which

---


17 Several works have been helpful in guiding reflection and suggesting conclusions relative to the emergence of a “spirituality” governing the stewardship of material goods. See, e.g., MARTIN HENGEL, PROPERTY AND RICHES IN THE EARLY CHURCH: ASPECTS OF A SOCIAL HISTORY OF EARLY CHRISTIANITY (John Bowden trans., 1974); L. WILLIAM COUNTRYMAN, THE RICH CHRISTIAN IN THE CHURCH OF THE EARLY EMPIRE: CONTRADICTIONS AND ACCOMMODATIONS (1980); PAUL CHRISTOPHE, LES DEVOIRS MORAUX DES RICHES - L’USAGE DU DROIT DE PROPRIETE DANS L’ECRITURE ET LA TRADITION PATRISTIQUE (1964).

18 The Shepherd of Hermas, in THE APOSTOLIC FATHERS 223 (Joseph M.-F. Marique, S.J., Ph.D. trans., 1947). Some authorities have speculated that elements of the work date from the first century, with some accretions added in the middle decades of the second century. See JOHANNES QUASTEN, PATROLOGY 92-105 (1950). The “second parable” of the Shepherd speaks of the elm and the vine, illustrating in mystical language the reciprocity uniting the rich and the poor. See The Shepherd of Hermas, supra, at 290-91. Interpreting the “parable,” the seer in the vision tells Hermas:

The rich man has great wealth, but so far as the Lord is concerned he is poor, because he is distracted by his wealth. His confession, his prayer to the Lord, is very limited; that which he makes is insignificant and weak and has no power above. So, when a rich man goes up to a poor man and helps him in his needs, he has the assurance that what he does for the poor man can procure a reward from God .... Therefore, the rich man does not hesitate to supply the poor man with everything. On the other hand, the poor man who has been helped by the rich intercedes for him and gives thanks to God for his benefactor. And the latter is constantly solicitous for the poor man, that he may not be in want during his life, because he knows that the poor man’s intercession is acceptable and rich in God’s sight. Both fulfill their function this way: The poor man makes intercession - these are his riches - and gives back to the Lord who supplied him; in the same way the rich man unhesitatingly puts the riches he received from the Lord at the disposal of the poor. This is a great and acceptable work in the sight of God.

Id. at 290-91. This citation delineates the basic formulation of the “spirituality” of stewardship in the primitive Christian ethical tradition. It is noteworthy that there is a curious mild blend of exhortation, not threatening insistence; a kind of “counsel”
urged a *do ut des* relationship between rich and poor Christians whereby the former provide alms and the latter respond with prayer and intercession.

A more elaborate and intricate articulation of this spirituality was enunciated by Clement of Alexandria (ca. 216 A.D.) in his essay *Who is the Rich Man that Shall be Saved?*.19 Clement sagely draws upon the “wisdom” literature of Judaism and the Hellenic philosophies, especially elements of cynic and stoic ethics, to reach the conclusion that material riches are morally indifferent. However, since riches, though not evil in themselves, can give rise to passions, the wealthy person should cultivate interior detachment and external simplicity and should recognize the “redemptive” value and quality of engaging in almsgiving. A life rooted in detachment (*adiaphora*) gives rise to a basic contentment (*autarkeia*).

When the “utopianism” which briefly surfaced in the primitive Christian community at Jerusalem and the “millenialism” of early Christian expectations waned, a more structured, stable form of organization developed. At that time, the services provided by wealthy Christians to the general ecclesiastical community became important.20 As *collegia illicita* in the purview of the civil legal system, the church congregations in the various urban areas were impeded from exercising *dominium* over real property. Resources of this kind nevertheless came to be useful — indeed necessary — for the proper conduct of certain ecclesial initiatives.21 Consequently, the assemblies of the Christian adher-

---


20 See HENGEL, supra note 17, at 32-33, 45. The author states that the “Jerusalem community,” with its minimal organizational features, included an experimental “communism” ceded in orthodox circles. *Id.* It was retained in only a few scattered Gnostic communities. *Id.*

21 See Vincenzo Arangio-Ruiz, *Instituzioni di Diritto Romano* 68 (12th ed. 1949) (providing helpful discussion about “persone giuridiche minor,” *collegia* and *sodalitates*). Referring to what is known of the (lost) *Lex Iulia de collegiis*, the author mentions that all “juridic persons,” even those recognized in the civil law, labored under constraints pertaining to “funzione economica.” *Id.* He summarizes the scholarly literature, citing Cohn, Kniep, Mitteis, etc., in coming to the conclusion
ents came to be held in the privately-owned homes of members of the congregation who possessed sufficient material wealth to provide such accommodations.\(^\text{22}\)

In addition to making their private property available for use by the ecclesial communities, some wealthy Christian "patrons" were prompted to gift the church congregations with substantial contributions.\(^\text{23}\) Such philanthropy was radically different from that habitually exercised in the Greco-Roman pagan societal milieu. In that ambient, the rich patron (*euergetes*) directed his philanthropy to friends and fellow citizens without regard to their economic consequences. The "claim" of the recipient upon the benefactor was not predicated on the need for the gift, but rather arose from some personal (even societal) relationship. The patron was often motivated by *philotimia*, the love of public recognition.\(^\text{24}\) In this respect, private pagan philanthropy resembled the governmental system for the distribution of the ration of grain, the *frumentum*, which was conducted in total disregard of the condition of need. In striking contrast, the gift of the rich member of the congregation to the Christian community was, in theory, tendered for the physical good of the needy, for the spiritual good of the donor, and for the modest institutional requirements of the church.

The Christian churches labored under civil-legal debilities in their relationships to wealthy patrons who were prompted to convey substantial benefactions. Municipalities and most pagan temples enjoyed legitimate civil-legal status and could receive donations and, with some restrictions, inheritances and bequests.\(^\text{25}\) Christian collectivities were *collegia illicita* and the Roman legal system for donation, delineated albeit imperfectly in the *Lex Cincius*, was adverse to Christian communal inter-

---

\(^{22}\) That all of the *collegia* had "uncertain" *caput* or legal standing when it came to the matter of "owning" immovable property. *Id.*

\(^{23}\) These "house churches" were invariably the property of individuals in the local communities who were relatively more prosperous than their co-religionists. See COUNTRYMAN, *supra* note 17, at 158-159.

\(^{24}\) Such patrons were undoubtedly conscious of the implicit imperative of the spirituality of *adiaphora-autarkeia* which had been elaborated by the ecclesiastical writer.

\(^{25}\) *Id.* at 105-106; see also FOX, *supra* note 15, at 60-61 (concurring in this appraisal of the patron's motivation, though acknowledging occasional exceptional cases).

\(^{26}\) See ROSTOVZEFF, *supra* note 2, at 139-140.
The crux of the Cincian law regulating "donations" was that the magistrate, specifically the praetor, would entertain representation from all concerned parties—the donor, the recipient, potential heirs, and any other people who might be affected by the proposed transaction. Official sanction would have to be provided for a philanthropic donation once all parties had been heard.

The "insinuation," developed in Roman legal practice as a correlative to the Lex Cincius, was prompted by widespread dissatisfaction with the cumbersome nature of the Cincian process. The procedure of "insinuation" was effected by a donor who would go to the public register and attend to the transfer of dominium over real property to the intended beneficiary. This less formal and less cumbersome mode of accomplishing a philanthropic benefaction was not, however, available to the Christian benefactor intending to turn real property over to the ecclesial community.

The ecclesial collectivities could not be instituted as heirs in the rigid formalism of the Roman civil-legal system governing inheritance. In this regard, they shared with virtually all collegia, licit or not, the disability precluding any persona incerta from being haeres. However, in contradistinction to at least some other collegia (and in this regard, licit status was of crucial importance), the Christian congregations were unable to avail themselves of the exceptions which emerged. Precisely because of the rigidity of the civil law of inheritance, a subtle, less formal process crept into practical Roman civil-legal usage, the so-called "donation made on account of death." In short, because of the virtually non-existent civil-legal caput of the typical Christian church congregation, all substantially philanthropic donations from wealthy individuals had to be of "extra-legal" character. Nonetheless, despite the constrictions occasioned by these circumstances, substantial gifts were tendered by generous Chris-

---

26 See Pietro Bonfante, Instituzioni di Diritto Romano 512 (9th ed. 1932); Paul Frederic Girard, Manuel Elementaire de Droit Romain 988-1001 (7th ed. 1923).

27 With the dramatic changes introduced by the "Constantinian settlement" in the fourth century, an actual ceremony evolved for accomplishing the "insinuation." Bonfante, supra note 26, at 515 (identifying ceremony as "ceremonia della insinuazione").

28 See Girard, supra note 22, at 999-1001 (supplying informative observations in this regard).
tian benefactors. In this regard, Cyprian’s personal largesse is exemplary.

Upon his admission to the Christian faith, he sold his extensive estates and properties and contributed the proceeds of this spiritually-motivated divestiture to the local church in Carthage. A lawyer by profession, well-educated, literate, and skilled as a rhetorician from comfortable familial circumstances, Cyprian was considered a wealthy man. If, as some allege, wealthy friends and acquaintances bid on the properties which Cyprian sold, intending to hold them for him “in trust,” this still does not detract from the generosity of his donation.

The gesture of Cyprian was not an isolated phenomenon. Reportedly, when the Gnostic heresiarch, Marcion, departed from union with the ecclesial community in Rome in the mid-second century, a contribution which he had originally made to the local church of some 200,000 sesterces was returned to him. This incident provides rather graphic evidence of the ability of the ecclesial community to disburse a substantial sum. It also gives rise to the implicit presumption that a good-sized “patrimony” must have been under the control of ecclesial officials, apparently in forms allowing for rapid liquidation, a full century before the time of Cyprian and his generous donation.

29 See HINCHCLIFF, supra note 2, at 30-31. Cyprian’s personal reflections on the donation are poignantly expressed in his “Letter to Donatus,” clearly a close friend. See Cyprian, Epistle I, in CSEL, supra note 21 (describing Cyprian’s comfortable lifestyle, which he put aside for charitable reasons specifically identified in ¶ 12).

30 See CHARLES MUNIER, L’ÉGLISE DANS L’EMPIRE ROMAIN (II-III SIECLES), ÉGLISE ET CITE 99-100 (1979) (identifying time of reception of baptism as customary occasion for proffering significant donations to ecclesial communities by wealthy neophytes). As a precaution against exposing the church to various potential embarrassments, benefactions of such magnitude were accepted only from adherents. Gifts offered by unbelievers, by notorious sinners, or by those engaged in “infamous” professions, idol-makers, prostitutes, etc., were declined.

31 Tertullian twice mentions this incident. See TERTULLIAN, ADVERSUS MARCIONEM, BOOKS 4 AND 5 267-69 (Ernest Evans ed. & trans., 1972) (“Marcion himself ... in the first warmth of faith he presented the catholic church with that money which was before long cast out along with him after he had diverged from our truth into his own heresy.”); TERTULLIAN, DE PRAESCRPT. HAER., in PL, supra note 2, at 42 (asserting that heretic was expelled, and that “Marcion went with the 200,000 sesterces (cum ducentis sestertiiis) which he had brought into the church when he was, at last, banished”).

32 Hippolytus reported that the church of Rome at the beginning of the third century enlisted the administrative and managerial talents of Callistus. See HIPPOLYTUS, The Refutation of All Heresies, in ANF, supra note 2, at 128-29 (describing personal history of Callistus and his occupation as banker). Since the ownership of property was out of the question for the (illicit) ecclesial collectivities,
This is the clear inference of the episode involving Marcion.

The congeries of factors, which then included the care of the dependent poor, the spiritual enhancement of the wealthy donors, and the modest institutional requirements of the local churches, occasioned the maintenance and encouragement of the practice of “philanthropic donation” by rich Christians. During the years of his pastorate at Carthage, Cyprian preached, wrote, and taught the practical application of the ethical theory and “spirituality” of stewardship. In doing so, he called the attention of the more affluent members of his congregation to the restrictive nature of a life obsessed with riches and to the liberating effect of giving alms.\textsuperscript{33}

the resources accumulated from substantial benefactions by wealthy donors must have been invested by church officials in some relatively-liquid, very likely revenue-producing, investment instruments. See J.A. CROOK, Law and Life of Rome, in ASPECTS OF GREEK AND ROMAN LIFE 209 (H.H. Scullard ed., 1967) (presenting informative discussion of subject). In theory, money was simply a medium of exchange in the official purview of Roman law. A loan of money was an affair of good will; however, in fact, interest-bearing loans were common. The author, in this well-documented review of social, economic, and legal factors in “everyday” life in the empire, presents interesting evidence gleaned from papyri fragments of the activities of a group of Transylvanian moneylenders who operated in Dacian mining villages circa 167 A.D. The leader of this group, “Julius Alexander,” entered into agreements with his accomplices, finely devised of extra-legal character. The pact’s duration was four months. During this time, the entrepreneurs planned to circulate a common fund of some 3,000 sesterces. Some of the actual loan agreements made with borrowing miners have been retained in the papyri fragments, indicating that a very modest rate of interest was involved in the transactions.

Roman law did not recognize - and consequently did not regulate - “investment” arrangements in hard currency. These were “extra-legal” and could be undertaken, at risk, by collegia illicita, such as the Transylvanian “gang” organized by “Julius Alexander.” Of course, civil law did not afford any remedy or redress for losses sustained in such endeavors.

It is Hippolytus again who reports that Callistus, a slave of a wealthy Christian merchant, Carpophorus, operated a money-lending venture for his master. HIPPOLYTUS, supra note 32, at 129. When losses were sustained, interestingly enough, the creditors did not seek redress in the civil courts, but appealed to Carpophorus. When, however, Callistus created an upheaval in public order by invading the synagogue of some Jewish business associates, he was haled before the civil magistrate. Accused of adhering to Christianity, this future bishop of the Roman church was sentenced to exile in the Sardinian mines.

\textsuperscript{33} Seasons of persecution were especially difficult for those attached to their material wealth. See CYPRIAN, On the Lapsed, in ANF, supra note 2, at 440. Blind love of property would occasion one to compromise his faith in fear of confiscatory action by the authorities. Id. Those bound by the “chain of wealth” have difficulty following themselves. Id.; see also CYPRIAN, On The Lord’s Prayer, in ANF, supra note 2, at 453 (stating that person best able to follow Lord “is involved in no entanglements of worldly estate, but, at large and free himself, he accompanies his possessions, which before have already been sent to God.”).
Despite precautions adopted by ecclesial officials and administrators, the acceptance of benefactions, especially those of great munificence, carried with it an inherent potential risk. Although in theory such philanthropic donations were presented for lofty spiritual motives, in practice, the rich donor could exercise considerable power to constrain the authority of church leaders.\(^3\)

Gifts made to the church treasury, unlike the philanthropies of the pagan *euergetes*, became subject to the exclusive discretion of legitimate ecclesiastical authorities with regard to disbursement and use. As a result, tensions emerged as wealthy donors sought to manipulate ecclesial life. For example, within the local church at Rome in the beginning of the third century, Theodotus, a banker, and Asclepiodotus, duped one of the “confessors,” Natalius, and had him set up as a “bishop” to rival the authentic local *episcopus*, Victor. These scheming, wealthy laymen went so far as to pay Natalius a regular monthly “salary” of one hundred fifty *denarii* contingent upon his willingness to espouse the heretical doctrine to which the wealthy patrons subscribed (a form of “adoptionism”).\(^3\)

Considering once again the specific incidents in the life of Cyprian, it is interesting to note that he was chosen to serve as

---

The obvious inference is that material goods have been given in alms by the truly liberated Christian. Echoing a similar admonitory work by Tertullian, Cyprian gave instructions on the proper mode of life to be adopted by Christian virgins. *See CYPRIAN, On the Dress of Virgins, in ANF, supra note 2, at 430.* Using a compelling rhetorical device, repetitively introducing four consecutive paragraphs with the same phraseology (“You say that you are wealthy and rich ....”), Cyprian builds up to a conclusion which contains the gist of his teaching on the stewardship which the wealthy should adopt:

You say that you are wealthy and rich, and you think that you should use those things which God willed you to possess. Use them, certainly, but for the things of salvation; use them, but for good purposes; use them, but for those things which God has commanded, and which the Lord has set forth. Let the poor feel that you are wealthy; let the needy feel that you are rich. Lend your estate to God; give food to Christ. Move *Him* by the prayers of many to grant you to carry out the glory of virginity, and to succeed in coming to the Lord’s rewards.

*Id.* at 433 (footnote omitted).

\(^3\) *See COUNTRYMAN, supra note 17, at 157-62* (discussing roles of rich laymen in early church). The author speaks of the potential disruption which could occur if the rich individual Christian were contemptuous of the community or insubordinate to regularly-constituted ecclesial authority. *Id.* at 160-61.

\(^3\) For a detailed report of the incident, see EUSEBIUS, supra note 11, at 342-47. That a prescribed “salary” was arranged for Natalius was a point criticized by orthodox Christians, providing an indication that at this juncture, the remuneration of clergy was still unsettled in church discipline. *Id.* at 344, n.14.
bishop of Carthage within just two years of his conversion and handsome benefaction to the local church. While no clear inference need be drawn from the facts involved, it is noteworthy that special attention was paid to a generous benefactor by an obviously grateful local congregation in as important a matter as the selection of the presiding ecclesial official. Cyprian, as it turned out, was a most devoted and competent pastor. His evident gifts of nature and grace may well have prompted the presbyters to consider him eminently qualified to assume leadership in the congregation. Still, there are sobering overtones to the situation. It is conceivable that the success of Cyprian's pastoral ministry may have been no more than a happy coincidence. Certainly, it could hardly be presumed that every substantial benefactor would manifest the same kind of honor and devotion as Cyprian.

Given the prevailing civil-legal ineptitude of the Christian communities to avail themselves of certain remedies provided by the civil law, the ecclesial collectivities were constrained to accept any substantial donations made by wealthy Christians in an "informal" and "extra-legal" fashion. Inherent in the practice, there existed a potential danger to pacific ecclesiastical development. Rich benefactors could, and did, lend relatively significant impetus to some heretical movements. Outweighing any potential drawbacks, however, was the good to be attained, embodied in a triad of consequences: the provision of goods for the poor, the spiritual welfare of the rich, and the assurance that the modest institutional requirements of the ecclesial community would be met. Although the practice of receiving philanthropic benefactions was firmly established by the third century, responsible church officials recognized the need for improvement in the system. This need, however, would remain unmet because of civil-legal constraints until the "Constantinian settlement" of the fourth century.

COLLECTIONS - THE DEVELOPMENT OF REGULAR OFFERINGS OF THE COMMUNITIES FOR LOCAL NEEDS AND FOR NEEDS OF "THE GREAT CHURCH"

During the earliest decades of Christianity, the primitive community at Jerusalem is reported in the Acts of the Apostles to have practiced a utopian form of communism. They were perhaps influenced in this regard by certain pre-existent Jewish communal models, such as the Essene community of Qumran,
considered by some authorities to be hypothetically foremost.\textsuperscript{36} Whatever its origins, the organizational form of the community at Jerusalem during the “apostolic age” did not perdure long. It was not adopted in the other Christian communities which began to emerge in the geographic territory coincident with the Jewish Diaspora, and, eventually, throughout the Mediterranean littoral.

A far more enduring organizational legacy reported in the New Testament scriptures, though one which did not define the ecclesial communities, is the celebrated “collection.” The apostle Paul undertook the collection in the areas of his evangelizing activities for the relief and sustenance of the primitive Christian community in Jerusalem.\textsuperscript{37} Following his pivotal encounter with the leaders of the emerging Christian ecclesia at Jerusalem, during which he devised a viable mode of converting the gentile, Paul eagerly sought contributions from the adherents to a collection which he intended to present to co-religionists in the local church community at Jerusalem.\textsuperscript{38} Paul was vigorous in promoting this initiative; perhaps he envisioned the task of gathering this collection as a virtual “legal” obligation to which he had bound himself.\textsuperscript{39} In references to the collection in the first canonical epistle to the Corinthians, Paul suggested that each person set aside some amount each week so that from their abundance the Corinthians could supply what was lacking of their brothers and sisters in Jerusalem. Paul urged that a “lavish”

---

\textsuperscript{36} See Acts 4:32-37, 5:1-16; GRANT, supra note 2, at 100-01. Grant finds evidence that Pythagorean concepts (“one heart, one soul”) were introduced, as the historian Josephus suggests, into the Essene community in Qumran. This group is regarded as having influenced the primitive Christian community in Jerusalem, for which it provided an organizational model.

\textsuperscript{37} See Galatians 2:10; I Corinthians 16:1-4; II Corinthians 8:1-15, 9:5, 9:7-10; Romans 15:27. For insightful observations regarding the collection at Macedonia, see GRANT, supra note 2, at 102 (discussing Paul’s philosophy on contributions) and MEEKS, supra note 16, at 65-66. That the collection was necessary is a graphic indication of the failure of the experiment in “utopian communism” which had been undertaken in the Jerusalem congregation.

\textsuperscript{38} See Acts 15:1-35; Galatians 2:1-10.

\textsuperscript{39} See Paul Sampley, Societas: Roman Law and Paul’s Conception of the Christian Community, in GOD’S CHRIST AND HIS PEOPLE: STUDIES IN HONOR OF NILS ALSTRUP DAHL 158-74 (Jacob Jervell et al. eds., 1977). Focusing upon certain key phrases (koinonia and to auto phronein), Sampley adduces arguments that Paul envisioned the “Jerusalem council” as the occasion for cementing a kind of societas, a contractual arrangement with clear resonance from Roman civil-legal usage, in which his obligation entailed the conduct of the “collection.” Id. at 161-64.
sum be accumulated from these modest, regular contributions.\textsuperscript{40} The “Pauline Collection” became a paradigm for other, similar ecclesial charitable endeavors.

Well-documented contemporary research has done much to dispel the hitherto prevalent opinion that the Christian congregations of the late first and early second centuries were composed principally of adherents drawn from the lower strata of society.\textsuperscript{41} In fact, the Christian communities in the urban centers of the empire appear to have been composed of a broad cross-section of the contemporary societal groups and classes. While some members existed in circumstances of economic privation and need, many others were self-sufficient and situated in such economic circumstances as to enable them to contribute to the needs of poorer co-religionists. Ecclesiastical leaders habitually encouraged the giving of alms, instituting simple organizational and administrative procedures for the gathering and subsequent distribution of such contributions to those members of the community in special need. From the earliest times, those in the “diaconal” office appear to have assumed special responsibility for the orderly allocation of alms to alleviate the immediate local circumstances of poverty and provide for the needs of the church.\textsuperscript{42} In such endeavors, the Christian church groups emulated the almsgiving practices of the contemporary Jewish synagogue communities.\textsuperscript{43} In turn, the contribution of funds to meet the needs of co-religionists in disparate areas was a novel phenomenon which appears to have been established by Christians and permanently engendered in practice by the “Pauline Collection” early on in the history of Christian development.\textsuperscript{44}

\textsuperscript{40} I Corinthians 16:1-4. See also MEEEKS, supra note 16, at 65-66 (noting that Paul found it more difficult to convince wealthy Corinthians to part with their riches).

\textsuperscript{41} See MEEEKS, supra note 16, at 51-73 (finding indirect evidence of both middle and upper class Christians); GRANT, supra note 2, at 79-95 (describing class structure).

\textsuperscript{42} See Acts 6:1-7; I Corinthians 16:1-4; see also MEEEKS, supra note 16, at 65-66 (stating that Jerusalem Collection sought donations from more wealthy Macedonians and Corinthians to be distributed amongst poor of Jerusalem).

\textsuperscript{43} See GRANT, supra note 2, at 127 (noting that in contemporary synagogue practice, “resident” dependent or poor received fourteen meals weekly and “itinerant” dependents were fed daily from “tray” of available food and drink).

\textsuperscript{44} See MEEEKS, supra note 16, at 107-108. In the chapter entitled “A Worldwide People,” it is noted that:

The local group of Christians not only enjoyed a high level of cohesion and group identity, they were also aware that they belonged to a larger move-
Turning again to the earliest Christian experience, much of the pastoral ministry of the first decades was conducted by itinerant preachers, the so-called “prophets” and “teachers.” Widely divergent and essentially unsystematic arrangements were devised for the provision of sustenance for such ecclesial authority figures. Although some offerings were received from the communities for which they served, the itinerant ecclesial spokesmen generally supported themselves by practicing trades and crafts.45

The *Didache*, a source from the first century, alludes to a practice whereby the “first fruits” and “tithes” were made available to traveling Christian preachers. This was a simple derivative of practices rooted in Judaic religious circles which hearkened to imperatives enunciated in “Old Testament” codes.46 The contribution of “in kind” gifts for the sustenance of church ministers did not last long. Although references contained in the ear-
liest sources calling for the provision of "first fruits" and "tithes" for ecclesiastical ministers do recur in a third-century "church order" of Syriac origin, the so-called Didascalia, by the end of the second century, collections were in monetary form and not fungible goods.

Gradually, the practice of allotting a portion of the regular collection of a local Christian community to the duly-constituted ecclesial officials for their support became the norm. In orthodox circles, the system long remained characteristically bereft of precise delineation. The episcopoi and the presbyteroi were entitled to a "portion" or share of the collection, generally allocated in some proportionate fashion (a modest multiple, two times or four times) with the "portion" distributed to the dependents of the local community who were supported by alms. As late as the third decade of the third century, heretical and schismatic groups were criticized by orthodox writers for providing set salaries for their clergy. This provides a clear indication that, in the Christian communities, such a degree of systematization for the support of ecclesiastical ministers had not yet been introduced into administrative practice.

Organizational initiatives were undertaken in the late sec-

---

47 See 1 QUASTEN, supra note 2, at 36-37. An unauthenticated attribution to the apostle Matthias is made for this exhortation: "Let all first fruits be brought to the bishop and to the presbyters and to the deacons for their maintenance; but let all tithes be for the maintenance of the rest of the clergy, and of the virgins and widows and of those under the trial of poverty." ANF, supra note 2, at 494.

48 See GRANT, supra note 2, at 137 (making point that "tithing" and offering of "first fruits" have no New Testament support, but rather reflect "Old Testament" practices). These were not popular usages in the Christian communities. See id. at 139. When ecclesial leaders and officials were fixed in given locations, monetary support was invariably provided.

49 See id. at 139-40 (referring to this "orthodox" practice as "dividend principle" and contrasting it to "salary" principle which first emerged in heterodox circles).

50 See EUSEBIUS, supra note 11, at 322-25. Appolonius, an orthodox critic of the heretic Montanus, is scathing in his criticism of the payment of salaries:

[Who is] this recent teacher ... who established collectors of money, who contrived the receiving of gifts under the name of offerings, who provided salaries for those who preached his doctrines[?] ... For, although the Lord said: 'Do not possess gold, nor silver, nor two coats,' these in complete opposition have offended as regards the possession of these forbidden things. For, we will show that those among them who are called prophets and martyrs make gain not only from the rich but also from the poor and from orphans and from widows.

Id.; see also supra note 35 and accompanying text (regarding criticism directed against schismatic "bishop" Natalius in Rome, who was given monthly "salary" by his "patron," Theodotus).
ond and early third centuries to provide at least a measure of systematization for the support and maintenance of the clergy, with the local church at Rome exhibiting leadership. The *Apostolic Tradition* attributed to Hippolytus attests to a practice which apparently prevailed during the first quarter of the third century whereby compensation derived from the collections was provided for the person who exercised custody at the cemetery. By the mid-point of the third century, a rather elaborate organization is reported to have existed within the Christian community in Rome. Described by Cornelius, then the bishop, the clear inference is that the leaders and ministers and the large number of “registered” dependents were supported by the alms received from the wider congregation. Notwithstanding such tentative efforts and initiatives to provide a coherent system for clergy support, the informality which prevailed in the arrangements lasted throughout the third century, giving rise to difficulties. In some instances, the venality of ecclesial leaders led to abuses and scandal.

Much has been learned, and more speculated, about the nature of the Christian congregations of the apostolic and post-apostolic times. “Models” upon which organization of the sepa-

---

51 See HIPPOLYTUS, THE TREATISE ON THE APOSTOLIC TRADITION OF ST. HIPPOLYTUS OF ROME, xv (Gregory Dix ed. & trans., 1968). Hippolytus notes that after Pope Victor’s death, his successor, St. Zephyrinus, had Callistus “as his assistant in the management of the clergy.” Id. at n. 1.

52 See id. at 60-61. Hippolytus, speaking of the common cemetery in Rome, states: “And ... the bishop shall provide for the watchman there who takes care of it from what they offer at the assemblies ...” Id.

53 See EUSEBIUS, supra note 11, at 82-83. In book six, chapter 43, Cornelius reports that, in about the year 250 A.D., the local church in Rome enlisted “forty-six presbyters, seven deacons, seven sub-deacons, forty-two acolytes, fifty-two exorcists, readers together with doorkeepers, more than fifteen hundred widows with persons in distress, all of whom the grace and kindness of the Master supported.” Id.

54 Dating as far back as the middle of the second century, there is evidence of abuse. See KLEIST, supra note 46, at 188. Polycarp, the bishop of Smyrna (+155/156), in his *Epistle to the Philippians*, bemoaned the avarice of a presbyter named Valens. Toward the end of the second century, Origin, in his *Commentary on Matthe*, decry civil clergy who misappropriate for their own use funds collected for the poor and castigates deacons who enrich themselves from alms entrusted to their care for distribution to the needy. See Origin, *Commentary on Matthe*, in ANF, supra note 2, at 325-26. Cyprian, in *Epistle LXVI*, tells of Nicostratus, deposed deacon, expelled from his administrative responsibilities for having fraudulently taken money from the deposits destined for widows and orphans. Cyprian, *Epistle LXVI*, in CSEL, supra note 2.

55 See ENZO GATTI, RICH CHURCH-POOR CHURCH, 77-104 (Matthew J. O'Connell trans., 2d ed. 1974) (analyzing three salient characteristics, *koinonia*, *diakonia* and
rate, local ecclesial communities may have developed include the "households" of individual extended familial groups, the Jewish synagogues of the Diaspora, the philosophical and rhetorical "schools" which sprang up in the urban areas of the empire, and the voluntary "clubs" of Greco-Roman society. All of these institutions were known to Christians during the formative years of ecclesial organizational development. Structural elements derived from each of the various "models" can be discerned in the ecclesiastical communities, though there is no unqualified indication that any of these pre-existent "institutional models" were of predominant influence in church circles.

Of the four "models," particular attention should be devoted to the voluntary associations or clubs, the oldest forms of which can be found in Greek society. References to such bodies in the classic sources of Roman law specifically allude to ancient regulatory law, delineated and codified by Solon. Athenian political clubs and religious guilds (for example, that of the Dionysiac artistes), the so-called Attic synodoi, long antedate the Christian era. Some of the Greek synodoi appear to have been united in federations - loose affiliations of diverse and separate associations grouped together in a single "union" known as the koinon. In the Roman era, and especially in places where Latin rather than Hellenic influences predominated, a kindred but subtly different kind of voluntary association emerged, the collegium.

Although both Greek and Roman "clubs" generally purported to have some religious character, in fact, they usually served simple social purposes. Greek clubs, unlike the Roman associations, did occasionally enroll women as well as men. Addi-

---

kerygma, as crucial hallmarks of Christian communities at Jerusalem, Antioch, and Corinth in immediate post-apostolic era; see also MEEMS, supra note 16, at 74-110 (describing social structures of early Christian groups and comparing them to early Greco-Roman associations).

56 See Marcus Niebuhr Tod, *Clubs, Greek, in THE OXFORD CLASSICAL DICTIONARY* 204-05 (1953); George Henry Stevenson, *Clubs, Roman, in THE OXFORD CLASSICAL DICTIONARY*, supra, at 205; see also DAVID DAUBE, PERSONALITY IN ROMAN PRIVATE LAW 34, 124-35 (1938) (discussing collegia); JOHN GEORGE PHILLMORE, *PRIVATE LAW AMONG THE ROMANS* 73-74 (1863) (describing requirements for joining collegia).

57 DIG. 47.22.4. (mentioning that original legislative pronouncements were made by Solon in regard to voluntary associations, called hetairiai by Greeks). References in the *Digest* specify that such collectivities, legally organized, can do nothing in violation of the public law.

tionally, the Greek clubs generally focused upon a single "patron," the euergetes. By contrast, the Roman clubs tended to have a diffuse governance shared by various officers who served for specified terms, with a cursus of honor through which the responsible leaders were accustomed to pass in the course of time. Thus, Roman clubs recognized magistri, curatores, quinquennales (who kept the rolls), decuriones, plebs and quastores, special officers who attended to financial matters.

In both Greek and Roman clubs, the members contributed modest fees at regularly-stipulated intervals, chiefly to offset the cost of banquets and revels. The principal financial obligations of the associations, however, were generally met by the largesse of the patron for Greek clubs, and the officers of the Roman clubs. It was customary for the leaders of the clubs to endeavor to distinguish themselves by lavishing financial gifts on the respective associations to which they belonged.

Prescinding altogether from the question of the recognition available to such associations in the civil law, the organizational structures of the voluntary association may have contributed marginally to the formation of the Christian ecclesial organization during the formative years of the late first and early second centuries. The relative dearth of allusions to the "language" or "vocabulary" of the voluntary associations in descriptions of the ecclesial communities tends to support the conclusion that the influence of the clubs upon church organizational development was peripheral.59

The development, then, of organizational structures in the local ecclesial communities is a result of simple methods devised by experimentation, by the adaptation of procedures borrowed from other types of collectivities, and by the shared experience with other church congregations to which access was made available in the unique, empire-wide network of communication

59 The corpus of Pauline writing is, for example, bereft of any verbal references to the organizational patterns of the clubs. Compare MECKS, supra note 16, at 72 (describing lack of evidence available to illustrate social level of Pauline Christian communities), with GRANT, AUGUSTUS TO CONSTANTINE, supra note 2, at 289 (illustrating organization and development of early Christian communities). Although reference has been made to some phraseology suggestive of the collegia, the telling absence of terms derived from the clubs in the Pauline corpus seems to indicate that influences from this "model" tended to be minimal. See TERTULLIAN, APOLOGETICAL WORKS AND MINUCIUS FELIX OCTAVIUS 39 (Rudolph Arbesmann et al. trans., 1950) (alluding to influences of collegia).
which bound the separate local churches together. Procedures emerged for dealing with conflict, for controlling individual deviance, and for providing appropriate and acceptable warrants for the authorized officials to govern. These necessary internal organizational developments came to prevail alongside simple administrative procedures needed to accomplish basic and essential economic activities. The church communities, because of civil-legal ineptitude, were bereft of the capacity to purchase or maintain buildings and property. Thus, the receipt of modest sums for the immediate relief of local circumstances of privation, for the partial support of the clergy, and for gifts destined for transmission to needy ecclesial communities constituted the basic financial parameters for activity and liability during the first three centuries of the Christian era.

Justin (ca. 165 A.D.), the Christian apologist, described the expediency of gathering modest contributions at the Christian assemblies. He explained how these receipts were processed for charitable endeavors, a mechanism which had developed in the local church of Rome by the middle decades of the second century. By the time Justin wrote, the local congregation was assembling regularly under the leadership of the “president.” Offerings received from members who were willing to contribute were given over to the custody of the president who attended to basic needs within the community. There was an evident “immediacy” to the entire process. Indeed, it appears that the resources received at one assembly were distributed within a short time by the president, presumably assisted in this respect by the deacons. Significantly, there is no mention of fungible items, such as food or clothing, rather, the reference simply attests to contributions of hard currency.

Those same practical procedures described by Justin, which emerged in the Roman church, appear to have taken root in

---

60 See SAINT JUSTIN MARTYR, THE FIRST APOLOGY 106-07 (Thomas B. Falls trans., 1952). Justin described the customary Christian liturgical celebration at some length, remarking that:

The rich among us come to the aid of the poor, and we always stay together .... The wealthy, if they wish, contribute whatever they desire, and the collection is placed in the custody of the president. [With it] he helps the orphans and widows, those who are needy because of sickness or any other reason, and the captives and strangers in our midst; in short, he takes care of all those in need.

Id. at 106-07.
other local churches as well. Attesting to practices in the North African ecclesial ambient in the early years of the third century, Tertullian (ca. 220 A.D.) spoke of usages which closely resemble those to which Justin had referred. The presiding figures, called “elders” (praesident probati qui qui seniores), administered a “treasury” (arca) in which regular deposits were made by those who freely wished to do so. A wide variety of charitable activities were undertaken with the resources thus accumulated. The evidence suggests, therefore, that a stable “fund” was administered by ecclesial officials. This represents a subtle development beyond the practice reported by Justin seventy years earlier. Whereas in the earlier period there is a clear insinuation that “collections” were received and then disbursed with immediacy, it would appear from Tertullian’s report that some revenues received were retained at least for some interval of time. Perhaps this money was invested for a short term and used in accord with a more comprehensive basic plan for charitable endeavors. The contributions appear to have been solicited on a monthly basis, yet another indication that the simple administrative practices of budgeting, managing and disbursing contributed funds in a coherent fashion must have been introduced. It is apparent that while Tertullian employs some verbiage derived from the voluntary associations and clubs, his intent was not to demonstrate the similarity of the Christian organizational structure to such collectivities, but rather to underscore the unique nature

---

61 See TERTULLIAN, supra note 59, at 98-102 (describing weekly liturgy). Tertullian stated “[c]ertain approved elders preside, men who have obtained this honor not by money, but by the evidence of good character. For, nothing that pertains to God is to be had for money.” Id. at 98. He continued, describing the collection process and the use of alms:

Even if there is some kind of treasury, it is not accumulated from a high initiation fee as if the religion were something bought and paid for. Each man deposits a small amount on a certain day of the month or whenever he wishes, and only on condition that he is willing and able to do so. No one is forced; each makes his contribution voluntarily .... These are, so to speak, the deposits of piety. The money therefrom is spent not for banquets or drinking parties or good-for-nothing eating houses, but for the support and burial of the poor, for children who are without their parents and means of subsistence, for aged men who are confined to the house; likewise, for shipwrecked sailors, and for any in the mines, on islands or in prisons. Provided only it be for the sake of fellowship with God, they become entitled to loving and protective care for their confession .... The practice of such a special love brands us in the eyes of some. ‘See,’ they say, ‘how they love one another.’

Id. at 98-99.
Coincident with the emergence of simple procedures for the collection and disbursement of contributions received at the assemblies for local ecclesial needs, the church communities exhibited concern about the fulfillment of responsibilities for the welfare of needy co-religionists in the disparate areas of the “great church.” Reminiscent of the precedent which had been most graphically illustrated in the “Pauline Collection” of the primitive era, the more affluent local churches continued to manifest charitable concern for ecclesial communities in deprived circumstances. About the year 170, Dionysius, the bishop of the local church in Corinth, wrote to Soter, the bishop of Rome, complimenting the constancy of the Roman congregation in gathering alms for the distribution to needy communities of Christians in distant locales.62 Another Dionysius, the renowned bishop of the church in Alexandria, attests to the continuation of this practice, when, in the middle decade of the third century, he wrote to the bishop of Rome, Cornelius, to offer him support in the midst of a controversy sparked by the emergence of a rival, schismatic “bishop,” Novatian. In the course of his encouraging remarks, Dionysius of Alexandria paid heed to the charity of the Roman church as reflected in alms sent to “all the Syrias and Arabia which you help on every occasion ....”63

The charitable initiatives for needy ecclesial communities differed somewhat from the “Pauline” precedent, for as the practice was carried on, it appears that individual local churches themselves assumed responsibility for undertaking such exercises separately. No single person or ecclesial community coordinated an overall initiative of this sort, as Paul had done with such personal conviction and attention in the case of first century relief efforts for the benefit of the primitive Christian congregation at Jerusalem. Clearly, however, the local church of Rome was appropriately acknowledged as exercising leadership in such initiatives.

Profund, clear resonances of the various trends which can

62 See EUSEBIUS, supra note 11, at 259 (“For from the beginning it has been your practice to do good in various ways to all the brethren and to send contributions to many churches in every city, thus relieving the poverty of the needy and ministering to the Christians in the mines, by the contributions which you have made from the beginning, preserving as true Romans the ancestral custom of the Romans.”) (quoting from letter of Dionysius to Soter).

63 Id. at 95.
be discerned in the administrative practices of the ecclesial communities of the third century are verified in the activity of Cyprian during his brief and tumultuous tenure as bishop of the local church at Carthage. Characteristically, he wrote and preached a theory which, in turn, he translated to practice and personal example. During the time of his flight from Carthage in the first stages of the persecution instigated by Decius, he nonetheless continued to oversee the administrative mechanisms for the distribution of alms to the poor. It is apparent that there was a functional organizational structure in place which enabled the clergy who remained in the city to conduct the charitable works of the church despite the absence of the bishop. Ever the generous benefactor, Cyprian personally donated his own "portion," and more, for the relief of local charitable needs within the beleaguered Christian community at Carthage.

When unusual circumstances arose, Cyprian exhibited administrative flexibility. For the "confessors," those who were imprisoned during the persecutions, he not only sent words of encouragement, but also organized arrangements for the transmission of urgently-needed financial support. The recipients of these special charitable benefactions were profuse in expressing gratitude, not only for the messages which emissaries were able to deliver to the prisons, but especially for the alms, which enabled them to secure modest relief from deprivations suffered in captivity. Moreover, the Christian community at Carthage distinguished itself, following the inspiring example of its chief shepherd, during the severe outbreak of plague in 252 A.D. Direct, physical amelioration of the suffering of victims of the epi-

64 Thus, writing from exile, Cyprian instructed the clergy and people to carry on the work of charity:

I request that you will diligently take care of the widows, and of the sick, and of all the poor. Moreover, you may supply the expenses for strangers, if any should be indigent, from my own portion, which I have left with Rogatianus, our fellow-presbyter; which portion, lest it should be all appropriated, I have supplemented by sending to the same by Naricus the acolyte another share, so that the sufferers may be more largely and promptly dealt with.

Cyprian, Epistle XXXV, in ANF, supra note 2, at 314.

65 Poignant remarks of the "confessors" who received charitable contributions were recorded. Cyprian, Epistle LXXVII, in ANF, supra note 2, at 404-05 (expressing thanks for "[the] gifts ... you sent ... [which] provided a supply of whatever had been wanting"); Cyprian, Epistle LXXIX, in ANF, supra note 2, at 406 (thanking Cyprian for "the aid of your prayers, from whom we have received a sum under the name of an offering.");
demic was tendered and measures were organized for the distribution of alms. Nonetheless, concern was not devoted exclusively to and for immediate needs within the Carthaginian community. In 252 A.D., the same year that the plague struck, Christian residents of Numidia were seized by Berber pirates and held for ransom. Cyprian rallied the Carthaginian congregation, itself so recently beset by trials and tribulations, and gathered from them the remarkable sum of 100,000 sesterces which he promptly dispatched as a gift to alleviate the plight of co-religionists.

Cyprian manifested a spontaneous generosity with his own "portion" of the ecclesial contribution, the personal recompense accruing to him as the principal ecclesiastical leader. During his tenure in office, however, the remuneration of the clergy among orthodox Christians still remained somewhat haphazard. While heterodox groups introduced a system providing for a fixed remuneration for the clergy, the orthodox groups in Carthage, as elsewhere, continued to make use of a flexible and indeterminate system. Proportioned "shares" of the offerings presented by the community were allocated upon the basic theory of sustenance for ecclesial ministers. It was thought that sufficient support should be provided by the community to relieve its duly-appointed officers and ministers from the necessity of pursuing secular trades or professions.

In this regard, had Cyprian not

6 See PONTIUS, THE LIFE OF CYPRIAN 9-10 (Roy J. Deterrari et al. trans., 1952) (discussing collaborative efforts enlisting participation of all members of Christian community, personally directed by Cyprian, during season of plague). It is appropriate to note that other Christian congregations exhibited similar heroism in confronting that same plague, which devastated widespread areas in the empire. Dionysius, bishop of Alexandria, provided a graphic report of activities undertaken in that locality. See EUSEBIUS, supra note 11, at 124-26.

7 See Cyprian, Epistle LIX, in ANF, supra note 2, at 355. The Epistle documents this extraordinarily charitable act of alms collecting:

Our brotherhood, considering all these things according to your letter, and sorrowfully examining, have all promptly and willingly and liberally gathered together supplies of money for the brethren, being always indeed, according to the strength of their faith, prone to the work of God, but now even more stimulated to salutary works by the consideration of so great a suffering.... We have then sent you a sum of one hundred thousand sesterces, which have been collected here in the Church over which by the Lord's mercy we preside, by the contributions of the clergy and people established with us, which you will there dispense with what diligence you may.

Id.

8 Cyprian's Epistle LXV states:

[E]very one honoured by the divine priesthood, and ordained in the clerical
been engaged in so many more pressing matters affecting the ecclesial community, given his keen administrative abilities, perhaps he may well have introduced a more stable system for the support of the clergy. In any event, his theoretical approach to this concern is well-documented and there are indications of certain practical initiatives which he did undertake, especially with regard to his own “share” or “portion” of the offerings contributed by the community.

As a poignant illustration remarkably characteristic of his abiding attitude, Cyprian authorized the presentation of a substantial gratuity to his executioner! Thus did the extraordinary career of the dedicated and competent bishop of Carthage conclude, with his heroic witness marking the culmination of a decade spent confronting a swirling myriad of challenges and opportunities. It is perhaps a matter of some interest to note that persecution continued to wax and wane for yet another half-century after the martyrdom of Cyprian. The penitential discipline of the church continued to evolve. The conciliar movement developed markedly and, after the Constantinian settlement, assumed even greater significance. The pre-eminence and special character of the Roman see and its bishop were eventually promoted with dramatic impact throughout the “great church.” The movements in the developmental rhythm of the Catholic church, which had found resonance in the life and ministry of Cyprian, continued in proximate and remote temporal expression. Beyond these historically and theologically significant phenomena, the collection and distribution of offerings and contributions received from the Christian communities and from individuals continues to expand and evolve. Furthermore, the procedures and disciplines governing administrative activity associated with such

---

service, ought to serve only the altar and sacrifices, and to have leisure for prayers and supplications .... Which plan and rule is now maintained in respect of the clergy, that they who are promoted by clerical ordination in the Church of the Lord may be called off in no respect from the divine administration, nor be tied down by worldly anxieties and matters; but in the honour of the brethren who contribute, receiving as it were tenths of the fruits, they may not withdraw from the altars and sacrifices, but may serve day and night in heavenly and spiritual things.

Cyprian, Epistle LXV, in ANF, supra note 2, at 367. That Cyprian makes reference to “tithes” and “first-fruits” does not imply any actual recourse to those practices. His allusion to the levitical order of Old Testament Judaism is for descriptive purposes, occasioning mention of those customs. They were not utilized in Carthage in Cyprian’s time.
practices, and that characteristically "Christian" sense of responsibility for "universal" needs besides those in the immediate local ambient, all developed too. To this day, the universal church and the disparate local churches are heirs in these respects to a legacy and heritage which found its genesis during the brief but remarkably vibrant decade in which Cyprian served as bishop of the local church in Carthage.